

Administrative Codes and Registers, A Section of the National Association of Secretaries of State

BYLAWS

(Effective as amended July 9, 2017)

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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 registers;
- 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, July 21, 2013, and July 9, 2017.

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Article III. Membership.

ACR membership is open to anyone who has a professional interest in administrative law.

A. Membership Types.

1. Governmental

- a. **Active.** This is a governmental employee who currently works for the federal government, a state, a territory, or a protectorate.
- b. **Retired.** This is a governmental employee who has retired from the federal government, a state, a territory, or a protectorate, who has performed outstanding service to the organization and desires to maintain membership.
- c. **Honorary.** This is a governmental employee who has worked for the federal government, a state, a territory, or a protectorate for more than five years, who has not retired and has performed outstanding service to the organization and desires to maintain membership.
- d. **Emeritus.** This is a governmental employee who has served as the ACR Executive Secretary or President. These members maintain a lifetime membership and enjoy the privileges set forth under Article X. Emeritus Member.
- e. **Academic.** This is a governmental employee who works for a state academic institution who has a professional interest in administrative law. This membership includes institution counsel.

2. Non-governmental

- a. **NASS/ACR Corporate Affiliate. Platinum, Gold, Silver.** This is a corporate entity that has applied to become a NASS corporate affiliate and monetarily supports NASS and ACR.
- b. **NASS/ACR Conference Sponsor.** This is a corporate entity that monetarily sponsors a specific conference or meeting.
- c. **ACR Corporate Member.** This is an individual or corporate entity who is not a corporate affiliate or a conference or meeting sponsor that is for profit and has a professional interest in administrative law.
- d. **Non-profit organization.** This is a non-profit entity that has a professional interest in administrative law.
- e. **Academic.** This is an employee who works for a for-profit academic institution who has a professional interest in administrative law. This membership includes institution counsel.
- f. **ACR does not endorse, authorize or approve products or services offered by non- governmental members.**

B. Dues

1. Governmental

- a. Any governmental employee who pays the annual conference or meeting registration fee will be a member of the organization. Any academic member who pays the academic registration fee will be a member of the organization.
- b. Any governmental employee who expects to be unable to attend the annual conference or meeting may put a request in writing to the President to maintain membership. If approved, the request is good through the next annual conference. The President will report the approval or rejection of any membership request at the first business meeting of the annual conference.
- c. If a governmental employee does not attend a conference or meeting, nor provides a request to maintain a membership, the governmental employee may reinstate a membership the next fiscal year by initiating the provisions under this section.

2. Non-governmental

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

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- b. NASS/ACR Conference Sponsor. Any corporate sponsor that contributes monetarily to a NASS/ACR conference or meeting will be a member of the organization.
 - c. Corporate. Any corporate employee who pays the NASS corporate non-member annual conference or meeting registration fee will be a member of the organization.
 - d. Non-profit. Any non-profit employee who pays the NASS non-profit annual conference or meeting registration fee will be a member of the organization.
 - e. A complimentary conference or meeting registration given by NASS to non-governmental members under subsection (B)(2)(a) or (b) will be members of the organization.
- C. Voting Privileges:
- 1. Governmental: Each member who has paid their dues shall have one vote on each question before ACR requiring action. A member will disclose a conflict of interest and will not vote on such matters deemed a conflict of interest. Proxy voting is prohibited.
 - 2. Non-governmental members who have paid their dues will be heard on all issues before ACR requiring action but do not have ACR voting privileges.
- D. Service Level:
- 1. Governmental: Active or academic members may be appointed by the President to standing committees, special ad hoc committees and serve as regional representatives. Only active or academic members may seek office. Retired, honorary and emeritus members may serve as advisors to ACR officers, standing committees and special ad hoc committees.
 - 2. Non-governmental members may be appointed by the President to serve as non-voting members of standing committees and special ad hoc committees.
- E. Membership Term
- 1. Membership begins the first day of the annual conference or meeting for approximately one year and concludes on the first day of the next annual conference or meeting.
 - 2. The term of a governmental employee who puts a membership request in writing to the President will commence the day the President receives the request and conclude on the first day of the next annual conference or meeting.
 - 3. A membership is non-transferable.
- F. Membership Principles
- 1. A member will be of good moral character as defined in Black's Law Dictionary and reflect a favorable image of ACR.
 - 2. A member will not enter into contracts on behalf of ACR.
 - 3. A member will not unlawfully use ACR assets.
 - 4. A member will not use ACR to endorse products or services.
 - 5. A member will serve without compensation; however, they may be reimbursed for expenses reasonably related to and incurred in the discharge of standing committee and special ad hoc committees duties if serving on such committees. Any expenses must be preapproved by all ACR officers.
- G. Resignation: Any member may resign from this organization. The resignation will become effective upon acceptance of the President.
- H. Reporting Violations and Corrective Actions
- 1. Any violation of membership terms will be reported immediately to the President. Any criminal activity will be reported immediately to the authorities. If a violation includes criminal activity, the membership is automatically suspended pending investigation.
 - 2. If in the event a potential violation involves an officer, the report will be made to the successive officer.

