

April 25, 2005

Administrative Memorandum No. 9

Subject: Committee Voting Protocols

1. Purpose

This memorandum describes the protocols to be followed by the Committee for Purchase From People Who Are Blind or Severely Disabled in voting on decisions as outlined in the table below. The Committee formally adopted these protocols based on recommendations by the Governance Subcommittee as approved by the Full Committee by Special Vote Letter on April 12, 2005. This memorandum incorporates the voting protocols into the Committee's series of administrative memoranda governing internal functions of the Committee. This is a new memorandum; no previous memoranda are superseded.

2. TYPES OF COMMITTEE DECISIONS AND VOTES

The types of Committee decisions and votes are shown in Table 1. The types of Committee decisions are identified by whether they may be done in a meeting or require a formal written or electronic "vote letter." A "vote at meeting" will be a consent calendar based on information provided to members for their review before the meeting.

Decision	Type of Vote		Staff Issue
	Vote Letter ("Written")	Vote at Meeting	
1. Procurement List Additions and Deletions (includes initial prices)	✓		
2. Reconsideration Request	✓		
3. Reconsideration Decision	✓		
4. Impasse appealed to the Committee	✓		
5. Legislative Agenda		✓	
6. Proposed Language for Legislative Changes		Discussed at meetings	
7. Regulatory Agenda		✓	
8. Proposed Language for Rules/Regulations and Memoranda		Discussed at meetings	

Decision	Type of Vote		Staff Issue
	Vote Letter (“Written”)	Vote at Meeting	
9. Agency Internal Policies (Note: Generally staff issues, in accordance with delegation of authority, but may require Committee vote.)		✓	✓
10. Public Policies, not strictly internal	✓	✓	
11. CNA Budget Review		Discussed at meetings	
12. CNA Fee Ceiling Approval	✓	Discussed at meetings	
13. Committee (Agency) Budget	✓	Discussed at meetings	
14. Changes to Strategic Plan	✓	Discussed at meetings	
15. Performance Parameters	✓		

Table 1. Types of Committee / Committee Staff Decisions

3. VOTING PROTOCOLS

A. Quorums, Abstentions, Recusals and Majorities

1. Proxies are not allowed.
2. The majority of the officially appointed and serving members constitute a quorum. If a member requests to be recused from a vote, that member will be subtracted from the number of officially appointed serving members thus lowering the number of members required for a quorum.
3. For a Vote Letter, the majority of the appointed members decide a vote. In a meeting, a majority of the appointed members who are present decides a vote, so long as the number of members present constitutes a quorum.
4. A tie vote means that the motion (question) was not carried. In the case of a tie, the Committee staff should look at the issue to determine whether there was miscommunication. The Committee staff will research the issue to provide any additional information or analysis required by the Committee members.
5. There is no weighted vote or veto power, regardless of whether or not a vote affects a Committee member’s agency.

6. Members are permitted to abstain, but the majority required to carry the vote is still the same. Do not subtract the abstention from the base required for a quorum. An abstention has the effect of a Disapprove vote, since a majority of Approve votes are required to carry a vote.
7. A non-vote, or Undecided, occurs when a member does not register any vote on a specific Vote Letter. Non-votes are considered the same as an abstention. A non-vote has the effect of a Disapprove vote, since a majority of Approve votes are required to carry a vote.
8. A Member is responsible for determining if they should recuse themselves from a vote for any financial conflict of interest or appearance thereof in accordance with the Standards of Conduct (5 CFR, Part 2635, Subpart D). Members are required to contact the Committee's Designated Agency Ethics Officer (DAEO), to discuss any potential conflicts or the propriety of recusing themselves before doing so from a Vote.
9. If it is determined to be appropriate for the Member to recuse on a Vote Letter, the Member shall post a comment for that Vote Letter explaining the reason they are recusing themselves from the vote. If more than two (2) Members must recuse themselves from a vote, the vote will be placed on hold for further discussions.

B. Voting Communications

1. Comments can be made at any time during the voting process, before the vote closes.
2. Questions can be asked of Committee members, the staff, or both.
3. Comments and answers to questions should be made available to all Committee members and the staff.
4. Committee members can ask private questions of other members or staff "offline." If the response contains useful information for all Committee members, the response should be made available for all. Committee members will be responsible for providing the information to Committee staff to make available to all other Committee members.
5. Comments can be made in conjunction with an Approve or Disapprove vote, or independent of a vote.
6. If a Committee member votes Disapprove to a proposal, they will provide the reasons for a Disapprove vote. Those comments will be made available to all Committee members. If a Committee member recuses themselves from a vote, they will post comments stating the reason for the recusal.

