

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 for Global Representation on Council

**Bylaw III, Sec. 2
Standing Rule II, Secs. 1-2
Standing Rule IV, Secs. 2, 9, 11, 14, 17
Standing Rule VII, Sec. 3
Standing Rule VIII, Sec. 1**

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~~):

REVISED	BYLAW III (<i>Constitution, Article VI</i>) Council ... Sec. 2.
VERSION	<u>a. The ratio of Councilors elected by Local Sections to Councilors elected by Divisions shall be 4:1.</u>
FOR	<u>b. Global geographic zones (hereinafter referred to as "Zones") shall be established as set forth in the Standing Rules for the purpose of election of Councilors by members of the SOCIETY who are not members of a Local Section.</u>
COUNCIL	<u>c. The number of Councilors elected by Zones shall be the lesser of 10 percent of the number of Councilors elected by Local Sections or 45.</u> 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 Zone shall elect Councilors and Alternate Councilors as provided in the Bylaws or Standing Rules.
ACTION	Note: subsequent sections remain and are renumbered. STANDING RULE II Council Executive Function Section 1. ... b. The duties of the Council Policy Committee shall include the following, <i>inter alia</i> : ... (8) serve as an appeals board for any member or candidate dissatisfied with an admission-related action of the Committee on Membership Affairs; and

REVISED

(9) serve as the conduct committee for Council, with authority to address matters related to a Councilor or Alternate Councilor’s conduct that is adverse to the interests of the SOCIETY and any unit thereof. This authority includes but is not limited to the ability to remove a Councilor or Alternate Councilor from their position upon a determination of at least two-thirds (2/3) of the members of the Council Policy Committee that such action is warranted, provided that a Councilor or Alternate Councilor is sent electronic and written notice of the committee’s intention and has an opportunity to be heard and seek reconsideration by the committee prior to such action taking effect; ~~and-~~

VERSION

(10) serve as an election appeals board for elections of Councilors from Zones, establish regulations for conduct of election appeals, investigate allegations of improper election procedures, and if it determines violations have occurred, take such actions as it deems necessary up to and including, ordering new elections; submit charges of improper conduct when the committee has reason to believe that significant election procedure violations have occurred.

...

Sec. 2.

Composition of Council

FOR

...

d. Councilors Elected by Zones

COUNCIL

(1) The number of Councilors authorized for each Zone for a four-year period beginning in a year divisible by four shall be determined from the number of paid members of the Zone who are ineligible to elect a Councilor by a Local Section (official count of December 31 of the second preceding year). Prior to May 1 of the first preceding year, the Council Policy Committee, in consultation with the Committee on International Activities, shall select a global divisor, x , such that Zones with up to x members shall have one Councilor, those with more than x members shall be determined by dividing the number of members as described above by x . The number of Councilors so determined shall be equal to the whole number of the quotient plus one for any fraction in the quotient equal to or greater than 0.550.

(2) The procedure for electing Councilors from Zones shall be established by the Committee on Nominations and Elections, the committee responsible for the Elections Function.

ACTION

(3) The Committee on Nominations and Elections shall certify to the Chief Executive Officer not later than December 1 of each year, much earlier if possible, the names, addresses, and terms of the elected Councilors from each Zone for the ensuing year and shall name the individual or individuals to be disqualified if the Zone’s representation is reduced as a result of the official determination of representation provided elsewhere in these Standing Rules.

...

~~d~~-e. Disqualified Councilors

A Councilor disqualified during a term by reduction in a Local Section’s, ~~or~~ Division’s, or Zone’s representation as a result of the official determination of representation provided elsewhere in these Standing Rules shall remain a voting Councilor until the expiration of that existing term.

REVISED

e-f. Alternate Councilors

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

...

(2) **The Committee on Nominations and Elections 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 Zone for the ensuing year.**

VERSION

Note: subsequent sections remain and are renumbered.

(54) In the event a Councilor **elected by a Local Section or Division** is unable to attend a Council meeting, the Local Section or Division shall select, in a manner to be determined by the Local Section or Division as described elsewhere in these Standing Rules, an ~~individual from the list of Alternate Councilors furnished by the Local Section or Division,~~ to **attend the Council meeting. In the event a Councilor elected by a Zone is unable to attend a Council meeting, the Council Policy Committee shall select an Alternate Councilor elected by the Zone to attend the Council meeting. Alternate Councilors shall** 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 in the case of a Zone, by the Chair of the Committee on Nominations and Elections,** certifying that said Alternate Councilor is to substitute for said absent Councilor.

FOR

Note: subsequent sections remain and are renumbered.

f-g. Temporary Substitute Councilors

If every Councilor and Alternate Councilor of a given Local Section or Division will be absent from a Council meeting, and thus leave the Local Section or Division without representation at such meeting, the Local Section or Division may designate one of its MEMBERS as a fully accredited Temporary Substitute Councilor, with power to vote, to represent the Local Section or Division at that one Council meeting. **In the case of a Zone, the Council Policy Committee may designate a MEMBER of that Zone as a fully accredited Temporary Substitute Councilor, with power to vote, to represent the Zone at that one Council meeting.** In such cases, 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.

