

1                   **Administrative Codes and Registers**  
2                   **BYLAWS**

3  
4                   *(Effective as amended July 29, 2002)*  
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23       **Article I. Name.**

24           The name of this organization shall be Administrative Codes and Registers (ACR), a  
25 section of the National Association of Secretaries of State (NASS).

26       *As amended July 16, 2001.*  
27

28       **Article II. Objectives.**

29           The objectives of ACR are:

- 30           1. to gather, exchange and disseminate facts, information and ideas relating to the  
31 publication and distribution of administrative codes and registers and the review of  
32 rules;
- 33           2. to enhance the quality of administrative codes and registers through better style,  
34 format and design;
- 35           3. to encourage the development of administrative codes and registers in

- 36 jurisdictions where none exist;
- 37 4. to foster the development of better rulewriting skills and rule review techniques,  
38 and more effective management of the rule promulgation process;
- 39 5. to increase knowledge of administrative law among ACR members and within the  
40 general public;
- 41 6. to promote membership in ACR among all persons, both in government and in  
42 the private sector, who have a professional interest in administrative law; and
- 43 7. to make recommendations to NASS which ACR believes will help achieve the  
44 purposes and objectives of this organization.

45 *As amended July 1, 2000, and July 16, 2001.*

46

### 47 **Article III. Membership.**

48 Membership in ACR is open to all persons in government and the private sector who  
49 have a professional interest in administrative law. There shall be three classes of  
50 membership.

51 1. Any governmental employee who attends the annual conference or the winter  
52 meeting and who pays the ACR registration fee shall be a member of ACR and entitled to  
53 vote on all matters coming before ACR.

54 2. Any nongovernmental person who attends the annual conference or the winter  
55 meeting and who pays the appropriate registration fee and attends the annual  
56 conference or the winter meeting shall be a member of ACR and entitled to be heard on  
57 all issues but not entitled to vote. Nongovernmental members may be appointed to  
58 serve as nonvoting members of standing committees and of special ad hoc committees  
59 at the discretion of the President.

60 3. The term of membership shall commence on the first day of the annual

61 conference or the winter meeting for a period of approximately one year and conclude  
62 on the first day of the next annual conference or winter meeting.

63 4. A governmental employee not attending the annual conference or the winter  
64 meeting who makes a request in writing to the President shall also be a member of ACR.  
65 These members may be appointed to serve as voting members of standing committees  
66 and of special ad hoc committees.

67 *As amended July 1, 2000, and July 16, 2001.*

68

#### 69 **Article IV. Officers.**

70 A. The officers of ACR shall be the President, the Vice President, and the Secretary-  
71 Treasurer. Each officer shall serve for a term of two years or until a successor is selected.  
72 Elections shall be held biennially beginning in 1990. Only governmental members of ACR  
73 may be nominated for office. A member may serve not more than two consecutive terms in  
74 the same office.

75 B. The President may be selected from a state in which the administrative codes and  
76 registers function is not under the jurisdiction of a Secretary of State. Whenever the  
77 President is selected from a non-Secretary of State jurisdiction, the Vice President or  
78 Secretary-Treasurer should be chosen from a state or jurisdiction in which the  
79 administrative code and register function is under the jurisdiction of a Secretary of State.

80 1. ACR shall elect a President, a Vice President, and a Secretary-Treasurer from the  
81 nominees presented to the membership by the Nominations Committee and other  
82 nominees placed into nomination from the floor. The outgoing President shall promptly  
83 report the names of those elected to the NASS Executive Committee.

84 2. If the elected President is unable to serve or complete the term of office, the  
85 elected Vice President shall serve the remainder of the President's term. If the Vice

86 President is unable to serve or complete the term of office, the Secretary-Treasurer shall  
87 serve the remainder of the Vice President's term of office. Should any vacancy remain  
88 in one or more of the elected positions, the President (or the individual who becomes  
89 President upon the vacation of the office) shall, in consultation with the other officer and  
90 the Executive Committee, choose a successor for any vacant position. Any replacement  
91 shall remain in office until the next biennial election of officers is held at the annual  
92 conference.

93 *As amended June 30, 1999, July 1, 2000, July 16, 2001 and July 29, 2002.*

94

## 95 **Article V. Meetings.**

96 A. Regular meetings of ACR shall be held once a year in conjunction with the annual  
97 NASS conference. Meetings may also be held in conjunction with the annual NASS winter  
98 meeting, or as otherwise determined by majority decision of the ACR officers and Executive  
99 Committee.

