

# CONSTITUTION

Excerpt from: ACS Governing Documents (Bulletin 5) as Revised through January 2017

## CONSTITUTION, Article X

*(Bylaw V)*

### Manner of Election

#### Section 1.

a. The President-Elect shall be elected by the membership of the SOCIETY as provided in the Bylaws.

b. Directors-at-Large shall be elected by the Council.

c. District Directors shall be elected by the membership of the Districts from which they are to serve. (1/1/01)

#### Sec. 2.

Directors-at-Large, District Directors, and Councilors from Divisions and Local Sections shall be elected in a manner to produce rotation. (1/1/01)

#### Sec. 3.

Nominations for President-Elect, Directors-at-Large, and District Directors shall be made as provided in the Bylaws. (1/1/01)

#### Sec. 4.

Councilors and Alternate Councilors from Local Sections and Divisions shall be elected by a ballot distributed to all members of the respective Local Sections and Divisions. The balloting shall be conducted according to the requirements specified in the Bylaws. In all other respects the procedure for the election shall be as provided in the Local Section and Division bylaws. (11/15/04)

#### Sec. 5.

All vacancies shall be filled as provided in the Bylaws, unless otherwise provided in the Constitution.

#### Sec. 6.

No funds or facilities of the SOCIETY, its Local Sections, or Divisions shall be used to support or oppose a candidate or nominee except as provided in the Bylaws. (11/21/94)

#### Sec. 7.

Unresolved disputes concerning elections in Local Sections or Divisions shall be referred by the Secretary of the SOCIETY to the Council Committee on Nominations and Elections for investigation and resolution. The Committee shall have the power to set aside the results of a disputed election and to require a new election. (11/16/87)

#### Sec. 8.

Unresolved disputes concerning District and national elections shall be referred by the Committee on Nominations and Elections, to the Council Policy Committee for investigation and resolution. The Council Policy Committee shall have the power to set aside the results of a disputed election and to require a new election. (1/1/01)

## BYLAWS

Excerpt from: ACS Governing Documents (Bulletin 5) as Revised through January 2017

### BYLAW V

*(Constitution, Article X)*

#### Manner of Election

##### Section 1.

###### *Preamble*

a. A candidate is a MEMBER whose name appears on the final ballot that elects a person to office. A nominee is a MEMBER whose name appears on an earlier ballot from which the Councilors select candidates. (9/24/94)

b. When there are two candidates, a single-choice ballot shall be used, and the candidate receiving the greater number of votes shall be declared elected. (9/29/94)

When there are more than two candidates, a preferential ballot shall be used, and the election shall be conducted using procedures developed by the Committee on Nominations and Elections and approved by the Council. Any modifications or changes to these procedures shall be approved by Council. (1/1/16)

##### Sec. 2.

###### *President-Elect*

a. On or before January 15, the Committee on Nominations and Elections shall transmit to the Executive Director of the SOCIETY, for presentation to the Council, the names of four MEMBERS of the SOCIETY as nominees for President-Elect. (9/29/94)

b. The Council, at a meeting to be held not later than May 1, shall select as candidates for President-Elect two of the nominees presented

under the provisions of these Bylaws, using preferential voting. (1/1/16)

c. Members of the SOCIETY may nominate additional candidates for President-Elect by providing to the Executive Director by July 15, nominating petitions endorsed by at least one-half (1/2) percent of the SOCIETY membership entitled to vote in the SOCIETY's most recent fall election, with neither more than one-sixth (1/6) of that from members of a single Local Section nor more than two-thirds (2/3) from any one District of the SOCIETY. Each member may nominate no more than one candidate for President-Elect in a given election. The names of any candidates duly nominated by petition shall be included on the ballot along with the names of those candidates selected by the Council. (6/7/08)

d. On or before October 10, the Executive Director shall distribute to each member of the SOCIETY a ballot containing the names of all candidates for President-Elect and constructed as provided herein. (6/2/07)

##### Sec. 3.

###### *Director-at-Large*

a. On or before January 15, the Committee on Nominations and Elections shall transmit to the Executive Director of the SOCIETY the names of the MEMBERS of the SOCIETY selected as candidates for the positions of Director-at-Large to be filled. The number of such candidates shall be at least twice the number of such positions to be filled. These names shall be announced to the