COUNCIL

Note: subsequent sections remain and are renumbered.

j. Term of office

(1) The terms of office of ~~Local Section, and Division 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.

ACTION

Note: subsequent sections remain and are renumbered.

REVISED

STANDING RULE IV
Elections Function

...

Sec. 2.

...

i. Establish procedures for nomination and election of Councilors from Zones.

j. Prepare a list of candidates for Council from each Zone.

k. Certify to the Chief Executive Officer of the SOCIETY the election of Councilors from Zones for the ensuing year.

VERSION

Note: subsequent sections remain and are renumbered.

Sec. 9.

Councilors Elected by Zones

a. 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 position of Councilor to be filled. Each candidate must be a MEMBER of the SOCIETY and must be entitled to vote in the Zone electing the Councilor. When elected, each Councilor may serve a complete term despite changes in Zone or address.

FOR

b. Each member whose address lies within a defined Zone and is not a member of a Local Section shall be entitled to vote for Councilor(s) from said Zone.

c. A minimum of one percent of the members of the SOCIETY entitled to vote in the Zone electing a Councilor, not more than one-third (1/3) of whom are assigned to any one country, may nominate a candidate for Councilor by filing a petition with the Chief Executive Officer by July 15. Each member may nominate no more than one candidate for Councilor in a given election. A petition candidate must be entitled to vote in the Zone electing the Councilor 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 Committee on Nominations and Elections.

COUNCIL

d. On or before October 10, the Chief Executive Officer shall distribute to each member entitled to vote in the Zone electing a Councilor a ballot containing the names of all the candidates for Councilor from that Zone and construed as provided herein. Ballots shall be returned no later than four weeks after the ballots are distributed. Councilors elected by Zones shall begin their term on January 1 of the following year.

ACTION

Note: subsequent sections remain and are renumbered.

Sec. 112.

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 successor shall have been chosen.

REVISED

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Sec. 145.
Tie Vote

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d. Tie votes in the election of Councilors from Zones shall be resolved by a ballot of the Council.

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Sec. 178.
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.

FOR

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 oppose the candidacy of every other candidate for the same office.

...

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 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

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g. Any vacancy in the position of Councilor or Alternate Councilor elected from Zones 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 by the Committee on Nominations and Elections 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 and the unexpired term is more than one year, the vacancy may be filled until the next annual election by vote by the members in the Zone

REVISED

affected as soon as practicable after the vacancy occurs; however, if the unexpired term is one year or less, the vacancy shall be filled for the period of the unexpired term plus a full term by vote of the members in the Zone affected as specified in these Standing Rules.

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STANDING RULE VII

Units (Local Sections, Divisions, International Chemical Sciences Chapters) Function

...

VERSION

Sec. 3.

International Chemical Sciences Chapters Function

...

~~b. The duties of the Committee on International Activities shall include the following, *inter alia*:~~

~~(1) study ongoing initiative and inform the SOCIETY entities on effective practices and projects related to international activities;~~

~~(2) proactively advise and make recommendations to the Board on the science and engineering policies that transcend national boundaries;~~

FOR

~~(3) ensure implementation of Board policies and activities pertaining to global strategies;~~

~~(4) catalyze, support, and maintain liaisons and collaborations between national and international science and engineering organizations in concert with other efforts within the SOCIETY's structure;~~

~~(5) enable the SOCIETY to advocate for scientific freedom and human rights as they relate to practitioners of chemical and related sciences;~~

~~(6) identify ways in which the SOCIETY can raise the profile of, and meaningfully and appropriately be more welcoming to, the global community of chemical scientists and engineers; and~~

COUNCIL

~~(7) be a resource for proactively advocating, catalyzing, initiating, and implementing international activities for the SOCIETY, including conferences and initiatives pertaining to education and research and development of broad scientific understanding, appreciation of chemistry, and promotion of the image of chemistry, in collaboration with other national and international organizations.~~

...

k. International Chapters shall provide one or more names to the Committee on Nominations and Elections for the nomination of Councilors from their Zones.

ACTION

l. Bylaws of each International Chapter shall provide that, upon the **dissolution** of the Chapter, any assets of the Chapter remaining thereafter shall be conveyed to such organization then existent, within or without the territory of the Chapter, as is dedicated to the perpetuation of Purposes similar to those of the SOCIETY, or to the 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 Chapter's dissolution.

