SPB-23.1 Voting at Winter and Summer Meetings

**Source:**

Board of Directors Voting Twice per Year Task Group

**Purpose:**

The purpose of this item is to expand the NCWM voting process from once per year to twice per year, improving and enhancing the function of NCWM.

**Item under Consideration:**

Amend the NCWM Bylaws as follows:

**Articles I-III – No Change**

**Article IV - Membership Fees and Records**

**Section 3 – Waiver of Registration and Membership Fees**

Individuals who have retired after 10 or more years of weights and measures employment in either the public or private sectors, and who have attended at least one **Winter or Summer** **~~Annual~~** Meeting **(or Annual Meeting if before 2024)**, shall not be subject to the payment of the registration and membership fees. The spouses of retired members shall enjoy the same privileges as spouses of active members.

**Article V – No Change**

**Article VI – Directors and Appointive Officials**

**Section 1 – No Change.**

**Section 2 – No Change.**

**Section 3 – Nominations and Elections, Parts A. B, C, D**

1. **Nominating Committee**

Each year prior to the Corporation’s **Winter** **~~Interim~~** Meeting, the Chairman shall appoint a Nominating Committee. The Past Chairman will serve as Chairman of the Nominating Committee.

1. **Nominations**

1. The Nominating Committee shall submit one name for each elective office and present its recommendation as a slate in its report to the Corporation.

2. Additional nominations for officers may be made from the floor at the **Summer** **~~Annual~~** Meeting provided that prior consent of the nominee has been obtained in writing and presented to the presiding officer at the time of the nomination.

1. **Elections**

Directors shall be elected during a designated session of the **Summer** **~~Annual~~** Meeting by a formal recorded vote of the members in attendance and eligible to vote on Corporation motions. See Bylaws, Article X - Voting System

1. **Terms of Office**
2. The Chairman, Chairman-Elect and Past Chairman shall serve for a term of 1 year. The Chairman-Elect will be elected at the **Summer** **~~Annual~~** Meeting one year prior to the term of service as Corporation Chairman. After serving one year as Chairman-Elect, the incumbent will succeed to the office of Corporation Chairman. The consecutive reelection of a Chairman and Chairman-Elect is prohibited; however, the eight other directors may be re-elected. The eight other directors shall serve for 5-year terms; except for the Associate Director and Treasurer who shall serve a 3-year term. Elections shall take place at such intervals as are necessary to retain an 11-member Board at all times, except that vacancies shall be filled under Section 3, paragraph E, below.

2. All Directors shall take office immediately following the close of the **Summer** **~~Annual~~** Meeting at which they were elected.

3. No Change.

1. **No Change.**

**Section 4 – No Change.**

**Section 5 – Removal of Directors**

A director may be removed for cause upon a vote for his or her removal by a majority of the Board at a properly called meeting of the Board. Removal for cause shall include, but not be limited to, failure by the Director to attend two consecutive meetings of the Corporation. For purposes of this section, two consecutive meetings shall mean **Winter or Summer** **~~annual or interim~~** meetings of the Corporation.

**Section 6 – Appointive Officials**

1. **No Change.**
2. **Assumption of Office**

All appointive officials shall take office immediately following appointment and will serve through the subsequent **Summer ~~Annual~~** Meeting of the Corporation unless otherwise specified by the Corporation Chairman.

**Article VII – Duties of the Directors and Appointive Officials**

**Section 10 – Sergeants-at-Arms**

The Sergeants-At-Arms help preserve order during the public sessions of the **Corporation’s ~~Corporation~~ Winter and Summer Meetings ~~Annual Meeting~~**. Their responsibilities include ensuring that only registered delegates are present and that individuals or groups appearing before the Corporation are properly identified.

