

Judge Advocate,

Comrades,

As the next few months will be nominations and election time of officers for both Posts and Districts, in this month's issue I will present a short 101 course offering questions and answers on some by-laws and parliamentary procedures concerning the forthcoming elections. If you're wondering why these questions and answers are being presented at the start of February and not March, well, after reviewing when Posts hold their meetings it was found that the majority of meetings are held prior to the tenth of each month. So, with the Typhoon not published until the tenth of the month or later, it would be appropriate to present this information in advance.

### 101 NOMINATIONS AND ELECTIONS

The following are questions with answers that may come up at nominations and election time:

Question: When do nominations commence and for how long?

Answer: Nominations for Posts normally shall start in March and end in April at election time. Districts may open nominations in the meeting prior to their Convention and then continue at the annual Convention prior to elections.

Question: Does a member have to be at a meeting or Convention to be nominated?

Answer: No, if the comrade making the nomination of an absentee for any office presents to the Adjutant, in writing, the consent of the member being nominated prior to the opening of nominations.

Question: If I'm nominated for office do I have the right to decline the position for which I was nominated?

Answer: Yes, any nominee may have the opportunity to decline the position for which he has been nominated before the close of nominations.

Question: Who determines what form of elections shall be used?

Answer: The membership at the March Post meeting prior to opening nominations or governing body to a Convention shall decide the form of election to use, unless By-Laws indicate the manner of elections. Normally, balloting for officers may be conducted by open or written secret ballot. Another method of balloting that may be used is the poll system and preprint ballots. Another method of balloting that may be used is the poll system and preprinted ballots.

Question: If the Post decides at the March meeting to use the poll system with preprint ballots, are nominations held open until the April meeting?

Answer: No, in the poll system, nominations are closed at the March meeting. Then the Post shall determine certain procedures used to conduct polling of the vote.

Question: What kinds of procedures are used in the poll system?

Answer: The Post may determine procedures such as date, time and where polling shall take place, who does the tallying and what happens in case of a tie. A Notice and preprinted ballots shall be distributed to members in good standing within a reasonable time prior to the date of voting. The notice shall contain the names of the candidates and a space for write-in candidates. There shall be no absentee or proxy votes when the poll system is used. Also, the greater number of votes rules when using the poll system.

Question: What's the difference between a majority vote and plurality vote?

Answer: A majority vote at election time is considered more than half of all votes actually cast. Whereas, a plurality vote means a person having more votes than any other person is the winner. (Note: National By-Laws call for majority vote of all votes cast, except where otherwise designated, shall be necessary to elect.)

Question: Who is eligible to vote at election time?

Answer: In Posts any member in good standing at the time of elections and at District Conventions those members in good standing that are part of the governing body defined in the District and/or National By-Laws.

Question: When is a member considered to be in good standing to vote at elections?

Answer: Any Life members and a member who has paid his current annual dues to December 31 the year of elections is in good standing, and cease to be in good standing on 1 January immediately following the year for which his dues were paid.

Question: If I'm an elected two year House Committee member can I be elected to another Post office?

Answer: Yes, as elected committee members are not considered Post Officers, so you may concurrently hold an elected Post office.

Question: What happens when more than two candidates are nominated and there is no majority vote realized?

Answer: You would drop the comrade with the lowest amount of votes and continue successive ballots until the election is made.

Question: If the final vote is deadlocked, how is it decided?

Answer: There are two ways to decide a tie which are:

1) the units by-laws specify that in event of a tie vote, the candidates or their nominator or designated representative shall determine the result by lot or coin, or

2) if the by-laws are silent, a motion can be adopted in advance of vote stating in the event of a tie vote for a final choice, the candidates or their representatives or nominator shall decide the result by lot, or toss of the coin. (Note: At conventions normally Rules of Order for the convention will state the second choice and shall be voted at start of the convention.)

Question: What happens if the By-Laws are silent and no motion was made in advance of voting concerning a deadlock?

Answer: Pursuant to Robert's Manual the Chair can't break a tie in elections, therefore, the Chair can call for unanimous consent meaning everyone in the meeting or delegates to a convention must be in favor for the candidates or their representatives or nominator to decide the election by lot, or toss of the coin. The Chair should normally ask if there is any objection to having the method of deciding the election by lot, or toss of the coin. If there is one objection then a motion shall have to be made in advance for the method of breaking a tie and then reelection at the current meeting or convention shall be held again.

Question: Who do I submit my grievances' to as I want to challenge the Post elections for irregularities?

Answer: Any challenge must be made in writing containing specific details concerning the irregularities, signed and forwarded to the District Commander, mailed no later than three (3) days after the election. (Any appeal to actions taken by the District Commander shall follow procedures in the National By-Laws and Manual of Procedure, Section 109 – Right of Appeal.)

Question: What if I'm elected to a Post office and can't make the installation?

Answer: If you're an officer-elect and absent for good reason you may be installed at any regular or special meeting prior to the convening of the Department Convention. If not installed your office is automatically vacant. Then after the Department Convention the Post shall go through the election process to fill the position and if elected you would be installed.

Question: What happens if a District officer-elect can't be at the District installation?

Answer: In the case of a District officer-elect not being installed for good reason you may be installed at any succeeding regular or special meeting of a unit of the organization, within sixty (60) days of the date of installation. If not installed, the office will automatically become vacant.

As you can see comrades there are various questions that may come up during the course of nominations and voting during election time that can be answered by reviewing the various by-laws at different levels of command, as well as consulting Robert's Manual of Parliamentary Law and Procedure.

If you have any questions concerning by-laws and procedures during your upcoming elections you may contact me at [advdpa@vfwdeptpacific.org](mailto:advdpa@vfwdeptpacific.org)

THE JUDGE'S SAYING AT ELECTION TIME:

“Let every man vote according to his own standards,  
by what he has himself perceived, not  
by what others tell him”

Yours in Comradeship,  
Robert Mo Moses