REVISED	STANDING RULE VIII Duties of Committees Section 1. ... c. Duties of Committees that Report to both the Council and the Board of Directors ... (8) Committee on International Activities (the duties are listed elsewhere) <u>The duties of this committee, as described elsewhere in the Standing Rules, shall also include the following, <i>inter alia</i>:</u>
VERSION	<u>(a) study ongoing initiatives and inform the SOCIETY entities on effective practices and projects related to international activities;</u> <u>(b) proactively advise and make recommendations to the Board on the science and engineering policies that transcend national boundaries;</u> <u>(c) ensure implementation of Board policies and activities pertaining to global strategies;</u> <u>(d) catalyze, support, and maintain liaisons and collaborations between national and international science and engineering organizations in concert with other efforts within the SOCIETY's structure;</u> <u>(e) enable the SOCIETY to advocate for scientific freedom and human rights as they relate to practitioners of chemical and related sciences;</u> <u>(f) identify ways in which the SOCIETY can raise the profile of, and meaningfully and appropriately be more welcoming to, the global community of chemical scientists and engineers;</u> <u>(g) be a resource for proactively advocating, catalyzing, initiating, and implementing international activities for the SOCIETY, including conferences and initiatives pertaining to education and research and development of broad scientific understanding, appreciation of chemistry, and promotion of the image of chemistry, in collaboration with other national and international organizations;</u> <u>(h) act for the Council in establishing the territory of each Zone;</u> <u>(i) review annually the distribution of member population within each Zone as defined by the official count of December 31 of the preceding year; and</u> <u>(j) determine the number of Zones, not to exceed six (6), for a four-year period beginning in a year divisible by four prior to March 1 of the first preceding year, with the approval of the Council Policy Committee.</u>
FOR	
COUNCIL	
ACTION	

Explanation

Council is the deliberative assembly of the Society as defined in the Constitution and has specific and important duties as outlined in the Constitution, Bylaws, and Standing Rules, primarily in the areas of membership, governing documents, and elections. Council also serves as an advisory body both to the Society and to the Board of Directors. Therefore, it is of key importance that the Council remains inclusive, representing all ACS members. Please note that the focus here is on members of the Society.

The Petitioners offer this Petition as a means of equitably offering an opportunity for ACS members who currently have no voice on Council to be represented. In addition to members residing outside the United States there are about one thousand ACS members living in the United States who are not members of any Local Section and thus have no representative voice on Council. In developing this Petition, we obtained input and ideas from a wide section of ACS, including members of the ACS Board of Directors, numerous committee chairs, and current and past members of the Presidential Succession.

In order to allow for all ACS members currently not members of Local Sections to have representation, the Petition creates global electoral regions (Zones) from which Councilors will be elected. The Zones are to be established for only the purpose of election of Councilors. This Petition recognizes that the International Chemical Sciences Chapters (ICSCs) are an integral part of ACS, and members thereof are given an enhanced opportunity to be nominated to run for Council. However, ACS members who are members of an ICSC comprise only about one-third (1/3) of the ACS members who are not members of Local Sections. Thus, Zones will be established to allow an equitable vote.

This Petition keeps in place the relative number of Local Section Councilors to Division Councilors. The Petition establishes that the number of positions for Councilors from Zones would scale in relation to the number of Councilors of Local Sections.

It is anticipated that the number of Zones and the boundaries of the Zones will be reviewed periodically by the Committee on International Activities (IAC) and the Council Policy Committee (CPC). Further, the Committee on Nominations and Elections (N&E) will provide the mechanism for the election of Councilors from Zones.

In conclusion, this Petition gives a voice to ACS members who currently do not have one, while ensuring that Council deliberations are strengthened by critical additional perspectives.

Signed:

Michael Adams	Sushila Kanodia	Elizabeth Ann Nalley
Jens Breffke	Fran Kravitz	Sergio Nanita
Raychelle Burks	Diane Krone	Jennifer Nielson
Mary K. Carroll	Natalie LaFranzo	Attila E. Pavlath
James Carver	Louise Lawter	Carolyn Ribes
D. Richard Cobb	Beth Lorsbach	Diane Grob Schmidt
Donna Friedman	Vanessa Marx	Julianne Smist
Anne Gaffney	Michael McGinnis	Laura Sremaniak
Judith Giordan	Ingrid Montes	Angela Wilson
Matthew Grandbois	Zaida Morales-Martinez	Robert Yokley
Elizabeth Howson	Sheila Murphy	

(This petition has been referred to the ***Council Policy Committee**, Committees on Divisional Activities, Local Section Activities, Membership Affairs, Nominations and Elections, International 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 a minor negative impact (\$0 to \$1,000,000) annually on the finances of the Society (estimated at \$90,000 - \$180,000).

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.

A minimum of two-thirds (2/3) vote of Council for approval is required for amendments to the Bylaws. If approved by Council, the amendments will become effective upon confirmation by the Board of Directors.

Comments and suggestions from committees, petitioners, and other interested members on the substance of the petition should be directed to the Council Policy Committee, which has primary substantive responsibility for the petition. Other comments and suggestions may be directed to the Committee on Constitution and Bylaws.

Keith Vitense
2024 Chair