

Administrative Codes and Registers BYLAWS

(Effective as amended July 21, 2013)

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Article I. Name.

The name of this organization is Administrative Codes and Registers (ACR), a section of the National Association of Secretaries of State (NASS) an organization in the United States of America.

As amended July 16, 2001 and July 21, 2013.

Article II. Objectives.

The objectives of ACR include:

- A. To gather, exchange and disseminate facts, information and ideas that relate to the publication and distribution of administrative codes and;
- B. To improve the quality of administrative codes and registers through better style, format and design;
- C. To promote the development of administrative codes and registers in jurisdictions where none exist;
- D. To foster and help develop standards for the writing of clear and concise rules and to improve upon rules review;
- E. To promote effective management practices of the rule promulgation process;
- F. To educate ACR members and the public about administrative law and to encourage public participation in the rulemaking process;
- G. To promote ACR memberships to those who have a professional interest in administrative law; and
- H. To make recommendations to NASS for improving this organization.

As amended July 1, 2000, July 16, 2001 and July 21, 2013.

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Article III. Membership.

ACR membership is open to anyone who has a professional interest in administrative law. There are two classes of membership.

A. Governmental Employee Membership.

1. Membership Requirements: Any governmental employee who attends the annual conference or the winter meeting and who pays the ACR conference or meeting registration fee will be a member of ACR. A governmental employee who expects to be unable to attend the annual conference or the winter meeting may request to be a member of ACR by writing to the President. The President may approve a membership request to be valid for no longer than the President's term of office. The President will report the approval or rejection of any membership requests at the first business meeting of the annual conference and winter meeting to be counted in the roll call for the purpose of establishing a quorum.
2. Voting Privileges: Governmental employee members are entitled to vote on all matters coming before ACR.
3. Service Level: Governmental employee members may be appointed by the President to serve as voting members of standing committees and of special ad hoc committees with voting privileges on these committees.

B. Nongovernmental Membership.

1. Membership Requirements: Any nongovernmental person who attends the annual conference or the winter meeting and who pays the conference or meeting registration fee will be a member of ACR.
2. Voting Privileges: Nongovernmental members are entitled to be heard on all issues but do not have ACR voting privileges.
3. Service Level: Nongovernmental members may be appointed by the President to serve as nonvoting members of standing committees and of special ad hoc committees.

C. Membership Terms.

1. The term of membership will commence on the first day of the annual conference or the winter meeting for a period of approximately one year and conclude on the first day of the next annual conference or winter meeting.
2. The term of a governmental employee who puts a membership in writing to the President will commence the day the request is received by the President and conclude on the first day of the next annual conference.

As amended July 1, 2000, July 16, 2001 and July 21, 2013.

Article IV. Meetings.

- A. Meeting Schedule: Meetings of ACR are held once a year in conjunction with the annual NASS conference. Meetings may also be held in conjunction with the annual NASS winter meeting, or as otherwise determined by majority decision of the ACR officers and Executive Committee.
- B. Meeting Chair: ACR meetings are chaired by the President or, in the absence of the President, the Vice President or, in the absence of both the President and Vice President, the Secretary-Treasurer. In the absence of all three officers, meetings will be chaired by a governmental employee member in good standing designated in writing by the President.
- C. Meeting Rules: Meetings of ACR and its various committees are conducted in accordance with Robert's Rules of Order.

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D. Meeting Agenda:

1. ACR meeting agendas will be posted on the ACR website.
2. There will be at least two business meetings scheduled at the annual conference.
3. Amendments to ACR Bylaws must be presented to the membership for review at least 30 days before the conference.
4. All other items may be presented less than 30 days before the conference or at the first ACR business meeting at the conference at the President's discretion. A vote on all other items may then be taken at the second business meeting provided that the second business meeting occurs at least 24 hours after the meeting at which the item was presented.

As amended July 1, 2000, July 16, 2001 and July 21, 2013.

Article V. Voting.

- A. Any governmental employee member in good standing may vote on any matter presented to ACR for decision by voting.
- B. For a vote to be counted at a business meeting a governmental employee member must be present. A governmental employee who attends a business meeting via an Internet teleconference is considered present and eligible to vote if the employee has received approval to be a member of ACR as provided under Article III.
- C. All matters are decided by a simple majority of the votes cast, except all bylaw require a three-fifths majority of the votes cast.
- D. The presiding officer will call the roll of voting members for the purpose of establishing a quorum at the first business meeting of the annual conference and winter meeting. To conduct business, a quorum will consist of at least fifty percent of the attending voting members plus one.

