



NATIONAL CREDIT UNION ADMINISTRATION

WASHINGTON, D.C. 20456

June 24, 1991

David S. Levine
Clark & Eyrich
2200 Ameritrust Center
525 Vine St.
Cincinnati, OH 45202

Re: Mail Ballots (Your May 10, 1991, Letter)

Dear Mr. Levine:

You have asked several questions about Federal Credit Union (FCU) bylaws. In April 1991, the General Electric Evendale Employees FCU adopted the standard bylaw amendments to provide for the use of mail ballots as the exclusive procedure for elections. At the time, subsection b of the standard amendment adding Section 8 to Article VI read:

Sufficient nominations having been made by the nominating committee or by petition to provide more than one nominee for any position to be filled, the secretary shall, at least 30 days prior to the annual meeting, cause printed ballots to be mailed to all members eligible to vote. (Emphasis added.)

Shortly after the credit union amended its bylaws, the National Credit Union Administration (NCUA) issued a change to the standard amendment (Change 3), substituting the words "at least" for "more than" in the subsection quoted above. You state that the amendment now appears to require that ballots be mailed to all members of the credit union even when there is only one nominee for any position to be filled, whereas under the prior language, you had understood that ballots needed to be mailed only when more than one person was nominated for any position.

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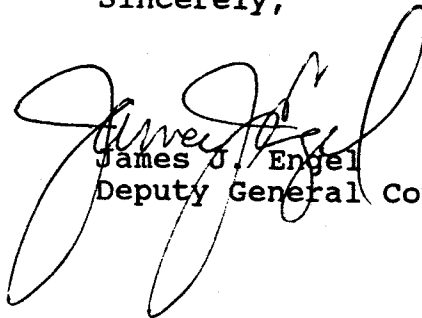
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In light of these changes, you have asked whether, under the prior language of the standard bylaw amendment providing for the use of mail ballots as the exclusive procedure for elections, ballots must be mailed to each member when there is only one nominee for any position to be filled. No, under the prior language, when there is only one nominee, ballots need not be mailed. (Under the companion amendment of Article VI, Section 2, when only one member is nominated for each position to be filled, the chair may take a voice vote or declare each nominee elected by general consent or acclamation at the annual meeting.) You have also asked whether a credit union that adopted the prior version of the standard bylaw amendment must amend its bylaws to conform to Change 3. No, a credit union that has adopted the prior version need not conform to Change 3.

Sincerely,



James J. Engel
Deputy General Counsel

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