REPORT OF THE COUNCIL ON CONSTITUTION AND BYLAWS

Subject: AMA Bylaws—Run-Off and Tie Ballots
                (Report of ETF 2 - Rec. #13)

Presented by: Mark Bair, MD, Chair

Referred to: Reference Committee on Amendments to Constitution and Bylaws

1   At the 2023 Interim meeting of the American Medical Association (AMA) the House of Delegates
2   (HOD) considered Recommendation 13 from Speakers Report 3, Report of the Election Task Force
3   2, that asked that Bylaws 3.4.2.1.3, 3.4.2.2, and 6.8.1.4 be amended to change the rules for
4   elections of officers and councils with multiple nominees so that the lowest vote getter on each
5   ballot is dropped on the subsequent ballot, with the exception of a tie for lowest vote getter in
6   which case both would be dropped. While the Reference Committee recommended adoption of
7   Recommendation 13, the HOD ultimately referred the recommendation over concerns about
8   complex onsite bylaw language not being able to be considered at caucuses.
9
10 The AMA has a long-standing precedent of requiring that all office holders are elected by a
11 majority of those casting legal ballots. During Council on Constitution and Bylaws (the Council)
12 discussions of potential bylaw language, it became apparent that there are three very unlikely
13 scenarios in which a strict elimination of the nominee with the lowest vote tally as proposed in the
14 Speakers 3-I-23 would enable a nominee who had not received a majority of votes cast to be
15 elected:
16
17 • For example, if five nominees were running for four vacancies on the Board of Trustees (or
18   an elected Council), and only three receive a majority of votes, then, of the remaining two,
19   one would be eliminated, effectively installing a nominee who had not yet received a
20   majority of votes.
21 • Even more unlikely, albeit possible, is a situation whereby those two remaining candidates
22   tie, and subsequently would then both be eliminated if the Bylaws were strictly interpreted.
23 • A similar but even more unlikely event could occur in an election for an officer. For
24   example, if three nominees (A, B, and C) were running for Speaker in a House of 100
25   votes, then it is possible that A could receive 34 votes, and B and C could each receive 33.
26   Again, a strict interpretation of the rule would eliminate both B and C, effectively
27   installing a Speaker who had not received a majority of votes.
28 • The Council noted that a more common occurrence is a multi-vacancy, multi-nominee race
29   with one more nominee than there are vacancies. For such a race, a more likely outcome is
30   that two nominees do not attain a majority vote with only one vacancy remaining. and must
31   run against each other for the remaining vacancy.
32 • Lastly, the Council noted that were elections held at the I-23 meeting with a potential of
33   705 credentialed delegates, theoretically a contested race with three nominees could end in
34   a three-way tie (with each nominee receiving 235 votes).

1 Admittedly, these are highly unlikely scenarios, but for completeness, your Council on Constitution
2 and Bylaws felt they should be addressed to avoid controversy should they occur. Minor
3 conditional language has been added in order to prevent such scenarios.
4
5 RECOMMENDATIONS
6
7 The Council on Constitution and Bylaws recommends that the following amendments to our AMA
8 Bylaws be adopted and that the remainder of this report be filed. Adoption requires the affirmative
9 vote of two-thirds of the members of the House of Delegates present and voting.
10
11 **3   Officers**
12 ***
13   **3.4   Elections.**
14   ***
15   **3.4.2**   Method of Election. Where there is no contest, a majority vote without ballot shall
16   elect. All other elections shall be by ballot.
17
18   **3.4.2.1 At-Large Trustees.**
19
20   **3.4.2.1.1   First Ballot.** All nominees for the office of At-Large Trustee
21   shall be listed alphabetically on a single ballot. Each elector
22   shall have as many votes as the number of Trustees to be
23   elected, and each vote must be cast for a different nominee.
24   No ballot shall be counted if it contains fewer or more votes
25   than the number of Trustees to be elected, or if the ballot
26   contains more than one vote for any nominee. A nominee shall
27   be elected if they have received a vote on a majority of the
28   legal ballots cast and are one of the nominees receiving the
29   largest number of votes within the number of Trustees to be
30   elected.
31
32   ~~**3.4.2.1.2**~~   ~~**Runoff Ballot.** A runoff election shall be held to fill any~~
33   ~~vacancy not filled because of a tie vote.~~
34
35   **3.4.2.1.2~~3~~** **Subsequent Ballots.** If all vacancies for Trustees are not filled
36   on the first ballot, <u>and there are more than two remaining</u>
37   <u>nominees, the nominee with the fewest votes shall be dropped</u>
38   <u>and the remaining nominees shall be placed on the subsequent</u>
39   <u>ballot. In the event of a tie for the fewest votes, both</u>
40   <u>nominees shall be dropped. If these actions would result in</u>
41   <u>fewer than two nominees, the nominee(s) with the fewest</u>
42   <u>votes shall not be dropped and all remaining nominees shall be</u>
43   <u>placed on the subsequent ballot. On any subsequent ballot, a</u>
44   <u>nominee shall be elected if they have received a vote on a</u>
45   <u>majority of the legal ballots cast and are one of the nominees</u>
46   <u>receiving the larger number of votes within the number of</u>
47   <u>Trustees to be elected or remaining to be elected.</u> ~~and 3 or~~
48   ~~more Trustees are still to be elected, the number of nominees~~
49   ~~on subsequent ballots shall be reduced to no more than twice~~

