This petition was APPROVED at the August 19, 2015 Council meeting in Boston and CONFIRMED by the Board of Directors on September 18, 2015. EFFECTIVE DATE: January 1, 2016.

ALTERNATE VERSION

FOR ACTION

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
Section 1.

Preamble

a. A candidate is a MEMBER whose name appears on the final ballot that elects a person to office. A nominee is a MEMBER whose name appears on an earlier ballot from which the Councilors select candidates. (9/24/94)

b. 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) [FYI: this wording was originally in Sections 2, d and 4, f.]

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 Council. [FYI: the first phrase was originally in Sections 2, d and 4, f.]

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, using preferential voting. (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) [FYI: this was moved to Sec. 1.]

When there are more than two candidates, a preferential ballot shall be used. 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 candidates, a preferential ballot shall be used. 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)-[FYI: this was moved to Sec. 1.]

When there are more than two candidates, a preferential ballot shall be used. 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)

These amendments shall become effective following approval by Council of the preferential ballot and election procedures developed by the Council Committee on Nominations and Elections.

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. The procedure language developed by the Committee on Nominations and Elections (N&E) shall be voted on and approved by Council prior to the vote on this petition.

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 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*

**FINAL STATEMENT OF FINANCIAL IMPACT**

The Society Committee on Budgets and Finance has examined this petition and concludes that it will have a minor positive impact on the finances of the Society ($0 - $100,000).

**FINAL REPORT OF THE COMMITTEE ON CONSTITUTION AND BYLAWS**

The Committee on Constitution and Bylaws (C&B) received from a representative of the petitioners and on behalf of the Committee on Nominations and Elections, a revised version of the petition to address C&B's concerns. The revised petition includes a review by Council of the procedure to be adopted and Council’s approval of any modifications. C&B made additional editorial changes to clarify the wording.

The Committee finds the revised petition to be legal and consistent with other provisions of the Society's documents.

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. James C. Carver
Chair