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Emergency Proclamation Suspending Certain Bylaw Provisions during the COVID-19 Pandemic

WHEREAS, the Governor proclaimed a state of emergency and catastrophic health emergency on March 5, 2020, and renewed it on March 17, April 10, May 6, June 3, July 1, July 31, and August 10, 2020, to control and prevent the spread of COVID-19 within the State, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention, and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings;

WHEREAS, the currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, to reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, the Governor mandated voting by mail for the State's primary election and the State Board of Elections encourages all Marylanders to vote by mail for the general election due to the COVID-19 pandemic;

WHEREAS, the Maryland Secretary of Health issued a Directive and Order Regarding Community, Recreational, Leisure, Cultural and Sporting Gatherings and Events on June 10, June 12, and September 1, 2020, prohibiting convention events;

WHEREAS, reopening stages are being implemented in the State with a flexible, community-based approach that empowers individual jurisdictions to make decisions regarding the timing of reopenings;

WHEREAS, Article VI, Section 5 of the Maryland PTA Bylaws states, “The bylaws of each constituent association shall prohibit voting by proxy, mail (including by electronic transmission), or absentee.”

WHEREAS, Article IV, Section 8 of the Council PTA Bylaws states, “The bylaws of this council PTA shall prohibit voting by proxy, mail (including electronic communications/email) or absentee;”

WHEREAS, Article IV, Section 8 of the Local PTA/PTSA Bylaws states, “The bylaws of this local PTA/PTSA shall prohibit voting by proxy, mail (including electronic communications), or absentee;”

WHEREAS, Maryland PTA issued advisories to constituent associations on April 17, June 15, July 8, and September 4, 2020, prohibiting electronic elections or membership votes by electronic transmission;

WHEREAS, Maryland PTA issued an advisory to constituent associations in June 15, 2020, permitting elections by mail;

WHEREAS, National PTA held electronic elections during the virtual 2020 National PTA Convention via a direct vote subscription with Survey and Ballot Systems; and

WHEREAS, although the current continuity of operations plan allows for the boards of directors of constituent associations to meet electronically, remain in office, act between membership meetings, and fill officer and director vacancies, Maryland PTA leaders have expressed a desire to permit PTA/PTSA members to vote electronically.

NOW, THEREFORE, the voting body of the Maryland PTA, in accordance with the Maryland PTA Bylaws and Maryland law, hereby suspends the provisions of the Maryland PTA Bylaws, Council PTA Bylaws, and Local PTA/PTSA Bylaws that prohibit voting by electronic transmission for the duration of the proclaimed state of emergency and catastrophic health emergency involving COVID-19 and approves guidelines to ensure all members have an opportunity to participate:

A. All constituent associations may meet by telephone conference or through other electronic communications media, as long as all the members can simultaneously clearly communicate, or electronically stream each other and participate during the meeting.

B. Constituent associations must use technology that, to the greatest extent feasible, is accessible to all members or may be accessed through the information technology infrastructure similar to that used by the local school system.

C. Constituent associations must ensure there is a reasonable opportunity for members to comment and ask questions before:

1. any voting by electronic means or transmission, i.e. via telecommunications, electronic mail, or online media; or,
2. ballots are distributed or access is granted to voting media.

D. Membership votes on elections and budgets must be conducted by secret absentee ballot (mail or electronic) and must be available for and remain open for voting for a minimum of five (5) calendar days.

E. The meeting immediately preceding the start of electronic voting must have a quorum of the members, and a least quorum must participate in any electronic vote.

F. The board of directors must take reasonable precautions to ensure that only eligible members are permitted to vote electronically.

ADOPTED THIS ____ DAY OF _____, 2020,
TO BE EFFECTIVE IMMEDIATELY.

Dr. Edna Harvin Battle, President

Ivy Taylor, Secretary