1   ~~the number of remaining vacancies less one. The nominees on~~
2   ~~subsequent ballots shall be determined by retaining those who~~
3   ~~received the greater number of votes on the preceding ballot~~
4   ~~and eliminating the nominee(s) who received the fewest votes~~
5   ~~on the preceding ballot, except where there is a tie. When 2 or~~
6   ~~fewer Trustees are still to be elected, the number of nominees~~
7   ~~on subsequent ballots shall be no more than twice the number~~
8   ~~of remaining vacancies, with the nominees determined as~~
9   ~~indicated in the preceding sentence. In any subsequent ballot~~
10   ~~the electors shall cast as many votes as there are Trustees yet~~
11   ~~to be elected, and must cast each vote for different nominees.~~
12   <u>This procedure shall be repeated until all vacancies have been</u>
13   <u>filled.</u>

14

15   **3.4.2.2**   **All Other Officers, except the Medical Student Trustee and the**
16   **Public Trustee.** All other officers, except the medical student trustee
17   and the public trustee, shall be elected separately. A majority of the
18   legal votes cast shall be necessary to elect. In case a nominee fails to
19   receive a majority of the legal votes cast, <u>the nominee with the fewest</u>
20   <u>votes shall be dropped and the remaining nominees shall be placed on</u>
21   <u>the subsequent ballot. In the event of a tie for the fewest votes, both</u>
22   <u>nominees shall be dropped.</u> If these actions would result in fewer than
23   <u>two nominees, the nominee(s) with the fewest votes shall not be</u>
24   <u>dropped and all remaining nominees shall be placed on the subsequent</u>
25   <u>ballot.</u> ~~the nominees on subsequent ballots shall be determined by~~
26   ~~retaining the 2 nominees who received the greater number of votes on~~
27   ~~the preceding ballot and eliminating the nominee(s) who received the~~
28   ~~fewest votes on the preceding ballot, except where there is a tie.~~ This
29   procedure shall be continued until one of the nominees receives a
30   majority of the legal votes cast.
31 ***

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33 **6**   **Councils**
34   ***
35   **6.8**   **Election – Council on Constitution and Bylaws, Council on Medical Education,**
36   **Council on Medical Service, and Council on Science and Public Health**
37   ***
38   **6.8.1.1** **Separate Election.** The resident/fellow physician member of these
39   Councils shall be elected separately. A majority of the legal votes cast
40   shall be necessary to elect. In case a nominee fails to receive a
41   majority of the legal votes cast, <u>the nominee with the fewest votes</u>
42   <u>shall be dropped and the remaining nominees shall be placed on the</u>
43   <u>subsequent ballot. In the event of a tie for the fewest votes, both</u>
44   <u>nominees shall be dropped. If these actions result in fewer than two</u>
45   <u>nominees, the nominees with the fewest votes shall not be dropped and</u>
46   <u>all remaining nominees shall be placed on the subsequent ballot.</u>
47   ~~nominees on subsequent ballots shall be determined by retaining the 2~~
48   ~~nominees who received the greater number of votes on the preceding~~
49   ~~ballot and eliminating the nominee(s) who received the fewest votes~~
50   ~~on the preceding ballot, except where there is a tie.~~ This procedure

1   shall be continued until one of the nominees receives a majority of the
2   legal votes cast.
3
4   **6.8.1.2 Other Council Members.** With reference to each such Council, all
5   nominees for election shall be listed alphabetically on a single ballot.
6   Each elector shall have as many votes as there are members to be
7   elected, and each vote must be cast for a different nominee. No ballot
8   shall be counted if it contains fewer votes or more votes than the
9   number of members to be elected, or if the ballot contains more than
10 one vote for any nominee. A nominee shall be elected if they have
11 received a vote on a majority of the legal ballots cast and are one of the
12 nominees receiving the largest number of votes within the number of
13 members to be elected.
14
15 **6.8.1.3 ~~Run-Off Ballot.~~** ~~A run-off election shall be held to fill any vacancy~~
16 ~~that cannot be filled because of a tie vote.~~
17
18 **~~6.8.1.4~~ Subsequent Ballots.** If all vacancies are not filled on the first ballot,
19 and there are more than two remaining nominees, the nominee with
20 the fewest votes shall be dropped and the remaining nominees shall be
21 placed on the subsequent ballot. In the event of a tie for the fewest
22 votes, both nominees shall be dropped. If these actions would result in
23 fewer than two remaining nominees, the nominee(s) with the fewest
24 votes shall not be dropped and all remaining nominees shall be placed
25 on the subsequent ballot. On any subsequent ballot, a nominee shall be
26 elected if they have received a vote on a majority of the legal ballots
27 cast and are one of the nominees receiving the largest number of votes
28 within the number of council members to be elected or remaining to be
29 elected. ~~and 3 or more members of the Council are still to be elected,~~
30 ~~the number of nominees on subsequent ballots shall be reduced to no~~
31 ~~more than twice the number of remaining vacancies less one. The~~
32 ~~nominees on subsequent ballots shall be determined by retaining those~~
33 ~~who received the greater number of votes on the preceding ballot and~~
34 ~~eliminating the nominee(s) who received the fewest number of votes~~
35 ~~on the preceding ballot, except where there is a tie. When 2 or fewer~~
36 ~~members of the Council are still to be elected, the number of nominees~~
37 ~~on subsequent ballots shall be no more than twice the number of~~
38 ~~remaining vacancies, with the nominees determined as indicated in the~~
39 ~~preceding sentence. In any subsequent ballot the electors shall cast as~~
40 ~~many votes as there are members of the Council yet to be elected, and~~
41 ~~must cast each vote for a different nominee.~~ This procedure shall be
42 repeated until all vacancies have been filled.

(Modify Bylaws)