

## ACR Proposed Bylaw Amendments 2014 v. 2

### 1 **Article III. Membership.**

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

#### 4 A. Governmental Employee Membership Types.

5 ~~1. Membership Requirements: Any governmental employee who attends the annual conference or the winter~~  
6 ~~meeting and who pays the ACR conference or meeting registration fee will be a member of ACR. A governmental~~  
7 ~~employee who expects to be unable to attend the annual conference or the winter meeting may request to be a~~  
8 ~~member of ACR by writing to the President. The President may approve a membership request to be valid for no~~  
9 ~~longer than the President's term of office. The President will report the approval or rejection of any membership~~  
10 ~~requests at the first business meeting of the annual conference and winter meeting to be counted in the roll call~~  
11 ~~for the purpose of establishing a quorum.~~

12 ~~2. Voting Privileges: Governmental employee members are entitled to vote on all matters coming before ACR.~~

13 ~~3. Service Level: Governmental employee members may be appointed by the President to serve as voting~~  
14 ~~members of standing committees and of special ad hoc committees with voting privileges on these committees.~~

#### 15 1. Governmental

16 a. Active. This is a governmental employee who currently works for the federal government, a  
17 state, territory, or protectorate.

18 b. Retired. This is a governmental employee who has retired from the federal government, a  
19 state, territory, or protectorate, who has performed outstanding service to the organization and  
20 desires to maintain membership.

21 c. Honorary. This is a governmental employee who has worked for the federal government, a  
22 state, territory, or protectorate for more than five years, who has not retired and has performed  
23 outstanding service to the organization and desires to maintain membership.

24 d. Emeritus. This is a governmental employee who has served as the ACR Executive Secretary  
25 or President. These members maintain a lifetime membership and enjoy the privileges set forth  
26 under Article X. Emeritus Member.

27 e. Academic. This is a governmental employee who works for a state academic institution who  
28 has a professional interest in administrative law. This membership includes institution counsel.

#### 29 2. Non-governmental

30 a. NASS/ACR Corporate Affiliate. Platinum, Gold, Silver. This is a corporate entity that has  
31 applied to become a NASS corporate affiliate and monetarily supports NASS and ACR.

32 b. NASS/ACR Conference Sponsor. This is a corporate entity that monetarily sponsors a specific  
33 conference or meeting.

34 c. ACR Corporate Member. This is an individual or corporate entity who is not a corporate affiliate  
35 or a conference or meeting sponsor that is for profit and has a professional interest in  
36 administrative law.

37 e. Non-profit organization. This is a non-profit entity that has a professional interest in  
38 administrative law.

39 f. Academic. This is an employee who works for a for-profit academic institution who has a  
40 professional interest in administrative law. This membership includes institution counsel.

41 g. ACR does not endorse, authorize or approve products or services offered by non-  
42 governmental members.

#### 43 B. Nongovernmental Membership: Dues

##### 44 1. Membership Requirements: Governmental.

45 a. Any governmental employee who pays the annual conference or meeting registration fee will  
46 be a member of the organization. Any academic member who pays the academic registration fee  
47 will be a member of the organization.

48 b. Any governmental employee who expects to be unable to attend the annual conference or  
49 meeting may put a request in writing to the President to maintain membership. If approved, the  
50 request is good through the next annual conference. The President will report the approval or  
51 rejection of any membership request at the first business meeting of the annual conference or  
52 winter meeting.

53 c. If a governmental employee does not attend a conference or meeting, nor provides a request  
54 to maintain a membership, the governmental employee may reinstate a membership the next  
55 fiscal year by initiating the provisions under this section.

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56 ~~Any nongovernmental person who attends the annual conference or the winter meeting and who pays the~~  
57 ~~conference or meeting registration fee will be a member of ACR.~~

### 58 2. Non-governmental

- 59 a. NASS/ACR Corporate Affiliate. Any corporate affiliate that pays the NASS corporate affiliate  
60 annual conference or meeting registration fee will be a member of the organization.  
61 b. NASS/ACR Conference Sponsor. Any corporate sponsor that contributes monetarily to a  
62 NASS/ACR conference or meeting will be a member of the organization.  
63 d. Corporate. Any corporate employee who pays the NASS corporate non-member annual  
64 conference or meeting registration fee will be a member of the organization.  
65 e. Non-profit. Any non-profit employee who pays the NASS non-profit annual conference or  
66 meeting registration fee will be a member of the organization.  
67 f. A complimentary conference or meeting registration given by NASS to non-governmental  
68 members under subsection (B)(2)(a) or (b) will be members of the organization.

