**Board of Elementary and Secondary Education**

**Procedures for Nomination and Election of Vice-Chair**

1. **What do the by-laws say about the Vice-Chair?**

Here are relevant excerpts from the Board’s [by-laws](http://www.doe.mass.edu/boe/by-laws.html). Key provisions are underlined.

**ARTICLE I. Organization and Function of the Board**

…

**Section 2. Officers of the Board**

The officers of the Board shall be a Chairperson, Vice-Chairperson, and a Secretary. Each officer shall have duties, functions, powers and responsibilities:

(a) As prescribed for such office by the General Laws;
(b) Which by general consent and parliamentary custom pertain to such office, consistent with the General Laws; and
(c) As are consistent with the foregoing and which, in addition, the Board may prescribe.

The Chairperson shall be that person so designated by the Governor pursuant to the General Laws. The Vice-Chairperson shall be elected by the Board from persons nominated by the Board at the annual meeting of the Board, and shall hold office until the next annual meeting[[1]](#footnote-1) of the Board, and until a successor is elected and qualified. The Secretary shall be the Commissioner of Elementary and Secondary Education (the "Commissioner"), appointed by the Board in accordance with the General Laws.

…

**Section 4. Duties of the Vice-Chairperson of the Board**

To perform the duties of the Chairperson at his or her request or in case of his or her absence or incapacity.

1. **How are members nominated for Vice-Chair?**

Nominations may be made from the floor at the annual meeting, or by a nominating committee appointed by the Chair, or in writing, as the Board may determine. If the Chair appoints a nominating committee, it is automatically discharged after it performs its duties. Customarily, when a nominating committee is used, the Chair appoints the committee at one meeting and the nominations are made and Vice-Chair elected at the next meeting.

1. **What is the process for nominating and electing the Vice-Chair at the Board’s annual meeting?**

The nominating process varies depending on whether the Chair has appointed a nominating committee. (See sections A and B, below.) The election process is the same in any case. (See section C, below.) The Board nominates and elects the Vice-Chair in open session.

* 1. **If the Chair has appointed a nominating committee**

Chair: At this meeting we will take nominations and vote for Vice-Chair. Would the chair of the nominating committee please present its report and nominations?

*The chair of the nominating committee presents its nominations. The committee may present more than one name. Members of the committee are not barred from nominating themselves.*

Chair: Thank you. The committee has nominated [Name 1] and [Name 2] for Vice-Chair. Are there any other nominations?

*Any member may make an additional nomination. The Chair repeats the name of any person who is nominated.*

Chair: [Name 3] is nominated. Are there any further nominations? … Hearing no further nominations, we will now vote to elect the Vice-Chair. **(Go to section C.)**

* 1. **If the Chair has not appointed a nominating committee**

Chair: At this meeting we will take nominations and vote for Vice-Chair. Are there any nominations?

*Any member may make a nomination.*

Chair: [Name 1] is nominated for Vice-Chair. Are there any other nominations?

*Any member may make an additional nomination. The Chair repeats the name of any person who is nominated.*

Chair: [Name 2] is nominated for Vice-Chair. Are there any other nominations? … Hearing no further nominations, we will now vote to elect the Vice-Chair. **(Go to section C.)**

* 1. **Election process at the Board meeting**

After nominations are closed, voting takes place. Since the by-laws do not specify a method of election, the election follows Board custom, which is a voice vote. Typically, only one candidate is nominated and the process is straightforward.

When more than one candidate has been nominated, it is advisable to have a show of hands so that the vote may be recorded accurately. The Chair presents the nominees for vote in order of nomination. As soon as one nominee has a majority, the Chair declares that person elected, and no further votes are taken for the office. For example:

Chair: The following members have been nominated for Vice-Chair: [Name 1, Name 2] All in favor of [Name 1], please say aye. *[Raise hands if needed to take an accurate count.]* Those opposed, please say no… The ayes have it and [Name 1] is elected Vice-Chair.

 *Or, if the noes are in the majority on the first candidate…*

Chair: The noes have it and [Name 1] is not elected. Those in favor of [Name 2], please say aye. *[Raise hands if needed to take an accurate count.]* Those opposed, please say no… The ayes have it and [Name 2] is elected Vice-Chair.

The Vice-Chair is elected by a simple majority of Board members present, as long as there is a quorum present. A quorum of the 11-member Board is 6 members.

Prepared by Rhoda E. Schneider, General Counsel

Based on the Board’s by-laws and custom, Robert’s Rules of Order, and the Open Meeting Law

Updated: September 2017

1. Art. II, Sec. 1 of the by-laws states that the annual meeting of the Board shall be held in September. The Board may postpone the election of the Vice-Chair to a subsequent meeting, in which case the current Vice-Chair retains the office until the election. [↑](#footnote-ref-1)