

# NMASC BY-LAWS

(Revised Marh 2021)

## Article I National Representation

NMASC will affiliate with the National Association of Student Council State Executive Directors; Region 6; National Student Council.

## Article II The Association Year

Financial accounting for NMASC will be for the school year (August 1 – July 31)

## Article III Purpose

NMASC is the state Student Council Association. NMASC is for student leaders that encourages the practice of the democratic process, citizenship, and service while fostering an exchange of ideas and problem-solving strategies of New Mexico Schools. We provide leadership training, conferences, workshops and leadership opportunities.

NMASC is organized exclusively for charitable and educational purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

## Article IV Membership

### Section 1: Eligibility:

Membership shall be open to all eligible schools provided they have paid their current school year NMASC Membership Dues and they sponsor a local student council organization. Schools must be members of the NMASC to be eligible to attend the state conference, summer workshop and any other functions of the NMASC.

### Section 2: Dues:

NMASC Membership Dues must be paid before a school participates in NMASC functions. NMASC Membership Dues are paid on a school year basis (August 1 – July 31).

## Article V Executive Board

### Section 1: Executive Director:

- A. Persons wishing to apply for the position of executive director shall submit the application to the executive board which will be reviewed, and a selection will be made for the good of the organization.
- B. A newly appointed executive director shall be hired for a two-year term subject to review at the spring executive board meeting during his/her second year of tenure. The executive board may rehire the executive director to a four-year term thereafter.
- C. In the event the executive director is not rehired or the position is vacated for any reason, notification will be sent to NMASC member schools, and the application process will begin immediately.

### Section 2: Executive Board – Student Officers:

- A. Student candidates from member schools must submit their applications in writing to the executive director sixty (60) days prior to the opening of the state conference. Directions for submission will be posted at [nmasc.org](http://nmasc.org) and in the NMASC newsletter.

- B. All elected officers must meet the requirements listed below unless otherwise approved by the executive board.
  - a. Presidential and 1<sup>st</sup> Vice-President candidates must have attended both the state conference and the summer workshop during the past year and be a high school junior or sophomore when elected.
  - b. 2nd vice president and secretary must have previously attended a state conference or the summer workshop within the past two years and must be either a freshman, sophomore, junior in high school when elected
  - c. All secretary candidates must have keyboarding skills.
- C. All candidates for the office must be official delegates to the state conference.
- D. A written letter of support from the student council advisor of the student's school must accompany a bid for office.
- E. The president, first vice-president, second vice-president and secretary shall be elected at the state conference.
  - a. The executive director shall appoint any officers if there are no qualified applicants or should a vacancy occur during an officer's term of office.
- F. Each member school present at the state conference is entitled to one voting delegate.
  - a. Only official voting delegates present at the state conference may vote.
  - b. Voting shall be done by ballot.
  - c. A majority of votes cast shall be necessary to elect.
- G. Student officers elected and installed at the state conference shall serve from installation throughout the following association year. Outgoing officers may participate at the first meeting/training of the new executive board.

### Section 3: Executive Board – Executive Advisors:

- A. The following positions shall be elected at the state conference:
  - a. Executive advisor to the president
  - b. Executive advisor to the first vice-president
  - c. Executive advisor to the second vice-president
  - d. Executive Advisor to the secretary
    - i. The Advisor to the state secretary must have keyboarding skills.
  - e. A rotation system for each term of office will be used.
- B. To be considered for an executive advisor position, interested persons must:
  - a. have previously attended either a state conference or the summer workshop within the past two years.
  - b. submit the application in writing to the executive director sixty (60) days prior to the opening of the state conference.
    - i. Directions for submission will be posted at nmasc.org and in the NMASC newsletter.
  - c. be official delegates to the state conference.
  - d. be elected by the member school advisors at the annual conference.
    - i. One school advisor from each member school present at the state conference is entitled to one vote.
    - ii. A majority of votes cast shall be necessary to elect.
- C. Once executive advisors are elected, they will serve for three years.
  - a. An executive advisor may be re-elected to the executive board after completion of original term.
- D. The executive director may fill, by appointment, any unexpired term of an executive advisor.

### Section 4: Travel:

When attending specific required board meetings and events, travel expenses of voting members of the executive board shall be paid by NMASC.

- A. Ride-share is requested when executive board members are traveling from the same geographic location.
- B. Mileage will be reimbursed by NMASC for Executive Board members out-of-town travel – one round trip per event.
- C. If an Executive Board member chooses not to ride-share when available, their mileage will not be reimbursed.
- D. Lodging for out-of-town Executive Board members will be paid by NMASC. Meals will be provided for all Executive Board members.

