

Law school graduates are expected to provide proof of eligibility for the Texas Bar exam. We clearly want to protect the credibility and integrity of our credential just as other organizations do. Eligibility criteria (and preventing people from fraudulently misrepresenting our credential) should not be considered administrative burdens because they have a bigger impact on our credibility than decoupling.

I love best practices, but the argument that coupling membership is not a best practice loses strength when there are other very significant credentialing best practices that we are ignoring. Please read my opinion piece in the January/February issue to learn more about this and the unknowns of opening the exam.

Antitrust Is Not Applicable: Doctors are required by law to have a medical license; ATA-certification is optional. There are 350 languages spoken across the U.S.⁸ We offer certification in about 20 languages. The vast majority of translators earn their income without ATA certification, so there is really no concern that ATA is preventing anyone from working.

Conclusion: I'm so thankful to ATA's Certification Program for its hard work in creating a well-respected credential. ATA has not shown that this amendment will directly help most members, so I hope you'll vote "AGAINST."

NOTES

1. Hartstein, Jessica. "Opening the Exam: Too Many Unknowns," *The ATA Chronicle* (January/February 2020), 14, <http://bit.ly/Hartstein>. Also see "Opening the ATA Certification Exam to Nonmembers," ATA Webinar Series (October 1, 2019), <http://bit.ly/webinar-decoupling>.
2. ATA's Bylaws can be found here: www.atanet.org/docs/p_bylaws.pdf.
3. "Proposed Amendment to the Bylaws to be Presented to the Membership for Voting in October 2020," www.atanet.org/bylaws_change.php.
4. Episode 45 of The ATA Podcast (July 15, 2020), <http://bit.ly/ATA-episode45>.
5. Bacak, Walter. "Board Meeting Highlights," *The ATA Chronicle* (May/June 2020), 7, <http://bit.ly/board-highlights>.

6. Knapp, Lorena. "Certification Consultant's Statement on the Membership Requirement for ATA Certification," *The ATA Chronicle* (July/August 2020), 12, <http://bit.ly/consultant-statement>.
7. Hartstein, Jessica. "Opening the Exam: Too Many Unknowns," *The ATA Chronicle* (January/February 2020), 14, <http://bit.ly/Hartstein>; Also see: ATA Accreditation Program Report (Michael Hamm & Associates, 2000), <http://bit.ly/Hamm-report>.
8. Hickey, Sarah. "The Catch-22 with Certifications," Nimdzi Insights, <http://bit.ly/catch-22-certification>.

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MULTIPLE CANDIDATES BYLAWS AMENDMENT: SUPPORT COMPETITIVE ATA ELECTIONS

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In every ATA election, voting members have several important decisions to make. In addition to voting for three director positions in 2020, we will vote on two Bylaws amendments.

The first Bylaws amendment is a Board initiative to decouple ATA certification from membership and open the certification exam to nonmembers. An "Against" vote on this amendment will ensure that our certified translator credential remains tied to ATA membership and will preserve the member right to take certification exams.

The second proposed amendment, the Multiple Candidates Bylaws Amendment, is the result of a member-initiated petition. A "For" vote on this amendment will require the Nominating and Leadership Development Committee (NLDC) to propose **at least two**

candidates for each ATA officer position: president-elect, secretary, and treasurer. This Bylaws amendment would ensure that elections are competitive.

The Nominating and Leadership Development Committee

The NLDC has proposed more than one candidate for an officer position on just three occasions since 2005. Although the Bylaws do provide for candidacy by petition, this should not be the sole means for providing a choice of candidates. While election by acclamation is the policy at the ATA division level, elections for officers should make it possible for members to vote in competitive elections to elect those who will best represent ATA and its members.

The NLDC chair and committee members are appointed by the Board. Since 2005, in the absence of competitive elections, the five members of the NLDC, rather than the majority of ATA voters, have been effectively selecting ATA's officers and setting the course for the Association. When a secretary and treasurer are elected, they will serve for the next two years. Once elected, the president-elect serves two years in that position, followed by two years as president.

