

GC/MFR:bhs
SSIC 3700
02-1208

TO:

FROM: Sheila A. Albin, Associate General Counsel

RE: Nonstandard Bylaw Amendment –

DATE:

You have asked this office to review a request from FCU to amend its bylaw governing the order in which the names of the candidates appear on the ballots. FCU Bylaws, Article V, Option A4, Section 2(d)(1). The proposed amendment replaces the language “printed in order as determined by the draw of the lots” with “rotated.” The FCU’s explanation of how it will accomplish this is that it will be “equal rotation of each candidate’s names through the positions printed on a ballot.” We have no legal concerns with the FCU amending its bylaws to provide that the names of the candidates are rotated on the ballots but suggest the bylaw include a brief explanation of how this will be accomplished.

We note that the FCU in its request referenced Article VI, Section 2(d)(1) and your office in its memo seeking concurrence referenced Section 8(c)(1) as the provision for which the amendment was being requested. The correct reference for the bylaw provision governing elections by electronic device or mail ballot is Article V, Option A4, Section 2.