

COUNCIL WILL FACE THREE PETITIONS

ACTIONS IN CHICAGO could affect nominations and election procedures, allow multiyear dues payment

LINDA R. RABER, C&EN WASHINGTON

WHEN IT MEETS next month in Chicago, the ACS Council will have an agenda chock-full of items requiring action. In addition to hearing reports from society officers and committees, council will vote on three petitions to change the society's bylaws, narrow the field of nominees for 2008 president-elect, and be asked to approve a member dues hike for 2008 of \$4.00 to \$136.

The first petition seeks to disqualify any person either serving on the Committee on Nominations & Elections (N&E) or who is less than one year past completing service on that committee from being nominated by the committee for national office. Petitioners want to avoid the appearance of nepotism and the view that leadership in ACS is a "closed circle" among some ACS members. Petitioners believe a one-year waiting period will alleviate these concerns.

The "Petition on Election Procedures 2006" is lengthy and complicated. It deals with several issues; among the items it seeks to change is the procedure by which ACS members can petition to be included on the ballot for national office. The practical effect of this petition would be to increase substantially the number of signatures required for such a petition.

ACS bylaws currently specify that 300 signatures are required for candidates to be included on ballots for offices of president-elect and director-at-large. When they vote in Chicago, councilors will be asked to create a 1% requirement for president-elect and a 0.5% requirement for director-at-large petition candidates. The net effect of these changes, based on current membership numbers, would be to increase the signature requirement from 300 to approximately 1,500 for president-elect and from 300 to about 750 for director-at-large positions.

The proposed bylaws would further require that no more than one-sixth of the signatures of voting members required to put a candidate on the ballot for national

office come from members of a single local section and no more than two-thirds from any one district of the society. The petition also specifies some changes in wording that will permit ballots to be sent electronically and that make deadlines in runoff elections more flexible.

The final petition for council action would allow ACS members who are not in special dues categories (emeritus, retired, unemployed, for example) to pay dues for a period of one, two, or three years at a time at a rate established for the first year of the period. Petitioners cite cost-savings and convenience as reasons to implement these bylaw changes.

The council will also narrow the field of candidates for president-elect 2008. The four nominees chosen by N&E are Pat N. Confalone, vice president of global research and development in agriculture and nutrition, DuPont, Wilmington, Del.; Thomas H. Lane, director of global science and technology outreach and research scientist at Dow Corning, Midland, Mich.; William A. Nugent, senior research fellow, Bristol-Myers Squibb, Princeton, N.J.; and Howard M. Peters, patent attorney and founding partner, Peters Verny LLP, Palo Alto, Calif.

Each of the nominees is scheduled to be introduced to the council and give a brief oral statement. Councilors then will choose two from the four by paper ballot. The two successful candidates, along with any candidates who may be on the ballot by petition, will vie in this fall's election for the three-year presidential succession 2008 to 2010.

Candidates for three director-at-large seats will also be presented to the council; they are Janan M. Hayes, professor emeritus, Merced College, in California; Helen A. (Bonnie) Lawlor, executive director, National Federation of Abstracting & Information Services, Philadelphia; Kent J. Voorhees, professor, Colorado School of Mines; and Frankie K. Wood-Black, director of

consent decree coordination, ConocoPhillips, Houston. The two positions will be filled by vote of councilors this fall.

The council will also learn the names of the candidates chosen to compete for director seats in Districts II and IV in this fall's election. In February, councilors from the appropriate districts voted for candidates from a slate of four nominees in their respective districts.

Following are the text and associated reports of the petitions scheduled for action at the ACS Council meeting in Chicago. The meeting will be held Wednesday, March 28, beginning at 8 AM in the Sheraton Chicago Ballroom of the Sheraton Chicago Hotel.

PETITION ON RULES FOR NOMINATING MEMBERS OF THE COMMITTEE ON NOMINATIONS & ELECTIONS FOR NATIONAL OFFICES

Bylaw III Sec. 3.b, (1), (b) Petition

We, the undersigned councilors of the American Chemical Society, hereby petition to amend the Constitution and Bylaws as follows (additions underlined; deletions ~~struck through~~):

Bylaw III
Sec. 3.