Elections Policy

ATA's Board Elections Policy was revised in August 2019 to read: "It [the NLDC] shall propose **at least two** candidates for each officer position (president-elect, secretary, and treasurer) and **at least two** candidates for each director position."

This short-lived version of the Elections Policy was superseded in October 2019 by one that characterized multiple candidates for each position as merely an option rather than a requirement: "It [the NLDC] shall propose **preferably two candidates** for each officer position (president-elect, secretary, and treasurer) and **at least two candidates** for each director position."

In August 2020, the Board approved yet another revised Elections Policy. According to this version: "It [the NLDC] shall propose **at least one** candidate for each officer position (president-elect, secretary, and treasurer) and **at least one** candidate for each director position."

Conclusion

ATA's Board has modified the Elections Policy three times in the space of just one year. This clearly demonstrates the importance of setting out explicit election standards in the Bylaws to govern the development of a coherent Elections Policy. ATA's Bylaws, which supersede any policies or guidelines, provide structure and direction for the conduct of Association business and guide the development of policies that must be harmonized with the Bylaws.

Having multiple candidates stand for elective office will keep ATA strong and relevant. It will incentivize future leaders to listen to the membership and pay attention to their opinions, concerns, and needs. When members know that the election process is democratic and competitive, we are more likely to be involved and participate in our Association.

ATA members deserve a democratic election process and competitive elections. The best way to ensure these will be in place for future ATA elections of officers and directors is to vote **“For”** on the Multiple Candidate Bylaws Amendment.

OPPOSING RESOLUTION TO MANDATE MULTIPLE CANDIDATES

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*President/President-Elect (2009–2013);
Nominating and Leadership Development
Committee Chair (2013–2017)*

David Rumsey

*President/President-Elect (2013–2017);
Nominating and Leadership Development
Committee Chair (2017–)*

Jiri Stejskal

*President/President-Elect (2005–2009);
Nominating and Leadership Development
Committee Chair (2011–2013)*

Tuomas Kostiainen

*Nominating and Leadership Development
Committee Chair (2007–2011)*

While we applaud the initiative of the members who have proposed a resolution to mandate multiple candidates for all positions on ATA's Board of Directors, including officers (treasurer, secretary, and president-elect), we are concerned—as former chairs of the Nominating and



Leadership Development Committee and some ATA past presidents—that the potential harm and practical challenges involved with such a permanent change may far outweigh any theoretical benefits. We are not opposed to multiple candidates competing for officer positions, but **requiring** the Nominating and Leadership Development Committee to put forward multiple candidates is not considered good practice for good reason.

The current Nominating and Leadership Development Committee includes members from the leadership of divisions, certification, chapters, interpreting, etc., representing a broad spectrum of the Association. The committee is also unique in that it is subject to a rigorous schedule from the time it is appointed each year until it must put forward a slate of candidates for the Board.

ATA nominates multiple candidates for directors every year, but while nominating multiple candidates for officer positions is also encouraged, it is **not** mandated. Mandating multiple candidates for all positions poses a number of particular

challenges. The first challenge is a matter of numbers. In an ideal world, the treasurer, secretary, and president-elect will have had some Board experience, so that they are familiar with the current issues facing the Board. ATA's Board of Directors consists of 12 members plus the president. If all three officer positions require at least two candidates, the committee would have to identify six appropriate candidates—half of the Board—who are willing and able to take on these additional responsibilities. In any given year, there may be Board members who are unable to run due to term limits or Board members who just started on the Board, which reduces the potential number of candidates for officers further.

Besides Board experience, the committee also employs a list of demanding qualifications for officers, who must demonstrate the right skills and be able to dedicate substantial time to their respective leadership role for a term of at least two years, or even four years in the case of the president-elect. While it is possible for the committee

to seek candidates who do not have any Board experience, finding eligible outside candidates who have the necessary experience, abilities, and knowledge to step into high-profile officer positions involving significant amounts of volunteer time is very rare.