Council at a meeting to be held not later than May 1. (9/29/94)

b. Members of the SOCIETY may nominate additional candidates for Director-at-Large by providing to the Executive Director by July 15, nominating petitions endorsed by at least one-fourth (1/4) percent of the SOCIETY membership entitled to vote in the SOCIETY's most recent fall national election, with neither more than one-sixth (1/6) of that from members of a single Local Section nor more than two-thirds (2/3) from any one District of the SOCIETY. Each member may nominate no more than one candidate per Director-at-Large position in a given election. The names of any candidates duly nominated by petition shall be included on the ballot along with those nominated by the Committee on Nominations and Elections. (6/7/08)

c. On or before October 10, the Executive Director shall distribute to each voting Councilor a ballot containing the names of all candidates for the positions of Director-at-Large to be filled. (1/1/16)

#### **Sec. 4.**

##### *District Director*

a. For the purpose of electing District Directors, there shall be six geographic Districts. To provide equitable representation, the member population of each District shall be within 10 percent of the result obtained by dividing by six the number of members whose addresses lie within the United States and Canada. Each District shall be made up of whole, neighboring Local Sections, plus those members not belonging to any Local Section who have their addresses in specified states, provinces, or counties. The Committee on Nominations and Elections shall review annually the distribution of member population within the six Districts as defined by the official count. It shall recommend to Council such redefined District boundaries as are necessary to satisfy the provisions contained herein. Council shall act

upon this recommendation in sufficient time for any adopted changes to take effect January 1 following.

The Council in creating a new Local Section shall designate the District to which it is assigned. (1/1/01)

b. Each member whose address lies within the United States and Canada shall be entitled to vote for the office of District Director from that District in which is located the member's Local Section or, lacking one, the member's address. The address of a member is that to which the official organ of the SOCIETY is sent. (1/1/01)

c. On or before January 15, the Committee on Nominations and Elections shall transmit to the Executive

Director of the SOCIETY the names of not fewer than four MEMBERS of the SOCIETY as nominees for each position of District Director to be filled. Each nominee must be entitled to vote in the District electing the District Director for which the nominee would be a candidate. When elected, each District Director may serve a complete term despite changes in Local Section or address or in any District boundary. (1/1/01)

d. On or before March 1, the Executive Director shall send a preferential ballot to each Councilor in the District electing a District Director; the ballot shall contain the names of the nominees for District Director of that District, as selected by the Committee on Nominations and Elections. This primary election shall be conducted using procedures developed by the Committee on Nominations and Elections and approved by the Council. Ballots shall be returned no later than four weeks after the ballots are distributed. (1/1/16)

e. One percent of the members of the SOCIETY entitled to vote in the District electing a District Director, not more than one-third (1/3) of whom are assigned to any one Local Section, may nominate a candidate for District Director by filing a petition with the Executive Director by July 15. Each member

may nominate no more than one candidate for District Director in a given election. A petition candidate must be entitled to vote in the District electing the District Director for which the MEMBER is a candidate. The names of any petition candidates shall be included on the ballot along with the names of those selected by the District's Councilors. (10/19/04)

f. On or before October 10, the Executive Director shall distribute to each member of the SOCIETY entitled to vote in the District electing a District Director a ballot containing the names of all the candidates for Director from that District and constructed as provided herein. (6/2/07)

#### **Sec. 5.**

##### *Nomination for President-Elect by Councilor Petition*

Wherever in these Bylaws provision is made for selection of candidates for President-Elect by the Council from a list of nominees presented by its Committee on Nominations and Elections, nothing herein shall prohibit petitions for nomination from the floor at the Council meeting provided that such petitions are submitted in writing and signed by not fewer than 50 Councilors present at the meeting and provided that not more than one-third (1/3) of such Councilors shall be MEMBERS of any one Local Section. MEMBERS whose names are so presented shall become nominees for that office. (9/29/94)

#### **Sec. 6.**

##### *Terms of Office*

a. Each Local Section Councilor and Alternate Councilor and each Division Councilor and Alternate Councilor shall serve the term specified in the Constitution, beginning on the first day of January following election, or until a successor shall have been chosen and qualifies. (6/8/91)

b. Each Director-at-Large and each District Director shall serve the term specified in the Constitution, beginning on the first day of January following election, or until a successor shall have been chosen and qualifies. (1/1/01)