Committees of the Council

b. *Committee on Nominations & Elections*

(1) The duties of the Committee on Nominations & Elections shall include:

(b) preparing 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; However, such panels may not include any member of the Committee on Nominations & Elections and may not include any former member of the committee until at least one year has passed from the time the former member leaves the committee. (~~1/1/01~~)

Explanation

While any ACS member, regardless of age, degree, gender, race, or any other demographic characteristics, should be able to run to be a member of the board directors, we must be careful that our members have

trust in the process that the leadership is not a closed circle. Our constitution already recognizes this (Article VIII, Sec. 5.c.), requiring a two-year waiting period for anyone rejoining the board of directors after spending the maximum allowable time on it.

Petitioners feel that the principle should be applied to nominations done by the Committee on Nominations & Elections to avoid the appearance of nepotism. Petitioners appreciate the hard work done by the committee, but as the 2,000-year-old saying goes: Caesar's wife should be beyond suspicion.

Signed: Lewis E. Allen, Neil T. Allison, Gary D. Anderson, Joseph M. Antonucci, Bryan Balazs, Christopher J. Bannochie, R. Gerald Bass, James E. Boggs, John K. Borchardt, Cheryln-lavaughn Bradley, Elise A. Brown, Michael Brownfield, Charles E. Cannon, David A. Carter, Martha L. Casey, Charles P. Casey, Clifford W. J. Chang, David J. Chesney, Ronald P. D'Amelia, Li hong D'Angelo, Richard S. Danchik, Jean DelFiner, James E. Dudley, Jurgen H. Exner, Victoria Finkenstadt, John W. Finley, Donald E. Gatewood, Dimitri Gorjestani, Lynne P. Greenblatt, Frank A. Guthrie, Stan S. Hall, James A. Hammond, William H. Harned, Michael J. Hearn, George E. Heinze, Warren D. Hull Jr., Neil Jespersen, Sushila (Sheila) Kanodia, Fran K. Kravitz, Thomas J. Kuchera, Anne R. Leslie, Ressano De Souza-Machado, N. Bhushan Mandava, Arthur E. Marcinkowsky, Samuel S. Markowitz, John L. Massingill, Vincent Michael Mautino, Michael B. McGinnis, Zaida C. Morales-Martinez, Barbara E. Moriarty, Arthur L. Mori, Brian L. Mundell, Gordon L. Nelson, Stanley Neshheim, Seymour H. Patinkin, Attila E. Pavlath, Eli M. Pearce, Robert A. Pett, Marsha Anne Phillips, Sonja Strah-Pleymet, Robert A. Pribush, Stephen T. Quigley, Yorke E. Rhodes, Frank Romano, Charles F. Rowell, John M. Ruth, Eileen B. Segal, Sadiq Shah, Khamis S. Siam, Maurice R. Smith, Norman Standish, David Straus, E. Thomas Strom, Anne K. Taylor, Sunny C. Tang, Robin J. Terjeson, Paul H. Terry, Keith Vitense, Don B. Weser, H. David Wohlers

This petition has been referred to the Committee on Nominations & Elections (committee having primary substantive responsibility), the Committee on Membership Affairs, the Council Policy Committee, the Society Committee on Budget & Finance, and the Committee on Constitution & Bylaws.

Final Statement Of Financial Impact

The Society Committee on Budget & Finance has examined this petition and concludes that it will have no impact on the finances of the society.

Final Report Of The Committee On Constitution & Bylaws

The Committee on Constitution & Bylaws has reviewed the petition and generally finds it to be legal and consistent with other provisions of the society's documents. The petition establishes a one-year waiting period subsequent to service on the Committee on Nominations & Elections before an individual can be nominated for district director, president-elect, or director-at-large.

The committee, in consultation with a representative of the petitioners, has prepared a revised version of the petition to correct some minor grammatical and structural problems in the original wording of the petition. The substance of the petition and the intent of petitioners are maintained.

A request has not been received from a majority of the petitioners to place the original petition on the council agenda for action if the revised version now before council is not adopted.

