

## **NCACC BYLAWS**

(As amended through August 2003)

## TABLE OF CONTENTS

### Title

**Article I** Name

**Article II** Objects

**Article III** Membership

1. Types of Membership
  - (a) Regular Members
  - (b) Retired Members
  - (c) Associate Members
  - (d) Sustaining Members
2. Eligibility Upon Retirement or Termination as Court Employee
3. Eligibility for Elective Office
4. Membership Dues

**Article IV** Meeting and Voting

1. Annual Business Meetings, Seminars and Educational Programs
2. Special Meetings
3. Quorum for Meeting of Conference
4. Voting
5. Rules of Order

**Article V** Officers

1. Officers of Conference
2. Term of Office
3. Election and Succession of Officers
4. Filling of Vacancies

5. Duties of Secretary

6. Duties of Treasurer

**Article VI** Office of the President

1. Duties of the President

2. Power of President to Appoint Committee Members;  
Parliamentarian

3. Agenda Distribution for Executive Committee Meetings

4. Voting Restriction of Presiding Officer

5. Eligibility for Office After Being President

6. President as Official Representative of the Conference

7. Authority of the President

8. Absence of Officers

(a) Absence of President

(b) Absence of President and President-Elect

(c) Absence of President, President-Elect and Vice-President

**Article VII** Committees

1. Statement of Committees' Work

2. Executive Committee

(a) Powers and Duties

(b) Composition

3. Standing Committees

(a) Duties

(b) Creation and Termination

(c) Composition

(1) Awards Committee

(2) Bylaws Committee

(3) Convention Assistance Committee

(4) Long Range Planning Committee

(5) Membership Committee

(6) Nominating Committee

(a) Nominating timetable

- (7) Program Committee
- (8) Publication Committee
- (9) Resolutions and Memorials Committee
- (10) Scholarship Committee
- (11) Site Selection Committee
- (12) Finance and Investment Committee
- (13) Pictorial Directory Committee
- (14) Technology Committee
- (15) Public Relations Committee

- 4. Select Committees
  - (a) Creation and Termination
  - (b) Composition
    - (1) Past-Presidents' Committee
    - (2) Educational Fund Committee

- 5. Special Committees

**Article VIII** Host Clerk

- 1. Assigned Duties
- 2. Alternate Duties

**Article IX** Secretariat

**Article X** Dissolution Clause

**Article XI** Amendments

- 1. Procedures for Amending Bylaws
- 2. Procedures for Considering Late Amendments to Bylaws
- 3. Effective Date of Amendments

**Index** Comprehensive Index to Bylaws

**BYLAWS  
OF  
THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS**

**ARTICLE I**

Name

The name of this organization is the National Conference of Appellate Court Clerks.

**ARTICLE II**

Objects

The objects of this Conference are: to improve the skill and knowledge required of those performing the duties of appellate court clerks by conferences, seminars or other educational programs; to promote and improve the contribution of the offices of appellate court clerks within the area of effective court administration; to maintain facilities for the collection and dissemination of information and ideas with regard to the operation and improvement of the offices of appellate court clerks.

**ARTICLE III**

Membership

1. Types of Members.

(a) Regular Members. Regular membership shall be open to all clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts in any federal, state, commonwealth, or District of Columbia court system, and in the court systems of United States territories and possessions.

(b) Retired Members. Retired membership shall be open to all retired clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts in any federal, state, commonwealth, or District of Columbia court system, and in the court systems of United States territories and possessions.

(c) Associate Members. Associate membership shall be open to any person whose eligibility for regular membership has ceased for reasons other than

retirement. Associate membership shall also be open to any person serving as a clerk, assistant clerk, deputy clerk, or similar position bearing a different title, in any appellate court system not eligible for regular membership. Associate membership also shall be open to the surviving spouse of a deceased regular, retired, or associate member.

(d) Sustaining Members. Sustaining membership shall be open to any individual, unit of government, corporation, association, or organization upon invitation of the Executive Committee provided that thirty days prior to the invitation the Executive Committee has referred the name of any such individual, unit of government, corporation, association, or organization to the general membership for consideration and comment.

