

FOR ACTION

Petition on Election Timelines and Procedures 2009

Bylaw V, Sec. 2, a, b, c, d (paragraph 1)

Bylaw V, Sec. 3, a, b, c (paragraph 1)

Bylaw V, Sec. 4, c, d, e, f (paragraph 1)

Bylaw V, Sec. 12

Petition

We, the undersigned Councilors and members of the American Chemical Society, hereby petition to amend the SOCIETY Bylaws as follows (additions **underlined**; deletions ~~struck through~~):

REVISED

BYLAW V
Manner of Election

Sec. 1.

VERSION

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)

FOR

Sec. 2.

President-Elect

COUNCIL

a. On or before ~~January 15~~ **March 1**, 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. **The names of the nominees shall be communicated to members of the Council by March 15.** (~~9/29/94~~)

ACTION

~~b.e.~~ Members of the SOCIETY may nominate additional ~~candidates~~ **nominees** for President-Elect by providing to the Executive Director by ~~July~~ **June** 15, nominating petitions endorsed by at least one-half percent (0.5%) 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~~ **nominee** 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~~)

(Cont'd)

~~c.b.~~ The Council, at a meeting to be held not later than ~~May~~ October 1, shall select as candidates for President-Elect ~~two of the nominees~~ one-half (1/2) of the number of nominees (including both those chosen by the Committee on Nominations and Elections and those nominated by member petitioners) presented under the provisions of these Bylaws. If an odd number of nominees is presented to Council, then the number of candidates to be selected will be rounded to the next higher integer. (9/29/94)

REVISED

VERSION

d. On or before October ~~40~~ 31, 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)

[Note: The remaining paragraphs in Section 2, d are not affected by the proposed changes].

FOR

Sec. 3.

Director-at-Large

COUNCIL

a. On or before ~~January~~ March 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~~ The names of the nominees shall be communicated to members of the Council by March 15. (9/29/94)

ACTION

b. Members of the SOCIETY may nominate additional candidates for Director-at-Large by providing to the Executive Director by ~~July~~ June 15, nominating petitions endorsed by at least one-fourth percent (0.25%) 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 ~~40~~ 31, 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. If there are multiple positions to be filled, those candidates receiving the greatest numbers of votes shall be declared elected Directors-at-Large. (6/2/07)

[Note: The remaining paragraphs in Section 3, c are not affected by the proposed changes.]

Sec. 4.

District Director

(Cont'd)

REVISED

c. On or before ~~January~~ **March 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. (4/1/01)

VERSION

FOR

d.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 **an individual** ~~candidate~~ for District Director by filing a petition with the Executive Director by ~~July~~ **June** 15. Each member may nominate no more than one ~~candidate~~ **individual** for District Director in a given election. A petition ~~candidate~~ **nominee** must be entitled to vote in the District electing the District Director for which the MEMBER is a ~~candidate~~ **nominee**. ~~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)

COUNCIL

ACTION

e.d. On or before ~~March 1~~ **July 15**, the Executive Director shall ~~send~~ **distribute** a 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 **or duly nominated by petition**. Ballots shall be returned to the Executive Director no later than four weeks after the ballots are distributed. **One-half (1/2) of the number of nominees (including both those chosen by the Committee on Nominations and Elections and those nominated by member petitioners) will be selected as candidates. If an odd number of nominees is presented to that District's Councilors, then the number of candidates to be selected will be rounded to the next higher integer.** ~~The two nominees receiving the greatest number of votes~~ **candidates** shall be announced to the Council ~~orally~~ at its next meeting ~~or, if timing does not permit, in the official organ of the SOCIETY,~~ as candidates for District Director of the District. (10/19/04)

f. On or before October ~~10~~ **31**, 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)

[Note: The remaining paragraphs in this Section 4. f are not affected by the proposed changes.]

(Cont'd)

Sec. 12.

