

Abstentions From Voting

Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting records of each Trustee present. As a general rule Trustees should vote on all issues, unless casting a vote would be a violation of law. Under Montana law, instances in which it would be unlawful or inappropriate for a Trustee to cast a vote on a particular issue include, but are not necessarily limited to, the following:

1. When hiring the relative of a Trustee;
2. When casting a vote would directly and substantially affect, to its economic benefit, a business or other undertaking in which the Trustee either has a substantial financial interest or in which the Trustee is engaged as counsel, consultant, representative, or agent;
3. When casting a vote would directly and substantially affect a business or other undertaking to its economic detriment, where a Trustee has a substantial personal interest in a competing firm or undertaking;
4. When casting a vote would cause a Trustee to have a pecuniary interest, either directly or indirectly, in a contract made by the Trustee (while acting in the Trustee’s official capacity) or by the Board; and
5. When casting a vote would put the Trustee in the position of an agent or solicitor in the sale or supply of goods or services to the District.

In addition, a Trustee shall be allowed to abstain from voting to avoid the appearance of impropriety or the appearance of a perceived conflict. If a Trustee abstains from voting, the abstention should be recorded in the minutes. The Board discourages abstentions, unless the reasons are substantiated as provided herein.

Legal References:	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
	§ 20-3-323, MCA	District policy and record of acts
	§ 2-2-121, MCA	Rules of conduct for public officers and public employees
	§ 2-2-105, MCA	Ethical requirements for public officers and public employees
	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids

§ 20-1-201, MCA School officers not to act as agents

Policy History

Adopted on: 1/12/06

Revised on: October 9, 2014

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