

ORIGINAL

FOR FUNCTION COMMITTEE ACTION

Petition to Amend the Elections Function
(AMENDMENTS TO THE STANDING RULES)

Standing Rule II, Sec. 1, 4, c
Standing Rule III, Sec. 2, 3, 4, 5
Standing Rule IV

Petition

We, the voting members of the American Chemical Society's Committee on Nominations and Elections, hereby petition to amend the SOCIETY's Standing Rules as follows (additions underlined; deletions ~~struck through~~):

STANDING RULE II
Council Executive Function

Section 1.

...

c. The Council Policy Committee is an **elected committee** of the Council, ~~as described below~~ **provided elsewhere in these Standing Rules.**

d. The Council Policy Committee shall be **composed of the President, the President-Elect, the Immediate Past President, the Chief Executive Officer, and 12 elected members of the SOCIETY.**

~~e. Election of Councilors to the Council Policy Committee shall be arranged so as to provide rotation. Each year the Committee on Nominations and Elections shall propose not fewer than eight voting Councilors for membership on the Council Policy Committee, four of whom shall be elected by the Council not later than October 1 for a term of three years beginning with the first day of January following. Nominations for membership on the Council Policy Committee may also be made by petition of 25 Councilors.~~

~~f. No elected Councilor shall serve more than **two successive terms of three years each** on the Council Policy Committee.~~

...

~~i. If a member or member elect of the Council Policy Committee fails at any time to qualify as a voting Councilor, that member shall thereafter remain a member of the Council Policy Committee and a voting Councilor for one additional year or to the end of the member's term on the Council Policy Committee, whichever is shorter.~~

...

[Note: subsequent sections remain and are renumbered.]

Sec. 4.

...

c. **Society Committees of the Council that are elected**

...

(2)

...

(b) The Committee on Nominations and Elections shall elect its Chair and Secretary **annually** from its own membership.

(c) The Committee on Committees shall elect its Chair and Secretary **annually** from among its own membership. The President-Elect shall serve as a member ex officio.

STANDING RULE III Committees Function

...

Sec. 2.

The Committee on Committees is an elected Society Ccommittee of the Council, ~~whose members are elected by Council as follows:~~ **as provided elsewhere in these Standing Rules.**

...

~~b. Election of Councilors to the Committee on Committees shall be arranged so as to provide rotation. Each year the Committee on Nominations and Elections shall propose the names of not fewer than twice as many voting Councilors for membership on the Committee on Committees as there are members whose terms are expiring. Not later than October 1 the Council shall elect from a list of nominees a number of members corresponding to the number of vacancies on the Committee on Committees for a term of three years beginning with the first day of January following. Nominations for membership on the Committee on Committees may also be made by petition of 25 Councilors.~~

Sec. 3.

~~No elected Councilor shall serve more than two successive terms of three years each on the Committee on Committees.~~

Sec. 4.

~~If a member or member elect of the Committee on Committees fails at any time to qualify as a voting Councilor, that member shall thereafter remain a member of the Committee and a voting Councilor for one additional year or to the end of that member's term on the Committee, whichever is shorter.~~

Sec. 5.

~~Any vacancy on the Committee on Committees shall be filled by the Council.~~

STANDING RULE IV Elections Function

Section 1.

a. **The Committee on Nominations and Elections shall be responsible for the Elections Function.**

b. **The Committee on Nominations and Elections is an elected Society Ccommittee of the Council, ~~whose members are elected by Council as follows:~~ **as provided elsewhere in these Standing Rules.****

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

~~(1) receive from members suggestions of persons who should be considered when selecting proposed nominees for SOCIETY offices; receive proposals for nomination by a Councilor petition as provided elsewhere in these Standing Rules; and receive nominating petitions as provided elsewhere in these Standing Rules;~~

~~(2) prepare a panel of nominees for District Directors and President Elect, and of candidates for~~

~~Director at Large, together with a summary of the qualifications of those named;~~

~~(3) 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 election and to require a new election;~~

~~(4) receive and review credentials of Councilors and determine eligibility for admittance to the Council meetings;~~

~~(5) conduct elections in the Council; and~~

~~(6) serve as an election appeals board for all Local Section or Division elections: establish regulations for conduct of election appeals, investigating allegations of improper election procedures, and determining if violations have occurred; order new elections if necessary to insure validity; submit charges of conduct when it has reason to believe that significant election procedure violations have occurred.~~

Sec. 2.

