

Proposed changes in the
Constitution and Bylaws
of the American Physical Society
as approved by Council, November 14, 1999

(Presented here for consideration and comment by the membership of the Society.)

Notes:

Undisturbed language in 16 point.

Proposed additions in 28 point bold red

Proposed deletions in 12 point green

Explanatory comments in 16 point italics*

Proposed changes are shown in the context of the full paragraphs or, in some cases, full sections in which they appear.

December 9, 1999

*by Stephen Baker, Chair of the Committee on Constitution and Bylaws

CONSTITUTION

ARTICLE IV - COUNCIL

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3. Composition.

The Council shall consist of the President, the President-Elect, the Vice-President, the most recent Past President, the Chairperson of the Nominating Committee, the Chairperson of the Panel on Public Affairs, who is elected by Council according to procedures specified in the Bylaws, the Operating Officers (Executive Officer, Treasurer, Editor-in-Chief), **and Councillors: eight General Councillors, one International Councillor, whose primary residence is outside the United States,** and Councillors representing the Divisions, and Forums, **and Sections.** A Division is entitled to N Councillors if its membership exceeds NX percent of the total membership of the Society; a Forum is entitled to one Councillor if its membership exceeds X percent of the Society. **The value of the percentage X, which appears in other Articles and affects the composition of Council,** shall be determined by Council and specified in the Bylaws.

The number of General Councillors shall be 12 or M, whichever is larger, when the percentage of Society members who do not belong to any Division is determined to lie between MX and $(M + 1)X$. There may sit with the Council as advisors such persons as Council deems desirable.

Comment: The meaning of the term Councillor was not defined in the Constitution. The wording above defines the term Councillor and also determines the number of General Councillors and International Councillors. (The other numbers of Councillors are determined in the Articles referring to Divisions, Forums, or Sections, as the case may be.)

ARTICLE VI - EXECUTIVE BOARD AND COMMITTEES

1. Executive Board.

There shall be an Executive Board consisting of the President, the President Elect, the Vice President, the most recent Past President, the three Operating Officers (Executive Officer, Treasurer, Editor-in-Chief), and eight additional Council

members to be elected by Council as follows:

All Councillors **serving four-year terms** are eligible for election to the Executive Board by the entire Council in the second year of their terms. Each year at the Elections Meeting of Council, four Councillors in their second year of service shall be elected to serve on the Executive Board concurrently for the remainder of their Council terms. These four Councillors shall attend the Executive Board meetings as non-voting observers during the remainder of their second year of service, and they shall then serve two-year terms as voting members of the Executive Board during their third and fourth years of service.

The Executive Board shall meet at least five **three** times each year. The President shall chair these meetings.

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Comment: In the revised Constitution, the only Councillor that would not be serving a 4-year term is the International Councillor. There may be, however, other kinds of Councillors in the future, so it is more general to say that the Councillors who are serving 4-year terms are those Councillors eligible for service on the Executive Board.

ARTICLE VII – ELECTION AND TENURE OF COUNCILLORS, OFFICERS, AND ELECTED COMMITTEE MEMBERS

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4. Nominating Procedures.

Each year the Nominating Committee shall prepare a slate of nominations for the positions of Vice-President, Chairperson-Elect of the Nominating Committee,

General Councillors, **International Councillor**, and other positions as required by the Constitution or Bylaws, no later than the 31st of May. The Nominating Committee shall submit to the Executive Officer the names of at least two candidates for each of the posts to be filled. The election ballot shall contain these names and those of other candidates nominated by petition of the Society numbering at least one percent of the total number of members given in the latest membership list and submitted to the Executive Officer no later than the 30th of April. Nominations by this latter procedure shall not preclude nominations of the same candidates by the Nominating Committee.

The Divisions and Forums will nominate and elect their respective Councillors according to the Bylaws.

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5. Election Ballot.

The election ballot shall contain the names of at least two candidates for each vacancy to be filled, clearly separated according to category: Vice-President, Chairperson-Elect of the Nominating Committee, and General Councillors, **International Councillor, and other positions as required by the Constitution or Bylaws**. Copies of the election ballot shall be provided to all members of the Society by mail or electronically at least five weeks prior to the Elections Meeting of Council. No ballot shall be counted unless unambiguously filled out by a qualified voter, cast electronically or sent in a sealed envelope bearing the voter's name, and received at a speci-

fied location not later than the specified deadline date. The positions in each category shall be filled in order of rank, starting with the candidate receiving the highest number of votes in each category. In the event of a tie, the Council shall decide the election, with the President voting only in the case of a tie among the other Council members. The counting of the ballots shall be entrusted to Tellers appointed by the President. They shall report the **E**lection results at the next meeting of Council. As soon as possible thereafter, the names of winning candidates shall be announced in a publication of the Society.

