

Lessard-Sams Outdoor Heritage Council

MEMO: **Agenda Item #7**
DATE: October 5, 2023
SUBJECT: Council Officer Position Ascension During Vacancies
PRESENTER: LSOHC Staff

Summary:

A vacancy has occurred on the LSOHC due to the resignation of Ashley Peters. Councilmember Peters also served as the Vice Chair. With this vacancy, the Council is faced with the question of, “When shall an election be held to fill the seat of Vice Chair?”

When a vacancy to the Council occurs, MS97A.056, Subd. 2(f) directs, “...A vacancy on the Council may be filled by the appointing authority for the remaining unexpired term.” Member Peters was a Governor appointee; hence the Governor’s staff has been notified and the vacancy is posted on the [Secretary Of State website](#).

LSOHC Operating Procedures provide the following direction regarding vacancies:

1. Sec. I, C(2ax), “Vacancies in Council officer positions...will be filled by election within 90 days of receipt by the Council of notification of the vacancy.”
2. Sec. II, Duties of Council Officers, directs that the Secretary will perform the duties of the Vice Chair in the absence of the Vice Chair.

In accordance with LSOHC Procedures, Council Secretary Kristin Eggerling is temporarily performing the duties of Acting Vice Chair.

Suggested Procedure:

Councilmembers decide when to hold an election to officially fill the Vice Chair position.

If a decision is made to hold an election immediately, Councilmembers entertain nominations of self or others for the position of Vice Chair, then proceed to the election processes as outlined in “Election of Officers, later in this memo.

Governor Appointments:

David Hartwell (Chair)
Jamie Swenson (Treasurer)
~~Ashley Peters (Vice Chair)~~
Tom Saxhaug

House Appointments:

Kristin Eggerling (Acting
VC/Secretary)
Dudley Edmondson
Rep. Leon Lillie (DFL)
Rep. John Burkel (GOP)

Senate Appointments:

Ron Schara
Mark Holsten
Sen. Founq Hawj (DFL)
Sen. Andrew Lang (GOP –
Legislative Member)

Voting Procedure:

LSOHC is subject to the open meeting law as set out in Chapter 13D. Chapter [13D.021](#) states that meetings may be conducted remotely provided specific conditions are met, including that all votes are conducted by roll call. So, if any members are attending remotely, *elections will be held by roll call.*

If all members are attending in person, votes may be cast with paper ballots.

Proxy Options:

LSOHC has a proxy policy that, under in person meeting situations, members may use a proxy to vote for elections, as long as no member is present via telephone or electronic means. In the case of remote or hybrid meetings, proxies are not allowed due to the electronic means component.

Background:

Per LSOHC's [Council Operating Procedures \(revised 2023\)](#) :

Section I, C.2. Periodic Organization: Officers, Election of officers (how often), Nominations for officers.

a. Election of Officers

- i. Nominations for officer positions - by written sign-up by member or nomination by another member. Officer positions shall be nominated and elected in the following order: chair (1); vice chair (1); secretary (1); treasurer (1); legislative member (1).
- ii. Officers serve 2 year terms that run through the first Monday in January of the odd numbered year or until the date of the next election. Elections are to be held in January of the odd numbered year, or at the first meeting of the COUNCIL after all appointments have been confirmed. The chair, vice chair, secretary, and treasurer serve until a successor has been elected.
- iii. Distribution of officers among appointing authorities:
 - 1) Whenever practicable, executive officer positions should be representative of all three appointing authorities.
 - 2) The legislative member will be from either House or the Senate. If prior elections of officers yield an odd number of legislators as officers, then the legislative member's legislative affiliation will balance representation of the legislative bodies.
- iv. Nomination and election of officers will be by the entire COUNCIL membership.
- v. A majority vote of the members present for each position is required.
- vi. Elections will be by written ballot and must indicate the voting member's name.
- vii. Proxy: Members may vote by proxy for election of Executive Committee members only. If a member wishes to vote by proxy, that member shall provide their proxy to the COUNCIL staff and indicate the member they wish to have the signed proxy given to.
- viii. In order to allow the use of the proxy vote, all participating members of the COUNCIL must be in the meeting room, not attending via electronic means.

ix. If a member is participating via electronic means, the elections will take place via a roll call vote and proxies will not be allowed.

x. Vacancies in COUNCIL officer positions due to resignation, removal, or death will be filled by election within 90 days of receipt by the COUNCIL of notification of the vacancy. If notice of vacancy is received during the legislative session, the COUNCIL may hold the election to fill the vacancy at its next regularly scheduled meeting, even if a period of greater than 90 days has elapsed prior to that meeting. Until an election is held, the officer vacancy will be temporarily filled by an ascending officer as outlined in Section II, "Duties of Council Officers."

Mason's Manual of Legislative Procedure states:

"Sec. 553. Majority Vote Required for Elections

1. In the absence of a special rule, a majority vote is necessary to elect officers and a plurality is not sufficient. A vote for the election of officers, when no candidate receives a majority vote, is of no effect and the situation remains exactly as though no vote has been taken.
2. Absent a specific controlling provision, when in an election a quorum is present and a candidate receives a majority of the votes cast, although a majority of the entire body fails to vote, the election is valid.

When provision for election is made without specifying the proportion of the vote, a majority of a quorum duly convened is sufficient."