

GC/MFR:bhs

SSIC 6100

94-0125

[]

FROM: Richard S. Schulman, Acting Associate General Counsel

SUBJ: Nonstandard Bylaw Amendment - []

(Your January 18, 1994, Memorandum)

DATE: February 10, 1994

You asked for our comments on [] request for a nonstandard bylaw amendment to Article VI, Section 8 of its bylaws. The proposed amendment would eliminate the need for a separate ballot and voter identification fo The FCU has made some other minor changes to the standard bylaw amendment. agree that for purposes of clarity, the standard amendment language should be retained except in the specific sections dealing with the ballot/voter identification for The proposed amendments to Article VI, Section 8(c) and (d) should read as follows:

(c) The secretary shall cause the following materials to be mailed to each eligible voter.

(1) One combined ballot and voter identification form with each portion clearly identified. On the ballot portion this form, the names of the candidates for the board of directors **and the names of candidates for other separately identified offices or committees shall have been printed in alphabetical order**. The name of each candidate may be followed by a brief statement of qualifications and biographical data in such form as shall approved by the board of directors. The voter identification portion of this form shall be completed so as to include the voter's name, address, signature, and credit union account number. (emphasis added).

(2) One (1) mailing envelope in which the voter, pursuant to instructions provided, shall insert the completed combined ballot and voter identification form, and which shall have been postage pre-paid and pre-addressed for return to the tellers of election.

(d) It shall be the duty of the tellers of election to verify, or cause to be verified, the validity of the vote's credit union account number as appearing on the voter identification form; to place the verified combined ballot and voter identification form in a place of safekeeping pending the count of the vote; in the case of a questionable or challenged identification form, to retain the combined ballot and voter identification form, until the verification or challenge has been resolved; and to verify that no eligible voter has voted more than one time.

We have no legal objection to the amendment as stated above except to note that the credit union should use the standard amendment language on pages 38 and 39 for the other portions of Article VI, Section 8. You should be aware that in (c)(1) (the highlighted portion) we added back language from the standard amendment that the FCU had taken out.

Neither the FCU Act nor NCUA's Regulations sets any specific requirements for the

ballot/identification form. We defer to your judgment as to whether the proposed amendment should be allowed.