### 70 C. ~~2.~~ Voting Privileges:

- 71 1. Governmental: Each member who has paid their dues shall have one vote on each question before  
72 ACR requiring action. A member will disclose a conflict of interest and will not vote on such matters  
73 deemed a conflict of interest. Proxy voting is prohibited.  
74 2. ~~Nongovernmental~~ Non-governmental members who have paid their dues are entitled to will be heard  
75 on all issues before ACR requiring action but do not have ACR voting privileges.

### 77 ~~3.~~ D. Service Level:

- 78 1. Governmental: Active or academic members may be appointed by the President to standing  
79 committees, special ad hoc committees and serve as regional representatives. Only active or academic  
80 members may seek office. Retired, honorary and emeritus members may serve as advisors to ACR  
81 officers, standing committees and special ad hoc committees.  
82 2. ~~Nongovernmental~~ Non-governmental members may be appointed by the President to serve as  
83 ~~nonvoting~~ non-voting members of standing committees and ~~of~~ special ad hoc committees.

### 84 G. ~~E.~~ Membership Terms Term

- 85 1. ~~The term of membership will commence on~~ Membership begins the first day of the annual conference  
86 or the winter meeting for a period of approximately one year and ~~conclude~~ concludes on the first day of  
87 the next annual conference or ~~winter~~ meeting.  
88 2. The term of a governmental employee who puts a membership request in writing to the President will  
89 commence the day the President receives the request ~~is received by the President~~ and conclude on the  
90 first day of the next annual conference or meeting.  
91 3. A membership is non-transferable.

### 92 F. Membership Principles

- 93 1. A member will be of good moral character and reflect a favorable image of ACR.  
94 2. A member will not enter into contracts on behalf of ACR.  
95 3. A member will not unlawfully use ACR assets.  
96 4. A member will not use ACR to endorse products or services.  
97 5. A member will serve without compensation; however, they may be reimbursed for expenses  
98 reasonably related to and incurred in the discharge of standing committee and special ad hoc committees  
99 duties if serving on such committees. Any expenses must be preapproved by all ACR officers.

100 G. Resignation: Any member may resign from this organization. The resignation will become effective upon  
101 acceptance of the President.

### 102 H. Reporting Violations and Corrective Actions

- 103 1. Any violation of membership terms will be reported immediately to the President. Any criminal activity  
104 will be reported immediately to the authorities. If a violation includes criminal activity, the membership is  
105 automatically suspended pending investigation.  
106 2. If in the event a potential violation involves an officer, the report will be made to the successive officer.  
107 3. A member or officer may resign at any time during the investigation.  
108 3. The President, or successive officer, will review the violation with officers and determine whether a  
109 violation of membership terms has occurred.

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110 4. Once the alleged violation has been investigated, corrective action may or may not be taken. Actions  
111 may include removal for cause from the organization.  
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### 113 **NOTES: Article I. Memberships Notes**

114 **In this article we are clarifying memberships due to the specific NASS conference and meeting registrations.**  
115 **To maintain sustainability the membership categories allow for institutional knowledge of retired and**  
116 **honorary members. Although we do not currently have “academic” members, the president has attempted to**  
117 **recruit members ie. professors from law schools. Academic members are also listed under NASS conference**  
118 **and meeting registrations.**

119 **Non-governmental members are important to us. Our sponsors provide invaluable insight and financial**  
120 **support. As we have learned there are specific types of NASS and ACR sponsorships. These membership types**  
121 **are clarified to make sure that the Non-governmental members properly sign up for conferences and pay the**  
122 **correct fees for membership.**

123 **The term “dues” have been added since it has been unclear to new members that signing up for a meeting or**  
124 **conference is payment of dues for a yearly membership.**

125 **Membership principles have been added and removal of a member has been added.**

126 **COMMENT: Mike Broschinsky (UT) Article III, Subsection (A)(1): a more parallel construction of the**  
127 **different member types: “...for the federal government, a state, a territory, or a protectorate” for**  
128 **subsections (A)(1)(a) through (e).**

129 **RESPONSE: The subsections have been changed to be consistent.**

130 **COMMENT: Mike Broschinsky (UT) Article III, Subsection (A)(1)(e): “professional” interest, “academic”**  
131 **interest, or both? Professional interest could include institution counsel, academic would, of course,**  
132 **include faculty. Both would increase the pool from which membership could be drawn.**

133  
134 **RESPONSE: The subsection has been changed to include a professional academic member. It will still**  
135 **be referred to as an academic member since NASS has this as a registration category.**  
136

