

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

For more information, see www.acs.org/govdocs (click on petitions) or contact bylaws@acs.org. The deadline for written comments is September 13, 2023.

ORIGINAL

FOR CONSIDERATION

Petition for Representation of International Chapters on Council

Bylaw III, Sec. 2 (a)

Bylaw VI

Standing Rule II, Sec. 2

Standing Rule IV, Secs. 10 (a); 13 (c); 16

Standing Rule VII, Sec. 3 (e)

Petition

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

BYLAW III

(Constitution, Article VI)

Council

...

Sec. 2.

a. ~~Twenty percent of elected Councilors shall be elected by Divisions, and 80 percent shall be elected by Local Sections. Each Division, and each Local Section, and each International Chapter shall elect Councilor(s) and Alternate Councilor(s), as provided in the Bylaws or Standing Rules. Of the total number of Councilors elected by Local Sections and Divisions, 80 percent shall comprise those elected by Local Sections, and 20 percent shall comprise those elected by Divisions. Additionally, one Councilor and one Alternate Councilor shall be elected by each International Chapter having at least 50 members (official count of December 31 of the second preceding year).~~

BYLAW VI

(Constitution, Article X)

International Chemical Sciences Chapters

Section 1.

Upon the written request of not fewer than 25 members of the SOCIETY residing in a defined geographic area outside the United States of America, the Board of Directors with the approval of the Council may authorize formation of an International Chemical Sciences Chapter, hereinafter referred to as an "International Chapter". The criteria for the formation and review of an International Chapter are provided in the Standing Rules.

Sec. 2.

a. Each International Chapter shall be governed by bylaws, as provided in the Bylaws and Standing Rules.

b. An International Chapter shall elect its own officers, one Councilor, and one Alternate Councilor. All selections for office and changes in office shall be certified promptly by the Secretary of each International Chapter to the Chief Executive Officer.

Sec. 3.

Bylaws of each International Chapter shall provide that, upon dissolution of the International Chapter, any assets of the International Chapter remaining thereafter shall be conveyed to such organization then existent that is dedicated to Purposes similar to those of the International Chapter and the AMERICAN CHEMICAL SOCIETY, or to the AMERICAN CHEMICAL SOCIETY, so long as whichever organization is selected by the governing body of the International Chapter at the time of dissolution shall be exempt under Section 501(c)(3) of the Internal Revenue Code of 1986 as amended or under such successor provision of the Code as may be in effect at the time of the International Chapter's dissolution.

STANDING RULE II

Council Executive Function

...

Sec. 2.

Composition of Council

...

d. Councilors Elected by International Chapters

(1) One Councilor is authorized for each International Chapter.

(2) The Secretary of each International Chapter shall certify to the Chief Executive Officer not later than December 1 of each year, much earlier if possible, the name, address, and term of the elected Councilor from each International Chapter for the ensuing year.

...

ef. Alternate Councilors

(1) The number of Alternate Councilors elected by each Local Section, ~~and~~ by each Division, and by each International Chapter shall equal the number of Councilors to which each is entitled.

(2) The Secretary of each Local Section, ~~and~~ of each Division, and of each International Chapter shall certify to the Chief Executive Officer not later than December 1 of each year, the names, addresses, and terms of the elected Alternate Councilors from said Local Section, ~~and~~ from said Division, and from said International Chapter for the ensuing year.

...

(4) In the event a Councilor is unable to attend a Council meeting, the Local Section, ~~or~~ Division, or International Chapter shall select, in a manner to be determined by the Local Section, ~~or~~ Division, or International Chapter and as described elsewhere in these Standing Rules, an individual from the list of Alternate Councilors furnished by the Local Section, ~~or~~ Division, or International Chapter, to serve as the Councilor only at said Council meeting or recessed sessions thereof, with power to act on behalf of said Councilor. To gain admission to the Council meeting, said Alternate Councilor shall present a certificate signed by the Secretary of the Local Section, ~~or~~

Division, **or International Chapter** certifying that said Alternate Councilor is to substitute for said absent Councilor.

...

fg. Temporary Substitute Councilors

If every Councilor and Alternate Councilor of a given Local Section, ~~or~~ **Division, or International Chapter** will be absent from a Council meeting, and thus leave the Local Section, ~~or~~ **Division, or International Chapter** without representation at such meeting, the Local Section, ~~or~~ **Division, or International Chapter** may designate one of its MEMBERS as a fully accredited Temporary Substitute Councilor, with power to vote, to represent the Local Section, ~~or~~ **Division, or International Chapter** at that one Council meeting. In such case, the Chief Executive Officer must be notified at least fifteen days in advance of the Council meeting in order to assure certification of eligibility by the Committee on Nominations and Elections.

...

ij. Terms of office

(1) The terms of office of **Local Section, and Division, and International Chapter Councilors and Alternate Councilors shall be three years**, except that a **partial term of one or two years** shall be used whenever necessary to establish or to restore rotation of three-year terms of Councilors and Alternate Councilors.

Note: subsequent sections remain and are renumbered.

**STANDING RULE IV
Elections Function**

...