2. Eligibility Upon Retirement or Termination As Court Employee. A regular member of this Conference may continue as a member upon retirement or termination of his or her service with an appellate court, but shall not be eligible to hold office, except that the immediate past president may continue to serve as a member of the Executive Committee as provided in Article VII, Section 2(b), even though no longer serving with an appellate court.

3. Eligibility for Elective Office. Eligibility for office is limited to regular members in good standing with the Conference for the two years immediately preceding the election or an appointment to fill a vacant elective office.

4. Membership Dues. Memberships are renewable by payment of annual dues. The annual dues shall be \$100.00 for regular members, \$25.00 for retired and associate members and \$100.00 for sustaining members. Dues are payable each year on the anniversary of the date on which the individual member joined the Conference. The anniversary date of all members who joined the Conference prior to August 1, 2001 is deemed to be July 1. Dues for those who join the Conference for the first time after an annual meeting shall be payable with the membership application. A membership that has lapsed for non-payment of dues July 1 of the current year may be reinstated without affecting a member's eligibility for office under Section 3 of this Article, if the delinquent dues are paid prior to the expiration of one year from the due date or the annual business meeting, whichever first occurs. On its own motion or on the application of a member, the Executive Committee may waive the payment of dues for good cause shown.

## **ARTICLE IV**

### Meeting and Voting

1. Annual Business Meetings, Seminars and Educational Programs. The annual business meeting and all seminars or other educational programs of the

Conference shall be held at such times and places as may be fixed by the Executive Committee.

2. Special meetings. Special meetings may be held at such times and places as may be designated by the Executive Committee. Except in cases of emergency, at least ten days notice shall be given to members of the special meetings.

3. Quorum for Meeting of Conference. Thirty-Five regular members of the Conference at the annual business meeting or any called meeting of the full conference shall constitute a quorum.

4. Voting. All matters coming before any meeting of the Conference shall be determined by a majority vote of the members present and entitled to vote. Subject to Article III, Section 2, regular and retired members who are in good standing by virtue of the payment of dues pursuant to Article III, Section 4, shall be entitled to vote. Associate and sustaining members shall not be entitled to vote.

5. Rules of Order. The most current version of Robert's Rules of Order shall govern the conduct of all business meetings of the Conference except as provided otherwise in these Bylaws.

## **ARTICLE V**

### Officers

1. Officers of Conference. The officers of the Conference shall be President, President-Elect, Vice-President, Secretary, Treasurer, and Past-President.

2. Term of Office. The officers shall serve until the close of the annual business meeting following that in which they have been elected or succeeded to the office pursuant to Section 3 of this Article, except that the Secretary and the Treasurer shall serve for two years.

3. Election and Succession of Officers. The President-Elect shall succeed to the office of the President at the expiration of the term as President-Elect. The Vice-President shall succeed to the office of President-Elect at the expiration of the term as Vice-President. The President shall succeed to the office of Past-President at the expiration of the term as President. At each annual business meeting, the Vice-President shall be elected by a vote of a majority of the members present at the meeting and entitled to vote; the Secretary and the Treasurer shall be elected for two-year terms, the Secretary in even-numbered years and the Treasurer in odd-numbered years. The Treasurer and the Secretary shall be eligible for reelection.

4. Filling of Vacancies. In case a vacancy occurs in the office of President or President-Elect, the next officer in the order of succession as stated in Section 3 of this Article shall succeed to such office and shall serve for the unexpired term and for the following year. In case a vacancy occurs after the annual business meeting in the office of Vice-President, Secretary, Treasurer, or Past-President, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. If the vacancy filled is that of the Vice-President, it shall be an interim appointment and an election shall be held at the next annual business meeting for the offices of President-Elect and Vice-President. If the vacancy filled is that of Secretary or Treasurer, an election shall be held at the next annual business meeting to fill the unexpired term, if any. If the vacancy to be filled is in the office of Past-President, the Executive Committee shall appoint an eligible former President of the Conference to complete the unexpired term. Eligibility shall be determined by reference to Article III, Section 3 and Article VI, Section 5.

