

LBOR Election Procedures as Proposed for 2021 Election

See Section 4 (e) for proposed changes and rationale.

KEY: Additions and ~~Deletions~~

Background: A Presidential Advisory Group was established in 2020, and upon conclusion of their findings, the changes in Section 4 (e) of the LBOR bylaws were recommended for adoption. The Board of Directors have approved these changes which are now up for consideration by the Membership at large. A vote of the Membership is required to make changes to the LBOR bylaws.

There are two recommendations on the ballot, and each may be approved or opposed separately. Because they are separate items for your consideration, each may pass or fail on their own standing.

ARTICLE XI - OFFICERS AND DIRECTORS

Section 1. Officers. The elected officers of the Board shall be a President, a President-Elect, who shall automatically succeed to the Presidency on January 1 of the following year, a Secretary, who shall automatically succeed to the office of President-Elect on January 1st of the following year and a Treasurer. They shall be elected to terms of one (1) year. The Treasurer may succeed themselves for one (1) additional and successive term, if duly elected thereto, according to the provisions set forth under Article XI, Section 5 of these Bylaws.

Section 2. Duties of Officers. The duties of the officers shall be such as their titles, by general usage, would indicate and such as may be assigned to them by the Board of Directors. It shall be the particular duty of the Executive Vice-President to keep the records of the Board and to carry on all necessary correspondence with the NATIONAL ASSOCIATION OF REALTORS® and the Kansas Association of REALTORS®. The elected Secretary shall, in addition to other duties, serve as the Program Chairperson and shall be responsible for all programs for the luncheon meetings.

Section 3. Board of Directors. The governing body of the Board shall be a Board of Directors consisting of the elected officers, the immediate Past President, who shall serve for a period of one (1) year with full voting rights, and six (6) REALTOR® Members of the Board. The elected REALTOR® Members of the Board shall be elected to serve for terms of two (2) years.

Section 4. Election of Officers and Directors.

(a) The President, with the approval of the Board of Directors, shall appoint an Election Committee on or before the 15th day of July each year. The committee shall consist of two (2) members of the current Board of Directors, whose term in office is not expiring during the current year, two (2) additional Designated REALTORS®, two (2) additional REALTOR® Members selected at-large, the President-Elect, and the Immediate Past President, who shall chair the committee. The President shall appoint additional members, if needed, so that at least five (5) companies are represented. No more than two (2) committee members may be from the same company. If there are more than two (2) from the same company automatically on the committee, there will be allowance for voluntary resignation, except for the President-Elect and Immediate Past President. If not forthcoming, the President, with the approval of the Board of Directors, will determine which two will serve. The Election Committee may not nominate any of its members. Directors may succeed themselves for one (1) additional and successive term.

(b) The Election Committee shall place in nomination a number of candidates not less than the combined number of open Officer and Director positions and contact those nominees to secure their acceptance of the nomination and their willingness to serve and accept the responsibilities of the position as outlined herein. All nominees will be requested to complete a fact sheet to provide information for voter consideration.

The Election Committee may prepare, subject to approval by the Board of Directors, a list of minimum standards for qualifications of REALTOR® Members for election to the Board of Directors. Any such standards shall be non-discriminatory and not unduly restrictive, but can include requirements as to committee membership, participation in Association activities, and length of Association membership.

(c) The names of all candidates so nominated, and the October election date shall be published at least five (5) weeks prior to the election. Additional candidates may be placed in nomination by petition signed by at least ten percent (10%) of the REALTOR® Members eligible to vote as of February 1 each year, with no more than 20 percent (20%) of the petition's signatures from the office of the nominee. The petitions shall be filed with the Executive Vice President three (3) weeks prior to the election.

(d) There shall be no more than four (4) members serving on the Board of Directors at one time from the same firm. No name of a member shall appear on the ballot where their election would result in more than four members, from the same firm, serving on the Board of Directors. Upon notification of their nomination, each candidate shall be reminded of this paragraph in the Board Bylaws, addressing the limit to the number of candidates from one firm and shall be informed that any change of agency affiliation may result in their being ineligible to be a member of the LBOR Board of Directors. If a candidate chooses to remove herself/himself from the ballot or becomes ineligible before the beginning of the voting period two (2) weeks prior to the annual election, the Election Committee shall place in nomination a different candidate for the vacated position. If a candidate becomes ineligible during the voting period beginning two (2) weeks prior to the annual election, the membership shall be immediately notified that the candidate has removed herself/himself from the ballot, or has become ineligible according to the LBOR Bylaws, and the election will continue with the remaining candidate(s) for that office.

(e) The election of Directors shall be by electronic ballot prior to the Annual Meeting. Voting by electronic ballot shall be pursuant to rules and procedures established by the Board of Directors, which, among other things, shall establish where, when, and by what means the electronic ballot shall be cast. A ballot containing the names of all nominees with information from the fact sheet shall be prepared and distributed at least two (2) weeks prior to the annual election to all eligible REALTOR® Members to vote for the number to be elected to on the Board of Directors. The top vote getter from a member office holding no more than 35 voting members will be the first candidate elected, with the top vote getters from all remaining candidates filling the remaining number of open positions.

Rationale: This change is recommended for adoption to grow leadership opportunities and involvement from Member companies with fewer than 35 voting members. If approved, nominated Candidates from medium and small companies will be ensured of at least 1 elected representative on the Board of Directors. It is incumbent upon the Nominating Committee to place Candidates into nomination. If a Candidate from a company with fewer than 35 voting members is NOT on the ballot, then all open positions would be filled by the highest vote getters, without consideration of the size of the company.

A list of the carry-over Officers and Directors shall be provided for informational purposes. Ballots will be available and may be cast at the Board Office, during normal business hours, beginning not less than two (2) weeks prior to the Annual Meeting and not later than 8:00 a.m. on the day of Annual Meeting. All ballots shall be retained until one (1) week after the annual election. Ballots containing fewer or more votes than required will be disqualified.

Following the election of Directors, there will be a subsequent runoff election for the position of Secretary. Any carryover Directors who are not already serving as Secretary, President-Elect, or President, or any newly elected Directors are eligible for the runoff election for the position of Secretary. The position of Secretary will ascend to the position as President-Elect for one (1) year, and then President for one (1) year.

Rationale: This change is recommended for adoption in an effort to ensure voting members are able to choose who will serve as the eventual President of the LBOR. Following the election, both carryover and newly elected Directors will be individually invited by the Executive Vice-President to place their name into consideration for the runoff election. The highest vote getter will be elected Secretary, while the others in the runoff election continue to serve their term as a Director.

The newly elected Directors together with the Directors who hold over shall comprise the Board of Directors for the ensuing year. This Board of Directors shall meet after the Annual Meeting, the date, place, and hour to be designated by the Board of Directors, for the purpose of electing the ~~Secretary and~~ Treasurer for the ensuing year.

Where permitted by state law, and in accordance with applicable state requirements, election of officers may be conducted by electronic means, in accordance with procedures established by the board of directors.