Procedure for Special Elections

REVISED

VERSION

FOR

COUNCIL

ACTION

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 longer 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)

Explanation

Councilors and candidates have asked the Committee on Nominations and Elections (N&E) to consider changing the timing of the national election process (*i.e.*, elections for President-Elect, Directors-at-Large and District Directors) as part of an overall improvement to ensure that the national election process is both fair and equitable. Candidates routinely express concern about the length of time between being asked to run by N&E (becoming formal nominees or candidates) and the time of the actual election. Candidates also complain about the length of the campaign period, which starts one month after the Spring National Meeting and runs until ballots are counted in November, and about the unfair exclusion of petitioners from the full election/vetting process.

In response to Councilor and nominee/candidate concerns, N&E surveyed ACS Councilors and other members (2004) to determine their understanding of and satisfaction with the current nominations and elections process. In 2007, the committee continued its review by conducting three Councilor conference calls, and hosting a town hall meeting at the Fall National Meeting. This was another opportunity to solicit comments and advice on the petition process and the nature of campaigning. Earlier this year, the committee again sought Councilor input and perspectives – this time on the possibility of shortening the president-elect timeline. In this forum as in other surveys and calls, Councilors consistently encouraged refinement of the current election process.

The proposed timeframe should make the campaign process less onerous for all nominees and allow full participation of candidates in the Council review process. N&E has worked diligently to address the needs of both groups. The revised timeline is accomplished by three steps: 1) The entire election process is compressed, therefore the allowable campaign time is also reduced, but kept equal for all nominees; 2) All petition *candidates*, except those for Director-at-Large, will become petition *nominees*, thus allowing them to participate in all aspects of the election that the N&E nominees currently engage in, namely the Town Hall Meeting, and, for President-Elect nominees, the opportunity to address Council. Modified procedures already approved allowing electronic gathering of petition signatures ensure that petitioners are provided sufficient time between the announcement of the formal nominees/candidates and the petition deadline to decide whether to run and then to obtain the necessary signatures. 3) Council will now vet all nominees and determine the final candidates to be placed on the ballot. These actions allow Council the opportunity to select the best candidates for the membership to consider. Council would select half of the nominees (50% of the

nominees raised to the next highest integer when there is an odd number) and would maintain the number of candidates to a more desirable number should there be a large number of petition nominees.

These proposed election procedure refinements are intended to provide a fair, consistent and equitable process, which balances the concerns and needs of all participants, as requested by Councilors and candidates.

Signed:

Frank D. Blum	Steven A. Fleming	Bjorn Olesen	Barbara A. Sawrey
Philip W. Crawford	Bruce A. Hathaway	John G. Palmer	Herbert B. Silber
Carol A. Duane	Ruth A. Hathaway	Roger A. Parker	Rachel Morgan Theall
Merle I. Eiss	Peter C. Jurs	Arlyne M. Sarquis	

(This petition has been referred to the ***Committee on Nominations and Elections**, Council Policy Committee, Society Committee on Budget and Finance, Committee on Constitution and Bylaws.)

***Committee having primary substantive responsibility**

FINAL STATEMENT OF FINANCIAL IMPACT

The Society Committee on Budget and Finance has examined this petition and concludes that it will have no impact on the finances of the Society (\$0).

FINAL REPORT OF THE COMMITTEE ON CONSTITUTION AND BYLAWS

The Committee on Constitution and Bylaws has reviewed the petition and finds it to be legal and consistent with other provisions of the Society's documents. The petition amends procedures for national elections found in Bylaw V for President-Elect (Sections 2a–2d), Directors-at-Large (Sections 3a–3c), District Directors (Sections 4c–4f) and Special Elections (Section 12). The objectives of the petitioners are to address interests in accelerating and compressing the timing of the national election process as part of an overall effort to ensure that the national election process is fair, equitable and efficient. The Committee, in consultation with representatives of the petitioners, has prepared a revised version of the petition. The substance of the petition and the intent of petitioners are maintained.

A request has not been received from a majority of the petitioners to place the original petition on the Council agenda for action if the revised version now before Council is not adopted.

Comments from committees, petitioners and other interested members on the substance of the petition should be directed to the Committee on Nominations and Elections, which has primary substantive responsibility for the petition. Other comments may be directed to the Committee on Constitution and Bylaws.

A two-thirds vote of Council is required for approval of amendments to the Bylaws. If approved by Council, the amendments will become effective upon confirmation by the Board of Directors.

Dr. Alan M. Ehrlich
Chair