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9. Term of Councillors.

General Councillors and Councillors representing the Divisions, Forums, and Sections

shall serve for a term of four years and may not serve more than two consecutive

terms. **International Councillors shall serve for**

a term of two years and may not serve more

than two consecutive terms. The Council shall fix the

term **(S)** of the first Councillor **(S)** to be elected from a Division, **or** Forum, **OR**

the Sections so that approximately equal numbers of Councillors shall have terms ending each year. When a Councillor resigns or is incapacitated sixteen months or more before the normal expiration of his or her term, a new Councillor shall be chosen to fill the vacant post at the next election, and the Council shall fix the term of this new Councillor so that approximately equal numbers of Councillors shall have terms ending each year. The tenure of a Councillor shall terminate in the event of his or her assumption of a post as officer of the Society, and the unexpired portion of the term shall be filled as above for a vacancy in elected office.

ARTICLE VIII – ESTABLISHMENT OF A DIVISION**S**, TOPICAL GROUP**S**, OR **AND** FORUM**S**

1. Organization.

If at least two hundred members wish to advance and diffuse the knowledge of a specific subject or subfield of physics, they may petition the Council to establish a Topical Group. The Council shall distribute to the Chairperson and the Secretary-Treasurer of each existing Division and Topical Group a statement of the areas

of interest of the proposed Topical Group for review and comment. If the membership of a Topical Group exceeds X percent of the total membership of the Society for two consecutive calendar years, it shall become a Division following application to and approval by Council. **A Division shall have one Councillor.** If the membership of a Division falls below 0.7X% for four consecutive years, it shall revert to the status of a Topical Group. If the membership of a Topical Group falls below two hundred for four consecutive years, it shall cease to exist.

If at least two hundred members wish to advance and diffuse knowledge regarding the interrelation of physics with matters not exclusively in physics, they may petition the Council to establish a Forum. The Council shall distribute to the Chairperson and the Secretary-Treasurer of each existing Forum a statement of the areas of interest of the proposed Forum for review and comment. If the membership of a Forum exceeds **2**X percent of the total membership of the Society for two consecutive years, it shall qualify to have one Councillor. If the membership of a Forum falls below **0.7 1.4**X% for four consecutive years, it shall lose its Councillor. If the membership of a Forum falls below two hundred for four consecutive years, it shall cease to exist.

The Council shall review and approve or disapprove the Bylaws of each Division, Topical Group, or Forum. Ultimate legal and fiscal responsibilities of Divisions, Topical Groups, and Forums reside in the Council.

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3. Nominating Committee.

The Division, Topical Group, or Forum **n**Nominating Committee shall include one member of the Division, Topical Group, or Forum appointed by the Council.

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Comment: The proposed new title of Article VII deletes the words “establishment of a” and is changed to “Divisions, Topical Groups, and Forums” to recognize the scope of the Article. A similar change in the title of the succeeding Article is also proposed.

ARTICLE IX – ESTABLISHMENT OF A SECTION **S**

1. Organization.

If at least two hundred members residing or working in any geographical region wish to organize, they may petition the Council to establish a Section. *If the membership of a Section exceeds X percent of the total membership of the Society for two consecutive calendar years, it shall qualify to have one nonvoting advisor on Council. If the membership of a Section falls below 0.7X% for four consecutive years, it shall lose its Council advisor. If the membership of a Section falls below two hundred for four consecutive years, it shall cease to exist.*

There shall be two Councillors representing the Sections. Council shall establish a rotation list of existing Sections. When a Section’s turn in the rotation occurs, it will elect a Councillor representing the Sections. After the entire original rotation is com-

pleted once, Council shall place any newly-formed Sections in the rotation list where it deems appropriate. If a Section ceases to exist, it shall be removed from the rotation list.