137 **COMMENT: Mike Broschinsky (UT) Article III, Subsection (A)(2): There is no mention of a parallel “Academic”**  
138 **member for the non-governmental category; surely however there would be faculty at a private education**  
139 **institution with an academic interest in administrative law?**

140  
141 **RESPONSE: Interestingly enough a, Article III, Subsection (A)(2)(f) was left out. I considered such a**  
142 **category, but NASS does not have this type of registration. It has been included to increase**  
143 **memberships, and when registration is required, ACR cross that bridge with NASS.**

144  
145 **COMMENT: Mike Broschinsky (UT) Article III, Subsection (A)(2)(e): refers to a non-profit entity, while Subsection**  
146 **(B)(2)(e) refers to an employee. These two provisions should be consistent.**

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148 **RESPONSE: The term has been changed simply to “non-profit.”**  
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150 **COMMENT:** Mike Broschinsky (UT) Article III, Subsection (F)(5): approval of expenses: should this be all  
151 the ACR officers, or just some?

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153 **RESPONSE:** "The" has been changed to "all."

154  
155 **COMMENT:** Mike Broschinsky (UT) Article III, Subsection (H): If corrective action is related to a criminal  
156 charge, should removal wait until the end of the criminal case? Or should there be language that  
157 directs an officer accused of criminal activity to resign in the best interests of the organization?

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159 **RESPONSE:** Additional language has been added to clarify steps the organization or officer can take.

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### 162 Article V. Voting.

163 A. ~~Any~~ A governmental employee-member in good standing as provided under Article III, subsections (A)(1) and  
164 (B)(1) may vote on any matter presented to ACR for decision by voting at a business meeting.

165 B. For a vote to be counted ~~at a business meeting~~ a governmental ~~employee~~ member must be present. A  
166 governmental ~~employee~~ member who attends a business meeting via telephone or an Internet teleconference is  
167 considered present ~~and eligible to vote if the employee has received approval to be a member of ACR as~~  
168 ~~provided under Article III.~~

169 C. ~~All matters~~ Matters are decided by a simple majority of the votes cast, except all bylaw amendments which  
170 require a three-fifths majority of the votes cast.

171 D. ~~The presiding officer will call the roll of voting members for the purpose of establishing a quorum at the first~~  
172 ~~business meeting of the annual conference and winter meeting.~~ To conduct business, a quorum of voting  
173 members will consist of at least fifty percent of the attending voting members plus one. ~~be verified by the~~  
174 presiding officer at the first business meeting of the annual conference. To conduct voting on any action before  
175 ACR at the second business meeting, a quorum will consist of at least fifty percent of the attending voting  
176 members plus one as determined by membership at the first business meeting.

177

#### 178 **NOTES: Article V. Voting**

179 **Since memberships were added voting privileges were clarified under this article. Any governmental member**  
180 **who paid dues may vote, that is, paid to attend a meeting or conference.**

181

182 **COMMENT:** Jane Chaffin (VA), Section D. Business meetings are required at the annual conference, but not the  
183 winter meeting...right?

184 **RESPONSE:** Yes, the reference to a winter business meeting has been removed since we determined at this past  
185 winter meeting (Colborn Resolution) that a vote could not be made.

186 **COMMENT:** Mike Broschinsky (UT) Article IV, Subsection (A)(4): Why limit officership to governmental  
187 employees? (I'm not disagreeing; just wondering why)

188 **RESPONSE:** This subsection is open to discussion.

189

190 **COMMENT:** Mike Broschinsky (UT) Article IV, Subsection (B): Are the jurisdiction requirements still meaningful  
191 and necessary? (Again, not necessarily disagreeing, just wondering).

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192 **RESPONSE:** This subsection is open to discussion.  
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### 195 Article VI. Officers.

196 A. Officers: The officers of ACR are the President, the Vice President, and the Secretary-Treasurer.

- 197 1. Elections are held biennially beginning in 1990 at the annual conference.
- 198 2. Each officer will serve a term of two years or until a successor is selected.
- 199 3. A member will not serve more than two consecutive terms in the same office.
- 200 4. Only ACR governmental employee members of ACR in good standing can be nominated for office.

201  
202 B. Jurisdiction Requirements: The President may be selected from a state in which the administrative codes and  
203 registers function is not under the jurisdiction of a Secretary of State. ~~Whenever the~~ If a President is nominated  
204 and elected from a non-Secretary of State jurisdiction, either the Vice President or Secretary-Treasurer must be  
205 chosen nominated and elected from a state or jurisdiction in which the administrative code and register function is  
206 under the jurisdiction of a Secretary of State.