- E. The Executive Director and State President, if able, will travel to all NMASC/District Conferences with expenses paid.

**Section 5: Meetings:**

- A. The executive board shall attend an annual weekend planning and training retreat on the weekend following the boys' state basketball tournament.
- B. The executive board shall meet on the weekend prior to the summer workshop.
- C. The executive board shall meet at the state conference host school during the fall semester prior to the state conference.
- D. The executive board shall meet for at least a full day prior to the first day of the state conference at the host school.

Further meetings may be called as needed, if written notice is sent to members of the executive board prior to the meeting.

**Section 6: Administrative Consultant:**

The NMASC Executive Board may appoint consultants for the organization, for the purposes and time length designated by the board.

**Section 7: REGION 6 Representative**

The position of NMASC Region 6 Student Representative open to sophomores and juniors as this position is a one-year commitment.

- A. The Region 6 Representative application will be available to advisors prior to the State Conference. Please refer to all qualifications contained within the application.

**Article VI Election Process**

**Section 1: Filing for Office:**

- A. A candidate for office must file, on the Student Officer and Executive Advisor Candidate Application Form, his/her intent to run for office. The application must be complete and must be in the office of the executive director sixty (60) days prior to the first meeting of the state conference.
- B. A NMASC member school may not run more than two candidates for state office in the same year.
  - a. If there is more than one candidate from a school, the candidates may not run for the same office.

**Section 2: Candidates' Meeting:**

- A. Prior to any campaign activities each eligible candidate is required to attend a candidates' meeting as set by the executive board, no more than two hours prior to registration for the annual state conference.
  - a. A candidate who does not report on time for the candidates' meeting and who does not attend the full meeting will be disqualified.
  - b. Each candidate will bring to the candidates' meeting two final printed copies of their speech, written in paragraph form.
    - i. One printed copy will be turned into the 1<sup>st</sup> Vice-President (or election official).
    - ii. One printed copy will be read and signed by the election officials.
    - iii. This is the speech the candidate will deliver. No alterations will be made.
      - 1. Alterations to the speech will result in disqualification.
  - c. If the candidate is to use campaign posters and banner, these items must be brought to the candidates' meeting.
  - d. The use of any materials or props in the candidate's speech is prohibited.

### Section 3: Campaigning:

- A. Candidates for office (and their school advisors) will be held responsible for reading the NMASC Constitution and for following campaign regulations.
  - a. Any violations of campaign regulations by an official candidate, or by anyone acting on his/her behalf, must be reported to the executive director, in writing, at least one hour prior to the voting delegates' caucus to elect the officers.
    - i. Alleged violations must be verifiable by witnesses. The executive director will make the final decision.
- B. Campaigning may not occur prior to the annual state conference.
  - a. Campaigning may begin only after the candidates have been dismissed from the candidates' meeting and may continue throughout the conference until the voting delegates' caucus.
- C. Campaigning by a candidate or by anyone acting on his/her behalf will be done by word of mouth. Any other form of campaigning will be limited to the following:
  - a. One three-minute (3) campaign speech to be presented by the candidate to the entire state conference delegation.
    - i. The speech must be given from the stage.
    - ii. The three-minute time limit starts when a candidate begins to speak.
      - 1. The candidate may not have people assist him/her in any way.
    - iii. If the candidate's speech exceeds three (3) minutes the candidate will be disqualified.
  - b. One banner to be hung in designated places.
    - i. Each banner is limited to a size no wider than three (3) feet and no longer than ten (10) feet and must be hung with the designated type of tape approved by the host school after the candidate has attended the candidates' meeting.
    - ii. The banner must be removed and properly disposed of by the end of the School Caucus time.
      - 1. If this does not happen, the candidate will be disqualified.
    - iii. Campaign materials are subject to change pending the school policy of the state conference host school and the facilities available.
  - c. Five posters to be hung in designated places.
    - i. Each poster is limited to a size no wider than twenty-two (22) inches and no longer than twenty-eight (28) inches and must be hung with the designated type of tape approved by the host school after the candidate has attended the candidates' meeting.
    - ii. Each poster must be removed and properly disposed of by the the end of the School Caucus time.
      - 1. If this does not happen, the candidate will be disqualified.
  - d. Use of Social Media
    - i. Campaigning by candidates or by anyone acting on their behalf will be done by word of mouth only, and cannot be done through any digital or electronic medium including, but not limited to, text message, email, internet, cell-phone applications, social media platforms, or the like.
    - ii. Candidates may submit two social media posts to NMASC, approved by the election official, that will be posted on the official NMASC Instagram account during the eligible campaigning period.
- D. Each eligible candidate will be required to attend and respond to a caucus of the voting delegates at the state conference. A candidate who does not report on time for this meeting and who does not attend the full meeting will be disqualified.