~~The Committee on Nominations and Elections is a Society Committee of the Council, whose members are elected by Council as follows: (3/26/21)~~

~~a. The Committee on Nominations and Elections shall be composed of 15 voting Councilors.~~

~~c. Election of Councilors to the Committee on Nominations and Elections shall be arranged so **that new people may join the committee every year** as to provide rotation. Each year the Council Policy Committee shall propose the names of not fewer than twice as many voting Councilors for membership on the Committee on Nominations and Elections as there are members whose terms are expiring. ~~Not later than October 1 the Council shall elect from the list of nominees a number of members corresponding to the number of vacancies on the Committee on Nominations and Elections for a term of three years beginning with the first day of January following. Nominations for membership on the Committee on Nominations and Elections may also be made by petition of 25 Councilors.~~~~

Sec. 3.

~~No Councilor shall serve more than two consecutive terms of three years each on the Committee on Nominations and Elections.~~

~~a. Each year the Committee on Nominations and Elections shall elect a Chair and a Secretary from its membership.~~

~~b. Each member of the Committee on Nominations and Elections must be a qualified voting Councilor when elected. If a member or member elect of the Committee on Nominations and Elections fails at any time to qualify as a voting Councilor, that member shall thereafter remain a member of the Committee and a voting Councilor for one additional year or to the end of that member's term on the Committee, whichever is shorter.~~

~~c. Any vacancy on the Committee on Nominations and Elections shall be filled by the Council.~~

Sec. 2.

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

~~a. Rreceive from members suggestions of persons who should be considered when selecting proposed nominees **or candidates** for SOCIETY offices;~~

~~b. Rreceive proposals for nomination by a Councilor petition as provided elsewhere in these Standing Rules; and~~

~~c. Rreceive nominating petitions as provided elsewhere in these Standing Rules;~~

~~d. Prepare a panel list of nominees for District Directors and President-Elect, and of candidates for Director-at-Large, together with a summary of the qualifications of those named;~~

e. Prepare a list of nominees for the other elected committees as described elsewhere in the ACS Governing Documents. The Council Policy Committee determines the slate of nominees for the Committee on Nominations and Elections.

~~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 election and to require a new election;~~

~~g. Determine eligibility for admittance to the Council meetings; and receive and review credentials of Councilors and determine eligibility for those requesting admittance to the Council meetings.~~

~~h. Conduct elections in the during Council; and meetings.~~

i. Serve as an election appeals board for all Local Section or Division elections: establish regulations for conduct of election appeals; investigate allegations of improper election procedures; and if it determines if violations have occurred; take such actions as it deems necessary up to and including, ordering new elections if necessary to insure validity; submit charges of improper conduct when the committee it has reason to believe that significant election procedure violations have occurred.

~~Sec. 4.~~

~~Sec. 3.~~

The Committee on Nominations and Elections may admit to a Council meeting, under such rules as the committee may develop, a limited number of non-Councilors whose presence will benefit the meeting or the operation of the SOCIETY.

~~Sec. 5.~~

~~Sec. 4.~~

Manner of Elections

...

~~c. 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. Any modifications or changes to these procedures shall be approved by the Council.~~

~~Sec. 6.~~

~~Sec. 5.~~

President-Elect

...