#### **Sec. 7.**

##### *Withdrawal or Death of Candidate*

a. The Committee on Nominations and Elections shall ensure that in each election for the offices of President-Elect, Director-at-Large, and District Director, there shall be at least two candidates for each position to be filled. If the number of candidates falls below two, the Committee on Nominations and Elections shall add the name next in line from the same candidate selection process. (1/1/01)

b. Should such a deficiency of candidates for a specific elective office occur after the ballots have been sent and before the established deadline for return of ballots, the Committee on Nominations and Elections shall declare the election void for that particular office. The Committee shall then provide an additional candidate or candidates, if necessary. Provisions shall be made for additional submission and validation of petition candidates. New ballots shall be prepared and the election resumed on a schedule established by the Committee on Nominations and Elections. (10/19/04)

c. Should there be a death or withdrawal of a candidate in an election in which there remain two or more candidates for each position to be filled, the election shall proceed. The Committee on Nominations and Elections shall ensure that the winning candidate for President-Elect or District Director in each case receives a majority of the votes cast for the position, by a run-off election if necessary. In the case of Director-at-Large, the candidates receiving the greatest numbers of votes shall be declared elected. (1/1/01)

d. Should a preferential (three-person) election be in progress when a candidate dies or

withdraws, all first choices for that candidate shall be disregarded, but the second choices on those first choice ballots shall be credited to the appropriate candidates. (9/29/94)

e. The preceding provisions of this Section are applicable only until such time as the ballots have been received and counted; thereafter, a person unable to assume office at the beginning of the term shall be replaced according to the provisions of these Bylaws. (9/29/94)

## **Sec. 8.**

### *Vacancies in Office*

a. A vacancy in any office filled by vote of the Council, except on the Council Policy Committee, shall be filled by the Council for the unexpired term of said office as soon as practicable after the vacancy occurs. If the unexpired term is less than one year, the vacancy shall be filled by election for a period equal to the unexpired term plus a full term as specified in the Constitution or Bylaws. For purposes of determining eligibility for self-succession, this combined period of service shall be construed equivalent to a regular full term. (1/1/68)

b. A vacancy in the office of District Director, if the unexpired term is more than one year, shall be filled for the unexpired term by vote of the members in the District affected as soon as practicable after the vacancy occurs. If the unexpired term is one year or less and time permits, the vacancy shall be filled as soon as practicable for the period of the unexpired term plus a full term by vote of the members in the District affected as specified in the Bylaws. If insufficient time is available to conduct the election of a District Director by vote of the members of the District affected, then the District Director shall be selected by vote of the Councilors in the District affected but shall serve only for the period of the unexpired term. (1/1/01)

c. A vacancy in the office of President-Elect shall be filled as soon as practicable after the vacancy occurs by ballot of the Council from among the other nominees in the previous election and any petition candidates. (10/19/04)

d. Nomination for any vacancy shall be made in accordance with the Bylaws pertaining to nominations for the office concerned.

e. A vacancy in any office filled by vote of a Local Section or Division shall be filled in accordance with its bylaws by the Local Section or Division concerned as soon as practicable after the vacancy occurs. Such changes in office shall be reported promptly to the Executive Director of the SOCIETY. Any vacancy in the position of Councilor or Alternate Councilor shall be filled for the remainder of the unexpired term in one of the following manners: (1) in a predetermined order of succession as provided in the bylaws of the Local Section or Division from among Alternate Councilors and/or unsuccessful candidates for these positions, (2) by means of a special election, or (3) at the time of the next annual election. If the third option is used, the vacancy may be filled until the next annual election by appointment by the governing body of the Local Section or Division. (10/19/04)

## **Sec. 9.**

### *Eligibility*

a. Incumbency of one office shall not render anyone ineligible to another, except as provided in this Section. (9/29/94)

b. If any MEMBER who is already a Councilor or Director shall be elected to an office which includes ex officio membership on the Council or Board of Directors, acceptance of such office shall be considered to involve resignation of the former position as Councilor or Director, and the position thus vacated shall be filled in the manner prescribed in these Bylaws. (9/29/94)

c. Irrespective of other provisions of these Bylaws, no nominee shall become a candidate unless the nominee has indicated in writing a willingness to serve if elected. It shall be the responsibility of the group submitting a nomination to the Executive Director or to the Council to present to the Executive Director, prior to balloting, evidence that the nominee is willing to serve if elected. (9/29/94)

#### **Sec. 10.**

##### *Tie Vote*

a. In the event of a tie vote among the winning nominees in the selection process of candidates for any elective office, all nominees involved in the tie shall be placed on the ballot as candidates. (9/29/94)

b. Tie votes in the election of President-Elect and Directors shall be resolved by a ballot of the Council. (10/19/04)

c. Tie votes for any office in an annual election of a Local Section or Division shall be resolved in accordance with its bylaws by its governing body, or by vote of its members either at an election meeting or by ballot. (10/19/04)

