

EFFECTIVE DATE: June 1, 2012. This petition was approved March 28, 2012 by Council in San Diego, CA, and confirmed June 1, 2012 by the Board of Directors in Baltimore, MD.

O R I G I N A L

Petition to Amend Recorded Vote Request Procedure

Bylaw III, Sec. 4, d

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~~):

**BYLAW III
Council
Sec. 4.**

Meetings of the Council

d. Recorded Vote

Any member of Council may call for a recorded vote on the current action before the Council, other than an election, at any time before ~~the Council has proceeded to the next item of business or recessed~~ **voting using a method from which it can be determined how each Councilor voted has commenced**. Upon approval by three-tenths (3/10) of the Councilors voting, a recorded vote shall be taken without an intervening recess, either at the close of the debate or when approved, whichever is later. The recorded vote shall be administered using a voting method from which it can be determined how each Councilor voted. The record of the vote shall appear promptly in the official organ of the SOCIETY. (9/30/10)

Explanation

Since March 2009, the Council has routinely used a clicker system for voting and surveys. Only numerical results have been reported; however, the computer that totals the votes can list votes by clicker number from which it can be determined how each Councilor voted.

Because the new technology can facilitate recorded votes without the need to put all business on hold while signed ballots are collected and counted, Bylaw III, Sec. 4, d was recently amended to permit clicker voting, or any other method from which it can be determined how each Councilor voted, to be used for recorded votes.

This recent change in the Bylaws raises secondary issues. Can a call for a recorded vote come after a clicker vote, and if so, should there be a second clicker vote or should the record from the first clicker vote be the one published in *Chemical and Engineering News*? Clarification is necessary.

To address this issue, the Council Policy Committee (CPC), which has the authority to set the Council's agenda and procedures (Bylaw III, Sec. 3, a, (1), (a) and (b)), issued guidelines for first use at the Spring 2011 National Meeting. The guidelines provide that "Whenever the Chair chooses a clicker vote, Councilors should be asked if there is a request for a recorded vote." The guidelines also provide that there will be only one clicker vote on any one issue. In addition at its spring 2011 meeting, CPC agreed to prepare a petition to clarify the SOCIETY Bylaws on this issue in collaboration with the Committee on Nominations and Elections and with the advice of the Committee on Constitution and Bylaws.

The proposed Bylaw change makes it clear that there will be only one recorded vote possible on any one issue. The proposed Bylaw change also makes it clear that other voting, such as a voice or show of hands vote, can precede the recorded vote. However, a call for a recorded vote after clicker voting has commenced will be out of order as would a call for a recorded vote after the initial clicker voting has taken place. A variation of the phrase "a voting method from which it shall be determined how each Councilor voted" already in this bylaw has been added to the first sentence in the bylaw. Although apparently redundant language, the first phrase clarifies procedure; the second defines a recorded vote.

Clicker voting is referenced in this explanation because it is the specific technology which has raised this issue. The more inclusive language in the proposed bylaw, "a method from which it can be determined how each Councilor voted" has been chosen to allow for other technology Council may choose in the future. Council's traditional method of signed ballots is also covered by the inclusive language should Council ever wish to return to that method for a recorded vote.

Signed:

John E. Adams	Madeleine Jacobs	Mary Virginia Orna
William H. Breazeale, Jr.	Peter C. Jurs	John M. Pochan
Dwight W. Chasar	Lee H. Latimer	Bassam Z. Shakhashiri
M. Elizabeth Derrick	Bonnie Lawlor	Eleanor D. Siebert
Ray A. Dickie	Willem R. Leenstra	
Alan M. Ehrlich	Mamie W. Moy	

(This petition has been referred to the ***Council Policy Committee**, Committee on Nominations and Elections, 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 reviewed the petition and finds it to be legal and consistent with other provisions of the Society's documents. The Committee agrees with the original

language in the petition when it was presented to Council for consideration. The proposed Bylaw change provides that a call for a recorded vote after clicker voting has commenced will be out of order, as would a call for a recorded vote after the initial clicker voting has taken place. Other voting, such as a voice vote or show-of-hands vote, can precede the recorded vote.

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 Abrahamson
Chair