100 B. ACR meetings shall be chaired by the President or, in the absence of the President,  
101 the Vice President or, in the absence of both the President and Vice President, the  
102 Secretary-Treasurer. In the absence of all three officers, meetings shall be chaired by  
103 someone designated in writing by the President.

104 C. Meetings of ACR and its various committees shall be conducted in accordance with  
105 Robert's Rules of Order.

106 D. There shall be at least two business meetings scheduled at the annual conference.  
107 Changes to these Bylaws shall be presented to the membership at least 30 days before the  
108 conference begins. All other items may be presented less than 30 days before the start of  
109 the conference or at the first business meeting of ACR at the conference at the President's  
110 discretion. A vote may then be taken at the second business meeting provided that the

111 second business meeting occurs at least 24 hours after the meeting at which the item was  
112 presented to the membership.

113 *As amended July 1, 2000, and July 16, 2001.*

114

## 115 **Article VI . Voting.**

116 A. Each member with voting privileges may vote on any matter presented to ACR for  
117 decision by voting.

118 B. Only a member actually present and attending an ACR business meeting is entitled  
119 to vote. All matters shall be decided by a simple majority of the votes cast, except that all  
120 changes to these bylaws shall require a three-fifths majority of the votes cast.

121 C. At the first business meeting of the annual conference, the presiding officer shall call  
122 the roll of voting members for the purpose of establishing a quorum. For conduct of  
123 business, a quorum shall consist of at least fifty percent of the attending voting members  
124 plus one as established by the roll call.

125 *As amended July 1, 2000, and July 16, 2001.*

126

## 127 **Article VII. Duties of the President.**

128 A. The President and, in the absence of the President, the Vice President and, in the  
129 absence of the President and Vice President, the Secretary-Treasurer shall have all the  
130 duties, powers and responsibilities normally ascribed to the highest ranking officer within an  
131 organization, as enumerated in Robert's Rules of Order.

132 B. The powers, duties and responsibilities shall include, but not be limited to, the  
133 following:

134 1. maintain close contact with the NASS Executive Committee member-at-large,  
135 designated as the ACR liaison;

- 136           2. preside at all ACR business meetings;
- 137           3. plan, direct and coordinate the annual ACR conference;
- 138           4. report to the NASS Executive Committee, both at the annual NASS conference
- 139 and at the NASS winter meeting;
- 140           5. prepare and submit for publication in the NASS newsletter any newsworthy items
- 141 regarding ACR activities;
- 142           6. direct the updating, publication and sale of the State and Federal Survey;
- 143           7. account for all monies received and expended by or on behalf of ACR;
- 144           8. appoint all ACR committee chairpersons.

145 *As amended July 1, 2000, July 16, 2001 and July 29, 2002.*

146

147 **Article VIII. Duties of the Vice President and the Secretary-**

148 **Treasurer.**

- 149       A. The duties and responsibilities of the Vice President shall include the following:
- 150           1. oversee and direct all phases of gathering and assembling data, publishing, and
- 151 distributing the State and Federal Survey; and
- 152           2. perform other duties and responsibilities assigned by the President.
- 153       B. The duties and responsibilities of the Secretary-Treasurer shall include the following:
- 154           1. in the capacity of Secretary:
- 155               a. serve as recording secretary during each ACR business meeting, provide a
- 156 copy of the minutes to the President, maintain an archival account of each business
- 157 meeting and promptly surrender all records in good order to the successor
- 158 Secretary-Treasurer; and
- 159               b. oversee the creation of a record of each ACR conference and meeting;
- 160           2. in the capacity of Treasurer:

- 161           a. reconcile financial statements, and report the outcome of reconciliations to  
162           the President and Vice President, and
- 163           b. receive the monthly financial reports prepared by NASS Executive Director  
164           and make a report at both the annual conference and winter meeting on the financial  
165           condition of ACR;
- 166           c. oversee the issuance of checks in payment of ACR expenditures from the ACR  
167           account; and
- 168           3. perform other duties and responsibilities as assigned by the President.

169           *As amended June 30, 1999, July 1, 2000, and July 16, 2001.*

170

171           **Article IX. Emeritus Member.**

172           A. A person who has served as ACR Executive Secretary or President shall enjoy  
173           emeritus status and be entitled to sit as an ex officio member on any committee created by  
174           these bylaws or by the President.

