

# Administrative Codes and Registers BYLAWS

(Effective as amended July 27, 2008)

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## Article I. Name.

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

*As amended July 16, 2001.*

## Article II. Objectives.

The objectives of ACR are to:

1. gather, exchange and disseminate facts, information and ideas relating to the publication and distribution of administrative codes and registers and the review of rules;
2. enhance the quality of administrative codes and registers through better style, format and design;
3. encourage the development of administrative codes and registers in jurisdictions where none exist;
4. foster the development of better rulewriting skills and rule review techniques, and more effective management of the rule promulgation process;
5. increase knowledge of administrative law among ACR members and within the general public;
6. promote membership in ACR among all persons, both in government and in the private sector, who have a professional interest in administrative law; and
7. make recommendations to NASS which ACR believes will help achieve the purposes and objectives of this organization.

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

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44 **Article III. Membership.**

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

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

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

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

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

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

64  
65 **Article IV. Officers.**

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

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

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

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

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

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90

91 **Article V. Meetings.**

92 A. Regular meetings of ACR shall be held once a year in conjunction with the annual NASS  
93 conference. Meetings may also be held in conjunction with the annual NASS winter  
94 meeting, or as otherwise determined by majority decision of the ACR officers and Executive  
95 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 Secretary-  
98 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  
105 the 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  
107 second business meeting occurs at least 24 hours after the meeting at which the item was  
108 presented to the membership.

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

110

111 **Article VI . Voting.**

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

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

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

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

122

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

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

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

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

131 2. preside at all ACR business meetings;

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

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

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

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

141

142 **Article VIII. Duties of the Vice President and the Secretary-**  
143 **Treasurer.**

- 144 A. The duties and responsibilities of the Vice President shall include the following:
- 145 1. oversee and direct all phases of gathering and assembling data, publishing, and  
146 distributing the State and Federal Survey; and
- 147 2. perform other duties and responsibilities assigned by the President.
- 148 B. The duties and responsibilities of the Secretary-Treasurer shall include the following:
- 149 1. in the capacity of Secretary:
- 150 a. record the minutes of ACR business meetings, and provide a paper or an  
151 electronic copy of the minutes to the President;
- 152 b. make available a paper or an electronic copy to any ACR member in good standing  
153 who requests business meeting minutes;
- 154 c. create a record of NASS conference and ACR meeting agendas; and
- 155 d. serve as the official historian of ACR. In the capacity of historian, duties shall  
156 include the following:
- 157 i. create and maintain a paper and electronic archive of ACR officer  
158 correspondence, ACR business meeting minutes, NASS conference agendas; ACR  
159 meeting agendas and presentations; and ACR membership directories, photos and  
160 any other documents or records deemed valuable to preserve;
- 161 ii. provide the information listed in subsection (B)(1)(d)(i) to the Website  
162 Committee for posting on the ACR Website; and
- 163 iii. transfer all archived records in good order to the successor Secretary-  
164 Treasurer.
- 165 B. The duties and responsibilities of the Secretary-Treasurer shall include the following:
- 166 1. in the capacity of Secretary:
- 167 a. serve as recording secretary during each ACR business meeting, provide a copy  
168 of the minutes to the President, maintain an archival account of each business  
169 meeting and promptly surrender all records in good order to the successor  
170 Secretary-Treasurer; and
- 171 b. oversee the creation of a record of each ACR conference and meeting;
- 172 2. in the capacity of Treasurer:
- 173 a. reconcile financial statements, and report the outcome of reconciliations to the  
174 President and Vice President; and

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

178           c. oversee the issuance of checks in payment of ACR expenditures from the ACR  
179           account; and

180           3. perform other duties and responsibilities as assigned by the President.

181           *As amended June 30, 1999, July 1, 2000, July 16, 2001, and July 27, 2008.*

182

183           **Article IX. Emeritus Member.**

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

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

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

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

192

193           **Article X. Executive Committee.**

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

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

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

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

208

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

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

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

214           1. Nominations Committee.