As a result, the proposed resolution mandating multiple candidates forces the committee to potentially nominate candidates without Board experience, persons who may not have the time or skills to take on additional responsibilities, or who may simply accept the nomination with the intention to lose, which does not serve the membership or the Board member in question.

Moreover, our experience as committee chairs has shown that losing candidates are less likely to run again or increase their involvement in the Association's affairs. Putting yourself in the spotlight of an election can be a harrowing experience that is quite different than the experience of actually governing. As a result, talented candidates with excellent administrative skills may be scared off from repeating the experience. This does not serve the Association's interest in developing stable and competent leadership.

Ironically, the proposed resolution puts more power in the hands of the Nominating and Leadership Development Committee vis-à-vis the membership. ATA's Bylaws include a petition process that allows a member to be added to the slate by collecting the signatures of 60 voting members. In the case of the officer positions, if the committee is forced to put forward two or more candidates for each position, this significantly dilutes the chance of a petitioning candidate from achieving a clear majority of the votes cast. A three-way race can easily result in a so-called "false majority," which can undermine confidence and trust in the system and the officers in question.

Although the committee tries to focus on the candidate's skills rather than their stance on any particular issue, a more politically-minded committee in the future could also rig the slate with their preferred candidate and another candidate who has agreed to lose in order for the committee to achieve its

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aims. This is one of the reasons why the leading parliamentary authority, *Robert's Rules of Order*, does not recommend mandating multiple candidates.¹

Lastly, the resolution has no enforcement procedure. If the committee is unable to find a second candidate for a given position, what then? Is the ballot not valid? Is there no election until another candidate steps forward? Does it put legal liability on the committee members? These are additional challenges that need to be considered when applying such a permanent change through the Bylaws.

ATA operates as a nonprofit organization and not as a public utility, governmental office, or labor union. It is subject to different laws and customs. Within the world of association governance, using single officer candidates is considered best practice, although opinions and arrangements can vary widely among different associations.²

Nevertheless, ATA still maintains a flexible approach of encouraging the nomination of multiple directors and officers, as well as a petition option to ensure that any member has a path to the Board. This allows the Nominating and Leadership Development Committee to identify and put forward the best possible candidates with the right skills, experience, and energy to ensure that the Association runs smoothly and efficiently in the face of financial, technological, and legislative changes in the translation and interpreting world.

The committee is very aware of the membership's desire for multiple candidates and will certainly make every effort to propose appropriate multiple candidates, even for officers.

The committee is not opposed to having multiple candidates on the slate, and has done so in the past, but it is simply not always possible to achieve. *Mandating* a relatively permanent requirement through the Bylaws in the interest of having "multiple viewpoints"—which is not necessarily guaranteed or something that the committee considers—creates far more potential problems than it does solutions.

While the proposed resolution may be well intentioned in the present, it is not considered best practice and may prove to be detrimental to the good governance of the Association in the future. We strongly recommend voting *against* the resolution mandating multiple candidates for officer positions and staying with the existing elections policy, which has served ATA well over the years. ●

NOTES

- ¹ *Robert's Rules of Order, Newly Revised* (11th edition, page 433, lines 22–28): "Although it is not common for the nominating committee to nominate more than one candidate for any office, the nominating committee can do so unless the bylaws prohibit it. It is usually not sound to require the committee to nominate more than one candidate for each office, since the committee can easily circumvent such a provision by nominating only one person who has any chance of being elected."
- ² "Building Better Association Boards Advancing Performance through Nomination, Recruitment, and Selection Processes." (American Society of Association Executives, page 6): "Officer elections holding noncompetitive elections for officers is considered a leading practice. Having either the nominating committee or the board do the vetting reduces the likelihood that unselected members in competitive elections become disengaged, and also results in a competency-based system. In noncompetitive elections, the leadership slates officers based on alignment of competencies with desired strategic needs. Officer positions are filled by someone who has recently sat on the board, commonly current board members." See: <http://bit.ly/ASAE-boards>.