### Section 4: Voting Delegates Meeting

- A. Declared voting delegates of each member school and candidates for office shall report to the designated location within the time frame determined by the NMASC Board, and in line with the schedule for NMASC State Conference.
  - a. Voting delegates that do not report by the designated time will not be allowed entry into the Voting Delegates Meeting and will forfeit vote for the respective member school.
  - b. Candidates that do not report by the designated time will be disqualified from running for office.

- B. The First Vice President will develop a list of questions to ask candidates.
  - a. The Executive Advisor shall pick a subset of presented questions that will be asked of all candidates. All candidates will receive the same set of subset questions.
  - b. First Vice President and Executive Advisor to First Vice President shall not discuss or share these questions with any member of the NMASC Board, member schools, member's school delegates, candidates, or other individuals.
- C. The Executive Advisor to the First Vice President, along with the First Vice President will have authority over this meeting
  - a. All member schools Voting Delegates shall make their school representation known at the start of the meeting at the discretion of the Election official.
  - b. The Election official shall provide instructions on how each member school is to vote, and the procedure for voting is to take place.
  - c. The Election official may, at their discretion, allow for voting on other items that are necessary for NMASC State Conference business
- D. All candidates will be required to wait in an adjoining area, that is established by the host school
  - a. All candidates will be monitored by a NMASC official that has been designated by the election official
  - b. Candidates may be required to turn over any communication device and may not be allowed access to those devices until the end of the Voting Delegates meeting.
  - c. Conversation may be limited to non-election matters, and any discussion of election business may result in disqualification.
- E. Each candidate will be presented into the Voting Delegates Meeting in the order that they were presented at the General Assembly meeting for speeches.
  - a. Candidate will introduce themselves with name, and which school they are with.
  - b. The First Vice President will ask, one at a time, the subset of questions for the Candidate to answer.
    - i. The First Vice President is allowed to repeat the questions once, but is not allowed to clarify or assist in understanding the question.
  - c. At the discretion of the election official, time may be imposed to assure all candidates have an opportunity to respond to the questions.
- F. Candidates will be returned to another adjoining room provided by the host school.
  - a. All candidates will be monitored by an NMASC official that has been designated by the election official.
  - b. Candidates may not have access to any communication device, until the end of the Voting Delegates meeting.
  - c. Conversation may be limited to non-election matters, and any discussion of election business may result in disqualification.

Section 5: Voting Procedure:

- A. The voting delegate from each member school shall vote within the time frame and manner directed by NMASC.
- B. In the case of a candidate running unopposed, a quorum of fifty (50) percent plus one of the member schools present at the state conference must give a vote of confidence for the candidate (see By-Laws Article VII, Section I).
  - a.If a candidate does not receive a vote of confidence, the office shall be held in trust until the Executive Board can appoint, or a special election can be held.
    - i. Depending on vacancies, candidate promotion, or other factors, the executive board will decide on the parameters for a run-off election, including but not limited to, which candidates would qualify, where and when voting will take place, and the method for each school to cast their vote.
- C. In the case that an office becomes vacant, for any reason, the officer may be appointed by the executive board or a special election process will take place, or the position can remain vacant.
  - a.If an office is vacant the executive board may ask each subsequent office (with the exception to the secretary position) to move up and fill the vacancy.

## Section 6: Process of a Tie Vote:

- A. In the case of a tie vote, the two candidates will qualify for a run-off vote.
- B. If a second tie vote occurs, the tie will be resolved by a public coin toss.

## **Article VII Appeal Process**

### Section 1: Request to Appeal:

A letter from the aggrieved party shall initiate all appeals.

- a. The letter shall request the decision be reviewed by a review committee and shall be sent to the executive director, postmarked within ten (10) calendar days of the date of mailing of the executive director's decision.
  - i. Failure to appeal within the time specified constitutes a waiver of any right of appeal.

### Section 2: Committee Action:

Evidence and testimony at review committee meetings/hearings shall be informal but shall follow generally accepted rules and procedures for ensuring due process.

- a. New evidence shall not be allowed unless it was not in existence at the time of the decision by the executive director, or, although in existence at the time, was not discovered.

## **Article VIII NMASC State Conference**

### Section 1: Conduct of Business:

A quorum of fifty (50) percent plus one of the member schools present at the state conference will be necessary to make any business at the state conference binding.