5. Duties of Secretary. The Secretary shall be responsible for the taking of the minutes of the Executive Committee and the annual business meeting or any called meeting and for distributing them to the Executive Committee and the National Center for State Courts. The minutes of the annual business meeting or any called meeting of the full conference shall be mailed to the members of the conference with the call of the next annual business meeting; this requirement may be met by publication in *The Docket*, the NCACC newsletter. The Secretary shall be responsible for overseeing the billing of every member of the Conference for annual dues no later than March 1 of each year, the issuance of membership cards to all members upon payment of their dues, and the maintenance of a list of all members in good standing.

6. Duties of Treasurer. The Treasurer shall be responsible for overseeing the receipt by the National Center for State Courts of all dues and other monies paid to the Conference. The Treasurer shall be responsible for the investment of funds and the finances of the conference as the Executive Committee deems proper. The Treasurer shall serve as the chairperson of the Finance and Investment Committee. The Treasurer shall serve as a member of the Educational Fund Committee and shall be responsible for overseeing the receipt and deposit of revenues into the Educational Fund which is a restricted educational account maintained for the Conference by the National Center for State Courts. The Treasurer shall be responsible for furnishing all members with a financial report by the annual business meeting each year; this requirement may be met by publishing the financial report in *The Docket*, the NCACC newsletter.

## **ARTICLE VI**

### Office of the President

1. Duties of the President. The President shall serve as the chief executive officer and shall preside at all meetings of the Conference and its Executive Committee.

2. Power of President to Appoint Committee Members; Parliamentarian. The President shall appoint or reappoint members of all committees, including the filling of vacancies, and shall designate or redesignate the Chairperson for each committee, except as provided in Article VII. The President may appoint a regular or retired member as Parliamentarian, to serve at his or her pleasure.

3. Agenda Distribution for Executive Committee Meetings. Two weeks prior to each meeting of the Executive Committee, the President shall prepare and distribute an agenda to all officers and members involved. The agenda should be a clear and reasonably explicit list of the topics to be discussed and should be accompanied by necessary and pertinent supporting materials.

4. Voting Restriction of Presiding Officer. The Presiding Officer shall have a vote in all matters coming before the Executive Committee and in all matters at the annual business meeting of the Conference if: (1) a vote is by written ballot or (2) when necessary to decide a tie non-written vote by the members present and eligible to vote pursuant to Article IV, Section 4.

5. Eligibility for Office After Being President. Two years from the expiration of a term as Past-President, a member shall be eligible for election or appointment to any office in the Conference, provided the requirements of Article III, Section 3, have been met.

6. President as Official Representative of the Conference. The President shall serve as the official representative of the conference when attending meetings that relate to the business of the Conference. With the approval of the Executive Committee, the reasonable expenses incurred in connection with attending such meetings shall be borne by the Conference. The President may designate a Conference member as the representative of the Conference. Expenses incurred by such a designee shall be paid in the same manner as those of the President.

7. Authority of the President. Unless specifically enumerated, nothing in this Bylaw shall be construed to limit the authority of the President to perform such tasks as may be reasonably necessary to promote the goals and objectives of the Conference.

8. Absence of Officers.

(a) Absence of President. In the absence of the President, the President-Elect shall preside.

(b) Absence of President and President-Elect. In the absence of the President and President-Elect, the Vice-President shall preside.

(c) Absence of President, President-Elect and Vice-President. In the absence of the President, President-Elect, and Vice President, the most immediate Past-President in attendance shall preside.

## ARTICLE VII

### Committees

1. Statement of Committees' Work. The executive and administrative work of the Conference is conducted in its committees. Conference committees shall include an Executive Committee, standing committees, select committees and special committees. Standing committees and the Educational Fund Committee, a select committee, shall have Committee Operational Guidelines. Proposed changes to these guidelines will be made in writing to the Executive Committee by April first for approval. The chairperson of each standing, select and special committee shall submit a written status report for dissemination at the spring Executive Committee meeting.

2. Executive Committee.

(a) Powers and Duties. The Executive Committee is the Board of Directors. It shall direct the affairs of the Conference and shall meet annually prior to the annual business meeting of the Conference and at other times at the call of the President or seven members of the Committee. All matters before the Executive Committee shall be determined by a majority vote of those present. Seven members of the Executive Committee shall constitute a quorum. The Executive Committee shall decide any question raised on the interpretation and application of these Bylaws.