The objective of a Section shall coincide with that of the Society as stated in Article II. The Council shall review and approve or disapprove the Bylaws of each Section. Ultimate legal and fiscal responsibilities of Sections reside in the Council.
Comment: In this Article the proposed language does not discriminate on the basis of the size of a Section. Each Section, in some order, will have its turn to elect a Councillor to represent all the Sections. All existing Sections would get a turn before any new Sections do, and then Council can insert new Sections so that some geographical balance is maintained. For instance, if the next two new Sections were Southern California and Northern California, it would be wise for Council to insert them into the rotation so that they were not consecutive, thereby avoiding the situation that both the Councillors representing the Sections were from California.

ARTICLE XII – BYLAWS

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2. Establishment and Amendment of Bylaws.

Bylaws may be established or amended by the following procedure. A new Bylaw or an amendment may be introduced by one of the following methods:

- a. recommendation to the attention of Council by the Committee on Constitution and Bylaws;
- b. acceptance for consideration by an affirmative vote of a simple majority of the members of the Council present at a regularly scheduled meet-

ing; or

c. receipt by the President of a petition signed by at least one percent of the total number of members given in the latest printed membership list of the Society.

Following an affirmative vote of two-thirds of the **Councillors members of Council** present at a Council meeting, the new Bylaw or the amendment shall be published in a publication of the Society or shall otherwise be distributed to members. The new Bylaw or the amendment shall then be presented to Council for final consideration. An affirmative vote of two-thirds of the **Councillors members of Council** present at a Council meeting shall serve to adopt the new Bylaw or the amendment. The complete text of the new Bylaw or the amendment and the date of its adoption by Council shall be published in a publication of the Society.

Comment: This change permits all members of Council to vote on Bylaw amendments.

BYLAWS

ARTICLE I – COMPOSITION OF COUNCIL

The percentage X, first referred to in Article IV, Section 3 of the Constitution, shall be three. The membership percentages shall be determined from the official membership lists on 31 December of the year preceding the election of Councillors. Each Division and Forum shall conduct its nominations and elections for the posi-

tion of Councillor in conformance with the rules specified hereinafter and shall communicate the results of their elections to the Executive Officer before January 1 of the year in which a Councillor assumes office. When a Division or Forum membership falls below that required to support the current number of Councillors, the following rules shall apply. When the ratio of a Division membership to the total APS membership falls below NX% (with N greater than 1) on 31 December, the Division shall lose the Councillor(s) whose term(s) next expires, when that term ends. When a Division or Forum membership ratio drops below 0.7X% for four consecutive years, the Division shall lose its remaining Councillor(s) on 31 December of the fourth year. **When a Forum membership ratio drops below 1.4X% for four consecutive years, the Forum shall lose its Councillor on 31 December of the fourth year.**

ARTICLE VII – NOMINATIONS AND ELECTIONS

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3. Positions for Which Nominations Are Required.

The Nominating Committee shall prepare a slate of at least two candidates for (1) Vice-President, (2) Chairperson-Elect of the Nominating Committee, (3) General Councillors, (4) vacancies in the membership of the Nominating Committee, and (5) Vice-Chairperson of the Panel on Public Affairs, **and (6) International Councillor**. The Nominating Committee shall also prepare a slate of candidates for vacancies in the membership of the Panel on Public Affairs,

and this slate shall include at least one and one-half as many candidates as the number of vacancies. The Nominating Committee is encouraged to suggest candidates for other committees to the Committee on Committees. The Committee on Committees shall prepare a slate of candidates for vacancies in the membership of the Publications Oversight Committee and the Audit Committee for election by Council, and it shall advise the President concerning suitable candidates for Bylaw committees appointed by the President. The Committee on Committees is encouraged to suggest candidates for the Nominating Committee, Panel on Public Affairs, and Chairperson-Elect of the Panel on Public Affairs to the Nominating Committee. In general, the number of nominees shall exceed the number of available vacancies. The President shall appoint the Chairpersons of all other committees unless otherwise specified in the Constitution and Bylaws after consultation with the retiring Chairperson of the committee in question and with the Committee on Committees.

Changes or corrections from version of 11/4/99

11/5/99 A sentence slated for deletion from Constitution, Article IX, Section 1 was missing from the text. It has been restored and printed in small type.

11/11/99 The proposed formulation of Constitution, Article IX, Section 1 as adopted at Council

on Nov. 14, 1999 is given

11/23/99 Changes recommended by Council in Constitution, Article XII, concerning who votes on amendments to bylaws have been made. Minor changes in Comments are made, and more complete language is included so as not to give so many paragraph fragments.

12/8/99 Several typographical errors which have crept into the most recently posted copies of the Constitution are corrected.