Comments and suggestions from committees, petitioners, and other interested members on the substance of the petition should be directed to the Committee on Nominations & Elections, which has primary substantive responsibility for the petition. Other comments and suggestions may be directed to the Committee on Constitution & Bylaws.—RAY A. DICKIE, CHAIR

PETITION ON ELECTION PROCEDURES 2006

Bylaw V Sec. 2, c and d

Bylaw V Sec. 3

Bylaw V Sec. 4, 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
Sec. 2.
President-Elect

c. Members of the society may nominate additional candidates for president-elect by providing to the executive director by July 15 nominating petitions endorsed by at least ~~300 members, with no more than 50 of the members from a single Local Section, nor more than 200 from any one district of the society.~~ one percent (1%) 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 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. (~~10/19/04~~)

d. On or before Oct. 10, the executive director shall ~~send~~ distribute to each member of the society a ballot containing the names of all candidates for president-elect and constructed as provided herein. (~~10/19/04~~)

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)

When there are three candidates, a preferential ballot shall be used. The ballot shall afford the voter an opportunity to indicate a first and a 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. (9/29/94)

When 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 runoff election conducted in the same manner as the first election shall be held between the two leading candidates. ~~On or before November 15 No later than four weeks after the first election results are certified, and in no event later than Dec. 15,~~ the executive director shall send distribute to each member of the society 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. (10/19/04)

Sec. 3.
Director-at-Large

a. On or before Jan. 15, the Committee on Nominations & Elections shall transmit to the executive director of the society 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. (9/29/94)

b. Members of the society may nominate additional candidates for director-at-large by providing to the executive director by July 15 nominating petitions endorsed by at least 300 members, with no more than 50 of the members from a single local section, nor more than 200 from any one district of the society, one-half percent (0.5%) 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 & Elections. (10/19/04)

c. On or before Oct. 10, the executive director shall send 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. (10/19/04)

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.

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 runoff 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 Dec. 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.

Sec. 4.
District Director

f. On or before Oct. 10, the executive director shall send 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. (10/19/04)

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)

When there are three candidates, a preferential ballot shall be used. The ballot shall afford the voter an opportunity to indicate a first and a 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. (9/29/94)

When 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 runoff election conducted in the same manner as the first election shall be held between the two leading candidates. ~~On or before November 15~~ No later than four weeks after the first election results are certified, and in no event later than Dec. 15, the executive director shall send distribute to each member of the society residing within the district a ballot containing the names of the two candidates receiving the most votes in the first election. That candidate receiving the greater number of votes shall be declared elected. (10/19/04)

**Revised Explanation
Consistency In National Election
Procedures**

The primary purpose of the proposed changes is to standardize the petition and election processes for president-elect and all director positions based on percentages of voting members. The bylaws currently specify an absolute number (300) for the signature requirement for petition candidates for president-elect (Bylaw V, 2, c) and director-at-large (Bylaw V, 3, b), whereas for district director (Bylaw V, 4, e), a percentage (1%) of the district membership is called for.

Petition candidates are an essential part of the electoral process, but because the number of members of the society changes, it is more logical to have percentage requirements, rather than absolute number requirements, for all of these offices. The proposed bylaw change includes a (1%) requirement for president-elect and a (0.5%) requirement for director-at-large (there are usually two positions open for director-at-large, and although only councilors vote in the director-at-large election, the position represents all ACS members). The provisions for limiting signatures from a single local section and district reflect the current ratios, one-sixth (1/6) and two-thirds (2/3), respectively.

We believe that the percentage requirement of one percent (1%) for district director has worked well, and the proposed changes will align the procedures for president-elect and director-at-large with what is currently in place for district director.

The net effect of these changes based on current membership will be to increase the signature requirement from 300 to approximately 1,500 for president-elect, and

from 300 to approximately 750 for each of the director-at-large positions.

The 2005 Committee on Nominations & Elections survey of councilors and non-councilors indicated strong support (71% of respondents) for requiring more signatures to become a petition candidate (<http://chemistry.org/nominations/2005surveyresults.html>). The Joint Board-Council Policy Committee Governance Review Task Force listed as one of the issues recommended for further consideration, "Revise the process for becoming a petition candidate, including required signatures."

The other bylaw change proposed for the director-at-large election process (Bylaw V, 3, c) is intended to address the situation when only one position is open. The proposed change is consistent with the procedures currently used for president-elect when more than two candidates are on the ballot.

Timing Flexibility

In the event of a runoff election for president-elect, district director, and/or director-at-large, the current bylaws require that runoff ballots be distributed by Nov. 15. This petition would remove the rigidity of this deadline by replacing it with a requirement that the runoff ballots be distributed "no later than four weeks after the first election results have been certified and in no event later than Dec. 15."

This change would allow sufficient time for preparing the runoff materials and would link the start of the runoff election to the time when the first (general) election concludes, rather than to an arbitrary date.