(b) Composition. The Executive Committee shall consist of the five officers, the immediate past President who shall serve for one year, and six members of the Conference who shall each serve for two years. Three members of the Conference shall be elected in even-numbered years and three shall be elected in odd-numbered years at the annual business meeting by a majority of the members present and entitled to vote. In case a vacancy occurs among the six members after the annual business meeting, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. The successor so chosen shall be eligible at the next annual business meeting for election to that or any other vacant position on the Executive Committee. Members elected to one of the six member positions on the Executive Committee shall not be eligible for election to another term thereon until one year after the expiration of their term.

3. Standing Committees.

(a) Duties. Standing committees are constituted to perform a continuing function of the Conference.

(b) Creation and Termination. Standing Committees may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner.

(c) Composition. Except as noted in (2), (4), (6), (10), and (12) of this subsection, standing committees shall consist of no more than nine members, one of whom shall be designated by the President as the Chairperson. The membership of the Program Committee and the Public Relations Committee shall also include a Vice-chairperson appointed by the President-Elect. The term of the members, the Chairperson and, when applicable, the Vice-chairperson, of a standing committee shall be one year. The Executive Committee, upon request of the President or the committee Chairperson, or upon its own initiative, may remove a member of a standing committee for good cause.

(1) Awards Committee. The purpose of this committee is to recommend to the Executive Committee nominees for the J.O. Sentell Award and Morgan Thomas Award.

(2) Bylaws Committee. The purpose of this committee is to consider amendments to these Bylaws and to make written report to the Executive Committee each year by April first. The Bylaws Committee shall consist of no more than five members, including the Chairperson and any ex-officio members.

(3) Convention Assistance Committee. The purpose of this committee is to provide practical guidance, advice and assistance to Clerks who are hosts of upcoming annual meetings.

(4) Long Range Planning Committee. The purpose of this committee is to recommend to the Executive Committee strategies with positive impact on Conference Purposes and steps to implement those strategies. The Long Range Planning Committee shall consist of no more than nine members, including its Chairperson and any ex-officio members. The Vice-President of the Conference shall serve ex-officio on this committee.

(5) Membership Committee. The purpose of this committee is to solicit new members and distribute information about the Conference and its activities to new or prospective members.

(6) Nominating Committee. The purpose of this committee is to recommend the nomination of regular members to office. The Nominating Committee shall consist of at least five but no more than nine members, including its

Chairperson, and shall be appointed by the President, with the approval of the Executive Committee, at least six months before the annual business meeting.

(a) Nomination timetable. At least thirty days before the annual business meeting, the Nominating Committee shall report to the members its nominations for the offices of Vice-President, Secretary, Treasurer and members of the Executive Committee to succeed those individuals whose terms will expire at the close of the annual business meeting and to fill other Executive Committee vacancies then existing or vacancies that may be created as a result of the Nominating Committee's nominations. In the event the office of Vice-President becomes vacant, the Nominating Committee shall submit nominations for the offices of President-Elect and Vice-President. In the event the offices of President-Elect and Vice-President both become vacant, the Nominating Committee shall submit nominations for the offices of President, President-Elect and Vice-President. Nominations made for anticipated vacancies shall be specified as such in the Nominating Committee's report. In the event a member declines the nomination after the committee has reported its nominations to the members, the committee shall submit the nomination of another member as soon as possible and shall report to all members before or at the annual business meeting.

(7) Program Committee. The purpose of this committee is to organize and present an educational program at the annual meeting of the Conference to further the objectives of the Conference and to enhance the skill and knowledge of appellate court clerks.

(8) Publication Committee. The purpose of this committee is to inform the membership of the activities of the Conference, to provide information to enhance the professionalism of appellate court clerks and their offices, and to publish the NCACC newsletter at least quarterly.

(9) Resolutions and Memorials Committee. The purpose of this committee is to prepare appropriate resolutions for adoption by the Conference as formal expressions of its will and intent, and to prepare and arrange memorials for deceased members.