7. During a vote on a specific question, communication is to occur only between and among Committee members, Committee staff and Committee member key staff who are specifically designated to support a Committee member on JWOD business. All other communication is considered external and must be coordinated through Committee staff to be made a matter of record and to be provided to all Committee members. Communications include telephone calls, email messages, meetings, facsimile transmissions, or any other verbal or written communications.
8. Comments may be provided on any vote, but conditions may not be imposed. The vote is a vote on the question as proposed.
9. A member may move to vote on a new question with the condition added.
10. A final total vote count for categories of approved, disapproved, abstention, recusal and disapprove response will be available to all Committee members and staff. Individual member's votes will not be visible.
11. Vote letters are pre-decisional information and as such are not releasable under the Freedom of Information Act (FOIA) until after a decision has been made. Vote letters are to be treated "For Official Use Only" and are not to be retransmitted, forwarded or released to anyone other than to Committee members, Committee staff and Committee member key staff who are specifically designated to support a Committee member in the voting process.

C. Calls for Discussion

1. A Committee member can ask to stop the vote and discuss the issue. The member can cast an Approve or Disapprove vote in addition to calling for discussion or remain undecided until after the discussion. The member can change their vote before the voting period times out.
2. The first member to call for discussion must include an explanation to communicate to other Committee members why he or she wants to discuss the issue.
3. When one Committee member calls for discussion, other Committee members are notified to determine if they want to vote for discussion, regardless of whether they have already cast their vote or not.
4. A threshold of 25% of appointed Committee members (rounded up to the nearest whole person) is required to stop a vote and call for discussion.

5. If the threshold of 25% is not reached, the vote times out normally. If at least one Committee member has voted to call for discussion, the vote can not close early even if all votes have been cast.
6. If the 25% threshold is not reached, the votes of members whom called for discussion and did not cast a Approve or Disapprove vote, will have the effect of a Disapprove vote, since a majority of Approve votes are required to carry a vote. If a majority is not achieved, undecided votes can be contacted to clarify their vote.
7. The Committee staff evaluates timing issues (contractual, funding, etc.), and arranges for the most expeditious means of discussion. This may be an online conference, teleconference, or deferring the item to the next Committee meeting. Committee staff will balance timing with availability of Committee members.
8. After the discussion, the Committee staff restarts the voting, turning on the clock and giving a new deadline. If appropriate, they will update the vote letter. The specifics are dependent on the situation.
9. If there is a problem with a vote letter, the Committee staff can pull it back, at the discretion of the Executive Director.

D. Voting Schedule

1. Committee members are encouraged to vote as early as possible. The vote period will be fourteen calendar days or until all appointed members have cast a vote, whichever comes first. A vote period may, on rare occasions, be reduced to seven calendar days at the discretion of the Executive Director.
2. A Committee member may change his or her vote at any time before the end of the voting period, or until all appointed members have cast their votes, whichever comes first.
3. Written votes for Procurement List additions and deletions will continue to be issued on Mondays to maintain a schedule of publishing notices in the Federal Register on Fridays. This will be revisited if electronic submissions to the Federal Register reduce the required lead time sufficient to shorten the overall process.
4. Special written vote letters, reconsiderations or any written vote letters that do not require publication in the Federal Register can be issued at any time.

5. The Chairman should contact those members who repeatedly take too long to vote and encourage them to be more timely.

E. Voting Decisions – Price and Suitability

1. On the question of whether the vote on suitability and price must always be in the same vote letter, if splitting the price decision from suitability would save time in the overall Procurement List addition process, it should be considered at the discretion of the Executive Director. However, the final Federal Register notice will not be published until a price has been voted on, because the item cannot be put on the Procurement List without a price that has been set by the Committee.
2. Committee members can make these choices when voting on a Procurement List proposed addition:
 - a. Approve, Disapprove, Abstain/Recuse or Undecided on Price
 - b. Approve, Disapprove, Abstain/Recuse or Undecided on Suitability
 - c. Call for discussion and request to stop vote in addition to voting as described above.

(signed)

Leon A. Wilson, Jr.
Executive Director