As amended July 1, 2000, July 16, 2001 and July 21, 2013.

Article VI. Officers.

- A. Officers: The officers of ACR are the President, the Vice President, and the Secretary-Treasurer.
 1. Elections are held biennially beginning in 1990 at the annual conference.
 2. Each officer will serve a term of two years or until a successor is selected.
 3. A member will not serve more than two consecutive terms in the same office.
 4. Only governmental employee members of ACR in good standing can be nominated for office.
- B. Jurisdiction Requirements: The President may be selected from a state in which the administrative codes and registers function is not under the jurisdiction of a Secretary of State. Whenever the President is elected from a non-Secretary of State jurisdiction, either the Vice President or Secretary-Treasurer must be chosen from a state or jurisdiction in which the administrative code and register function is under the jurisdiction of a Secretary of State.
- C. Election Requirements: Voting ACR members shall elect a President, a Vice President, and a secretary-Treasurer from nominees presented by the Nominations Committee. Other nominees may be placed into nomination from the floor.
- D. Reporting to NASS: The outgoing President must report the names of those elected to the NASS Executive Committee.

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E. Officer Resignation: All officers who choose to resign must put his or her resignation in writing to ACR.

1. If the elected President is unable to serve or complete the term of office, the elected Vice President will serve the remainder of the President's term.
2. If the Vice President is unable to serve or complete the term of office, the Secretary-Treasurer will serve the remainder of the Vice President's term of office.
3. Should any vacancy remain in one or more of the elected positions, the President (or the individual who becomes President upon the vacation of the office) will, in consultation with the other officer and the Executive Committee, appoint a successor for any vacant position.
4. Any replacement will remain in office until the next biennial election of officers is held at the annual conference at which time may be nominated for one more two year term.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 29, 2002 and July 21, 2013.

Article VII. Duties of the President.

A. The President will:

1. maintain close contact with the NASS Executive Committee member-at-large, designated as the ACR liaison;
2. preside over all ACR business meetings;
3. plan, direct and coordinate the annual ACR conference;
4. report to the NASS Executive Committee, both at the annual NASS conference and at the NASS winter meeting;
5. prepare and submit for publication in the NASS newsletter any newsworthy items regarding ACR activities;
6. direct the updating, publication and sale of the State and Federal Survey;
7. account for all monies received and expended by or on behalf of ACR; and
8. appoint all ACR committee chairpersons.

As amended July 1, 2000, July 16, 2001, July 29, 2002 and July 21, 2013.

Article VIII. Duties of the Vice President.

A. The Vice President will:

1. be managing editor of the ACR State and Federal Survey and chair of the Survey Committee. The managing editor shall gather and assemble survey data, paginate, publish and distribute the State and Federal Survey;
2. in the absence of the President have all the duties, powers, and responsibilities of the President; and
3. perform other duties as assigned by the President.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 27, 2008 and July 21, 2013.

Article IX. Duties of the Secretary-Treasurer.

A. The Secretary-Treasurer will:

1. As Secretary:
 - a. record the minutes of ACR business meetings, and provide a paper or an electronic copy of the minutes to the President;

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- b. make available a paper or an electronic copy to any ACR member in good standing who requests business meeting minutes;
 - c. create a record of NASS conference and ACR meeting agendas; and
 - d. serve as the official historian of ACR, whose duties include the following:
 - i. create and maintain a paper and electronic archive of ACR officer correspondence, ACR business meeting minutes, NASS conference agendas; ACR meeting agendas and presentations; and ACR membership directories, photos and any other documents or records deemed valuable to preserve;
 - ii. provide the information listed in subsection (B)(1)(d)(i) to the Website Committee for posting on the ACR Website; and
 - iii. transfer all archived records in good order to the successor Secretary-Treasurer.
2. As Treasurer:
- a. reconcile financial statements, and report the outcome of reconciliations to the President and Vice President;
 - b. receive the monthly financial reports prepared by NASS Executive Director;
 - c. compile the ACR Treasurer's Report to be presented at both the annual conference and winter meeting; and
 - d. oversee the issuance of checks in payment of ACR expenditures from the ACR account.
3. in the absence of the Vice President have all the duties, powers, and responsibilities of the Vice president;
4. in the absence of the President and Vice President have all the duties, powers, and responsibilities of the President; and
5. perform other duties and responsibilities as assigned by the President.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 27, 2008 and July 21, 2013.

Article X. Emeritus Member.