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

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

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- 219 c. At the annual conference, the Nominations Committee shall present to ACR its  
220 nominees for the posts of President, Vice President, and Secretary-Treasurer.
- 221 d. The Nominations Committee shall present to the membership only the names of  
222 persons who have submitted, in writing to the Chairperson of the Nominations  
223 Committee, a letter of consent from their supervisor.
- 224 i. The letter shall make clear the professional relationship between the nominee  
225 and the person signing the letter and shall indicate the supervisor's willingness to  
226 allow the nominee to serve, should the nominee be elected by the membership.
- 227 ii. If that person is an employee of a Secretary of State, or equivalent officer,  
228 the letter shall be signed by the Secretary of State or equivalent officer.
- 229 iii. If that person is not an employee of a Secretary of State, the letter shall be  
230 signed by a superior or other person whose consent is sufficient to permit the  
231 nominee to serve.
- 232 e. Nominations may also be made from the floor at the time the Nominations  
233 Committee presents its recommendations to the membership. Any nomination from  
234 the floor must be accompanied by the letter of consent.
- 235 i. If the letter of consent cannot be made available by the time ACR is ready to  
236 vote, the nominee may stand for election and be elected upon the nominee's  
237 representation that the letter will be forthcoming.
- 238 ii. If a letter of consent is not received by the President thirty days after the  
239 nominee's election, the election of that officer is voided and the nominee of the  
240 Nominations Committee shall become the selection of ACR.
- 241 2. Program Committee.
- 242 a. The Program Committee shall consist of three ACR members.
- 243 b. At the discretion of the President, the Program Committee chairperson may be  
244 the Vice President and Committee membership may include Executive Committee  
245 members.
- 246 c. The Program Committee shall be responsible for planning and coordinating all  
247 aspects of the program to be presented at the annual conference; this responsibility  
248 shall continue until the conference is concluded.
- 249 d. The annual conference program shall initially be presented by the Program  
250 Chairperson to the President at the winter meeting before the conference is to occur.  
251 All program changes and final approval of the program rest with the President.
- 252 e. The Committee Chairperson shall work closely with the NASS conference  
253 coordinator in the host state, and with the NASS Executive Director to ensure the  
254 success of the conference.
- 255 3. Survey Committee.
- 256 a. The Survey Committee shall consist of the Executive Committee members; the  
257 Vice President shall serve as Committee Chairperson.
- 258 b. The Survey Committee shall be responsible for all phases of gathering,  
259 assembling, and publishing information from the states and other jurisdictions for  
260 inclusion in the State and Federal Survey.

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- 261 c. The Survey Committee shall be responsible for the style and format of the State  
262 and Federal Survey and shall submit the style and format in which it proposes to  
263 publish survey results to the President for final approval.
- 264 d. The State and Federal Survey shall be produced biennially during even numbered  
265 years. Survey forms shall be distributed to the states and other jurisdictions no later  
266 than March 1 of the survey year. The State and Federal Survey shall be distributed  
267 at that summer's annual conference.
- 268 e. Any state not responding to the written request for information may be polled by  
269 any generally accepted means, including electronic mail so that the State and  
270 Federal Survey may be as complete as possible.
- 271 f. The Survey Committee is responsible for promoting sales of the State and  
272 Federal Survey.
- 273 4. Awards Committee.
- 274 a. The Awards Committee shall consist of three ACR members appointed by the  
275 President.
- 276 b. At the discretion of the President, the Awards Committee chairperson may be a  
277 current or past officer. Committee membership may include members of the  
278 Executive Committee.
- 279 c. The Awards Committee shall solicit and consider nominations annually for the  
280 Robert J. Colborn, Jr. Innovation Award, and for other awards or recognitions  
281 approved by the officers and Executive Committee, or the membership by majority  
282 vote at an annual conference business meeting.
- 283 i. The Awards Committee may present awards of appreciation to the President,  
284 Vice President, and Secretary-Treasurer.
- 285 ii. The Awards Committee may present a resolution of appreciation to a member  
286 with 10 years or more service upon retirement from ACR.
- 287 iii. The Awards Committee may present an award of appreciation to the Program  
288 Committee Chairperson during the conference.
- 289 d. The Awards Committee shall present awards at the annual conference.
- 290 e. The Awards Committee shall establish nomination procedures, format, and  
291 consideration criteria for all awards.
- 292 5. Website Committee
- 293 a. The Website Committee shall consist of three ACR members appointed by the  
294 President who shall be the webmasters of the ACR website;
- 295 b. At least one committee member shall have a background in website development  
296 or knowledge of website construction; and
- 297 c. The Website Committee shall:
- 298 i. Maintain the ACR Website;
- 299 ii. Solicit ideas from ACR members and consider changes to the ACR Website;
- 300 iii. Post documents provided by the Secretary-Treasurer and other information  
301 provided by ACR officers and members, as appropriate; and

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302           iv. Maintain website file structures so that documents are accessible and  
303           archived.

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

305

306   **Article XII. Finances.**

307   A. Expenditures:

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

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

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

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

318   B. Extraordinary Expenditures:

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

323           2. ACR, at its annual conference or winter meeting, may approve the reimbursement of  
324           NASS conference registration fees from ACR funds to certain ACR members upon the  
325           recommendation of the President and for good cause shown.

326   C. ACR Account:

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

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

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

333

334   **Article XIII. Annual Budgets.**

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

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

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

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

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

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



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- 345           2. awards and recognitions; and  
346           3. extraordinary expenses of ACR regional conferences and other extraordinary  
347           expenses specifically approved under Article XII of these bylaws.

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

349

350           **Article XIV. Conference Funding.**

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

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

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

359