175           B. The ACR President may call upon an emeritus member to serve as an advisor.

176           C. An emeritus member no longer attending the annual conference may continue to  
177           receive, upon request, the NASS newsletter, any other news publication issued by ACR and  
178           the State and Federal Survey.

179           *As amended July 1, 2000, and July 16, 2001.*

180

181           **Article X. Executive Committee.**

182           A. ACR shall have an Executive Committee comprised of the elected officials and one  
183           member with voting privileges, appointed by the President, from each of ACR's regions as  
184           determined by the President. Each Executive Committee member shall serve for a term of  
185           one year or until a successor has been appointed by the President.

186 B. At the direction of the President, regional Executive Committee members shall have  
187 responsibility for distributing materials to ACR members in their regions and shall provide  
188 assistance whenever possible to facilitate gathering information for inclusion in the State  
189 and Federal Survey.

190 C. At the request of the President, the Executive Committee shall meet with the  
191 President at the annual conference or at other times designated by the President for the  
192 purpose of discussing the organization and work of ACR and to provide such other counsel  
193 and assistance as the President may request. The President may conduct these meetings  
194 by conference call or other means available.

195 *As amended July 1, 2000, and July 16, 2001.*

196

## 197 **Article XI. Standing Committees and Committee Duties.**

198 A. Standing Committee members and Committee chairpersons shall be appointed by  
199 the President; Committee chairpersons shall be appointed from among the membership of  
200 the Committee, unless other provision is made in these bylaws for selecting a chairperson.

201 B. Standing Committees shall include, but not be limited to, the following:

202 1. Nominations Committee.

203 a. The Nominations Committee may consist of a member from each region.

204 b. Before the annual conference, the Nominations Committee shall select  
205 nominees for the position of President, Vice President, and Secretary-Treasurer and  
206 shall obtain a letter of consent from the supervisor of each nominee.

207 c. At the annual conference, the Nominations Committee shall present to ACR its  
208 nominees for the posts of President, Vice President, and Secretary-Treasurer.

209 d. The Nominations Committee shall present to the membership only the names  
210 of persons who have submitted, in writing to the Chairperson of the Nominations



211 Committee, a letter of consent from their supervisor.

212 i. The letter shall make clear the professional relationship between the  
213 nominee and the person signing the letter and shall indicate the supervisor's  
214 willingness to allow the nominee to serve, should the nominee be elected by the  
215 membership.

216 ii. If that person is an employee of a Secretary of State, or equivalent officer,  
217 the letter shall be signed by the Secretary of State or equivalent officer.

218 iii. If that person is not an employee of a Secretary of State, the letter shall  
219 be signed by a superior or other person whose consent is sufficient to permit the  
220 nominee to serve.

221 e. Nominations may also be made from the floor at the time the Nominations  
222 Committee presents its recommendations to the membership. Any nomination from  
223 the floor must be accompanied by the letter of consent.

224 i. If the letter of consent cannot be made available by the time ACR is ready  
225 to vote, the nominee may stand for election and be elected upon the nominee's  
226 representation that the letter will be forthcoming.

227 ii. If a letter of consent is not received by the President thirty days after the  
228 nominee's election, the election of that officer is voided and the nominee of the  
229 Nominations Committee shall become the selection of ACR.

230 2. Program Committee.

231 a. The Program Committee shall consist of three ACR members.

232 b. At the discretion of the President, the Program Committee chairperson may  
233 be the Vice President and Committee membership may include Executive Committee  
234 members.

235 c. The Program Committee shall be responsible for planning and coordinating all

236 aspects of the program to be presented at the annual conference; this responsibility  
237 shall continue until the conference is concluded.

238 d. The annual conference program shall initially be presented by the Program  
239 Chairperson to the President at the winter meeting before the conference is to occur.  
240 All program changes and final approval of the program rest with the President.

241 e. The Committee Chairperson shall work closely with the NASS conference  
242 coordinator in the host state, and with the NASS Executive Director to ensure the  
243 success of the conference.

### 244 3. Survey Committee.

245 a. The Survey Committee shall consist of the Executive Committee members;  
246 the Vice President shall serve as Committee Chairperson.

247 b. The Survey Committee shall be responsible for all phases of gathering,  
248 assembling, and publishing information from the states and other jurisdictions for  
249 inclusion in the State and Federal Survey.

250 c. The Survey Committee shall be responsible for the style and format of the  
251 State and Federal Survey and shall submit the style and format in which it proposes  
252 to publish survey results to the President for final approval.