An outer time limit of Dec. 15 is added to ensure that the runoff election is completed in time to meet the Jan. 15 deadline for announcing the names of the next-year's nominees or candidates to council.

Alternative Balloting Methods

The words "send" and "mail" in Bylaw V are replaced by "distribute" in order to reflect that ballots may be handled electronically.

Signed: Frank D. Blum, Richard L. Deming, Michael P. Doyle, Carol A. Duane, Merle I. Eiss, Steven A. Fleming, Michelle M. Francl, Thomas R. Gilbert, Ruth A. Hathaway, Peter C. Jurs, Roger A. Parker, Barbara J. Peterson, Sara J. Risch, Barbara A. Sawrey, Kathleen M. Schulz

This petition has been referred to the Committee on Nominations & Elections (committee having primary substantive responsibility), the Committee on Membership Affairs, the Council Policy Committee, the Society Committee on Budget & Finance, and the Committee on Constitution & Bylaws.

Final Statement Of Financial Impact

The Society Committee on Budget & Finance has examined this petition and concludes that it will have minor negative impact on the finances of the society (\$0-\$100,000).

Final Report Of The Committee On Constitution & Bylaws

The Committee on Constitution & Bylaws has examined the petition and finds it to be legal and consistent with other provisions of the society's documents. The present petition replaces language specifying a required absolute number of petition signatures for nomination of candidates for president-elect, director-at-large, and district director with language specifying a requirement for petition signatures representing a percentage of the membership for nomination of candidates for these offices.

The committee, in consultation with representatives of the petitioners, has prepared a revised version of the petition. The substance of the petition and the intent of petitioners are maintained.

A request has not been received from a majority of the petitioners to place the original petition on the council agenda for action if the revised version now before council is not adopted.

Comments and suggestions from committees, petitioners, and other interested members on the substance of the petition should be directed to the Committee on Nominations & Elections, which has primary substantive responsibility for the petition. Other comments and suggestions may be directed to the Committee on Constitution & Bylaws.—RAY A. DICKIE, CHAIR

PETITION ON MULTIYEAR DUES

Bylaw XII Sec. 3, a and b Bylaw XII Sec. 4 Petition

We, the undersigned councilors of the American Chemical Society, hereby peti-

tion to amend the Society Bylaws as follows (additions underlined; deletions ~~struck through~~):

Bylaw XII Finances Sec. 3

a. For 1986, the base rate upon which membership dues shall be calculated shall be \$69. For each succeeding year the base rate shall be the dues established for the previous year. For 1986 and each succeeding year, an amount shall be calculated by multiplying the base rate by a factor which is the ratio of the revised Consumer Price Index for Urban Wage Earners & Clerical Workers (Service Category) for the second year previous to the dues year to the value of the index for the third year previous to the dues year, as published by the United States Department of Labor, with fractional dollar amounts rounded to the nearest whole dollar. At its spring meeting, the council may set the dues for the succeeding year at that calculated amount or at the amount of the previous year's dues or at some intermediate whole dollar amount. Should the council not act, the dues shall become the rounded calculated amount. The membership dues so determined shall be announced to the membership by the treasurer of the society in the official organ of the society six months before the effective date of each change. Members not requesting any of the discounts provided elsewhere in these bylaws may elect a dues period of one year, two years, or three years. The dues rate for two-year or three-year periods shall be two times or three times, respectively, the full annual dues rate established for the first year of the period. (10/1/84)

In addition to the dues so determined, members and society affiliates residing outside the U.S. shall pay a surcharge to reflect additional mailing costs incurred by the society in providing delivery of the official organ of the society. The method of setting this surcharge shall be defined in society regulations. The surcharge shall not be subject to the dues discounts provided elsewhere in these bylaws. (11/02/02)

An allocation from dues revenue shall cover the printing and distribution cost of copies for all members and society affiliates of the editorial portion of the official organ of the society. The allocation shall be fixed by the board of directors, on recommendation of the Society Committee on

Budget & Finance. The board shall report the amount of the allocation through the Society Committee on Budget & Finance at the next council meeting. (11/02/02)

The subscription term for the official organ shall correspond to the membership period. (11/2/02)

b. An annual allocation from society funds equivalent to 20% of society dues revenue applicable to for the second preceding year shall be made to provide for financial support of local sections and divisions. This allocation shall be divided between local sections and divisions with 55% of the allocation for local section support and 45% of the allocation for division support. (6/6/03)

