

Rules of Procedure

PROPOSED OPTIONS FOR REVISIONS OF VOTING RULES Assassination Records Review Board

May 28, 1996

Options to be discussed are in bold-face type below:

Part I: Rules Governing Review Board Activities (*other than decisions to release information or to sustain postponements in assassination records*).

- A. Review Board meetings may take place only when a quorum of the Review Board is present.
- B. Current Rule: A quorum of the Review Board shall consist of four Members.**

Option 1: Keep current rule.

Option 2: Substitute: "A quorum of the Review Board shall consist of three Members."

[General comment: Rule I.B pertains to Review Board business *other than* voting on records. For options pertaining to voting on records see Part II.A below.]

- C. Review Board meetings may be held only as permitted by Federal law (including the Sunshine Act) .
- D. The affirmative vote of a majority of attendees at a meeting shall be sufficient to constitute a Review Board decision and no votes to abstain shall be permitted.
- E. Minutes shall be kept of all Review Board meetings. The minutes shall be prepared by the Secretary of the Review Board. The Executive Director's Secretary (or other such person designated by the Executive Director) shall act as Secretary of the Review Board.
- F. For all open meetings, a draft set of minutes shall be sent by the Secretary of the Review Board to the Members of the Review Board within seven days of a meeting. The Review Board shall vote to adopt or to modify the minutes of a previous meeting at the next open meeting.

- G. For all closed meetings, an electronic recording shall be made (and shall be made a part of the permanent JFK Collection upon the termination of the Review Board's activities). Minutes of closed meetings (containing both classified and unclassified material) shall be taken by the Secretary of the Review Board. The Review Board shall vote to adopt or to modify the minutes of the previous closed meeting at the next closed meeting held in Washington, D.C.
- H. All Review Board votes to close a meeting (or portion thereof) must be recorded and each individual Member must be polled. Polling of Review Board Members is not required for any other votes, except that upon the request of any Review Board Member, each Member shall be polled.
- I. No proxy may be used on a vote to close a meeting. Proxies shall be permitted on all other Review Board matters covered under Part I of the Rules of Procedure.
- J. The Review Board shall be permitted to vote by notation voting (whether by written form or by telephone poll conducted by a member of the Senior Staff or by the Secretary of the Review Board). Three votes in support of any vote taken by notation shall be sufficient to bind the Review Board.
- K. The Review Board shall make a public announcement of each open and closed meeting at least one week before such meeting and the announcement shall describe the time, place, and subject matter of the meeting; whether the meeting is to be open or closed; and the name and business telephone number of the official designated by the Review Board to respond to requests for information about the meeting.
- L. The Review Board may call for an emergency meeting without being subject to Part I.K only if a majority of all Members decides by recorded vote that Review Board business requires that such meeting be scheduled in less than seven days and the public announcement required by Part I.K is made at the earliest practicable time.
- M. The Review Board may amend these Rules of Procedure only after voting to do so at an open meeting that has been properly noticed as including a revision of the Rules of Procedure as an agenda item.
- N. All procedural matters not addressed by these Rules of Procedure shall be governed by *Robert's Rules of Order Newly Revised* (9th ed. 1990).

Part II: Review Board Procedures For Voting to Release Information or to Sustain Postponements in Assassination Records

For Review Board decisions to release information or to sustain postponements in assassination records, the following rules shall apply:

- A. Current rule: Formal determinations to release information or to sustain postponements in assassination records may be made only when a quorum is present and four Review Board Members shall constitute a quorum for purposes of making formal determinations.**

Option 1: Keep current rule.

Option 2: Substitute: “Formal determinations may be made by three concurring Board members in one of the two following ways:

First, at a Board meeting where a quorum is present and three Review Board Members shall constitute a quorum for purposes of this rule; or

Second, outside of a Board meeting when each of the three following conditions shall have been met:

(i) the members of the Board shall have been notified that records are available for individual review and the Review Board Members shall have had a minimum of six [or eight] weeks for individual review after having received notice; and

(ii) a minimum of three members of the Board shall have concurred in voting either for release or for postponement of a record; and

(iii) the Executive Director shall have determined that there has been a “formal determination” by the Board and that the decision shall be reported in the Federal Register.”

[Comment: this option would permit decisions to be made by three concurring Board members in one of two possible ways.

The first is at a Board meeting (as provided in the current rules, albeit with a reduction of a quorum from four to three). The second is outside the framework of a Board meeting

(although members would be required to vote electronically or by paper) after all Board members have had the opportunity to review records individually.]

Option 3: Substitute: “Formal determinations to release information or to sustain postponements in assassination records may be made only when a quorum is present. Three Review Board Members shall constitute a quorum for purposes of making formal determinations. Formal determinations may be made by a majority of the quorum.”

[Comment: this option, like the current rule, requires that formal determinations be made only in meetings where a quorum is present, although it reduces the quorum from four to three. Unlike Options 1 and 2, it would permit two members of the Board to make formal determinations that would bind the entire Board. If Option 3 here were to be adopted, Option 2 of Rule II.E must be adopted as well.]

- B. The Review Board may delegate to subcommittees of the Review Board (consisting of two Members) the authority to place records on either: (a) a consent agenda to release information; or (b) a consent agenda to sustain a postponement. In order for a proposed postponement (or record) to be placed on the consent agenda, the decision of the subcommittee must be unanimous to release the information or to sustain the postponement. Any proposed postponement for which the subcommittee is not able to make a unanimous recommendation shall be considered by the Review Board as a whole.
- C. Subcommittees are not required to meet collectively or in a quorum. The members of the subcommittees may individually review documents and record the results of their reviews on paper or electronic ballots. The votes to place postponements on the consent agenda must be recorded.
- D. The Review Board may vote to approve a subcommittee consent agenda recommendations without reviewing the consent agenda records or postponements on a case-by-case basis.
- E. **Current rule: Formal determinations to release information or to sustain a postponement may be made only when three Members of the Review Board are on record as supporting a decision. No votes to abstain shall be permitted.**

Option 1: Keep current rule.

Option 2: Substitute: Formal determinations to release information or to sustain a postponement may be made by an absolute majority of a quorum. No votes to abstain shall be permitted.

[Comment: Option 2 presumably would be adopted only if Option 3 on Rule II.A is adopted.]

- F. No vote to release information or to sustain a postponement shall be made prior to the time that all Review Board Members shall have had adequate notice of the availability of the records for review.
- G. Members may not vote by proxy.
- H. When voting to release information or to sustain postponements, the Review Board may vote on: (a) a group of proposed postponements or records as a whole; (b) on an individual record as a whole; or (c) on specific proposed postponements within a single record. However, upon the request of any Member, the Review Board shall vote separately on an individual record or on a specific postponement.
- I. The votes of all Board Members shall be separately recorded for all votes.
- J. A tie vote on a motion to release information or to sustain a postponement shall be understood to be a vote to table the motion until such time as the Review Board shall reconsider a motion to release information or to sustain a postponement.