253 d. The State and Federal Survey shall be produced biennially during even  
254 numbered years. Survey forms shall be distributed to the states and other  
255 jurisdictions no later than March 1 of the survey year. The State and Federal Survey  
256 shall be distributed at that summer's annual conference.

257 e. Any state not responding to the written request for information may be polled  
258 by any generally accepted means, including electronic mail so that the State and  
259 Federal Survey may be as complete as possible.

260 f. The Survey Committee is responsible for promoting sales of the State and

261 Federal Survey.

262 4. Awards Committee.

263 a. The Awards Committee shall consist of three ACR members appointed by the  
264 President.

265 b. At the discretion of the President, the Awards Committee chairperson may be a  
266 current or past officer. Committee membership may include members of the Executive  
267 Committee.

268 c. The Awards Committee shall annually solicit and consider nominations for the  
269 Robert J. Colborn, Jr. Innovation Award, and for other awards or recognitions approved  
270 by the officers and Executive Committee, or the membership by majority vote at an  
271 annual conference business meeting.

272 d. The Awards Committee shall present awards at the annual conference.

273 e. The Awards Committee shall establish nomination procedures, format, and  
274 consideration criteria for all awards.

275 *As amended June 30, 1999, July 1, 2000, July 16, 2001 and July 29, 2002.*

276

277 **Article XII. Finances.**

278 A. Expenditures:

279 1. The President is authorized to expend such sums of money as are available and  
280 necessary to promote the objectives of ACR.

281 2. The President shall first obtain the approval of ACR membership for each  
282 expenditure of ACR funds in excess of \$500. If ACR is not in conference, the President  
283 shall obtain the approval of a majority of the Executive Committee members, who may  
284 be polled by any generally accepted means, including electronic mail and their vote  
285 recorded.

286           3. The Secretary-Treasurer or the NASS Executive Director shall issue checks in  
287 payment of ACR expenditures from the ACR account.

288           4. The Secretary-Treasurer or the NASS Executive Director may issue checks only  
289 with prior written approval of the President and Vice President of ACR.

290 B. Extraordinary Expenditures:

291           1. Whenever necessary to ensure the attendance of the President, Vice President,  
292 Secretary-Treasurer, or Program Chairperson at the annual conference or the winter  
293 meeting, the President's, Vice President's, Secretary-Treasurer's or Program  
294 Chairperson's registration fee shall be paid for from ACR funds.

295           2. ACR, at its annual conference or winter meeting, may approve the  
296 reimbursement of ACR registration fees to certain ACR members upon the  
297 recommendation of the President and for good cause shown.

298 C. ACR Account:

299           1. All receipts and expenditures shall be credited and debited through the ACR  
300 account administered by the NASS.

301           2. Thirty days before both the winter meeting and the annual conference, the  
302 Secretary-Treasurer shall obtain from the NASS Executive Director a statement  
303 accounting for all monies received and spent.

304 *As amended June 30, 1999, July 1, 2000, July 16, 2001 and July 29, 2002.*

305

306 **Article XIII. Annual Budgets.**

307           A. ACR shall prepare and adopt its annual conference budget by the following  
308 procedure:

309           1. The ACR program committee shall prepare the annual conference budget in  
310 consultation with the ACR officers;

311           2. The annual conference budget must include, but is not limited to, all speaker  
312 expenses incurred at ACR sessions of the annual conference;

313           3. The ACR program committee chairperson shall present the budget to the NASS  
314 Executive Committee at the winter meeting.

315           B. The officers, in consultation with the Executive Committee, shall prepare an annual  
316 operating budget. The operating budget must include, but is not limited to, the following:

317               1. anticipated expenses relative to the State and Federal Survey;

318               2. awards and recognitions; and

319               3. extraordinary expenses of ACR regional conferences and other extraordinary  
320 expenses specifically approved under Article XII of these bylaws.

321 *As amended July 1, 2000, July 16, 2001 and July 29, 2002.*

322

323 **Article XIV. Conference Funding.**

324           A. The proposed annual ACR conference budget, as submitted to and approved by  
325 NASS, will be included in the annual NASS conference budget.

326           B. The President and, whenever practicable, Vice President, and Secretary-Treasurer  
327 shall confer at the NASS winter meeting with the NASS Executive Director, the NASS  
328 Executive Committee member-at-large ACR liaison, and the Secretary of State hosting the  
329 annual conference to ensure that the host Secretary is aware of the funds needed for ACR's  
330 portion of the conference.

331 *As amended July 1, 2000, July 16, 2001 and July 29, 2002.*