

ACR Proposed Bylaw Amendments 2015

1 **NOTES: Article III. Memberships Proposed Changes**

2 *In this article we are clarifying memberships due to the specific NASS conference and meeting*
3 *registrations. To maintain sustainability the membership categories allow for institutional*
4 *knowledge of retired and honorary members. Although we do not currently have “academic”*
5 *members, the president has attempted to recruit members i.e. professors from law schools.*
6 *Academic members are also listed under NASS conference and meeting registrations.*
7 *Non-governmental members are important to us. Our sponsors provide invaluable insight and*
8 *financial support. As we have learned there are specific types of NASS and ACR sponsorships.*
9 *These membership types are clarified to make sure that the Non-governmental members properly*
10 *sign up for conferences and pay the correct fees for membership.*
11 *The term “dues” have been added since it has been unclear to new members that signing up for*
12 *a meeting or conference is payment of dues for a yearly membership.*
13 *Membership principles have been added and removal of a member has been added.*

14

15 **Article III. Membership.**

16

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

19 A. Governmental Employee Membership Types.

20 ~~1. Membership Requirements: Any governmental employee who attends the annual conference~~
21 ~~or the winter meeting and who pays the ACR conference or meeting registration fee will be a~~
22 ~~member of ACR. A governmental employee who expects to be unable to attend the annual~~
23 ~~conference or the winter meeting may request to be a member of ACR by writing to the~~
24 ~~President. The President may approve a membership request to be valid for no longer than the~~
25 ~~President’s term of office. The President will report the approval or rejection of any membership~~
26 ~~requests at the first business meeting of the annual conference and winter meeting to be counted~~
27 ~~in the roll call for the purpose of establishing a quorum.~~

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

ACR Proposed Bylaw Amendments 2015

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

33 1. Governmental

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

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

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

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

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

49 2. Non-governmental

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

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

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

58 d. Non-profit organization. This is a non-profit entity that has a professional
59 interest in administrative law.

ACR Proposed Bylaw Amendments 2015

60 e. Academic. This is an employee who works for a for-profit academic institution
61 who has a professional interest in administrative law. This membership includes
62 institution counsel.

63 f. ACR does not endorse, authorize or approve products or services offered by
64 non-governmental members.

65 B. Nongovernmental Membership. Dues

66 1. Membership Requirements: Governmental.

67 a. Any governmental employee who pays the annual conference or meeting
68 registration fee will be a member of the organization. Any academic member who
69 pays the academic registration fee will be a member of the organization.

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

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

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

81 2. Non-governmental

82 a. NASS/ACR Corporate Affiliate. Any corporate affiliate that pays the NASS
83 corporate affiliate annual conference or meeting registration fee will be a member
84 of the organization.

85 b. NASS/ACR Conference Sponsor. Any corporate sponsor that contributes
86 monetarily to a NASS/ACR conference or meeting will be a member of the
87 organization.

88 c. Corporate. Any corporate employee who pays the NASS corporate non-
89 member annual conference or meeting registration fee will be a member of the
90 organization.

ACR Proposed Bylaw Amendments 2015

91 d. Non-profit. Any non-profit employee who pays the NASS non-profit annual
92 conference or meeting registration fee will be a member of the organization.

93 e. A complimentary conference or meeting registration given by NASS to non-
94 governmental members under subsection (B)(2)(a) or (b) will be members of the
95 organization.

96

97 ~~2. C.~~ Voting Privileges:

98 1. Governmental: Each member who has paid their dues shall have one vote on each
99 question before ACR requiring action. A member will disclose a conflict of interest and
100 will not vote on such matters deemed a conflict of interest. Proxy voting is prohibited.

101 ~~2. Nongovernmental~~ Non-governmental members who have paid their dues are entitled to
102 will be heard on all issues before ACR requiring action but do not have ACR voting
103 privileges.