- A. A member who has served as ACR Executive Secretary or President enjoys emeritus status and is entitled to sit as an ex officio member on any committee created under these bylaws or by the President.
- B. The ACR President may call upon an emeritus member to serve as an advisor.
- C. An emeritus member no longer attending the annual conference may continue to receive, upon request, the NASS newsletter, or any other news publication issued by ACR and the State and Federal Survey.

As amended July 1, 2000, July 16, 2001 and July 21, 2013.

Article XI. Executive Committee.

- A. Appointment. ACR will have an Executive Committee comprised of:
 - 1. The elected officers; and
 - 2. one governmental employee member with voting privileges, appointed by the President, from each of ACR's regions as determined by the President.
- B. Term. Each Executive Committee member will serve for a term of one year or until a successor has been appointed by the President.
- C. Duties.

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1. At the direction of the President, regional Executive Committee members will distribute materials to ACR members in their regions.
2. Upon request of the Vice President, Executive Committee members will provide assistance gather State and Federal Survey data.

D. Meetings.

1. At the request of the President, the Executive Committee will meet with the President to discuss ACR matters:
 - a. at the annual conference;
 - b. at the winter meeting; or
 - c. at another time as scheduled by the President.
2. The President may conduct these meetings by conference call or other means available.

As amended July 1, 2000, July 16, 2001 and July 21, 2013.

Article XII. Standing Committees.

A. Appointment and Chair:

1. Standing Committee members will be appointed by the President;
2. Standing Committee chairpersons will be appointed from among the membership of the Committee, unless otherwise provided under another bylaw in this Article.

B. Term. A standing committee member and chair serve at the pleasure of the President.

C. Types. Standing Committees must include the following:

1. Nominations Committee.
 - a. The Nominations Committee may consist of a member from each region.
 - b. Before the annual conference, the Nominations Committee will select nominees for the position of President, Vice President, and Secretary-Treasurer. The Committee chair or chair's designee must obtain a letter of consent from the supervisor of each nominee.
 - i. The letter must make clear the professional relationship between the nominee and the person signing the letter and indicate the supervisor's willingness to allow the nominee to serve, should the nominee be elected by the membership.
 - ii. If that person is an employee of a Secretary of State, or equivalent officer, the letter must be signed by the Secretary of State or equivalent officer.
 - iii. If that person is not an employee of a Secretary of State, the letter must be signed by a superior or other person whose consent is sufficient to permit the nominee to serve.
 - c. At the annual conference, the Nominations Committee will present to ACR its nominees for the posts of President, Vice President, and Secretary-Treasurer.
 - d. The Nominations Committee will present to the membership only the names of persons who have submitted, in writing to the Chairperson of the Nominations Committee, a letter of consent from their supervisor.
 - e. Nominations may also be made from the floor at the time the Nominations Committee presents its recommendations to the membership. Any nomination from the floor must be accompanied by the letter of consent as specified under subsection (C)(1)(B)(i) through (iii).

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- i. If the letter of consent cannot be made available by the time ACR is ready to vote, the nominee may stand for election and be elected upon the nominee's representation that the letter will be forthcoming.
 - ii. If a letter of consent is not received by the President thirty days after the nominee's election, the election of that officer is voided and the nominee of the Nominations Committee will become the selection of ACR.
2. Program Committee.
 - a. The President will appoint the Program Committee consisting of ACR members.
 - b. At the discretion of the President, the Program Committee chairperson may be the Vice President and Committee membership may include Executive Committee members.
 - c. The Program Committee will plan and coordinate all aspects of the annual conference program agenda to include: program content and coordinating sessions; obtaining and booking speakers; balance sheet (costs) for the program; anticipating attendance and venue size; snack and beverage sponsorship and set-up; sponsorship and obtaining of audiovisual equipment, microphones etc.; and conference evaluations. The Program Committee chair or designee is responsible for the day-to-day program schedule at the conference and serves in this position until the end of the conference.
 - d. A draft of the annual conference program must be presented by the Program Chairperson to the President at the winter meeting before the annual conference.
 - e. The President will review program drafts and approve or disapprove portions of the program. All program changes and final agenda approval rest with the President.
 - f. The Committee Chairperson will work with the NASS conference coordinator in the host state, and with the NASS Executive Director to ensure the success of the conference.
3. Survey Committee.
 - a. The Survey Committee will consist of the Executive Committee members; the Vice President will serve as Committee Chairperson.
 - b. The Survey Committee will gather and assemble information from the states and other jurisdictions to be published in the State and Federal Survey.
 - c. The Survey Committee will be responsible for the style and format of the State and Federal Survey and will submit the style and format in which it proposes to publish survey results to the President for final approval.
 - d. The State and Federal Surveys must be printed at the most advantageous cost to ACR.
 - e. The State and Federal Survey is produced biennially during even numbered years. Survey forms will be distributed to the states and other jurisdictions no later than March 1 of the survey year. The State and Federal Survey will be distributed at that summer's annual conference.
 - f. Any state not responding to the written request for information may be polled by any generally accepted means, including email so that the State and Federal Survey may be as complete as possible.
 - g. The Survey Committee will promote sales of the State and Federal Survey.
4. Awards Committee.
 - a. The Awards Committee will consist of three ACR members appointed by the President.

