

To see the changes C&B made to this petition since it was up for consideration and to see where text was moved between the Constitution and Standing Rules, go to www.acs.org/govdocs (click on petitions) or contact C&B at bylaws@acs.org.

FOR ACTION

Petition to Add International Representation on the Board of Directors

Constitution Article VII, Sec. 1, (b); Sec. 3, (c)
Standing Rule II, Sec. 1, (b)
Standing Rule IV, Sec. 2, (f)
Standing Rule IV, Secs. 8-11; 13-14; 16

Petition

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

REVISED

ARTICLE VII

Board of Directors

Section 1.

...

b. The Board of Directors shall be composed of the President, the President-Elect, the most recent Past President (all ex officii), six District Directors, one elected from each of six geographical Districts by the membership of the Districts from which they are to serve, **one International District Director elected by SOCIETY members residing outside of the United States and Canada who are not members of a Local Section,** and ~~six~~ **five** Directors-at-Large elected by the Council. The Chief Executive Officer shall be a nonvoting ex officio member of the Board of Directors.

VERSION

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Sec. 3.

...

b. The term of a Director-at-Large shall be three years.

COUNCIL

c. **The term of an International District Director shall be three years.**

ed. No Director shall serve more than a total of three terms consecutively and after a third term shall not be eligible for reelection until a period of two years has elapsed.

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ACTION

STANDING RULE II

Council Executive Function

Section 1.

b. The **duties of the Council Policy Committee** shall include the following,

inter alia:

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(7) investigate allegations of improper election procedures in ~~District or national~~ **SOCIETY** elections and determine if violations have occurred; set aside the results of such an election when it finds sufficient cause; submit charges of conduct, as defined elsewhere in these Standing Rules, when it has reason to believe that significant election procedure violations have occurred; and

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STANDING RULE IV

Elections Function

VERSION

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Sec. 2.

The duties of the Committee on Nominations and Elections shall include the following, *inter alia:*

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f. Supervise all **SOCIETY** elections, except for the power expressly reserved to the Council Policy Committee to set aside the results of a disputed ~~national or District~~ **SOCIETY** election and to require a new election.

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Sec. 7.

District Director

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Sec. 8.

International District Director

COUNCIL

a. The International District Director shall be elected to a term staggered in a manner to coincide with the election of one Director-at-Large.

b. For the purpose of electing an International District Director, there shall be an International District whose geographic area is defined as all countries outside of the United States and Canada. Members of the International District shall be members of the SOCIETY who do not belong to any Local Section and reside within the International District.

c. A member whose address lies outside the United States and Canada and who is not a member of a Local Section shall be entitled to vote for the office of International District Director. The address of a member is that which is provided in the official SOCIETY membership roll.

ACTION

d. On or before January 15, the Committee on Nominations and Elections shall send to the Chief Executive Officer the names of not fewer than four MEMBERS of the SOCIETY as nominees for the position of International District Director. Each nominee must be entitled to vote in the International District electing the International District Director for which the nominee would be a candidate. When elected, the International District Director may serve a complete term despite changes in address.

e. On or before March 1, the Chief Executive Officer shall send a

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preferential ballot to all voting Councilors; the ballot shall contain the names of the nominees for International District Director, 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 no later than four weeks after the ballots are distributed.

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f. A minimum of one percent of the members of the SOCIETY entitled to vote in the International District electing an International District Director, not more than one-third (1/3) of whom reside in any one country, may nominate a candidate for International District Director by filing a petition with the Chief Executive Officer by July 15. Each member may nominate no more than one candidate for International District Director in a given election. A petition candidate must be entitled to vote in the International District electing the International District Director for which the MEMBER is a candidate. The names of any petition candidates shall be included on the ballot along with the names of those selected by the Council.

FOR

g. On or before October 10, the Chief Executive Officer shall distribute to each member of the SOCIETY entitled to vote in the International District electing an International District Director a ballot containing the names of all the candidates for International District Director from the International District and constructed as provided herein.

COUNCIL

h. A vacancy in the office of International District Director, if the unexpired term is more than one year, shall be filled for the unexpired term by vote of the members in the International District affected as soon as practicable after the vacancy occurs. If the unexpired term is one year or less and time permits, the vacancy shall be filled as soon as practicable for the period of the unexpired term plus a full term by vote of the members in the International District affected as specified in these Standing Rules. If insufficient time is available to conduct the election of an International District Director by vote of the members of the International District affected, then the International District Director shall be selected by vote of the Council but shall serve only for the period of the unexpired term.

Sec. 89.

Elected Committees

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Sec. 910.

ACTION

Unresolved Disputes

a. Unresolved disputes concerning elections in Local Sections, ~~or~~ Divisions, or International Chemical Sciences Chapters shall be referred by the Secretary of the SOCIETY to the Committee on Nominations and Elections for investigation and resolution. The ~~C~~committee shall have the power to set aside the results of a disputed election and to require a new election.

b. Unresolved disputes concerning ~~District and national~~ SOCIETY elections shall be referred by the Committee on Nominations and Elections; to the Council

Policy Committee for investigation and resolution. The Council Policy Committee shall have the power to set aside the results of a disputed election and to require a new election.