Sec. 10.

Terms of Office

a. Each Local Section Councilor and Alternate Councilor, ~~and~~ each Division Councilor and Alternate Councilor, **and each International Chapter Councilor and Alternate Councilor** shall serve the term specified elsewhere in these Standing Rules, beginning on the first day of January following election, or until a successor shall have been chosen.

...

Sec. 13.

Tie Vote

...

c. Tie votes for any office in an annual election of a Local Section, ~~or~~ **Division, or International Chapter** 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.

...

Sec. 16.

Fair Election Procedures

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

Petition for Representation of International Chapters on Council

a. No funds of the SOCIETY, its Local Sections, ~~or~~ its Divisions, **or its International Chapters** 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, **or its International Chapters** shall be used to support or oppose the candidacy of an individual or group of individuals, except as provided in this Section.

b. If space in a SOCIETY, Local Section, ~~or~~ Division, **or International Chapter** 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.

...

d. If in a Local Section, ~~or~~ Division, **or International Chapter** election the Committee on Nominations and Elections finds a significant violation of the provisions in the Constitution, Bylaws, or Standing Rules provisions regulating election procedures, for which the 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 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 (2/3) 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.

...

f. A vacancy in any office filled by vote of a Local Section, ~~or~~ Division, **or International Chapter** shall be filled in accordance with its bylaws by the Local Section, ~~or~~ Division, **or International Chapter** concerned as soon as practicable after the vacancy occurs. Such changes in office shall be reported promptly to the Chief Executive Officer. 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, **or International Chapter** 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, **or International Chapter**.

STANDING RULE VII

Units (Local Sections, Divisions, International Chapters) Function

...

Sec. 3.

International Chapters Function

...

e. **Councilors and Alternate Councilors from International Chapters shall be elected by a ballot distributed to all members of the respective International Chapters. The balloting shall be conducted according to the requirements specified in these Standing Rules. In all other respects, the procedure for the election shall be provided in the International Chapter bylaws.**

Note: subsequent sections remain and are renumbered.

Explanation

Currently we have approximately 20,000 ACS members living outside of the United States and Canada. They have the same privileges as our domestic members, including voting for the President. The interest and activities of many of these members are concentrated to mostly attending meetings and accessing ACS publications.

However, throughout the world some of them want to be more closely involved in more ACS activities and apply them in their own geographic area. For this purpose, the SOCIETY authorized the formation of International Chemical Sciences Chapters (ICSCs) with operation similar to that of the Local Section. Currently there are 26 ICSCs worldwide. They cooperate with the local national chemical societies while carrying out and publicizing ACS goals. Their successful activities are highlighting the goals of the SOCIETY, similarly to those of the Local Sections making, the SOCIETY known and visible in their area and are encouraging chemists in their area to join the SOCIETY.

ACS members, especially in small Local Sections, far away from our Washington headquarters sometimes might feel that their voice might not be heard well when the policies are made for the SOCIETY. To alleviate this, the Local Sections have Councilors who at our national meetings can attend twice a year Council and the meetings of appropriate committees.

Members in our International Chapters have similar feelings. They are the ones who feel left out of ACS governance and want to be actively involved in the action of Council to represent opinion and need of the ACS members in their area. Their representation in ACS governance can be and should be properly addressed through their involvement in Council and in the life of its committees. With today's electronic opportunities, the distance does not make any difference whether they participate in person or through ZOOM.

For the average ACS members in large countries, such as France, Germany, Japan or the United Kingdom, voting for a special International Board member means very little, they can already vote for ACS President who is a member of the Board of Directors. Since the President is a member of the Board for three years not just as President, but President-Elect and Immediate Past President, there are always three members of the Board whose election involved the vote of foreign members.

The members of ICSCs are active members who want to feel that they are not neglected by the distance, that they are listened to and can have an influence in the governance of the SOCIETY. Representation of ICSCs in Council, one Councilor from each ICSC, would not increase the size of the Council significantly, but it would better address the interest of our foreign members and importantly it would help the goals of the SOCIETY as set forth in our Charter: **“To encourage in the broadest and most liberal manner the advancement of chemistry in all its branches.”**

Signed:

Lawrence Berliner
Sushila Kanodia
Valerie Kuck
Vanessa Marx
Ann E. Nalley
Donna Nelson

Mary Virginia Orna
Attila Pavlath
Diane Schmidt
Marinda Wu
Robert Yokley
Peter Zarras

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

***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 XIII, Sec. 2, d, which states in part, “The chair of the committee responsible for finances, as described in the Standing Rules, 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 Charter, Constitution, and Bylaws of the Society. The proposed amendments meet the intent of the petitioners to add representation of International Chapters on Council. The Council and Board will have to approve and confirm the approval of the petition, as is now done.

Within thirty days after the Council meeting at which this petition is considered, comments, and suggestions on the substance of the petition from opponents, committees, petitioners, and other interested members should be directed to the Vice-Chair of the Council Policy Committee, which has primary substantive responsibility for the petition. Comments and suggestions may be sent to bylaws@acs.org.

Keith Vitense
2023 Chair