Please attend the open meetings of any of the following committees to discuss this petition, ask questions and/or hear comments. This petition has been referred to the **\*Committee on Nominations and Elections,** Committee on Membership Affairs, Council Policy Committee, Society Committee on Budget and Finance, and Committee on Constitution and Bylaws. (**\*Committee with primary substantive responsibility**)

For more information see [www.acs.org/bulletin5](http://www.acs.org/bulletin5) (click on petitions) or contact bylaws@acs.org. The deadline for written comments is April 24, 2015.

**O R I G I N A L**

FOR CONSIDERATION

# Petition on Preferential Voting

**Bylaw V, Sec. 2, d, Sec. 3, c, Sec. 4, d and f**

# Petition

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

**Bylaw V**

**Manner of Election**

**…**

**Sec. 2.**

*President-Elect*

 **…**

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. (9/29/94)

**…**

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)

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.** ~~This ballot shall afford the voter an opportunity to rank the candidates in order of preference. If one candidate receives a majority of first-preference votes, that candidate shall be declared elected. If no candidate receives such a majority, the candidate receiving the fewest first-preference votes shall be eliminated from further consideration. The vote total of a candidate not so eliminated shall then be set equal to the number of valid ballots on which that candidate is ranked higher in preference than any of the other remaining candidates. If the vote total of one of the candidates is now a majority, that candidate shall be declared elected. However, if no candidate receives a majority, the process of eliminating the candidate with the lowest vote total and recalculating the vote totals of the remaining candidates shall be repeated as many times as necessary until the vote total of one candidate is a majority. That candidate shall then be declared elected. When recalculating vote totals following the elimination of a candidate, those ballots on which no distinct preference is indicated for any of the remaining candidates shall be deemed invalid in that and any subsequent candidate elimination rounds. In each of those rounds, a majority shall consist of more than half of the total number of ballots that remain valid at that step in the elimination process. (6/7/08)~~

**Sec. 3.**

*Director-at-Large*

 **…**

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. 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)

If there is only one position to be filled and there are two candidates, the candidate receiving the greater number of votes shall be declared elected Director-at-Large. If there is only one position to be filled and there are three **or more** 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.** ~~The ballot shall afford the voter an opportunity to indicate a first and second choice. If one candidate receives a majority of first choices, that candidate shall be declared elected. If no candidate receives such a majority, the candidate receiving the lowest number of first choices shall be eliminated and the second-choice preferences on those ballots so eliminated shall be added to the first-choice totals of the other two candidates to establish a majority for one candidate, who shall then be declared elected. Ballots for the eliminated candidate that have not indicated a second choice shall be void in the second count. (6/2/07)~~

~~If there is only one position to be filled, and there are four or more candidates, a single-choice ballot shall be used. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two leading candidates. No later than four weeks after the first election results are certified, and in no event later than December 15, the Executive Director shall distribute to each voting Councilor a ballot containing the names of the two candidates receiving the most votes in the first election. The candidate receiving the greater number of votes shall be declared elected. (6/2/07)~~

**Sec. 4.**

*District Director*

 **…**

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 ~~to the Executive Director~~ no later than four weeks after the ballots are distributed. ~~The two nominees receiving the greatest number of votes 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, 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)

When there are two candidates, a single-choice ballot shall be used; 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.** ~~This ballot shall afford the voter an opportunity to rank the candidates in order of preference. If one candidate receives a majority of first-preference votes, that candidate shall be declared elected. If no candidate receives such a majority, the candidate receiving the fewest first-preference votes shall be eliminated from further consideration. The vote total of a candidate not so eliminated shall then be set equal to the number of valid ballots on which that candidate is ranked higher in preference than any of the other remaining candidates. If the vote total of one of the candidates is now a majority, that candidate shall be declared elected. However, if no candidate receives a majority, the process of eliminating the candidate with the lowest vote total and recalculating the vote totals of the remaining candidates shall be repeated as many times as necessary until the vote total of one candidate is a majority. That candidate shall then be declared elected. When recalculating vote totals following the elimination of a candidate, those ballots on which no distinct preference is indicated for any of the remaining candidates shall be deemed invalid in that and any subsequent candidate elimination rounds. In each of those rounds, a majority shall consist of more than half of the total number of ballots that remain valid at that step in the elimination process. (6/7/08)~~

**Explanation**

The petitioners propose changes to the ACS Bylaws to provide for the use of preferential balloting in elections for nominees and candidates, where necessary, to achieve a majority of votes to win an election.

Preferential voting is used currently in two ACS key national elections: Electing a President-Elect and electing a District Director to the Board of Directors whenever there are more than two candidates for each office. This procedure has been in place for twenty years, and petitioners believe preferential voting is well received within ACS. Preferential voting was adopted to ensure that the ultimate victors in the election were elected by a majority, rather than a plurality of votes cast. This petition proposes to add preferential voting for a third national election: the election of two or more Directors-at-Large to the Board of Directors.

The procedural details described in Bylaw V, Sec. 2, b and d, Sec. 3, c, and Sec. 4, d, and f, would be removed. To provide context to Council for this proposed change, the petitioners believe it advisable for the Committee on Nominations and Elections (N&E) to present Council with a set of procedures based on the excised procedural text.

Signed:

Dr. Lisa Balbes

Dr. William H. Breazeale, Jr.

Dr. Jeannette E. Brown

Dr. Martha L. Casey

Mr. D. Richard Cobb

Dr. Milagros Delgado

Dr. Lissa A. Dulany

Dr. Catherine C. Fenselau

Dr. Lydia E.M. Hines

Dr. Carol Baker Libby

Dr. Les W. McQuire

Mr. Donivan R. Porterfield

Ms. Andrea B. Twiss-Brooks

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

**\*Committee having primary substantive responsibility**

**PRELIMINARY STATEMENT OF FINANCIAL IMPACT**

The financial implications of this petition are still being assessed. The Final Statement of Financial Impact will be available per Article XVIII, Sec. 2, d, which states in part, “The Chair of the Society Committee on Budget and Finance shall prepare a financial impact statement which also shall appear in the Council agenda when action is to be taken on the petition.”

**PRELIMINARY 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 not inconsistent with the Society’s Constitution. The proposed Bylaw changes move from the Bylaws details of preferential voting in elections for President-Elect and Director-at-Large to procedures developed by the Committee on Nominations and Elections, and adds preferential voting for District Director, again with the detailed procedures being developed by the Committee on Nominations and Elections. All such procedures developed by the Committee on Nominations and Elections are to be approved by the Council. This process appears to satisfy Article X of the Constitution, Sec. 1 and Sec. 3, which state that that these elections shall be carried out “as provided in the Bylaws.” However, the Committee on Constitution and Bylaws suggests that the petition be amended to add the following language to the end of Sec. 2, b and d, Sec. 3, c, and Sec. 4, d, “and that any modifications or changes to the approved procedure be approved by Council.”

Comments and suggestions 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, or to the Committee on Membership Affairs, the Council Policy Committee, or the Society Committee on Budget and Finance. Other comments and suggestions may be directed to the Committee on Constitution and Bylaws.

Dr. James C. Carver

Chair