

Proposed Bylaws Amendment Allowing For Electronic Voting, 2006

Section 8 of the Bylaws of the National Lawyers Guild shall be amended as follows:

"Section 8.1 Voting by Mail Ballot - Voting on controversial Convention resolutions, NLG Constitution and/or Bylaws amendments, and contested National Officer elections shall be by mail *or secure electronic* ballot.

Section 8.2 Mail *or Electronic* Ballots - Mail *or electronic* ballots shall include the text of controversial resolutions and/or amendments to the NLG Constitution and/or Bylaws approved by the Convention and submitted to the membership for ratification. Mail *or electronic* ballots shall also include the names of all candidates duly nominated for a contested national office with a written statement by or for each nominee.

Section 8.3 Mail *or Electronic* Ballot Voting Procedure - The following voting procedure for controversial resolutions, Constitution and Bylaws Amendments, and National Officers is established:

(a) Mail *or electronic* ballots shall be mailed *or electronically posted* within 30 days of the last day of the National Convention to current dues paid members at their last address, *electronic mail address (email)* on record at the National Office (NO), *or posted on a secure section of the NLG website created for voting purposes by the NO.*

(b) Ballots cast must be returned to the NO by First Class U.S. Mail postmarked not later than the 21st day after the date the ballots were mailed to the membership *or when electronically posted to email or on the NLG website.* The ballot shall prominently specify the date by which it must be postmarked returned *or replied* to the NO to be counted.

(c) The NO shall be responsible for vetting ballots to ensure they were cast by current dues paid members only.

(d) Ballots cast shall be counted at least twice in separate tabulations by different NO staff members. Discrepancies in the tabulations, if any, shall be resolved in a fair manner to be determined by the Executive Council (EC). The EC shall promptly announce to the membership how the discrepancy was resolved.

(e) The results of the final tabulations shall be promptly announced to the membership and published in Guild Notes.

(Section 8.4 remains unchanged)

Section 8.5 Election of National Officers - National Officers, including the President, Treasurer, Executive and National Vice Presidents, shall be elected by majority vote as follows:

(a) Candidates for the National Offices specified in this section shall be nominated for office by no later than the National Convention plenary designated for nominations. Candidates shall have the opportunity to publish candidate statements in the pre-Convention issue of Guild Notes. Candidates nominated at the Convention plenary designated for nominations shall be afforded 24

hours from the conclusion of that plenary to submit a written candidate statement to the NO for publication to the membership. Publication shall consist of posting all candidate statements on the NLG website and mailing *or posting* all candidate statements with mail *or electronic* ballots as specified herein.

(b) In the event of uncontested election(s) for any of the National Offices specified in this section, the nominee(s) for those uncontested offices shall be elected by acclamation at the National Convention plenary designated for voting and elections.

(c) In the event of contested election(s) for any of the National Offices specified in this section, election shall be by simple majority of ballots counted in accordance with the mail *or electronic* ballot voting procedure provided herein.

(d) In the event that there are more than two nominees for any of the National Offices specified in this section, the ballot shall be designed to provide for instant run-off elections to eliminate candidates until only two are left for election by simple majority of ballots counted in accordance with the mail *or electronic* ballot voting procedure provided herein.

Section 8.6 Convention Voting Procedures - The following Convention voting procedure is established:

(a) Except as may be otherwise provided in the NLG Constitution or Bylaws, voting procedures for questions other than controversial resolutions, amendments to the NLG Constitution and/or Bylaws, or contested election of National Officers specified herein, shall be by simple majority vote of members in good standing present and voting at the National Convention.

(b) Voting on controversial resolutions at the Convention shall be by written ballot specifying the resolution. After such ballots as are cast at the Convention have been counted and the preliminary results announced to the Convention, the NO shall preserve the ballots cast at the Convention and add them to any mail *or electronic* ballots returned for counting in accordance with the mail *or electronic* ballot voting procedure established herein. The final results shall be promptly announced after all ballots cast have been counted.

(c) Contested elections of National Officers shall be by written ballot designed as previously specified herein. The NO shall collect and preserve such written ballots cast at the Convention and add them to any mail *or electronic* ballots returned for counting in accordance with the mail *or electronic* ballot voting procedure established herein. Only final contested election results after all ballots properly cast have been counted by the NO shall be promptly announced."

Purpose: To permit electronic voting for all voting that takes place after the convention. In August 2006 the NEC voted to permit electronic voting for voting that takes place after the 2006 convention if the National Office could create a secure electronic voting system that would provide for mail ballots for those without access to electronic voting. This would ratify and codify that decision for the future.

Submitted by: National Executive Committee