~~c. Nomination for President-Elect by Councilor Petition – Wherever in these Standing Rules provision is made for selection of candidates for President Elect by the Council from a list of nominees presented by its Committee on Nominations and Elections, **Nominations may be received from the Council prior to the selection of candidates** nothing herein shall prohibit petitions for nomination from the floor at the Council meeting provided that such petitions are submitted in writing and signed by not fewer than 50 Councilors present at the meeting and provided that not more than one-third (1/3) of such Councilors shall be MEMBERS of any one Local Section. **If these provisions are followed,** nothing herein shall prohibit petitions for nomination from the floor at the Council meeting provided that such petitions are submitted in writing and signed by not fewer than 50 Councilors present at the meeting and provided~~

~~that not more than one third (1/3) of such Councilors shall be MEMBERS of any one Local Section. MEMBERS whose names are so presented shall become nominees for that office.~~

...

e. Members of the SOCIETY may nominate additional candidates for President-Elect by providing to the Chief Executive Officer by July 15, nominating petitions endorsed by at least one-half (1/2) percent of the SOCIETY membership entitled to vote in the SOCIETY's most recent fall election, with neither more than one-sixth (1/6) of that from members of a single Local Section nor more than two-thirds (2/3) from any one District of the SOCIETY. Each member may nominate no more than one candidate for President- Elect in a given election. The names of any candidates duly nominated by petition shall be included on the ballot, along with the names of those candidates selected by the Council.

f. On or before October 10, the Chief Executive Officer shall distribute to each member of the SOCIETY a ballot containing the names of all candidates for President-Elect and constructed as provided herein.

g. A vacancy in the office of President-Elect shall be filled as soon as practicable after the vacancy occurs by ballot of the Council from among the other nominees ~~in the previous election and any~~ petition candidates in the previous election.

Sec. 7.

~~All vacancies shall be filled as provided in these Standing Rules, unless otherwise provided in the Constitution.~~

Sec. 8.

~~No funds or facilities of the SOCIETY, its Local Sections, or Divisions shall be used to support or oppose a candidate or nominee except as provided in these Standing Rules.~~

Sec. 9.

Unresolved Disputes

~~a. Unresolved disputes concerning elections in Local Sections or Divisions shall be referred by the Secretary of the SOCIETY to the Committee on Nominations and Elections for investigation and resolution. The 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 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.~~

Sec. 10.

Sec. 6.

Director-at-Large

~~a. Directors-at-Large shall be elected by the Council and they shall be elected in a manner to produce rotation.~~

a-b. On or before January 15, the Committee on Nominations and Elections shall send to the Chief Executive Officer the names of the MEMBERS of the SOCIETY selected as candidates for the positions of Director-at-Large to be filled. The number of such candidates shall be at least twice the number of such positions to be filled. These names shall be announced to the Council at a meeting to be held not later than May 1.

~~b~~-c. Members of the SOCIETY may nominate additional candidates for Director-at-Large by providing to the Chief Executive Officer by July 15, nominating petitions endorsed by at least one-fourth (1/4) **of one** percent of the SOCIETY membership entitled to vote in the SOCIETY's most recent fall national election, with neither more than one-sixth (1/6) of that from members of a single Local Section nor more than two-thirds (2/3) from any one District of the SOCIETY. Each member may nominate no more than one candidate per Director-at-Large position in a given election. The names of any candidates duly nominated by petition shall be included on the ballot along with those nominated by the Committee on Nominations and Elections.

~~e~~-d. On or before October 10, the Chief Executive Officer shall distribute to each voting Councilor a ballot containing the names of all candidates for the positions of Director-at-Large to be filled.

~~Sec. 11.~~

Sec 7.

District Director

~~g~~-a. District Directors shall be elected **to terms staggered** in a manner to produce rotation.

~~a~~-b. For the purpose of electing District Directors, there shall be six geographic Districts. To provide equitable representation, the member population of each District shall be within 10 percent of the result obtained by dividing by six the number of members whose addresses lie within the United States and Canada. Each District shall be made up of whole, neighboring Local Sections, plus those members not belonging to any Local Section who have their addresses in specified states, provinces, or counties. The Committee on Nominations and Elections shall review annually the distribution of member population within the six Districts as defined by the official count. It shall recommend to the Council such redefined District boundaries as are necessary to satisfy the provisions contained herein. The Council shall act upon this recommendation in sufficient time for any adopted changes to take effect January 1 following. The Council in creating a new Local Section shall designate the District to which it is assigned.

~~b~~-c. Each member whose address lies within the United States and Canada shall be entitled to vote for the office of District Director from that District in which ~~is located~~ the member's Local Section **is located** or, lacking one, the member's address. The address of a member is that to which the official organ of the SOCIETY is sent.