207 C. ~~Election Requirements~~ Candidates: ~~Voting ACR members shall elect a President, a Vice President, and a~~  
208 ~~secretary Treasurer from nominees presented by the~~ The Nominations Committee shall biennially recommend  
209 candidates for President, Vice President and Secretary-Treasurer at the first business meeting at the annual  
210 conference. The Nominations Committee shall receive a letter of intent to serve as provided under Article XII,  
211 Section (C)(1)(c). An ACR governmental member ~~Other nominees may be placed into nomination~~ nominate a  
212 member in good standing from the floor at the first business meeting. If the member nominated from the floor  
213 does not want to serve, the member can ask to have his or her name withdrawn from the ballot.

214 D. Elections: A vote of officers will be held at the second business meeting at the annual conference and  
215 conducted under Article 4, Section (D).

216 ~~D. E.~~ Reporting to NASS: The outgoing President, or designee, must will report the names of these elected the  
217 new officers to the NASS Executive Committee at the annual conference.

218 ~~E. F.~~ Officer Resignation: All officers who choose to resign must put his or her resignation. The resignation of an  
219 officer will be in writing to ACR- and be effective the date of acceptance by the President or successive officer.  
220 The reasons for resigning may be presented, but are not necessary. An officer who resigns in good standing may  
221 be eligible to be reconsidered for an office if the Nominations Committee makes such a recommendation.

### 222 G. Officer Succession:

223 1. If the elected President is unable to serve or complete the term of office, the elected Vice President will serve  
224 the remainder of the President's term.

225 2. If the Vice President is unable to serve or complete the term of office, the Secretary-Treasurer will serve the  
226 remainder of the Vice President's term of office.

227 3. ~~Should any~~ If a vacancy remain exists in one or more of the elected positions offices, the President (or the  
228 individual who becomes President ~~upon the vacation of the office under succession~~) will, in consultation with the  
229 other officer and the Executive Committee, appoint a successor for ~~any the vacant position office.~~

230 4. ~~Any replacement~~ successive or appointed officer will remain in office until the next biennial officer election of  
231 officers is held at the annual conference at which time the successive or appointed officer may be nominated for  
232 one more two year term in the same office.

233  
234 H. Officer Removal: An officer is held to the standards of membership principles under Article III, Section (F). An  
235 officer is held to honor the duties of office as provided under these bylaws. An officer may be removed for cause  
236 under the provisions provided under Article III, Section (H).

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### NOTES: Article VI. Officers

This article has been updated with nominees becoming candidates for office.

**COMMENT:** Jane Chaffin (VA), Section E. My personal preference is "outgoing" vs "emeritus" in this instance since we have many former presidents with "emeritus" status

**RESPONSE:** Outgoing will not be amended and remain as it is currently in the bylaws.

**COMMENT:** Jane Chaffin (VA), Section F. Suggest "The resignation of an officer will be in writing..." in place of "Resignations will be in writing..."

**RESPONSE:** The amendment has been changed as suggested.

### 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 and executive 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.~~ 4. Act as public information officer and prepare and submit for publication in the NASS newsletter any newsworthy items regarding ACR activities, prepare news releases about organization events, member and officer achievements; and maintain the organization's social media sites such as Facebook and Twitter;
6. direct the updating, publication and sale of the State and Federal Survey;
7. work with the treasurer to establish a budget and account for all monies received and expended by or on behalf of ACR;
8. appoint regional representatives; and
8. 9. appoint all ACR committee chairpersons.

#### B. The President may delegate any duties in Section (A) to an officer or regional representative in good standing.

**Notes: Subsection (A)(4) public information officer duties have been added to Duties of the President and the proposed amendment has been removed from Vice President Duties.**

### Article VIII. ~~Duties of the Vice President~~ Duties.

#### 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~~ will gather and assemble survey data, paginate, publish and distribute the State and Federal Survey;
2. be responsible for the recruitment of new ACR members;
- ~~2.3.~~ in the absence of the President have all the duties, powers, and responsibilities of the President; and
- ~~3.4.~~ perform other duties as assigned by the President.

### NOTES: Article VIII. Vice President

We currently do not have a PIO and a Web committee member has been tasked with the maintenance of social media. Since the current administration has a member of the Web committee as an officer this has been taken care of the past six years. To maintain continuity the VP will be charged to keep social media active.

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287 **COMMENT:** Jane Chaffin (VA), Subsection (A)(1) Should this be a delegable duty (by the President) if  
288 the VP can't maintain for whatever reason? Also, should ACR set up guidelines for posting on social  
289 media--e.g., what to post, monitoring comments, etc.?