104

105 ~~3. D.~~ Service Level:

106 1. Governmental: Active or academic members may be appointed by the President to
107 standing committees, special ad hoc committees and serve as regional representatives.
108 Only active or academic members may seek office. Retired, honorary and emeritus
109 members may serve as advisors to ACR officers, standing committees and special ad hoc
110 committees.

111 ~~2. Nongovernmental~~ Non-governmental members may be appointed by the President to
112 serve as ~~nonvoting~~ non-voting members of standing committees and of special ad hoc
113 committees.

114 ~~C. E.~~ Membership Terms Term

115 ~~1. The term of membership will commence on~~ Membership begins the first day of the
116 annual conference or ~~the winter~~ meeting for a ~~period of~~ approximately one year and
117 ~~conclude~~ concludes on the first day of the next annual conference or ~~winter~~ meeting.

118 2. The term of a governmental employee who puts a membership request in writing to the
119 President will commence the day the President receives the request is received by the
120 President and conclude on the first day of the next annual conference or meeting.

121 3. A membership is non-transferable.

ACR Proposed Bylaw Amendments 2015

122 F. Membership Principles

123 1. A member will be of good moral character as defined in Black's Law Dictionary and
124 reflect a favorable image of ACR.

125 2. A member will not enter into contracts on behalf of ACR.

126 3. A member will not unlawfully use ACR assets.

127 4. A member will not use ACR to endorse products or services.

128 5. A member will serve without compensation; however, they may be reimbursed for
129 expenses reasonably related to and incurred in the discharge of standing committee and
130 special ad hoc committees duties if serving on such committees. Any expenses must be
131 preapproved by all ACR officers.

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

134 H. Reporting Violations and Corrective Actions

135 1. Any violation of membership terms will be reported immediately to the President. Any
136 criminal activity will be reported immediately to the authorities. If a violation includes
137 criminal activity, the membership is automatically suspended pending investigation.

138 2. If in the event a potential violation involves an officer, the report will be made to the
139 successive officer.

140 3. A member or officer may resign at any time during the investigation.

141 4. The President, or successive officer, will review the violation with officers and
142 determine whether a violation of membership terms has occurred.

143 5. Once the alleged violation has been investigated, corrective action may or may not be
144 taken. Actions may include removal for cause from the organization.

145

146

147

ACR Proposed Bylaw Amendments 2015

1 **NOTES: Article V. Voting Proposed Changes**

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

4 5 **Article V. Voting.**

6
7 A. ~~Any~~ A governmental employee-member in good standing as provided under Article III,
8 subsections (A)(1) and (B)(1) may vote on any matter presented to ACR for decision by voting at
9 a business meeting.

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

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

16 D. ~~The presiding officer will call the roll of voting members for the purpose of establishing a~~
17 ~~quorum at the first business meeting of the annual conference and winter meeting.~~ To conduct
18 business, a quorum of voting members will consist of at least fifty percent of the attending voting
19 members plus one. be verified by the presiding officer at the first business meeting of the annual
20 conference. To conduct voting on any action before ACR at the second business meeting, a
21 quorum will consist of at least fifty percent of the attending voting members plus one as
22 determined by membership at the first business meeting.

23

24

ACR Proposed Bylaw Amendments 2015

1 **NOTES: Article VI. Officers Proposed Changes**

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

3

4 **Article VI. Officers.**

5

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

8 1. Elections are held biennially beginning in 1990 at the annual conference.

9 2. Each officer will serve a term of two years or until a successor is selected.

10 3. A member will not serve more than two consecutive terms in the same office.

11 4. Only ACR governmental ~~employee~~-members of ACR in good standing can be
12 nominated for office.

13 B. Jurisdiction Requirements: The President may be selected from a state in which the
14 administrative codes and registers function is not under the jurisdiction of a Secretary of State.
15 ~~Whenever the~~ If a President is nominated and elected from a non-Secretary of State jurisdiction,
16 either the Vice President or Secretary-Treasurer must be chosen-nominated and elected from a
17 state or jurisdiction in which the administrative code and register function is under the
18 jurisdiction of a Secretary of State.

