VOTING CONSIDERATIONS/ PROCEDURES:

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ELECTION OF TRUSTEES

Governing Bylaws Article: Article VIII – Section 7

*"Voting shall be conducted at such place for a period **not to exceed one hour immediately <u>preceding the meeting</u>**. All ballots shall be tabulated and the results of the election announced at the annual meeting. The number of candidates that each Member can vote is equal to or less than the number of vacancies. Voting may be conducted electronically at the discretion of the Board on any platform that the Board determines reasonably satisfies the following criteria: it is **secure** (minimizes tampering and manipulation); **functional (verifies Membership and records and registers votes cast); private** (ballots **are secret** and voters can vote in private); useable (system is user-friendly); accessible (any eligible voter regardless of disability may cast a ballot); and auditable (a means is provided for verifying the vote after the voting has ended)."*

Take away: Elections of Trustees to happen <u>one hour **before**</u> the meeting and be <u>private</u>.

AMENDMENTS OF BYLAWS

Governing Bylaws Article: Article XI – Section 3

*"The constitution and bylaws may be amended by the Members at **any regular or special meeting** of the Members by a vote of **two-thirds** of the Members present and voting at such meeting, provided, however, that said amendments shall have been introduced in writing at a previous meeting of the Board of Trustees or of the Members and written notice of the proposed Membership vote on said amendment and a copy of proposed amendments shall have been given to the Members at least forty five (45) days prior to the meeting at which such vote is taken. Upon introduction of such amendment, notice shall be given within fourteen (14) days thereafter."*

Take away: Vote of bylaws to happen <u>during the meeting, by a vote of Members present,</u> and does <u>not need to be private</u>.

<h1 style="text-align:center">SPECIAL BALLOT:</h1>

<p style="text-align:center"><u>POTENTIAL</u> CONFLICTING REFERENCES BETWEEN BYLAWS AND ORDINANCE</p>

<p style="text-align:center">Governing Bylaws and Ordinance</p>

A- <u>Bylaws:</u> Article IV – Section 10

*"Any group of at least five (5) CTM Members who are also Neighborhood Residents (e.g., residents within the territorial boundaries of Clifton and within the City of Cincinnati) may present to the CTM Board of Trustees or to the President of the CTM Board of Trustees a petition signed by five CTM Members who are also Neighborhood Residents calling for a special vote in which only <u>Members who are also Neighborhood Residents</u> may vote, to determine whether Members who are not neighborhood residents shall continue to be eligible to vote or to hold office in CTM. Such a special vote **shall be held at the next general Membership** meeting after receipt of the petition or at a special meeting called for this purpose according to Section 9 above."*

Take away: Vote of Special Ballot to be <u>restricted to CTM members only</u>, to happen <u>during the meeting</u> and does <u>not need to be private.</u>

B- <u>Ordinance:</u> Ordinance 220-1989

This Ordinance main goal is to regulate voting eligibility for NSP Funding, i.e. all residents, regardless of being a member or not.

<u>Section 1 – Article D:</u>

"A neighborhood council or organization shall not extend voting privileges or eligibility to hold office to other than neighborhood residents, unless the articles of incorporation, bylaws or regulations of the council provide that a least once per year any group of at least five Neighborhood Residents may vote to determine whether persons other than Neighborhood Residents shall continue to have voting privileges or be eligible to hold office."

<u>Section 2 –Article B:</u>

"That the conditions stated in Section 1 shall not prohibit,.. B- A regulation or bylaw conditioning entitlement to vote <u>on internal organization matters or conditioning the right to seek office</u> on (a) payment of reasonable dues…"

Take away: Vote of Special Ballot to happen <u>during the meeting</u>, does <u>not need to be private.</u>

Per Ordinance Section 1, all neighborhood residents can vote BUT per Section 2, Section 1 cannot prohibit that bylaws have different requirement for vote on internal matters.

Bylaws may be in contradiction with Ordinance.

Bylaws Article IV, Section 10, seems to have been modified from Ordinance 220-1989, based on Section 2B. Providing that the vote on **internal affairs** be done by members only (The vote on proposed Ballot is an internal issue not a NSP issue)

Please note, Bylaws Article IV, Section 11, specifically addresses voting on NSP and is entirely consistent with Ordinance 220-1989

Conclusion: We will allow in person voting on the Special Ballot of Residents that are not CTM Members. The in-person voting is necessary to verify residence. Votes by Residents Nonmembers will be flagged, and the results of the vote will not be released until the City Solicitor opines on this issue.

- If the City Solicitor concludes that CTM Article IV, Section 10 is correct, the votes of the Residents Nonmembers will be removed from the total tally as invalid.

- If the City Solicitor concludes that CTM Article IV, Section 10 is not correct, the votes of the Residents Nonmembers will be counted in the total tally.

VOTING PROCEDURES
(Based on above analysis)

Voting for Trustees:
- One hour before the meeting from 6:00PM to 7:00PM,
- In Person voting only,
- Verify membership <u>or</u> take membership at the door.
- Give each member, including new member a Trustees Ballot
- Members put the ballot in a ballot box,
- At 7:00PM, Mary Pat Lienhart Chair of Bylaws Committee tabulates the votes,
- President announces the results when available.

Voting for ByLaws:
- During the meeting, at the time indicated on meeting agenda.
- For in person voting,
    - Verify membership at the door, or
    - Take membership at the door then,
    - Give attendant a ballot then,
    - Have a box for dropping ballots at the specified time.
    - When all votes are in, MaryPat Lienhart counts and sends the raw numbers to former CTM President and Election Proctor Joe Brunner.
- For remote voting,
    - Create the Google Poll
    - Require that individual votes include name of voter,
    - Open the Poll,
    - Individuals on remote call vote,
    - After the all the polls (ByLaws and Ballot) close, Google send a report of the vote,
    - Joe Brunner, past President, gets the report and verifies membership,
    - Joe Brunner announces which item has received the necessary 2/3 votes.

Voting for Ballot:
- During the meeting, at the time indicated on meeting agenda.
- For in person voting,
    - Verify membership at the door, or
    - Take membership at the door or,
    - Verify residency,
    - Give attendant a ballot (residents nonmembers ballot to be flagged) then,
    - Have a box for dropping ballots at the specified time.
    - When all votes are in, seal the ballot box.
- For remote voting, only to members (because place of residency is known)
    - Create the Google Poll
    - Open the Poll
    - Individuals on remote call vote if they are <u>members</u>,
    - After the all the polls (ByLaws and Ballot) close, Google send a report of the vote,
    - Joe Brunner, past President and Election Proctor, gets the report and verifies <u>membership</u>,
    - Joe Brunner announces if the ballot received the necessary majority of the votes.

Notes:

- The online poll results are sent by Google when <u>all the polls are closed</u>,
- Online polls are not anonymous,
- Online polls will be for members only (to verify membership)
- Resident's nonmembers can only vote in person.
- We cannot restrict someone attending the meeting online from voting, even if they are nonmembers, or nonresident, so membership must be verified.
- Membership for online vote, needs to be verified after the vote,
- Depending on how many people vote, the verification can take some time.
- We will only verify and count votes on the ballot initiative, after City Solicitor opines on <u>Bylaws vs. Ordinance</u>