

This petition was defeated at the August 22, 2012 Council meeting in Philadelphia.

Petition on Candidate Comment in C&EN

Bylaw V, Sec. 13, c

Petition

We, the undersigned Councilors 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. 13.

Fair Election Procedures

VERSION

All elections and election campaigns for office in the SOCIETY, its Local Sections, and its Divisions shall be carried out according to the following:

...

FOR

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.

COUNCIL

c. Other than official position statements provided for in election procedures, the official organ of the SOCIETY shall not publish without charge any written material under the name of a candidate for any position on the Board of Directors, including President-Elect, at any time after May 1 in the year of the election.

ACTION

...

[FYI: the current subsection c would be renumbered d and subsequent subsections would be renumbered accordingly.]

Explanation

The present Bylaws [V, Sec. 13, b] state that

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.

However, recently the Committee on Nominations and Elections (N&E) arbitrarily modified these guidelines by declaring that it is permissible for candidates who are holding ACS office to have written remarks before the election in ACS publications if it directly relates to the customary official duties of that particular incumbent and their involvement in it. Consequently, C&EN published in August 2011 ACS Comments, from candidates up for reelection within two months of the election, even two for one of them.

Various ACS officials traditionally publish ACS Comments in C&EN to discuss important activities that were, are or should be carried out by committees and task forces. They contain 800-900 words with the picture of the authors. However, they always carry a standard disclaimer: **“Views expressed on this page are those of the author and not necessarily those of ACS.”** If they represent the views of a candidate, who also have a 750 word statement published in C&EN, such a Comment published in the official organ of Society with the picture of the incumbents constitutes an unfair campaign advantage so close to the election. Petitioners are fully aware that the content of the Comment may represent official ACS views and it may be time dependent. However, if this is the case, it is the result of a committee or a task force and it can be published with the same outcome by another Board or committee member not up for election. It is the content, which is important not who writes it.

Signed:

Sandra J. Bonetti	Stan S. Hall	John L. Massingill, Jr.	Darrell G. Watson
John K. Borhardt	James A. Hammond	Attila Pavlath	Don B. Weser
Bela S. Buslig	Sheila (Sushila) Kanodia	Carmen Scholz	
Allan M. Ford	N. Bhushan Mandava	E. Thomas Strom	

(This petition has been referred to the ***Committee on Nominations and Elections**, Council Policy Committee, Society Committee on Budget and Finance, and 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 prepared a revised version of the petition, making changes to clarify the wording so that the date is not ambiguous and in case the ACS Comment is renamed in the future, which would render the original proposed language invalid.

The Committee finds the revised petition to be legal and consistent with other provisions of the Society's documents.

A two-thirds (2/3) 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. Harmon B. Abrahamson
Chair