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

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

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

ACR Proposed Bylaw Amendments 2015

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

37 G. Officer Succession:

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

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

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

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

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

54

ACR Proposed Bylaw Amendments 2015

1 **Notes: Article VII. President Duties Proposed Changes**

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

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

7 A. The President will:

- 8 1. maintain ~~close~~ contact with the NASS Executive Committee member-at-large,
9 designated as the ACR liaison;
- 10 2. preside over ~~all~~ ACR business and executive meetings;
- 11 ~~3. plan, direct and coordinate the annual ACR conference;~~
- 12 ~~4. 3.~~ report to the NASS Executive Committee, both at the annual ~~NASS~~ conference and
13 ~~at the~~
14 ~~NASS~~ winter meeting;
- 15 ~~5. 4.~~ Act as public information officer and prepare and submit for publication in the
16 NASS newsletter any newsworthy items regarding ACR activities, prepare news releases
17 about organization events, member and officer achievements; and maintain the
18 organization's social media sites such as Facebook and Twitter;
- 19 ~~6.5.~~ direct the updating, publication and sale of the State and Federal Survey;
- 20 ~~7.6.~~ work with the treasurer to establish a budget and account for all monies received and
21 expended by or on behalf of ACR;
- 22 ~~7.~~ appoint regional representatives; and
- 23 ~~8.~~ appoint ~~all~~ ACR committee chairpersons.

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

26

ACR Proposed Bylaw Amendments 2015

1 **NOTES: Article VIII. Vice President Duties Proposed Changes**

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

6

7 **Article VIII. ~~Duties of the Vice President~~ Duties.**

8

9 A. The Vice President will:

- 10 1. be managing editor of the ACR State and Federal Survey and chair of the Survey
11 Committee. The managing editor ~~shall~~will gather and assemble survey data, paginate,
12 publish and distribute the State and Federal Survey;
13 2. be responsible for the recruitment of new ACR members;
14 ~~2.3.~~ in the absence of the President have all the duties, powers, and responsibilities of the
15 President; and
16 ~~3.4.~~ perform other duties as assigned by the President.

17

18

ACR Proposed Bylaw Amendments 2015

1 **NOTES: Standing Committees Proposed Changes**

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

5 **Article XII. Standing Committees.**

7 A. Appointment and Chair:

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

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

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

13 1. Nominations Committee.

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

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

20 c. Letter of Consent to Serve: A nominee will provide a letter of consent to serve
21 from the nominee's supervisor to The-the Committee chair or chair's designee
22 must obtain a letter of consent from the supervisor of each nominee.

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

- 24 • identify the professional relationship between the nominee and the
25 person signing the letter; **and**
- 26 • ~~indicate~~ Indicate the supervisor's: ~~willingness consent~~ to allow the
27 nominee to serve the term of office; **and**
- 28 • Indicate the supervisor understands the duties of the office as
29 provided under these bylaws; and

ACR Proposed Bylaw Amendments 2015

30 • Indicate the supervisor understands that the consent includes in-
31 person conference attendance during the term of office. ,should the
32 nominee be elected by the membership !

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

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

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

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

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

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

53 i. If ~~the a~~ letter of consent cannot be made is not available-received by the
54 ~~time ACR is ready to vote before the election at the second business~~
55 meeting, the floor nominee may stand as a candidate for election and be
56 elected under the condition that the upon the nominee's representation that
57 the letter will be forthcoming delivered to the president in thirty days.

58 ii. If the floor nominee is elected to the office, a-and the letter of consent
59 is not received by the President in thirty days after the ~~nominee's~~ election,
60 the election of ~~that the officer is null voided and void, and the nominee of~~

ACR Proposed Bylaw Amendments 2015

61 ~~the~~ The Nominations Committee candidate as named under subsection
62 (C)(1)(d) will ~~become the selection of ACR~~ be instated into the vacant
63 office.

64

65