American Library Association Constitution and Bylaws Committee

**Report to Council**

# Annual Conference 2018—New Orleans, Louisiana

## **An enhancement to the ALA Bylaws**

The ALA Governance Office reports that once the 2018 Council election results were posted, two individuals who were elected to councilor at-large seats informed Joanne Kempf that they cannot serve.

The Constitution has language about the President-elect and Treasurer should one of them need to step down before taking office:

## **ALA Constitution: Article VIII. Officers and Committees**

## Section 2. Vacancy.

## President-elect. When a vacancy occurs in the office of president-elect, or when an elected incoming president-elect withdraws or is unable to serve before the assumption of office, then the Executive Board shall appoint an individual to serve in such office, or to assume such office, subject to a confirmation mail vote by Council. Until the individual is confirmed by Council, they shall serve in an acting capacity.

## Treasurer. When a vacancy occurs in the office of treasurer, or when an elected incoming treasurer withdraws or is unable to serve before the assumption of office, then the Executive Board shall appoint an individual to serve in such office, or to assume such office, subject to a confirmation mail vote by Council. Until the individual is confirmed by Council, they shall serve in an acting capacity. The position of treasurer shall be filled by regular election at the next election, unless at the time of appointment the next regular election is less than four (4) months away, in which case the position of treasurer shall be filled at the following election.

Neither the Constitution nor the Bylaws addresses the situation when an individual elected to the Council declines election. The appropriate place to address this issue is in Section IV of the Bylaws.

## **ALA Bylaws: Article IV. Council**

## Section 4.

##  Each chapter shall accredit its councilor to the secretary of the Council in advance of the first meeting after the election.

## Section 5.

##  A vacancy in the membership of Council representing the Association at large shall be filled at the following election to complete the unexpired term and take effect immediately after the election is certified.

## Section 6.

 A vacancy in the membership of Council representing a state, provincial or territorial chapter, division or round table of the Association may be filled by the chapter, division or round table on an interim basis. Each chapter, division or round table shall accredit its interim councilor to the secretary of the Council in advance of the first meeting after selection. The interim councilor shall serve as a voting member until the next regularly scheduled election or for a maximum of one year, by which time an election shall have been held to elect a successor.

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These provisions do not, however, address the occasional situation of an at-large or division/round table Councilor who is elected and declines election prior to being seated in the new Council which convenes at the conclusion of the Annual Conference following the spring election. In such cases applying Article IV, section 5 or section 6 of the Bylaws would create a one-year vacancy. There is, however, a way to avoid a vacancy.

The Constitution and Bylaws Committee recommends amending Article IV of the ALA Bylaws by adding to Article IV Section 7 and Section 8 to address this occasional situation. The

## **Proposed Amendments to ALA Bylaws: Article IV. Council**

## Section 7.

##  If a member is elected to Council as an at-large councilor, but declines the position during the period between the announcement of the annual election results and the seating of the new Council at the conclusion of the Annual Conference, the seat will be filled by the candidate who received the highest number of votes among the candidates who were not elected the annual election.

## Section 8.

 If a member is elected to Council as a division or round table councilor, but declines the position during the period between the announcement of the annual election results and the seating of the new Council at the conclusion of the Annual Conference, the seat will be filled by the candidate who received the next highest number of votes in the annual election. If the election of a division or round table councilor was not contested, the division or round table shall accredit an interim councilor to the secretary of the Council in advance of the first meeting after selection. The interim councilor shall serve as a voting member a councilor to represent the division or round table until a councilor is elected in the next annual election and will be seated in the new Council at the conclusion of the following Annual Conference.

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## **Procedural information on amending the ALA Bylaws:**

ALA Constitution, Article XI. Bylaws Amendments and Editorial Changes

Section 1. All proposals for amending the Bylaws shall originate in the Council. A proposed amendment or new bylaw shall become effective when it shall have been approved by a majority of the members of the Council present and voting at a meeting of the Council, followed by ratification by the members of the Association either by a vote by mail of a majority of the members of the Association voting, or by a majority vote of the members present and voting at a membership meeting of the Association. The Council, on approving a proposed amendment, shall specify whether a vote for ratification shall be taken at a membership meeting of the Association or by mail, and if a mail vote is ordered, the Council shall fix the time for the beginning and closing of the balloting. If a vote at a membership meeting is ordered, at least one month’s written notice shall be given to the Association of the text of the proposed amendment or new bylaw.

Section 2. The Council, upon recommendation of the Constitution and Bylaws Committee or the Committee on Organization, may make such editorial changes in these bylaws as do not change their substance and meaning. Those changes shall take effect upon such action and shall be referenced in the next ALA Handbook of Organization.

## **ACTION ITEM—Recommendation that Council place an amendment to the ALA Bylaws on the spring 2019 ballot**

Resolved, that the following amendment to the ALA Bylaws be presented to the ALA membership on the spring 2019 ballot:

Amend Article IV of the ALA Bylaws by adding to that Article sections 7 and 8:

Section 7.

If a member is elected to Council as an at-large councilor, but declines the position during the period between the announcement of the annual election results and the seating of the new Council at the conclusion of the Annual Conference, the seat will be filled by the candidate who received the highest number of votes among the candidates who were not elected the annual election.

Section 8.

If a member is elected to Council as a division or round table councilor, but declines the position during the period between the announcement of the annual election results and the seating of the new Council at the conclusion of the Annual Conference, the seat will be filled by the candidate who received the next highest number of votes in the annual election. If the election of a division or round table councilor was not contested, the division or round table shall accredit an interim councilor to the secretary of the Council in advance of the first meeting after selection. The interim councilor shall serve as a voting member a councilor to represent the division or round table until a councilor is elected in the next annual election and will be seated in the new Council at the conclusion of the following Annual Conference.

Respectfully submitted,

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