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Sec. 110.

Terms of Office

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b. Each Director-at-Large, ~~each~~ **the International District Director**, and each District Director shall serve the term specified in the Constitution, beginning on the first day of January following election, or until a successor shall have been chosen.

VERSION

Sec. 112.

Elections and Withdrawal or Death of Candidate

a. The Committee on Nominations and Elections shall ensure that in each election for the offices of President-Elect, Director-at-Large, **International District Director**, and District Director, there shall be at least two candidates for each position to be filled. If the number of candidates falls below two, the Committee on Nominations and Elections shall add the name next in line from the same candidate selection process.

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c. Should there be a death or withdrawal of a candidate in an election in which there remain two or more candidates for each position to be filled, the election shall proceed. The Committee on Nominations and Elections shall ensure that the winning candidate for President-Elect, **International District Director**, or District Director in each case receives a majority of the votes cast for the position, by a run-off election if necessary. In the case of Director-at-Large, the candidates receiving the greatest numbers of votes shall be declared elected.

COUNCIL

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Sec. 143.

Tie Vote

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

ACTION

Sec. 154.

Requirements for Balloting

a. In balloting for President-Elect, District Director, **International** District Director, and Director-at-Large, biographies and statements for all candidates and nominees, as appropriate, shall be conveyed with the ballots if they are received by the Chief Executive Officer at least thirty days before the scheduled date for distributing the ballots.

b. The Committee on Nominations and Elections shall set and announce in

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advance of the balloting for President-Elect, District Director, **International District Director**, and Director-at-Large the interval during which ballots must be received to be counted; this interval shall be not less than four nor more than seven weeks following distribution of the ballots.

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Sec. 176.

Fair Election Procedures

VERSION

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

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

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

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COUNCIL

d. If in a Local Section, ~~or Division~~, **or International Chemical Sciences 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 with any correspondence on the subject 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.

ACTION

e. If in a ~~District or national~~ **SOCIETY** election the Council Policy Committee finds a significant violation of 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 the Committee on Nominations and Elections to carry out a new election. Opportunity shall be provided for a candidate whose election is challenged, and the challenger(s), to state their views and convey such comments with any correspondence on the subject to the Council Policy Committee.

REVISED**VERSION****FOR****COUNCIL****ACTION**

Opportunity shall be provided for full discussion by all candidates before the Council Policy 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 membership of the Council Policy Committee shall be required to declare an election void. No candidate in the disputed election shall vote in the ~~C~~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 Chemical Sciences Chapter** shall be filled in accordance with its bylaws by the Local Section, ~~or~~ ~~Division~~, **or International Chemical Sciences 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 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.

Explanation

The ACS is an organization made up of members from around the world. The goal of this petition is to provide a mechanism to enable a voice and a vote on the Board for our international members, while ensuring respect, equity, and inclusion of the diverse voices of all members. This petition would decrease the total number of Directors-at-Large from six to five. It would create a new International District Director position leveraging the current District Director framework.

This proposal keeps the total number of members of the Board of Directors the same. The international district would have a similar number of members as the existing districts. This would not impact our current processes on selection, election, and representation of Districts I – VI.

As proposed, the initial slate of four nominees for International District Director would be selected by N&E; down-selected to two candidates by Council; and voted upon by SOCIETY members residing outside the United States and Canada who are not a member of a Local Section. Candidates may also be nominated by SOCIETY members residing outside the United States and Canada by filing a petition with the Chief Executive Officer within the specified deadline.

N&E will be responsible for ensuring the diversity, equity, and inclusion of nominees that broadly represent international members and do not over represent one country or region, just as they do for Local Sections in current districts; establishing fair balloting procedures for all eligible members of the SOCIETY; and making recommendations to the Council so that the voices of all of our international members are heard. All updates herein facilitate the creation of an International District Director.

Proviso

The Petition to Add International Representation on the Board of Directors will be effective January 1, 2025, upon approval by the Council, the Board of Directors, and ACS members, however, the Committee on Nominations and Elections will implement candidate selection beginning January 1, 2024.

Signed:

Kimberly Agnew-Heard
Bryan Balazs
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Carolyn Ribes
Julianne Smist
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(This petition has been referred to the ***Committee on Nominations and Elections**, Council Policy Committee, Committees on International Activities, Membership Affairs, Local Section Activities, Constitution and Bylaws, and Budget and Finance.

***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 and the petitioners agreed to a revised version of the petition. The substance of the petition and the intent of petitioners are maintained. Although the committee finds the original petition to be legal and consistent with other provisions of the Society's governing documents, minor changes in the wording were recommended to improve the overall consistency and clarity of the petition.

Council approval is required for amendments to the Constitution. If approved by Council, the amendments will become effective upon ratification by two-thirds (2/3) of the Society's voting members.

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. Other comments and suggestions may be directed to the Committee on Constitution and Bylaws.

Keith Vitense
2023 Chair