...

Note: subsequent sections remain and are renumbered.

~~e~~-f. One percent of the members of the SOCIETY entitled to vote in the District electing a District Director, not more than one-third (1/3) of whom are assigned to any one Local Section, may nominate a candidate for District Director by filing a petition with the Chief Executive Officer by July 15. Each member may nominate no more than one candidate for District Director in a given election. A petition candidate must be entitled to vote in the District electing the 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 District's Councilors.

~~g~~. ~~District Directors shall be elected in a manner to produce rotation.~~

~~f~~-g. On or before October 10, the Chief Executive Officer 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.

~~h~~. A vacancy in the office of 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 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

District affected as specified in these Standing Rules. If insufficient time is available to conduct the election of a District Director by vote of the members of the District affected, then the District Director shall be selected by vote of the Councilors in the District affected but shall serve only for the period of the unexpired term.

Sec. 12.

Nomination for President Elect by Councilor Petition

~~Wherever in these Standing Rules provision is made for selection of candidates for President Elect by the Council from a list of nominees presented by its Committee on Nominations and Elections, nothing herein shall prohibit petitions for nomination from the floor at the Council meeting provided that such petitions are submitted in writing and signed by not fewer than 50 Councilors present at the meeting and provided that not more than one third (1/3) of such Councilors shall be MEMBERS of any one Local Section. MEMBERS whose names are so presented shall become nominees for that office.~~

Sec. 8.

Elected Committees

The elected committees, which includes the Council Policy Committee, Committee on Committees, and Committee on Nominations and Elections, shall be composed of 15 voting Councilors.

a. Election of Councilors to the ~~Committee on Nominations and Elections~~ **elected committees** shall be arranged so as to provide rotation. Each year the Committee on Nominations and Elections shall propose not fewer than eight voting Councilors for membership on the Council Policy Committee, four of whom shall be elected by the Council; **and** the names of not fewer than twice as many voting Councilors for membership on the Committee on Committees as there are ~~members~~ **MEMBERS** whose terms are expiring. ~~Not later than October 1, the Council shall elect from the list of nominees, as provided elsewhere in these Standing Rules, the number of members corresponding to the number of vacancies on the Committee on Committees for a term of three years beginning with the first day of January following.~~ Nominations for membership on the Council Policy Committee ~~Committee on Committees~~ **elected committees** may also be made by petition of 25 Councilors.

b. Not later than October 1, the Council shall elect from the list of nominees, **as provided elsewhere in these Standing Rules, the** ~~a number of members~~ **MEMBERS** corresponding to the number of vacancies on the ~~Committee on Nominations and Elections~~ **elected committees** for a term of three years beginning with the first day of January following **the election.**

c. No **elected** Councilor shall serve more than **two successive terms of three years each** on the ~~Council Policy Committee~~ ~~Committee on Committees~~ **elected committees.**

d. Each ~~member~~ **MEMBER** of the ~~Committee on Nominations and Elections~~ **an elected committee** must be a qualified voting Councilor when elected. If a ~~member~~ **MEMBER** or ~~member elect~~ **MEMBER-ELECT** of the ~~Committee on Nominations and Elections~~ **an elected committee** fails at any time to qualify as a voting Councilor, that ~~member~~ **MEMBER** shall thereafter remain a ~~member~~ **MEMBER** of the ~~c~~Committee and a voting Councilor for one additional year or to the end of that ~~member~~ **MEMBER**'s term on the ~~c~~Committee, whichever is shorter.

e. **Any** vacancy in any office originally filled by vote of the Council, except on the Council Policy Committee, shall be filled by the Council for the unexpired term of said office as soon as practicable after the vacancy occurs. If the unexpired term is less than one year, the vacancy shall be filled by election for a period equal to the unexpired term plus a full term as specified in these Standing Rules. For purposes of determining eligibility for self-succession, this combined period of service shall be construed equivalent to a regular full term.

...

~~Sec. 13.~~

Sec. 10.

Terms of Office

a. Each Local Section Councilor and Alternate Councilor and each Division 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 qualified successor has been chosen ~~and qualifies~~.

