

THE BOARD OF TRUSTEES

Abstentions From Voting

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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, situations when the Board is considering hiring the relative of a trustee.

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 and may include an explanation of the reasons for the abstention. 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: February 2007
Revised on: March 2020