(10) Scholarship Committee. The purpose of this committee is to recommend recipients of scholarships to the Executive Committee. The Scholarship Committee shall consist of three members, including its Chairperson, and shall be appointed by the Executive Committee.

(11) Site Selection Committee. The purpose of this committee is to solicit potential hosts for future annual meetings, to evaluate invitations from states, and to make appropriate recommendations to the Executive Committee.

(12) Finance and Investment Committee. The purpose of this committee is to recommend finances and investments to the Executive Committee.

The Finance and Investment Committee shall consist of the Treasurer, who shall serve as its Chairperson, and four members appointed by the Executive Committee.

(13) Pictorial Directory Committee. The purpose of this committee is to update and maintain the pictorial directory of the Conference, including the annual meeting summaries contained therein.

(14) Technology Committee. The purpose of this committee is to provide technical support and advice to appellate court clerks and their staffs and to coordinate electronic communications between the Conference and other organizations.

(15) Public Relations Committee. The purpose of this committee is to promote the mission and objectives of the NCACC by providing information about the Conference and its members to the appropriate individuals and groups.

4. Select Committees. Select Committees are constituted to perform a continuing function of the Conference.

(a) Creation and Termination. Select Committees may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner.

(b) Composition. Select committees are made up of members specified in these Bylaws or appointed by other than the President.

(1) Past-Presidents' Committee. The purpose of this committee is to assist the President and Executive Committee as needed. The Past-Presidents' Committee shall be composed of all living Past-Presidents of the Conference.

(2) Educational Fund Committee. The purpose of this committee is to develop sources of income to be invested in a restricted fund, the proceeds of which shall be used for educational purposes as more fully set out in the Operational Guidelines. The Educational Fund Committee shall be composed of the President-Elect, the Treasurer, and one Executive Committee member to be named by the President. The President shall appoint one of these members as the Chairperson.

5. Special Committees. Special Committees may be constituted by the Conference, the President or the Executive Committee, as the need arises, to carry out a specified task in furtherance of the purposes of the Conference. At the completion of the task, or the presentation of the special committee's final report to the Conference, the special committee automatically ceases to exist.

## **ARTICLE VIII**

### Host Clerk

1. Assigned Duties. A host clerk shall have the obligation to establish a separate financial account for registration fees and any other incoming funds for the annual meeting. The account may be reviewed by the Treasurer at any time. The host clerk shall prepare, with the assistance of the Treasurer, a detailed budget and accounting of income and expenses that relate to the management of the annual meeting. The financial statements shall be made a part of the reports by the Treasurer to the Executive Committee.
2. Alternate Duties. Other responsibilities may be assumed by the host clerk as provided in the procedures developed by the Convention Assistance Committee.

## **ARTICLE IX**

### Secretariat

The National Center for State Courts (hereinafter "Center") shall serve as the Secretariat of the Conference. The President, with the approval of the Executive Committee, shall negotiate a contract with the Center annually for the calendar year. The contract shall delineate what services the Center will provide and specify the costs to be borne by the Conference. Secretariat services will cover, as a minimum, the following: membership; distribution of publications; annual corporate reports; billing and collection of revenue; disbursement of expenses; accounting and reporting; monthly and yearly reports; tax returns; investment of funds; use of Center facilities; and fees, billing, and payment.

## **ARTICLE X**

### Dissolution Clause

Upon the dissolution of the corporation, the Executive Committee shall, after paying or making provision for the payment of all of the liability of the corporation, dispose of all assets of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable or educational purposes, as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding

provision of any future United States Internal Revenue Law), as the Executive Committee/Board of Directors shall determine.

## **ARTICLE XI**

### Amendments

1. Procedures for Amending Bylaws. These Bylaws may be amended at the annual business meeting of the Conference by a majority vote of the members of the Conference present and entitled to vote, provided that each amendment to be considered shall have been submitted to the Executive Committee by mailing (postmarked) to the Secretary no later than April first of that year. The text of each amendment to be considered shall be included in the call for the annual business meeting; this requirement may be met by publication in the NCACC NEWSLETTER.

