

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 of thumb, trustees should vote on all issues, unless casting a vote would be a violation of law. In accordance with Montana law, there are instances in which it would be unlawful or inappropriate for a trustee to cast a vote on a particular issue, including, but 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;
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 in order 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 and may include an explanation of the reasons for the abstention. The Board discourages abstentions, unless the reasons are substantiated as provided herein.

Legal Reference:

§ 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

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