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3. A member or officer may resign at any time during the investigation.
4. The President, or successive officer, will review the violation with officers and determine whether a violation of membership terms has occurred.
5. Once the alleged violation has been investigated, corrective action may or may not be taken. Actions may include removal for cause from the organization.

As amended July 1, 2000, July 16, 2001, July 21, 2013, July 11, 2015, and July 9, 2017.

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 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.
- D. Meeting Agenda:
 1. ACR meeting agendas will be posted on the ACR website, <http://www.administrativerules.org/>.
 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, July 21, 2013, and July 9, 2017.

Article V. Voting.

- A. A governmental member in good standing as provided under Article III, subsections (A)(1) and (B)(1) may vote on any matter presented to ACR for decision by voting at a business meeting.
- B. For a vote to be counted a governmental member must be present. A governmental member who attends a business meeting via telephone or an Internet teleconference is considered present.
- C. Matters are decided by a simple majority of the votes cast, except all bylaw amendments which require a three-fifths majority of the votes cast.
- D. To conduct business, a quorum of voting members will be verified by the presiding officer at the first business meeting of the annual conference. To conduct voting on any action before ACR at the second business meeting, a quorum will consist of at least fifty percent of the attending voting members plus one as determined by membership at the first business meeting.

As amended July 1, 2000, July 16, 2001, July 21, 2013, and July 11, 2015.

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.

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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 ACR governmental members 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. If a President is nominated and elected from a non-Secretary of State jurisdiction, either the Vice President or Secretary-Treasurer must be nominated and elected from a state or jurisdiction in which the administrative code and register function is under the jurisdiction of a Secretary of State.
- C. Candidates: The Nominations Committee shall biennially recommend candidates for President, Vice President and Secretary-Treasurer at the first business meeting at the annual conference. The Nominations Committee shall receive a letter of consent to serve as provided under Article XII, Section (C)(1)(c). An ACR governmental member may nominate a member in good standing from the floor at the first business meeting. If the member nominated from the floor does not want to serve, the member can ask to have his or her name withdrawn from the ballot.
- D. Elections: A vote of officers will be held at the second business meeting at the annual conference and conducted under Article V, Section (D).
- E. Reporting to NASS: The outgoing President, or designee, will report the names of the new officers to the NASS Executive Committee at the annual conference.
- F. Officer Resignation: The resignation of an officer will be in writing to ACR and be effective the date of acceptance by the President or successive officer. The reasons for resigning may be presented, but are not necessary. An officer who resigns in good standing may be eligible to be reconsidered for an office if the Nominations Committee makes such a recommendation.
- G. Officer Succession:
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. If a vacancy exists in one or more of the elected offices, the President (or the individual who becomes President under succession) will, in consultation with the other officer and the Executive Committee, appoint a successor for the vacant office.
 4. Any successive or appointed officer will remain in office until the next biennial officer election at the annual conference at which time the successive or appointed officer may be nominated for one more two year term in the same office.
- H. Officer Removal: An officer is held to the standards of membership principles under Article III, Section (F). An officer is held to honor the duties of office as provided under these bylaws. An officer may be removed for cause under the provisions provided under Article III, Section (H).

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 29, 2002, July 21, 2013, July 11, 2015, and July 9, 2017.

Article VII. President Duties.

- A. The President will:
1. Maintain contact with the NASS Executive Committee member-at-large, designated as the ACR liaison;
 2. Preside over ACR business and executive meetings;
 3. Report to the NASS Executive Committee, both at the annual conference and the winter meeting;

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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;
 5. Direct the updating, publication and sale of the State and Federal Survey;
 6. Work with the treasurer to establish a budget and account for all monies received and expended by or on behalf of ACR;
 7. Appoint regional representatives; and
 8. Appoint committee chairpersons.
- B. The President may delegate any duties in Section (A) to an officer or regional representative in good standing.

As amended July 1, 2000, July 16, 2001, July 29, 2002, July 21, 2013, and July 11, 2015.

Article VIII. 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 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;
 3. In the absence of the President have all the duties, powers, and responsibilities of the President; and
 4. Perform other duties as assigned by the President.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 27, 2008, July 21, 2013, and July 11, 2015.

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;
 - 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 (A)(1)(d)(i) to the Website and Social Media 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;

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- b. Receive the monthly financial reports prepared by NASS Executive Director;
 - c. Compile the ACR Treasurer's Report to be presented at the annual conference; 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, July 21, 2013, and July 9, 2017.