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- b. At the discretion of the President, the Awards Committee chairperson may be a current or past officer. Committee membership may include members of the Executive Committee.
 - c. The Awards Committee will solicit and consider nominations annually for the Robert J. Colborn, Jr. Innovation Award, and for other awards or recognitions approved by the officers and Executive Committee, or the membership by majority vote at an annual conference business meeting.
 - d. The Awards Committee may present awards of appreciation to the President, Vice President, and Secretary-Treasurer.
 - e. The Awards Committee may present a resolution of appreciation to a member with 10 years or more service upon retirement from ACR.
 - f. The Awards Committee may present an award of appreciation to the Program Committee Chairperson during the conference.
 - g. The Awards Committee must present awards at the annual conference.
 - h. The Awards Committee must establish nomination procedures, format, and consideration criteria for all awards.
5. Website Committee.
- a. The Website Committee will consist of three ACR members appointed by the President.
 - b. The committee members will be the webmasters of the ACR Website;
 - c. At least one committee member must have a background in website development or knowledge of website construction; and
 - d. The Website Committee will:
 - i. Maintain the ACR Website;
 - ii. Solicit ideas from ACR members and consider changes to the ACR Website;
 - iii. Post documents provided by the Secretary-Treasurer and other information provided by ACR officers and members, as appropriate; and
 - iv. Maintain Website file structures so that documents are accessible and archived.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 29, 2002, July 17, 2007, July 27, 2008 and July 21, 2013.

Article XIII. Finances.

A. Expenditures:

- 1. The President is authorized to expend such sums of money as are available and necessary to promote the objectives of ACR.
- 2. The President must first obtain the approval of ACR membership for each expenditure of ACR funds in excess of \$500. If ACR is not in conference, the President must obtain the approval of a majority of the Executive Committee members, who may be polled by any generally accepted means, including email and their vote recorded.
- 3. The ACR Secretary-Treasurer or the NASS Executive Director will issue checks in payment of ACR expenditures from the ACR account.
- 4. The ACR Secretary-Treasurer or the NASS Executive Director may issue checks only with prior written approval of the President and Vice President of ACR.

B. Extraordinary Expenditures:

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1. Whenever necessary to ensure the attendance of the President, Vice President, Secretary-Treasurer, or Program Chairperson at the annual conference or the winter meeting, the President's, Vice President's, Secretary-Treasurer's or Program Chairperson's registration fee will be paid for from ACR funds.
2. ACR, at its annual conference or winter meeting, may approve the reimbursement of NASS conference registration fees from ACR funds to certain ACR members upon the recommendation of the President and for good cause shown.

C. ACR Account:

1. All receipts and expenditures will be credited and debited through the ACR account administered by the NASS.
2. Thirty days before both the winter meeting and the annual conference, the Secretary-Treasurer must obtain from the NASS Executive Director a statement accounting for all monies received and spent.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 29, 2002, July 27, 2008 and July 21, 2013.

Article XIV. Annual Budgets.

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

1. The ACR program committee will prepare the annual conference budget in consultation with the ACR officers;
2. The annual conference budget must include, but is not limited to, all speaker expenses incurred at ACR sessions of the annual conference;
3. The ACR program committee chairperson must present the budget to the NASS Executive Committee at the winter meeting.

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

1. anticipated expenses relative to the State and Federal Survey;
2. awards and recognitions; and
3. extraordinary expenses of ACR regional conferences and other extraordinary expenses specifically approved under Article XII of these bylaws.

As amended July 1, 2000, July 16, 2001, July 29, 2002 and July 21, 2013.

Article XV. Conference Funding.

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

As amended July 1, 2000, July 16, 2001, July 29, 2002 and July 21, 2013.