

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

3
4 *(Effective as amended July 18, 2007)*
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23 **Article I. Name.**

24 The name of this organization shall be Administrative Codes and Registers (ACR), a section
25 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 rules;
32 2. to enhance the quality of administrative codes and registers through better style,
33 format and design;
34 3. to encourage the development of administrative codes and registers in jurisdictions
35 where none exist;
36 4. to foster the development of better rulewriting skills and rule review techniques, and

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37 more effective management of the rule promulgation process;

38 5. to increase knowledge of administrative law among ACR members and within the
39 general public;

40 6. to promote membership in ACR among all persons, both in government and in the
41 private sector, who have a professional interest in administrative law; and

42 7. to make recommendations to NASS which ACR believes will help achieve the
43 purposes and objectives of this organization.

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

45

46 **Article III. Membership.**

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

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

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

58 3. The term of membership shall commence on the first day of the annual conference
59 or the winter meeting for a period of approximately one year and conclude on the first day
60 of the next annual conference or winter meeting.

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

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

66

67 **Article IV. Officers.**

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

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

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

82 2. If the elected President is unable to serve or complete the term of office, the elected
83 Vice President shall serve the remainder of the President's term. If the Vice President is
84 unable to serve or complete the term of office, the Secretary-Treasurer shall serve the

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

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

91

92 **Article V. Meetings.**

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

96 B. ACR meetings shall be chaired by the President or, in the absence of the President, the
97 Vice President or, in the absence of both the President and Vice President, the
98 Secretary-Treasurer. In the absence of all three officers, meetings shall be chaired by someone
99 designated in writing by the President.

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

102 D. There shall be at least two business meetings scheduled at the annual conference.
103 Changes to these Bylaws shall be presented to the membership at least 30 days before the
104 conference begins. All other items may be presented less than 30 days before the start of the
105 conference or at the first business meeting of ACR at the conference at the President's
106 discretion. A vote may then be taken at the second business meeting provided that the second
107 business meeting occurs at least 24 hours after the meeting at which the item was presented
108 to the membership.

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

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110 **Article VI . Voting.**

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

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

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

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

121

122 **Article VII. Duties of the President.**

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

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

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

130 2. preside at all ACR business meetings;

131 3. plan, direct and coordinate the annual ACR conference;

132 4. report to the NASS Executive Committee, both at the annual NASS conference and
133 at the NASS winter meeting;

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- 134 5. prepare and submit for publication in the NASS newsletter any newsworthy items
135 regarding ACR activities;
- 136 6. direct the updating, publication and sale of the State and Federal Survey;
- 137 7. account for all monies received and expended by or on behalf of ACR;
- 138 8. appoint all ACR committee chairpersons.

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

140

141 Article VIII. Duties of the Vice President and the Secretary-Treasurer.

142 A. The duties and responsibilities of the Vice President shall include the following:

- 143 1. oversee and direct all phases of gathering and assembling data, publishing, and
144 distributing the State and Federal Survey; and
- 145 2. perform other duties and responsibilities assigned by the President.

146 B. The duties and responsibilities of the Secretary-Treasurer shall include the following:

147 1. in the capacity of Secretary:

- 148 a. serve as recording secretary during each ACR business meeting, provide a copy
149 of the minutes to the President, maintain an archival account of each business meeting
150 and promptly surrender all records in good order to the successor Secretary-Treasurer;
151 and

152 b. oversee the creation of a record of each ACR conference and meeting;

153 2. in the capacity of Treasurer:

- 154 a. reconcile financial statements, and report the outcome of reconciliations to the
155 President and Vice President, and

156 b. receive the monthly financial reports prepared by NASS Executive Director and
157 make a report at both the annual conference and winter meeting on the financial
158 condition of ACR;

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- 159 c. oversee the issuance of checks in payment of ACR expenditures from the ACR
160 account; and
- 161 3. perform other duties and responsibilities as assigned by the President.

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

163

164 **Article IX. Emeritus Member.**

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

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

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

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

173

174 **Article X. Executive Committee.**

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

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

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

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

189

190 **Article XI. Standing Committees and Committee Duties.**

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

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

195 1. Nominations Committee.

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

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

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

202 d. The Nominations Committee shall present to the membership only the names of
203 persons who have submitted, in writing to the Chairperson of the Nominations
204 Committee, a letter of consent from their supervisor.

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

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

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

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

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

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

222 2. Program Committee.

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

224 b. At the discretion of the President, the Program Committee chairperson may be
225 the Vice President and Committee membership may include Executive Committee
226 members.

227 c. The Program Committee shall be responsible for planning and coordinating all
228 aspects of the program to be presented at the annual conference; this responsibility shall
229 continue until the conference is concluded.

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

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

236 3. Survey Committee.

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

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

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

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

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

252 f. The Survey Committee is responsible for promoting sales of the State and Federal
253 Survey.

254 4. Awards Committee.

255 a. The Awards Committee shall consist of three ACR members appointed by the
256 President.

257 b. At the discretion of the President, the Awards Committee chairperson may be a

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258 current or past officer. Committee membership may include members of the Executive
259 Committee.

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

264 i. The Awards Committee may present awards of appreciation to the President, Vice
265 President and Secretary-Treasurer.

266 ii. The Awards Committee may present a resolution of appreciation to a member
267 with 10 years or more service upon retirement from ACR.

268 iii. The Awards Committee may present an award of appreciation to the Program
269 Committee Chairperson during the annual conference.

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

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

273 *As amended June 30, 1999, July 1, 2000, July 16, 2001, July 29, 2002 and July 18, 2007.*

274

275 **Article XII. Finances.**

276 A. Expenditures:

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

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

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

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

287 B. Extraordinary Expenditures:

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

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

295 C. ACR Account:

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

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

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

302

303 **Article XIII. Annual Budgets.**

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

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

307 2. The annual conference budget must include, but is not limited to, all speaker

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308 expenses incurred at ACR sessions of the annual conference;

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

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

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

314 2. awards and recognitions; and

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

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

318

319 **Article XIV. Conference Funding.**

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

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

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

328