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.
 1. ACR will have an Executive Committee comprised of:
 - a. The elected officers; and
 - b. Regional representatives consisting of one governmental employee member from each of ACR's regions, appointed by the President. The regional representatives shall be members in good standing under Article III. Membership, Section F. Membership Principles.
 2. The Executive Committee will be chaired by the ACR President.
- B. Term. Executive Committee members appointed under subsection (A)(1)(b) will serve at the pleasure of the President. A regional representative who can no longer serve on the Executive Committee will provide notice of resignation to the President in writing, at which time the President will appoint a successor.
- C. Duties.
 1. At the direction of the President, regional Executive Committee members will champion ACR objectives, attend and participate in meetings, and distribute materials to ACR members in their regions.
 2. The Executive Committee members will serve as regional advisors to the elected officers. Members will not have the authority to bind or commit, but will help to recommend, set objectives, define policy, and develop strategic direction of ACR. Examples include evaluating the performance of an ACR program; representing their region by providing feedback from all regional members; and enhancing ACR's public standing.
 3. Upon request of the Vice President, Executive Committee members will provide assistance and act as the first point of contact to gather State and Federal Survey data from the region the member represents.

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D. Meetings.

1. At the calling of the President, a meeting notice with the date and time will be provided to the Executive Committee members.
2. Members will meet at the annual conference.
3. Special meetings of the Executive Committee may be conducted at the calling of the President.
4. The President may conduct a special meeting by telephone call or electronic means.
5. The President will timely provide a report to ACR members and it will be entered into the record of the ACR archives.

As amended July 1, 2000, July 16, 2001, July 21, 2013, and July 9, 2017.

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. Members: The Nominations Committee may consist of a member from each region.
- b. Selection: The Nominations Committee will biennially select nominees for the office of President, Vice President, and Secretary-Treasurer before the annual conference and request letters of consent to serve from the nominees.
- c. Letter of Consent to Serve: A nominee will provide a letter of consent to serve from the nominee's supervisor to the Committee chair or chair's designee.

i. The letter must:

- Identify the professional relationship between the nominee and the person signing the letter;
- Indicate the supervisor's consent to allow the nominee to serve the term of office;
- Indicate the supervisor understands the duties of the office as provided under these bylaws; and
- Indicate the supervisor understands that the consent includes in-person conference attendance during the term of office.

ii. If the nominee 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 the nominee 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.

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

d. The Nominations Committee will biannually nominate at the annual conference a list of qualified candidates for the offices of President, Vice President, and Secretary-Treasurer.

e. Nominations may be made from the floor at the time the Nominations Committee presents the ballot to membership. A floor nominee will provide a letter of consent to serve from the nominee's supervisor as specified under subsection (C)(1)(c)(i) through (iii).

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- i. If a letter of consent is not received before the election at the second business meeting, the floor nominee may stand as a candidate for election under the condition that the letter be delivered to the President within thirty days.
 - ii. If the floor nominee is elected to the office, and the letter of consent is not received by the President within thirty days after the election, the election of the officer is null and void. The Nominations Committee candidate as named under subsection (C)(1)(d) will be instated into the vacant office.
 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 by January 15.
 - 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.
 - 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

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- 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 and Social Media Committee.
- a. The Committee will consist of three ACR governmental employee members, as defined under Article III. Membership, Section (A)(1), appointed by the President. At least one committee member must have a background in website development or knowledge of website construction.
 - b. The Committee members will be:
 - i. Administrators to ACR social media accounts; and
 - ii. The webmasters of the ACR website, <http://www.administrativerules.org/>.
 - c. The Committee members will support ACR Officers by posting content to social media and the ACR website. The Committee members will encourage and enable ACR members to share and exchange ideas by posting content to social media applications (apps). Examples of social media apps include: Twitter, Facebook, Instagram and LinkedIn.
 - d. The Committee will:
 - i. Maintain and secure passwords to the ACR website and social media apps;
 - ii. Maintain website file structures;
 - iii. Post to the ACR website and social media apps;
 - iv. Solicit ideas from ACR members and consider changes to the ACR website;
 - e. Modifications to the website may be made by the Committee after presentation to and concurrence of the Executive Committee.

As amended June 30, 1999, July 1, 2000, July 16, 2001, July 29, 2002, July 17, 2007, July 27, 2008, July 21, 2013, July 11, 2015, and July 9, 2017.

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.

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B. Extraordinary Expenditures:

1. Whenever necessary to ensure the attendance of the President, Vice President, Secretary- Treasurer, or Program Chairperson at the annual conference, 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, 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 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, July 21, 2013, and July 9, 2017.

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 XIII of these bylaws.

As amended July 1, 2000, July 16, 2001, July 29, 2002, July 21, 2013, and July 9, 2017.

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.