



Quentin Wathum-Ocama <president@yda.org>

Remote Participation Question

Joyce DeCerce <joycedecerce@gmail.com>
To: Kolby Duhon <vp1@yda.org>
Cc: Quentin Wathum-Ocama <qocama@yda.org>

Mon, Feb 28, 2022 at 4:06 PM

Dear Quentin and Kolby,

You have requested my opinion with regard to the following question: whether individuals can participate remotely in a National Committee meeting. If not, you wish to know how that impacts quorum requirements.

Because you mentioned the Illinois delegation, I'm going to reference information I have from them. In an email dated Jan 30, 2022, Illinois members mentioned wanting to explore "digital attendance and voting options." They expressed that "voting remotely should be an option for national committee members and Presidents."

Sources

I consulted Section 1100 of the Charter, Section 9:36 of the current edition of Robert's Rules of Order Newly Revised (RONR), and the sample bylaws provisions of Scenario C (for hybrid meetings) on page 645 of RONR.

Section 1100 of the Charter explicitly authorizes National Committee meetings to "be held by videoconference, teleconference, or online conference," provided five conditions. I encourage you to review them.

Section 9:36 provides a provision that should be included in the bylaws and a notice requirement. I address both in the following sections.

Scenario C of RONR's sample bylaws for hybrid board meetings reads as follows:

"Board meetings shall be held at a central location, but Board members who are not present in person shall have the right to participate by telephone, subject to any limitations established in rules adopted by the Board to govern such participation."

Opinion

It is my opinion that Section 1100 of the Charter authorizes remote participation in meetings conducted in person at a central location, if all five conditions of Section 1100(a) are met, and provided that clear instruction on accessing the meeting remotely is provided in the meeting's notice in accordance with Section 9:36 of RONR.

The notice "must include an adequate description of how to participate in [the meeting] (for example, the telephone number to call for a teleconference must be provided)."

The conditions provided under Section 1100(a) render the intent of the Charter indisputable: members must be allowed to participate fully, as if in person, and their right to count toward a quorum, their right to vote and count toward a majority, their individual right to make a motion, and their right to notice and previous notice all must be protected under the principles of parliamentary law.

Others may argue that this interpretation is inconsistent with RONR's sample bylaws provision and therefore inconsistent with the parliamentary authority. I find this argument unpersuasive. Scenario C is designed explicitly as a sample provision — merely an option. Nowhere does the Appendix insist that it is a statutory component of the parliamentary authority, and unless the organization adopts that sample provision into its bylaws, then the Appendix remains that: an example.

Conclusion

I conclude that members of the National Committee may remotely participate fully in National Committee meetings — speaking, voting, and proposing motions — as long as the conditions of Section 1100(a) are met and as long as proper notice is given under Section 9:36 of RONR.

I do not make a conclusion as to whether hybrid participation must be allowed.

I recommend that the National Committee amend the Charter to explicitly provide members the right to remote participation in centrally located, in person meetings. This will render this matter inarguable.

Because members can participate in the meeting remotely, your question regarding the effect on quorum requirements of their inability to participate is moot.

This constitutes a professional parliamentary opinion and not a legal opinion. With respect to the applicability or potentially superseding effect of provisions of law, legal counsel should be consulted.

I hope that this opinion has been responsive and helpful. Please do not hesitate to contact me with questions or requests for further advice.

Best,
Joyce DeCerce

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