



New York State Association of REALTORS®, Inc.

## Elected Positions

### **NYSAR Secretary/Treasurer**

Applications for this position are accepted until August 31 each year and are reviewed in the preceding year of the term being sought. The Nominating Committee will meet in conjunction with the NYSAR Mid-Winter Business Meetings for the purpose of interviewing candidates. The Nominating Committee will then make their recommendations (as prescribed by the bylaws) to the Board of Directors and each member board by official notice within 30 days of the committee reporting its recommendations, but no later than 60 days in advance of the meeting at which such elections shall be made.

- The officer application must be filled out completely and forwarded to the NYSAR offices; c/o the CEO.
- The application and background check authorization is due August 31 each year. Applications must be received by the NYSAR CEO during a period beginning from the date of the Nominating Committee's formal announcement to the Board of Directors of its recommendation for the ensuing year and ending August 31<sup>st</sup> of that year.
- The applicant must have served on the NYSAR Board of Directors for at least 1 year and be a member in good standing.
- Review of applications and candidate interviews are conducted at a time between January 1 and at least 60 days prior to the annual meeting of the Board of Directors. Candidates will be notified by NYSAR staff with the date and time of the Nominating Committee's meeting as soon as the information is available.
- Endorsement letters for the Secretary/Treasurer position are not mandatory; however, many candidates acquire them from the local board/associations in the state, personal, professional and business acquaintances. The Nominating Committee will accept unlimited written comments provided to the NYSAR CEO at least seven (7) calendar days prior to the committee's next meeting.
- NYSAR Officers, members of the NYSAR Nominating Committee including alternates and NYSAR staff, may not endorse any candidate for statewide office.
- Candidates for office and/or a candidate's representative(s) are prohibited from contacting NYSAR officers and members of the Nominating Committee including alternates with regards to promoting any candidacy.
- Nominating Committee members including alternates should contact appropriate NYSAR staff and not contact candidates to discuss matters related to the nominating process. Nominating Committee members are permitted to discuss personal or unrelated association business with candidates.
- No candidate for office may also sit on the Nominating Committee.
- Candidates must be informed in writing by the NYSAR CEO that their application has been accepted before they formally announce their candidacy and begin distribution of campaign materials.

## **NYSAR President-Elect**

The Secretary/Treasurer does not automatically move up to the President-Elect position and must submit an application to be considered. Applications for this position are accepted until August 31 each year and are reviewed in the preceding year of the term being sought. The Nominating Committee will meet in conjunction with the NYSAR Mid-Winter Business Meetings for the purpose of interviewing candidates. The Nominating Committee will then make their recommendations (as prescribed by the bylaws) to the Board of Directors and each member board by official notice within 30 days of the committee reporting its recommendations, but no later than 60 days in advance of the meeting at which such elections shall be made.

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### **NYSAR Appointed NAR Directors**

The NYSAR President-Elect and Secretary/Treasurer shall be NYSAR representatives on the National Association of REALTORS® Board of Directors for the length of their term and the Immediate Past President shall be a representative, if a position is available, after provision is made for the President-elect and Secretary/Treasurer.

The NYSAR Executive Committee shall review and select candidate(s) for any and all remaining unfilled NAR Director positions. Applications for NYSAR appointed NAR Directors are accepted up until 2 weeks prior to the Executive Committee's meeting in conjunction with the NYSAR Fall Business Meetings. Candidates will appear before the committee for interviews at the Fall Business Meetings. NYSAR will accept written endorsements up to 2 weeks before the candidate interviews. Any member in good standing may apply. **NAR candidates, including NYSAR NAR director candidates and Region 2 RVP candidates, cannot contact the Executive Committee members regarding their candidacy or for endorsement and/or vote.**

National director entitlement counts for state associations is dictated per NAR's Constitution, Article IV, Section 1 (Q). The number of director allocations is based on membership counts extracted from the National REALTORS® Database System (NRDS) as of July 31. The NAR Constitution states that each state association automatically is entitled to two national directors on the Board of Directors. State associations may be entitled to more if they qualify. Each association is notified of their entitlement numbers in August each year.

### **NYSAR Appointed NAR Region 2 Regional Vice President**

NAR's Region 2 contains 3 states; New Jersey, New York, and Pennsylvania. The Region 2 RVP position rotates between the states, and therefore NYSAR must nominate an individual every three years. It is NYSAR policy that the NYSAR Executive Committee shall review and select the candidate for Region 2 NAR Vice President. Applications are accepted up until 2 weeks prior to the Executive Committee's meeting in conjunction with the NYSAR Fall Business Meetings. Candidates will appear before the committee for interviews at the Fall Business Meetings. NYSAR will accept written endorsements up to 2 weeks before the candidate interviews. Any member in good standing may apply. **NAR candidates, including NYSAR NAR director candidates and Region 2 RVP candidates, cannot contact the Executive Committee members regarding their candidacy or for endorsement and/or vote.**

A potential candidate for the office of NAR Regional Vice President must complete and file the [NAR Application for Elected Office](#) with the NAR Campaign Credentials and Rules Committee (CCRC) between March 1 and June 1 of the year prior to the year in which the Potential Candidate's election would be held. [See all rules here.](#)

Following the deadline to submit an NAR Application for Elected Office, the CCRC shall review all timely filed NAR Applications for Elected Office. The Candidate Audit Work Group shall request and conduct a legal audit, financial audit, and criminal background check on all potential candidates and report the results of such review to the CCRC.

