



## Virginia State Association of Parliamentarians

Beatrice Squire, PRP, *President*  
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January 17, 2023

Hon. Marcus Simon  
Member, Virginia House of Delegates (53<sup>rd</sup> District)

[DelMSimon@house.virginia.gov](mailto:DelMSimon@house.virginia.gov)

*Sent via electronic mail*

RE: Virginia Parliamentarians' Opposition to HB 1837

Delegate Simon:

My name is Beatrice Squire and I am writing on behalf of the Virginia State Association of Parliamentarians (VSAP). VSAP is the state-level affiliate of the National Association of Parliamentarians (NAP). NAP is a nonprofit whose mission is to be a society dedicated to educating leaders throughout the world in effective meeting management through the use of parliamentary procedure.

As experts in meetings conducted under *Robert's Rules of Order*, **VSAP opposes the current language of HB 1837**, filed during the 2023 Session of the General Assembly. The current language in HB 1837 would ban the use of nominating committees in community associations across the Commonwealth of Virginia. Instead, for the reasons articulated below, **VSAP recommends that the current language of HB 1837 be substituted with the following:**

*§ 55.1-1815.1. Board of directors; election of members; use of nominating committees. Associations who utilize a nominating committee or similar entity for the purpose of soliciting, nominating, selecting, or appointing a member or rejecting an otherwise qualified member of such association for a position on the board of directors shall afford qualified members of such association, not nominated by such committee or entity, the opportunity to be written in on the absentee ballot, if utilized.*

§ 55.1-1940. Bylaws to be recorded with declaration; contents; unit owners' association; executive board; amendment of bylaws.

*Unit owner's associations electing an executive board in accordance with its recorded bylaws who utilize a nominating committee or similar entity for the purpose of soliciting, nominating, selecting, or appointing a unit owner or rejecting an otherwise qualified unit owner for a position on the executive board shall afford qualified unit owners, not nominated by such committee or entity, the opportunity to be written in on the absentee ballot, if utilized.*

**The Use of Nominating Committees Under *Robert's Rules of Order***

Nominating Committees are in frequent use in associations across the Commonwealth and within the United States. The first edition of *Robert's Rules of Order*, published in 1876, recommended the appointment of a committee to nominate permanent officers of a deliberative assembly. Today, *Robert's Rules of Order Newly Revised (12<sup>th</sup> edition)* offers the following guidance for assemblies who use a nominating committee:

In the election of officers of an ordinary society, nominations often are made by a nominating committee....In some societies [nominations by the committee] not formally presented to the voting body until the election is pending; but in any organization where advance interest in the election may develop, the nominations submitted by the committee should be made known to the membership earlier....After the nominating committee has presented its report and before voting for the different offices takes place, the chair must call for further nominations from the floor (§46:9-18).

**Potential Pitfalls in Virginia Community Associations**

*Robert's Rules of Order* operates under the assumption that nominations and balloting for elections both occur during a meeting. However, HB 1816, approved by the General Assembly during the 2021 Special Session I, amended the Property Owners' Association Act and the Virginia Condominium Act to permit members to vote in community association meetings in person, by proxy, or by absentee ballot "unless expressly prohibited by the governing documents/condominium instruments" (currently codified at Va. Code §55.1-1815 and §55.1-1953).

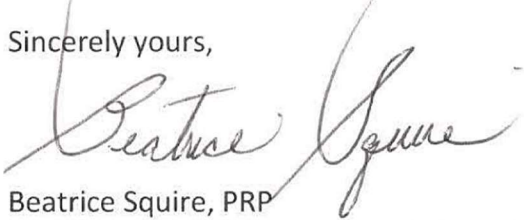
Because absentee ballots are generally distributed prior to the meeting, this could lead to community associations only placing the candidates nominated by a nominating committee on the ballot. If a community association improperly designs the election ballot so that members may only choose from candidates approved by a nominating committee, this has the negative consequence of essentially denying a reasonable and meaningful opportunity of eligible persons to stand for election in community associations.

Under *Robert's Rules of Order*, even if an assembly uses a nominating committee, "the chair must call for further nominations from the floor" (*Robert's Rules of Order Newly Revised 12<sup>th</sup> edition*, §46:18). Further, "on a ballot vote in an election...members are able to write in or fill in a vote for any eligible person or choice and are not confined to voting for or against candidates that appear on the ballot" (*Robert's Rules of Order Newly Revised 12<sup>th</sup> edition*, §45:18).

VSAP is sympathetic to the intent of HB 1837 in maintaining the reasonable opportunity for eligible persons to stand for election in community associations. However, a total ban of nominating committees would create inefficient processes in community associations. We believe our recommended substitute language would better address the heart of the issue to provide clear instructions to community associations that they must provide the opportunity for individuals to write-in otherwise eligible persons for community association offices.

Thank you for the opportunity to provide comment on this bill. If you have any questions or would like to speak further, please contact Donald Garrett, PRP, VSAP First Vice President, at 703-873-7029 or [donald@LastMinuteMeetings.net](mailto:donald@LastMinuteMeetings.net).

Sincerely yours,

A handwritten signature in cursive script that reads "Beatrice Squire". The signature is written in black ink and is positioned above the typed name.

Beatrice Squire, PRP  
President, Virginia State Association of Parliamentarians

cc: Hon. James Leftwich, Chair of the House General Laws Committee  
Hon. Thomas Wright, Vice Chair of the House General Laws Committee  
Hon. William Wampler, Chair of the House General Laws Subcommittee #2  
George Cain, Clerk of the House General Laws Committee  
Staff of the House General Laws Committee