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5 Abstentions From Voting

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7 Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting  
8 records of each trustee present. As a general rule trustees should vote on all issues, unless  
9 casting a vote would be a violation of law. Under Montana law, instances in which it would be  
10 unlawful or inappropriate for a trustee to cast a vote on a particular issue include but are not  
11 necessarily limited to situations when the Board is considering hiring the relative of a trustee.

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13 In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of  
14 impropriety or the appearance of a perceived conflict of interest, as defined in policy 1512. If a  
15 trustee abstains from voting, the abstention should be recorded in the minutes and may include  
16 an explanation of the reasons for the abstention. The Board discourages abstentions, unless the  
17 reasons are substantiated as provided herein.

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19 Cross References:

20 Policy 1512                      Conflict of Interest

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22 Legal References:

- 23 § 2-2-105, MCA                      Ethical requirements for public officers and public employees
- 24 § 2-2-121, MCA                      Rules of conduct for public officers and public employees
- 25 § 2-2-302, MCA                      Appointment of relative to office of trust or emolument unlawful –  
26 exceptions – publication of notice
- 27 § 20-1-201, MCA                      School officers not to act as agents
- 28 § 20-3-323, MCA                      District policy and record of acts
- 29 § 20-9-204, MCA                      Conflicts of interests, letting contracts, and calling for bids

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31 Policy History:

32 Adopted on:    November 25, 2013

33 Revised on:    June 10, 2019