290

291 **RESPONSE:** The PIO duties have been moved to the President duties. The president may assign another  
292 officer these duties. See Article VII. President Duties. Several years ago I drafted guidance documents  
293 for social media. They will be submitted at the first business meeting for discussion.

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### 295 Article XII. Standing Committees.

296 A. Appointment and Chair:

297 1. Standing Committee members will be appointed by the President;

298 2. Standing Committee chairpersons will be appointed from among the membership of the Committee,  
299 unless otherwise provided under another bylaw in this Article.

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

301 C. Types. Standing Committees must include the following:

302 1. Nominations Committee.

303 a. Members: The Nominations Committee may consist of a member from each region.

304 b. ~~Before the annual conference, the~~ Selection: The Nominations Committee will biennially select  
305 nominees for the ~~position~~ office of President, Vice President, and Secretary-Treasurer before the  
306 annual conference and request letters of consent to serve from the nominees.

307 c. Letter of Consent to Serve: A nominee will provide a letter of consent to serve from the  
308 nominee's supervisor to ~~The~~ the Committee chair or chair's designee ~~must obtain a letter of~~  
309 ~~consent from the supervisor of each nominee.~~

310 i. The letter must: ~~make clear~~

311 • identify the professional relationship between the nominee and the person  
312 signing the letter; and

313 • indicate Indicate the supervisor's: willingness consent to allow the nominee to  
314 serve the term of office; and

315 • Indicate the supervisor understands the duties of the office as provided under  
316 these bylaws; and

317 • Indicate the supervisor understands that the consent includes in-person  
318 conference attendance during the term of office. ~~, should the nominee be elected~~  
319 ~~by the membership.~~

320 ii. ~~If that person~~ the nominee is an employee of a Secretary of State, or equivalent officer,  
321 the letter must be signed by the Secretary of State or equivalent officer.

322 iii. ~~If that person~~ the nominee is not an employee of a Secretary of State, the letter must  
323 be signed by a superior or other person whose consent is sufficient to permit the nominee  
324 to serve.

325 The Nominations Committee will only nominate those who have provided a letter of consent to  
326 serve.

327 ~~e.d. At the annual conference, the~~ The Nominations Committee will biannually present nominate  
328 to ACR at the annual conference it's a list of nominees qualified candidates for the posts of the  
329 offices of President, Vice President, and Secretary-Treasurer.

330 ~~d. The Nominations Committee will present to the membership only the names of persons who~~  
331 ~~have submitted, in writing to the Chairperson of the Nominations Committee, a letter of consent~~  
332 ~~from their supervisor.~~

333 e. Nominations may ~~also~~ be made from the floor at the time the Nominations Committee presents  
334 ~~its recommendations~~ the ballot to the membership. Any nomination from the A floor nominee will  
335 provide a letter of consent to serve from the nominee's supervisor must be accompanied by the  
336 letter of consent as specified under subsection (C)(1)(b)(i) through (iii)-(vi).

337 i. ~~If the a~~ letter of consent cannot be made is not available received by the time ACR is  
338 ready to vote before the election at the second business meeting, the floor nominee may  
339 stand as a candidate for election and be elected under the condition that the upon the

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340 ~~nominee's representation that the letter will be forthcoming~~ delivered to the president in  
341 thirty days.

342 ii. ~~If the floor nominee is elected to the office, a~~ and the letter of consent is not received  
343 by the President in thirty days after the nominee's election, the election of that the officer  
344 is null voided and void. and the nominee of the The Nominations Committee candidate as  
345 named under subsection (C)(1)(d) will become the selection of ACR be instated into the  
346 vacant office .

### 347 **NOTES: Standing Committees, Nominations Committee**

348 **Letters of consent to serve now include that the supervisor not only consents to the term and duties of office,**  
349 **but also that the officer needs to attend the conference during the officer's term.**

351 **COMMENT:** Jane Chaffin (VA), Subsection (C)(1)(c)(i) I see you want to emphasize the items for  
352 inclusion in the letter of consent. To make i-vi parallel, I suggest placing a colon after "i. The letter  
353 must:" and using bullets or another paragraph subdivision character to list each required item (i.e.,  
354 "identify...", "indicate...", etc). Then new "v" and "vi" can go back to being numbered "ii" and "iii."  
355 Suggest changing "that person" to "the nominee" in "v" and "vi"  
356 Suggest deleting the paragraph designator "c" because paragraph is already part of "c"  
357  
358