

Guidelines for Conducting Remote Congregational Meetings in the Southwestern Washington Synod

During the next few months as we practice safe social distancing, congregations may find it necessary to conduct congregational meetings. If it is possible to postpone meetings this may be a wise choice. But in the event that a meeting is necessary (i.e. constitutionally mandated, elections need to take place, the call of a pastor or deacon), it is important that Washington State Law as well as the congregation's constitution, bylaws and continuing resolutions are respected.

Washington State Law

Laws pertaining to the meeting of non-profit boards and members may be found at :

<https://app.leg.wa.gov/rcw/default.aspx?cite=24.03&full=true>

The paragraphs most helpful for congregational meetings are found under RCW 24.03.075 and RCW 24.03.085.

Q: May our congregation host remote meetings? *(xref: RCW.03.075)*

For our purposes, a remote meeting is a meeting in which members are not physically present in the same space.

Under Washington State Law, unless your constitution or bylaws specifically prohibit remote meetings, they may be legally conducted, **as long as everyone in attendance can simultaneously hear each other and have the ability to speak to each other.** The ability to hear only the chairperson or designated speakers does not meet this standard. All attendees must be able to both speak and hear.

A person attending a meeting within these parameters is considered **Present** at the meeting.

Q: How can we vote when meeting remotely? *(xref RCW 24:03:085)*

It is important to check your congregation's constitution and bylaws. Most specifically prohibit **proxy** and **absentee** voting. This means that you are not allowed to vote on behalf of another person (proxy) and are not allowed to vote if you were not present at the meeting (absentee).

If the remote meeting has met the aforementioned criteria, voting may be conducted electronically via Zoom, Skype, conference call or like-technologies that allow speaking and hearing by all members.

Voting may also take place via written ballot dropped-off at a designated location (i.e. church building) during publicized hours. Ballots should include the written text of any motions as well as names for those nominated for elected positions. All who vote by drop-off ballot must have attended the remote meeting.

If your constitution and bylaws **specifically allow voting by mail or electronic transmission**, members may mail or email a ballot to a designated, publicized address. As with drop-off or mail-in ballots, email ballots are to contain the text of motions or proposals, along with the names of people nominated for elected positions.

Reminder: If your constitution and bylaws prohibit absentee voting, only members who were present at the remote meeting may vote. Written ballots must be checked against an accurate meeting attendance list to be considered valid.

From SWWA Synod Attorney, James Hushagen

I think the best way . . . to meet is by teleconference, which the applicable Washington nonprofit statute permits even if the congregation's constitution does not mention it. The good news these days is that a Zoom meeting qualifies as a teleconference for purposes of the statute.

Washington law does not allow pure voting by mail without an in-person meeting in most circumstances. My suggested "work-around" process would go something like this:

- 1. Send out hard-copy paper ballots with the notice of the meeting so that all congregation members have ballots at the time of the meeting.*
- 2. Hold the meeting on Zoom, with the option for people without computers to call in to the meeting.*
- 3. Take roll before the meeting starts so you know you have a quorum and who is attending the meeting.*
- 4. For matters that don't require a ballot, vote by a "show of hands" on Zoom and a polling of people in the meeting by phone.*
- 5. For matters that require a ballot, ask each member at the meeting to complete their ballot during the meeting.*

6. When they have marked their ballots, advise the members to put their names on the completed ballots and return them to the church office, either by mail or by personal delivery, within a certain time period. The names are necessary so you know that only persons who attended the meeting voted; ballots without names or with names of persons not at the meeting will not count. You should promise the members that nobody will know how they voted, but only that they voted.

7. When the votes have been counted, you can announce the results.

Suggested Checklist for Remote Meetings:

- Are all participants able to hear and speak at meeting?
- Do all voting members have access to the meeting?
- Did we notify membership in keeping with constitutional mandates?
- How will we confirm a quorum at the meeting? Roll call of those present? Screen shot of participant list (accounting for possibility of more than one member per screen)?
- How will we confirm the identity of those calling into the meeting?
- Are we prepared to check drop-off or mail-in ballots against a list of meeting attendees?
- What do our governing documents say about e-mail ballots?

If you need further assistance in planning for your remote meeting, please contact a member of the SWWA Synod Staff:

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