### Section 2: Selection of Conference Host School:

- A. The student state conference coordinator(s) must have previously attended a state conference within the past two years; and the adult state conference coordinator(s) must have attended the two previous state conferences prior to submitting a bid, unless approved by the Board.
- B. The host school for a state conference shall be identified at least two (2) years and no more than three (3) years before the conference.
- C. Directions for submitting a proposal to host a state conference will be on nmasc.org and in the NMASC newsletter.
- D. At a state conference, the host school hopeful will submit a bid to the Executive Board. The NMASC executive board shall have the authority to select state conference hosts two to three years out.

### Section 3: School Delegates:

- A. Each member school will be entitled to bring delegates to the state conference.
  - a. The executive board shall determine the number of delegates.
    - i. If a school sends less than the maximum delegates possible, other schools may not send delegates in its place.
- B. If an official delegate to the state conference wishes to address the assembly, the member school shall state the reason for the request in writing to reach the executive director thirty (30) days before the state conference begins.
  - a. The executive director, state president and executive advisor to the president shall determine whether the request is to be granted, when the request will be presented to the assembly, and shall notify the school fifteen (15) days before the state conference begins.

## **Article IX State Project**

The NMASC Executive Board will present two state project options to all schools at the state conference that are eligible to vote.

- a. One general resolution will be adopted for a three-year period, with all member schools being provided the opportunity to individualize the adopted state project to fit their individual community and school.
- b. A caucus of all eligible voting delegates present at the state conference will discuss and vote upon all proposed resolutions.
  - a. Time must be provided during the caucus meeting for delegates other than the voting delegates to speak on the resolutions being discussed.

## **Article X NMASC Finances**

### Section 1: Expenses:

- A. Official NMASC funds will be used to pay all expenses of the NMASC.
- B. Executive Director Travel Expenses:
  - a. The executive director shall be sent to the annual VISION Conference; and NSC Conference for the annual meeting of the NASSCED. All expenses, including membership fees in NASSCED, will be paid by the NMASC.
  - b. NMASC will pay expenses, including membership fees in the National Council for Student Activities (NCSA), for the executive director to attend the annual NCSA Conference. The executive director will be given the option of attending this conference or a similar one at his/her discretion and with approval of the executive board.
  - c. Any travel expenses other than those authorized in the constitution for the executive director, or any other member of the executive board, must be approved in advance by a majority of the executive board.

### Section 2: Annual Dues:

Each member school will pay annual dues to the NMASC.

- a. The official NMASC Membership Dues Form/Invoice must be included in the submission when the dues are paid.
- b. The executive board will determine the amount of the dues each year at the summer meeting.

### Section 3: Conference Registration Fees:

Each school sending delegates to the NMASC functions shall pay a registration fee.

- a. The Executive Board will determine the amount each year at the summer meeting.
- b. Registration will not be complete until required forms and payment are received.
  - i. Refunds will not be made.
  - ii. Substitutions will be accepted with no penalty.

### Section 4: Stipends:

The stipend of the executive director will be considered annually at the summer meeting of the executive board.

Section 5: Vision and NSC Conferences:

At the executive board meeting during the state conference, it will be determined which members of the board will attend the Vision and NSC Conferences and what expenses will be paid.

Section 6: Financial Review:

A Certified Public Accountant (CPA) shall annually review all NMASC funds.

- a. In case of vacancy or change of position of the executive director, a financial review will be conducted.

**Article X Dissolution of the Organization**

Section 1: By the Member Schools:

This organization may be dissolved at the will of the member schools in the organization:

- A. A member school may send a proposal, signed by the school administrator and an official of the student council, to reach the NMASC at least forty-five calendar days (45) prior to the meeting at which it is to be presented to member schools
  - a. The executive director will send the written proposal to the member schools at least thirty (30) calendar days prior to the meeting at which it is to be considered by the member schools.
  - b. The proposal to dissolve shall be presented to a voting delegate caucus eligible to vote at the meeting.
    - i. Each school shall cast one vote for or against the proposal.
    - ii. A majority vote shall be required for the organization to be dissolved.
  - c. If the member schools vote to dissolve the organization, all undesignated assets of the organization shall be given to an entity that promotes the welfare of youth in the State of New Mexico.


Section 2: According To Law:

- A. This organization may be dissolved at the will of national or state laws.
  - a. Upon the dissolution of NMASC, assets shall be distributed for payment of all liabilities of the corporation. To the extent there are remaining assets after the liabilities of the corporation have been paid, those remaining assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction in New Mexico exclusively for such purposes or to such organizations founded and operated exclusively for such purposes.



Signature:   
Mary Hahn  
Executive Director

March 19, 2022

Signature:   
Matthew Paine  
Advisor to the First Vice-President

March 19, 2022