**Article VIII – Meetings of the Corporation**

**Section 1 – Business Meetings ~~Annual Meeting~~**

The AnnualBusiness Meeting of members shall be held at the **Summer** **~~Annual~~** meeting of the Corporation. **However, the Board of Directors may call for a Business Meeting at the Winter Meeting, should it be deemed necessary**. Notice of **all** **~~the~~** **business meetings ~~annual meeting~~** shall be given. Notice shall be no less than 10 days before the date of the meeting, except that notice to act on an amendment to the Articles of Incorporation, a plan of merger, a proposed sale of assets or the dissolution of the Corporation shall be given not less than 25 days before the date of the meeting.

The agenda for this meeting shall include the election of the Board of Directors and reports from the Chairman and the Treasurer.

**Section 2 – Technical Meetings**

The **~~Annual~~** Technical Meeting shall **~~also~~** be held at the **Winter and Summer Meetings** **~~Annual meeting~~** of the Corporation and may include reports from various committees, task forces, study groups, and other items pertinent to the Corporation, as well as the presentation of technical papers, discussions, displays, **education ~~entertainment~~**, or other events at the discretion of the Board of Directors.

**Section 3 ~~Section 2~~ – Board of Directors and Standing Committee ~~Interim~~ Meetings**

**~~The~~****~~Interim~~** Meetings of the Board of Directors and those Standing Committees designated by the Chairman shall be held **~~annually~~**~~,~~ approximately 6 months prior to the **next meeting** **~~Annual Meeting~~** in order to develop the agenda and committee recommendations to be presented to and acted on by the membership at the **next meeting** **~~Annual Meeting~~**.

**Section 4 ~~Section 3~~ – Conduct of Summer ~~Annual~~ and Winter ~~Interim~~ Meetings**

**~~The~~** **Summer** **~~Annual~~** and **Winter** **~~Interim~~** meetings shall be in-person meetings, excepted only in the event that an emergency is declared by the Board of Directors to allow either meeting to be held entirely or in-part by internet meeting services. Justification and classification of the emergency declaration are at the discretion of the Board and may include, but are not limited to, a pandemic that prevents a significant number of members from participating in an in-person meeting. Such emergency declarations and related determinations to allow internet meetings shall not, however, be uniquely applied to, or employed regarding, any individual agenda item or any subset of items within a complete meeting agenda. The Board of Directors shall maintain policies for conducting these meetings following the principles of the in-person meetings as closely as possible.

**Section 5 ~~Section 4~~ – Other Meetings of the Board of Directors, Committees and Subgroups within the Corporation.**

A. No Change.

B. Other Committees and subgroups of the Corporation are authorized to hold meetings at times other than the **Summer or Winter** **~~Annual~~** Meeting **~~or Interim~~**. Meeting by any manner technologically possible, including, but not limited to telephone conference call, web meeting and email. If a committee or subgroup desires to conduct a meeting requiring travel and facilities at the expense of the corporation, such meeting will be subject to approval in advance by the Board of Directors.

**Section 6 ~~Section 5~~ – No Change otherwise.**

**Article IX - Committees**

**Sections 1-4 – No Change.**

**Section 5 – Duties and Fields of Operation of Board of Directors and Committees**

1. **Laws and Regulations Committee**

The Laws and Regulations Committee **biannually** **~~annually~~** presents a report for Corporation action.

Its scope embraces all matters within the area of weights and measures supervision including:

the development and interpretation of uniform laws and regulations;

1. the study and analysis of bills for legislative enactment;
2. the establishment and maintenance of published guidelines and other effective means of encouraging uniformity of interpretation and application of weights and measures laws and regulations; and
3. liaison with Federal agencies, State agencies, and other groups or organizations on issues within the purview of the Committee. This role entails explaining, advocating, and coordinating Corporation positions, recommendations, and needs before Federal Government agencies, consumer groups, the associate NCWM membership, domestic and international standards organizations, industry, trade associations, and others. The goals are to provide and solicit information, develop a spirit of cooperation, and promote uniformity with the activities and standards of the NCWM.
4. **Specifications and Tolerances Committee**

The Specifications and Tolerances Committee **biannually** **~~annually~~** presents a report for Corporation action.