2. Procedures for Considering Late Amendments to Bylaws. Notwithstanding the foregoing provision, amendments to the Bylaws submitted after April first may be considered by the membership at the annual business meeting provided that the membership consents to a suspension of the provisions of Article XI, Section 1, by a vote of seventy-five percent (75%) of the members then present and entitled to vote, and provided further that the quorum requirements of Article IV have been met.

3. Effective Date of Amendments. Amendments to these Bylaws become effective on the adjournment of the annual business meeting of the Conference at which the amendments are adopted unless an earlier time is specified by the Conference at the time an amendment is adopted.

## COMPREHENSIVE INDEX TO BYLAWS

<u>Description</u>	<u>Article</u>	<u>Page</u>
<b><u>A</u></b>		
Absence, of Officers	Art VI, § 8	
Agenda, Distribution for Exec. Cmte. Meetings	Art VI, § 3	
Amendments, to Bylaws (see also Bylaws)	Art XI	
Annual Business Meeting	Art IV, § 1	
Associate Member	Art III, § 1(c)	
Authority, of President	Art VI, § 7	
Awards Committee	Art VII, § 3(c)(1)	
<b><u>B</u></b>		
Bylaws, Amendments to	Art XI	
Effective Date of Amendments to	Art XI, § 3	
Late Amendments, Procedures for		
Considering	Art XI, § 2	
Majority Vote of Eligible Members Present	Art XI, § 1	
Procedures for Amending	Art XI, § 1	
Bylaws Committee	Art VII, § 3(c)(2)	
Composition	Art VII, § 3(c)(2)	
<b><u>C</u></b>		
Clerk, Host, Duties	Art VIII	
Committee Members, Appointment of	Art VI, § 2	
Committee Operational Guidelines	Art VII, § 1	
Committees (see Specific Committee; see also	Art VII	
Standing Committees, Select Committees		
and Special Committees)		
Composition, of Committees (see Specific		
Committee)		
Convention Assistance Committee	Art VII, § 3(c)(3)	
<b><u>D</u></b>		
Directory, Pictorial, Committee	Art VII, § 3(c)(13)	
Dissolution, of the Conference	Art X	
Dues, Membership	Art III, § 4	
Waiver	Art III, § 4	
Duties, of Committees (see Specific Committee)		

## E

Educational Fund Committee	Art VII, § 4(b)(2)
Effective Date, of Amendments to Bylaws	Art XI, § 3
Election, of Officers	Art V, § 3
Elective Office, Eligibility for	Art III, § 3
Eligibility, for Election to Office	Art III, § 3
for Membership Upon Resignation	
or Termination as Court Employee	Art III, § 2
for Office After Being President	Art VI, § 5
Executive Committee	Art VII, § 2
Composition	Art VII, § 2(b)
Duties	Art VII, § 2(a)
Meetings, Agenda Distribution	Art VI, § 3
Powers	Art VII, § 2(a)

## F

Filling Vacancies; Officers	Art V, § 4
Filling Vacancies; Committee Members	Art VI, § 2
Finance and Investment Committee	Art VII, § 3(c)(12)
Composition	Art VII, § 3(c)(12)

## H

Host Clerk, Duties	Art VIII
Alternate Duties	Art VIII, § 2
Assigned Duties	Art VIII, § 1

## I

Investment, Finance and, Committee	Art VII, § 3(c)(12)
Composition	Art VII, § 3(c)(12)

## L

Long Range Planning Committee	Art VII, § 3(c)(4)
Composition	Art VII, § 3(c)(4)

## M

Meetings and Voting	Art IV
Annual Business Meeting	Art IV, § 1
Quorum for Meeting of Conference	Art IV, § 3
Special Meetings	Art IV, § 2
Voting	Art IV, § 4
By Regular and Retired Members	Art IV, § 4
By Associate and Sustaining Members	Art IV, § 4
Members, Types of	Art III, § 1

Associate	Art III, § 1(c)
Regular	Art III, § 1(a)
Retired	Art III, § 1(b)
Sustaining	Art III, § 1(d)
Membership	Art III
Dues	Art III, § 4
Eligibility for Elective Office	Art III, § 3
Eligibility Upon Retirement or Termination as Court Employee	Art III, § 2
Lapsed	Art III, § 4
Reinstated	Art III, § 4
Types	Art III, § 1
Membership Committee	Art VII, § 3(c)(5)