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

~~Sec. 14.~~

Sec. 11.

Elections and Withdrawal or Death of Candidate

...

b. Should a deficiency **in the number** of candidates for a specific elective office occur after the ballots have been sent **to members** and before the established deadline for return of ballots, the Committee on Nominations and Elections shall declare the election void for that particular office. The ~~C~~committee shall then provide an additional candidate or candidates, ~~if necessary~~ **by adding the name next in line from the same candidate selection process**. Provisions shall be made for additional submission and validation of petition candidates. New ballots shall be prepared and the election resumed on a schedule established by the Committee on Nominations and Elections.

...

~~Sec. 15.~~

Vacancies in Office

~~a. A vacancy in any office filled by vote of the Council, except on the Council Policy Committee, shall be filled by the Council for the unexpired term of said office as soon as practicable after the vacancy occurs. If the unexpired term is less than one year, the vacancy shall be filled by election for a period equal to the unexpired term plus a full term as specified in these Standing Rules. For purposes of determining eligibility for self succession, this combined period of service shall be construed equivalent to a regular full term.~~

~~b. A vacancy in the office of 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 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 District affected as specified in these Standing Rules. If insufficient time is available to conduct the election of a District Director by vote of the members of the District affected, then the District Director shall be selected by vote of the Councilors in the District affected but shall serve only for the period of the unexpired term.~~

~~e. A vacancy in the office of President Elect shall be filled as soon as practicable after the vacancy occurs by ballot of the Council from among the other nominees in the previous election and any petition candidates.~~

~~d. Nomination for any vacancy shall be made in accordance with these Standing Rules pertaining to nominations for the office concerned.~~

~~e. A vacancy in any office filled by vote of a Local Section or Division shall be filled in accordance~~

~~with its bylaws by the Local Section or Division 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~~

~~Sec. 16~~

Sec. 12.

Eligibility

...

c. Irrespective of other provisions of these Standing Rules, no nominee shall become a candidate unless the nominee has indicated a willingness to serve, if elected, **in writing to the Secretary of the SOCIETY**. It shall be the responsibility of the group submitting a nomination to the Chief Executive Officer or to the Council to present to the Chief Executive Officer, prior to balloting, evidence that the nominee is willing to serve if elected.

~~Sec. 17~~

Sec. 13.

Tie Vote

...

c. Tie votes for any office in an annual election of a Local Section or Division 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. 18~~

Sec. 14.

Requirements for Balloting

...

c. For all SOCIETY balloting the Committee on Nominations and Elections shall establish and submit to the Council Policy Committee for their approval balloting procedures that meet the requirements of (1) fair balloting that is open to all eligible members of the SOCIETY, (2) anonymity, (3) protection against fraudulent balloting, (4) ballot archiving, and (5) the timely reporting and archiving of balloting results.

d. The Chief Executive Officer and at least one ~~member~~ **MEMBER** of the Committee on Nominations and Elections shall together be responsible for the counting of ballots received within the interval and shall certify the results.

~~Sec. 19~~

Sec. 15.

Procedure for Special Elections

...

~~Sec. 20~~

Sec. 16.

Fair Election Procedures

...

c. For the purpose of distributing campaign material, candidates for office shall have the right to use the membership list of those members eligible to vote for that office. All costs associated with use of the distribution lists shall be borne by the candidate.

d. If in a Local Section or Division 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 ~~C~~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 ~~C~~committee. Opportunity shall be provided for full discussion by all candidates before the ~~C~~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 ~~C~~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.

e. If in a District or national 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 ~~C~~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. 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 shall be filled in accordance with its bylaws by the Local Section or Division 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

Following Council's approval of the Petition to Harmonize ACS Committee Structures, Processes, and Terms in 2021, committees were urged to review the Standing Rules governing their operations and bring forth, to the Council, suggested revisions. This petition is the result of the Committee on Nominations and Elections' (N&E's) review of these Standing Rules. Few if any changes being proposed in this petition, are substantive changes. Rather, they are offered to clarify, consolidate and re-order existing requirements related to nominations and elections.