Its scope embraces all matters dealing with:

1. specifications, tolerances, and technical requirements of any kind relating to scales, weights, measures, and weighing and measuring devices and accessories, including interpretation of such material whenever necessary,
2. standards and testing equipment for weights and measures officials,
3. procedures for testing commercial equipment, and
4. liaison with Federal agencies, State agencies, and other groups or organizations on issues within the purview of the Committee. This role entails explaining, advocating, and coordinating Corporation positions, recommendations, and needs before Federal Government agencies, consumer groups, the associate NCWM membership, domestic and international standards organizations, industry, trade associations, and others. The goals are to provide and solicit information, develop a spirit of cooperation, and promote uniformity with the activities and standards of the NCWM.
5. **Professional Development Committee**

The Professional Development Committee **biannually** **~~annually~~** presents a report for Corporation action.

The mission of the Committee is:

To provide leadership to develop and implement uniform, quality weights and measures services in the areas of:

1. effective program management,
2. education, and
3. public relations.

**C.1-C.2. No Change**

1. **Conference Training Topics**

The Committee would be the focal point for gathering and recommending workshops or symposia on leadership, management, and emerging issues to be presented during the **Summer and Winter Meetings** **~~Annual Meeting~~**. These topics would provide a forum for the exchange of ideas and discussion of changes in the marketplace.

1. **Uniformity of Data - No Change**

**Part D. Nominating Committee**

The Nominating Committee annually presents a slate of nominees for all elective offices. The names of these nominees shall appear in the report of the Nominating Committee and shall be published in the Program and Committee Reports for the **Summer** **~~annual~~** meeting of the Corporation.

**Parts E-G – No Change.**

**Article X - Voting System**

In the case of business issues relating to NCWM, Inc., as a Corporation, all questions before a meeting of the Corporation are to be decided by voice vote of members of all three houses.

Members of all three houses may speak to all issues on the floor, both business and technical issues. However, the adoption of final reports of committees on technical issues, as well as other technical issues, is to be decided by a formal recorded vote of the active members in accordance with the following voting structures and procedures. The determination as to whether an issue is technical or business shall be made by the Board in accordance with the policies and procedures of the Corporation.

**Section 1 - House of State Representatives**

1. **Official Designation**

This body of Active members who are officially designated by their States and are present and registered at the **Winter and Summer Meetings** **~~Annual Meeting~~** shall be known as the "House of State Representatives."

1. **Composition**

Each State is authorized one official to serve as its representative at the **Winter and Summer Meetings** **~~Annual Meeting~~** of the NCWM. The State weights and measures director, or his or her designee (State or local government official), is the State representative.

The District of Columbia, the Navajo Nation, and the U.S. Commonwealths and Territories that have weights and measures programs similar to those of the States (for example, have followed the uniform laws and regulations and have adopted Handbook 44) are also allowed representatives.

1. **Method of Designation**

Each representative is specified annually to the Credentials Committee 30 days before the NCWM **Winter and Summer Meetings** **~~Annual Meeting~~**. Accommodation may be made for exceptions to this deadline. An alternate should be named prior to the NCWM **Winter and Summer Meetings** **~~Annual Meeting~~** in case the designated representative cannot attend.

**Section 2 - House of Delegates**

**Official Designation**

All other Active members present and registered at the **Winter and Summer Meetings** **~~Annual Meeting~~** (those not sitting in the House of State Representatives) are grouped as a body known as the "House of Delegates."

**Section 3 - House of General Membership**

**Official Designation**

This body shall comprise Associate and Advisory members of NCWM, Inc., who are present and registered at the **Winter and Summer Meetings** **~~Annual Meeting~~**. The House of General Membership shall vote, as well as the House of Representatives and the House of Delegates, on all business issues relating to NCWM, Inc., as a Corporation.