## N

Name, of Organization	Art I
Nominating Committee	Art VII, § 3(c)(6)
Composition	Art VII, § 3(c)(6)
Nomination Timetable	Art VII, § 3(c)(6)(a)

## O

Objects, of Conference	Art II
Office, Elective, Eligibility for	Art III, § 3
Office, Eligibility for, after being President	Art VI, § 5
Office, of President	Art VI
Officers, of Conference	Art V, § 1
Absence of	Art VI, § 8
President	Art VI, § 8(a)
President and President-Elect	Art VI, § 8(b)
President, President-Elect and Vice-President	Art VI, § 8(c)
Election and Succession of	Art V, § 3
Vacancies, Filling of	Art V, § 4
Succession of; Election and	Art V, § 3
Term of Office	Art V, § 2
Official Representative of Conference, President as	Art VI, § 6
Order, Rules of	Art IV, § 5
Organization, Name of	Art I

## P

Parliamentarian, Power of President to Appoint	Art VI, § 2
Past-Presidents' Committee	Art VII, § 4(b)(1)
Pictorial Directory Committee	Art VII, § 3(c)(13)
Power, of President (see President)	Art VI, § 2
Powers, of Executive Committee	Art VII, § 2(a)
President	
Absence of	Art VI, § 8
Authority of	Art VI, § 7
Duties of	Art VI, § 1
Eligibility for Office After Being President	Art VI, § 6
Office of	Art VI
Official Representative of Conference	Art VI, § 6
Power of, to Appoint Committee Members	Art VI, § 2
Term of Office	Art V, § 2
Voting Restriction of Presiding Officer	Art VI, § 4
President-Elect, absence of	Art VI, § 8
Program Committee	Art VII, § 3(c)(7)
Publication Committee	Art VII, § 3(c)(8)
Publications, Distribution of	Art IX
Public Relations Committee	Art VII, § 3(c)(15)

## Q

Quorum, for Meeting of Conference	Art IV, § 3
-----------------------------------	-------------

## R

Regular Member	Art III, § 1(a)
Resolutions and Memorials Committee	Art VII, § 3(c)(9)
Retired Member	Art III, § 1(b)
Rules of Order	Art IV, § 5

## S

Scholarship Committee	Art VII, § 3(c)(10)
Composition	Art VII, § 3(c)(10)
Secretariat	Art IX
Secretary, Duties of	Art V, § 5
Select Committees	Art VII, § 4
Composition of, generally	Art VII, § 4(b)
Past-Presidents' Committee	Art VII, § 4(b)(1)
Educational Fund Committee	Art VII, § 4(b)(2)
Creation and Termination	Art VII, § 4(a)
Termination, Creation and	Art VII, § 4(a)

Site Selection Committee	Art VII, § 3(c)(11)
Special Committees	Art VII, § 5
Special Meetings	Art IV, § 2
Notice of	Art IV, § 2
Standing Committees	Art VII, § 3
Composition of, generally	
Bylaws Committee	Art VII, § 3(c)(2)
Finance and Investment Committee	Art VII, § 3(c)(12)
Long Range Planning Committee	Art VII, § 3(c)(4)
Nominating Committee	Art VII, § 3(c)(6)
Scholarship Committee	Art VII, § 3(c)(10)
Creation and Termination	Art VII, § 3(b)
Duties	Art VII, § 3(a)
Termination, Creation and	Art VII, § 3(b)
Statement of Committees' Work	Art VII, § 1
Sustaining Member	Art III, § 1(d)

**I**

Technology Committee	Art VII, § 3(c)(14)
Term of Office, of Officers	Art V, § 2
Tie Vote, Non-written	Art VI, § 4
Treasurer, Duties of	Art V, § 6

**V**

Vacancies, Filling of; Committee Members	Art VI, § 2
Vacancies, Filling of; Officers	Art V, § 4
Vice-President, Absence of	Art VI, § 8
Vote, Non-written, Tie	Art VI, § 4
Voting	Art IV, § 4 and Art VI, § 4
Voting, Restriction on Presiding Officer	Art VI, § 4

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Waiver, of dues	Art III, § 4
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