

GC/MRS: sg

SSIC 6100

93-0823

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FROM: James J. Engel, Deputy General Counsel

SUBJ: Nonstandard Bylaw Amendment for []

DATE: September 10, 1993

You asked for our opinion on a proposed nonstandard bylaw amendment submitted by

[]. The proposed amendment would modify Article VI, Section 1 of the FCU's Bylaws, dealing with nominations by petition.

Specifically, the FCU wants to amend the last sentence of the first paragraph of Article VI, Section 1, which addresses the number of signatures needed on a petition. The bylaw currently states that "nominations for vacancies may also be made by petition signed by one percent of the members with a minimum of 20 and a maximum of 500." Apparently, the FCU has had problems with members submitting a single petition nominating more than one person for a position. The FCU wants to amend the sentence in question to clarify that a separate petition, signed by 20 to 500 members, must be submitted for each person being nominated by petition. The pertinent portion of the sentence would read, ". . . signed by one percent of the members with a minimum of 20 and a maximum of 500 per individual nomination.'

The proposed amendment would not violate the FCU Act or the Regulations, neither of which addresses this issue. We agree with the FCU that the intent of the original bylaw is, in all likelihood, that each nominee be nominated by a separate petition with the requisite number of signatures. The amendment would merely clarify what we believe to be the intended meaning of the bylaw. We have no legal objection to the proposed amendment, and defer to your judgment as to whether it should be granted.