**Section 4 Minimum Votes Needed for an Official Vote of a House on Technical Items – No Change**

**Section 5 - Voting Rules**

1. **Quorum - No Change**
2. **Proxy Votes**

Proxy votes are not permitted. Since issues and recommendations in the committees' ~~interim~~ reports are often modified and amended at the NCWM **Winter and Summer Meetings** **~~Annual Meeting~~**, the attendance of officials at the **Winter and Summer Meetings** **~~Annual Meeting~~** and voting sessions is vital.

**C.-F. No Change**

**Section 6 - Committee Reports – No Change**

**Section 7 - Amendments and Changes – No Change**

**Section 8 – Seating - No Change**

**Section 9A - Voting- Technical Issues**

**A.-B. No Change**

1. **Issue Returned to Committee for Future Consideration** If:
2. The House of Representatives fails to cast the minimum **number of** required votes **for an item to pass or fail**.
3. The minimum **number of** required votes is **received from ~~cast in~~** each house but one house votes **“yea” ~~yea~~** and the other house votes **“nay” ~~nay~~**.

**Or**

1. Either the House of Representatives or House of Delegates casts a tie vote of 27 votes or more each in favor and in opposition to the item.

**And**

1. **The chair of the respective Standing Committee makes a specific request in writing to retain the issue on the Standing Committee’s Agenda.  The written request shall be sent to the NCWM Executive Director within 10 calendar days following the voting session.  The day of the voting session counts as the first day of the 10 days.**

The issue cannot be recalled for another vote at the same **Winter or Summer** **~~Annual~~** Meeting.



**An item can only be returned to committee if it meets the criteria in Article X, Section 9A, (C) 1, 2, or 3, and 4.**

**Section 9B – Voting – Business Issues – No Change**

**Section 10 - Procedures – No Change**

**Article XI - Amendments**

These Bylaws may be amended, added to, or repealed at any **Winter or Summer** **~~Annual~~** Meeting of the membership under normal Corporation procedures. Proposed changes must be published in the recommendations of the Board of Directors in its **~~Interim~~** Report (contained in the Program for the **Winter and Summer Meetings** **~~Annual Meeting~~**, NCWM **Publications 16W or 16S** **~~Publication 16~~**) and discussed at the open hearing of the Board of Directors at the **Winter or Summer** **~~Annual~~** Meeting at which said changes will be voted on. Amendments to the Bylaws must be approved by a minimum of a simple majority vote of the general membership in attendance.

**Previous Action:**

New Item in 2023

**Original Justification:**

There is a necessity for the NCWM to be able to respond in a sufficient and timely manner to changes and new technology emerging in the nation’s marketplace. Currently, many states adopt the Handbooks crafted by the NCWM, but are unable to enforce without proper codes. Likewise, the industry often cannot use new technology or advance without updates to existing jurisdictional codes. This change would enhance the function and efficiency of the NCWM and provide regulators and the regulated community with improved response to marketplace changes.

Some jurisdictions may be impacted due to the likelihood of slight increase in costs to have two voting sessions per year.

While the NCWM does not have oversight over the four regional associations; however, there are currently two regional associations (the Southern (SWMA) and the Western (WWMA)) that meet once per year whereas the other two regional associations (the Central (CWMA) and the Northeastern (NEWMA)) currently meet twice per year. The two regional associations that currently meet only once per year would have to determine the impact and consider adjustments, if any, they felt necessary to in order to preview items that were introduced in the Spring cycle.

An updated copy of the presentation given at the 2022 Annual Meeting in Tacoma, WA is posted at <https://www.ncwm.com/publication-15>. Please note that feedback received at the 2022 Annual Meeting was incorporated in the attached presentation, which will also be given at all four regional association meetings in the Fall of 2022, as well as at the 2023 Interim Meeting in Savannah, GA.

The submitters requested Voting status for 2023.