#### **Sec. 11.**

##### *Requirements for Balloting*

a. In balloting for President-Elect, District Director, and Director-at-Large, biographies and statements for all candidates and nominees, as appropriate, shall be conveyed with the ballots if they are received by the Executive Director at least thirty days before the scheduled date for distributing the ballots. (10/19/04)

b. The Committee on Nominations and Elections shall set and announce in advance of the balloting for President-Elect, District Director, and Director-at-Large the interval during which ballots must be received to be counted; this interval shall be not less than four

nor more than seven weeks following distribution of the ballots. (10/19/04)

c. For all SOCIETY balloting the Committee on Nominations and Elections shall establish and submit to

the Council Policy Committee for their approval balloting procedures that meet the requirements of (1) fair balloting that is open to all eligible members of the SOCIETY, (2) anonymity, (3) protection against fraudulent balloting, (4) ballot archiving, and (5) the timely reporting and archiving of balloting results.

(10/19/04)

d. The Executive Director and at least one member of the Committee on Nominations and Elections shall together be responsible for the counting of ballots received within the interval and shall certify the results. (10/19/04)

#### **Sec. 12.**

##### *Procedure for Special Elections*

If, in a specific nomination or election, circumstances do not permit the procedures prescribed elsewhere in these Bylaws to be carried out, the Committee on Nominations and Elections shall forthwith devise a special procedure. If such election will have the effect of filling an office for a longer period than six months, the special procedure shall include an opportunity for nomination of candidates by petition, which differs from the regular procedure for the office involved only in the date that petitions must be received by the Executive Director. Such procedure shall be transmitted to and publicized promptly by the Executive Director, and used for that specific nomination or election. (9/29/94)

#### **Sec. 13.**

##### *Fair Election Procedures*

All elections and election campaigns for office in the SOCIETY, its Local Sections, and its

Divisions shall be carried out according to the following:

a. No funds of the SOCIETY, its Local Sections, or its Divisions shall be used to support or to oppose the candidacy of an individual or group of individuals. No facilities, such as office space, equipment, or supplies; official letterhead; or mailing permit of the SOCIETY, its Local Sections, or its Divisions shall be used to support or oppose the candidacy of an individual or group of individuals, except as provided in this Section. (9/29/94)

b. If space in a SOCIETY, Local Section, or Division publication, other than a paid advertisement at commercial rates, be used to support or to oppose the candidacy of an individual, space must be made available simultaneously and equally to support or to oppose the candidacy of every other candidate for the same office.

c. For the purpose of distributing campaign material, candidates for office shall have the right to use the membership list of those members eligible to vote for that office. All costs associated with preparation and use of the distribution lists shall be borne by the candidate. (10/19/04)

d. If in a Local Section or Division election the Committee on Nominations and Elections finds a significant violation of the Constitution and Bylaw provisions regulating election procedures, which violation appears to benefit the winning candidate, the Committee may declare the election void and order a new election to fill the vacancy. Opportunity shall be provided for a candidate whose election is

challenged, and the challenger(s), to state their views and convey such comments with any correspondence on the subject to the Committee. Opportunity shall be provided for full discussion by all candidates before the Committee, or a decision may be rendered by balloting if that course of action is preferred by all candidates involved. A positive vote by two-thirds of the entire Committee shall be required to declare an election void. No candidate in the disputed election shall vote in the Committee on this decision. The SOCIETY shall hear no further appeal from this decision. (10/19/04)

e. If in a District or national election the Council Policy Committee finds a significant violation of the Constitution and Bylaw provisions regulating election procedures, which violation appears to benefit the winning candidate, the Committee may declare the election void and order the Committee on Nominations and Elections to carry out a new election. Opportunity shall be provided for a candidate whose election is challenged, and the challenger(s), to state their views and convey such comments with any correspondence on the subject to the Council Policy Committee. Opportunity shall be provided for full discussion by all candidates before the Council Policy Committee, or a decision may be rendered by balloting if that course of action is preferred by all candidates involved. A positive vote by two-thirds (2/3) of the membership of the Council Policy Committee shall be required to declare an election void. No candidate in the disputed election shall vote in the Committee on this decision. The SOCIETY shall hear no further appeal from this decision. (10/19/04)