Sec. 4

a. At the request of any local section the ~~annual~~ society bill to each member in that local section shall include the voluntary local section dues. The society shall remit receipts to local sections semiannually. (9/14/79)

b. At the request of any division the ~~annual~~ society bill to each member in that division shall include the division dues. The society shall remit receipts to divisions semiannually. (9/14/79)

c. Division dues and voluntary local section dues collected by the society from members electing a two-year or three-year society dues period shall be two times or three times, respectively, the annual rates established for the first year of the period. It shall be the responsibility of a local section or division to bill and collect any increases in dues that it may make applicable to the second or third year of a membership period.

Explanation

Many members have requested the option of paying dues for a period of more than one year. This amendment will allow members paying full dues without any of the discounts to pay for periods of two or three years if they wish, at a rate equal to two or three times the rate for a one-year period. For simplicity, it is recommended that information on multiyear membership periods indicate that there will be no refunds for dues paid for periods of more than one year.

Ordinarily, the dues rate is adjusted for

inflation each year using a formula tied to a specified consumer price index. If a member elects a two- or three-year period, the society will receive and have the use of the member's dues for one or two years in advance of when they would otherwise be due and collected. During this period, these funds will, in the ordinary course of society financial operations, be invested along with other society funds not immediately required. The accumulated investment income will normally approximate the amount by which the dues rate is increased.

In addition, many of the costs associated with renewing and retaining a member will be avoided. Total retention cost, of which billing and collection costs are a large fraction, is currently estimated at about \$5.00 per member per year. However, it is anticipated that the Membership Division will continue to send annually a mailing similar to the one currently sent to members upon renewal. This mailing could include information on how to add division memberships, how to make donations, and serve as a billing statement for any subscription or service for which a multiyear rate is not available.

The amendment will result in local section and division dues for members electing a two- or three-year dues period being collected in amounts equal to two or three times the established annual rate for the first year of the period. The receipts will continue to be remitted to local sections and divisions semiannually. Local sections and divisions will not be precluded from seeking payment of increases applicable to the second or third year. However, it will be up to the local section or division to bill and collect any such increases.

The surcharge for mailing costs for members residing outside the U.S. is determined by methods specified in the society regulations. Petitioners urge that, when these bylaw amendments become effective, the method of setting the surcharge be amended to allow the surcharge to be collected for three years in a similar manner. Potentially, many members residing outside the U.S. will wish to take advantage of multiple-year membership periods because of the difficulties and expenses associated with payment transmittal and currency conversion.

Subscription rates for *Chemical Abstracts* and the society's journals are established by the board of directors. The board has the power to set multiyear subscription

rates if it decides that such is appropriate. If such multiyear subscriptions are not offered, the costs of billing multiyear members in years in which no society dues are due beyond the single mailing referred to above should become the responsibility of Chemical Abstracts Service and the Publications Division.

Signed: Jacqueline A. Erickson, Donna G. Friedman, Frank A. Guthrie, Warren D. Hull Jr., Zaida C. Morales-Martinez, Robert W. Morrison, Joseph R. Peterson, Jason E. Ritchie, Arlyne M. Sarquis, James O. Schreck, John A. Whittle

This petition has been referred to the Committee on Membership Affairs (committee having primary substantive responsibility), the Admissions Committee, the Committee on Local Sections Activities, the Committee on Divisional Activities, the Council Policy Committee, the Society Committee on Budget & Finance, and the Committee on Constitution & Bylaws.

Final Statement Of Financial Impact

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

Final Report Of The Committee On Constitution & Bylaws

The Committee on Constitution & Bylaws has reviewed the petition and finds it to be legal and consistent with other provisions of the society's documents. The petition establishes the option of multiple dues billing at the discretion of the individual member. The committee, in consultation with a representative of the petitioners, has prepared a revised version of the petition. The substance of the petition and the intent of petitioners are maintained.

A request has not been received from a majority of the petitioners to place the original petition on the council agenda for action if the revised version now before council is not adopted.

Comments and suggestions from committees, petitioners, and other interested members on the substance of the petition should be directed to the Committee on Membership Affairs, which has primary substantive responsibility for the petition. Other comments and suggestions may be directed to the Committee on Constitution & Bylaws.—RAY A. DICKIE, CHAIR