Guidelines from NAR that the Executive Committee will consider:

- The RVP candidate must have broad leadership experience from their local and state association, and must have served as state president and/or national president of an NAR institute, society or council.
- The RVP candidate must have served as a NAR director which may include the year as a director when serving as state president.
- The RVP candidate must have served as a member of a NAR committee.
- The RVP candidate must have other REALTOR®, civic and governmental activity and experience as would indicate leadership ability and potential.

## IMPORTANT DATES TO REMEMBER

Date	Item
August 31, 2021	2023 Secretary/Treasurer and President-Elect applications due
September 2021	NAR Director applications due
October 5, 2021	Executive Committee review and select NAR Directors (if positions are available)
October 6, 2021	BOD Meeting – 2021 election date
March 2022	Nominating Committee Meeting

### For questions or more information, contact:

Duncan MacKenzie, NYSAR CEO; [dmackenzie@nysar.com](mailto:dmackenzie@nysar.com), 518-463-0300 x200

Ali Mann, NYSAR Director of Governance; [amann@nysar.com](mailto:amann@nysar.com), 518-463-0300 x203

## NYSAR Bylaws [amended – October 7, 2020]

### ARTICLE IV - OFFICERS

#### SECTION 1. OFFICER TITLES & DUTIES:

- A. **PRESIDENT:** The President of this Association shall preside at meetings of the Association and of the Board of Directors. The President shall have power to appoint all committees of this Association and the power to dissolve all committees except those specified in these Bylaws.

The President shall have the right to call special meetings of the Association and of the Board of Directors and shall serve as the Delegate for member boards of the Association at the Annual Delegate Body meeting of the National Association of REALTORS®. The President, with the Secretary/Treasurer, shall sign on behalf of the Association such contracts as have been authorized by the Board of Directors or the Executive Committee.

The President shall perform such other duties as are provided by these Bylaws and as are incident to the office. The President shall also designate that the Secretary/Treasurer or Chief Executive Officer (CEO) may sign official communications of the Association and notices of meetings. Such designations may be changed from time to time at the sole discretion of the President.

- B. **PRESIDENT-ELECT:** The President-Elect shall perform the duties of the President in the event of their absence or disability, and shall perform such duties as may be enjoined by the Board of Directors. In the absence of unforeseen events, the President-Elect shall succeed to the Presidency immediately upon the position of President becoming vacant without an additional election.
- C. **SECRETARY/TREASURER:** The Secretary/Treasurer shall be responsible for keeping correct minutes of all meetings of the Association and of the Board of Directors. The Secretary/Treasurer shall issue calls for meetings, keep the roll of the members, have charge of all papers and records of the Association and shall perform such other duties as may be directed by the Board of Directors. The Secretary/Treasurer, with the President, shall sign on behalf of the Association such contracts as have been authorized by the Board of Directors. The Secretary/Treasurer will only be eligible for one (1) re-election.

The Secretary/Treasurer shall serve as Chairperson of the Budget and Finance Committee and also perform the usual duties incident to the office. The Secretary/Treasurer shall receive all the funds of the Association, and deposit them in such depository or institution as may be approved by the Directors. The Secretary/Treasurer shall prepare and present at meetings of the Board of Directors, a full and specific financial report detailing the income, expenses and investments of the association.

The Secretary/Treasurer shall keep regular books of account and shall have preserved and filed all vouchers for the payment of money. The Secretary/Treasurer shall have the accounts of the Association and its divisions audited at least annually by a Certified Public Accountant approved by the Board of Directors and shall facilitate a presentation to the Board of Directors by the CPA; such presentation shall detail the finances of the Association. Questions may be addressed to the CPA by any member of the Board of Directors. The Secretary/Treasurer shall immediately, upon expiration of their term of office, turn over to the successor Secretary/Treasurer all books, vouchers, money, and property of the Association in their possession. The Secretary/Treasurer shall give such bond for the faithful performance of their duties as may be prescribed by the Board of Directors, said bond to be paid for by the Association.

#### SECTION 2. TERM OF OFFICERS:

- A. The elective year shall be January 1 to December 31.
- B. The President, President-Elect, and Secretary/Treasurer shall each serve a term of one year.

#### SECTION 3. LINE OF SUCCESSION DURING ELECTED TERM:

- A. In the event of the President's inability to complete the term of office as elected, the succession shall be:
  - 1. President-Elect
  - 2. Secretary/Treasurer
- B. In the event of the inability of the President-Elect or Secretary/Treasurer to serve in their respective office as required by these Bylaws, a special meeting of the Nominating Committee shall be called for the purpose of selecting qualified members to fill the existing vacancies subject to their election thereto by the Directors. Such election to be held at the next regularly scheduled business meeting of the Association or in the discretion of the Executive Committee, at a special meeting of the Board of Directors at a date, time and place to be determined.

SECTION 4. QUALIFICATIONS FOR OFFICERS: All candidates for an Officer position must be a NYSAR member in good standing and have at least one year of service on the NYSAR Board of Directors.

#### SECTION 5. ELECTION OF OFFICERS:

- A. The election of Officers for the ensuing year shall take place at the Annual Meeting of the Board of Directors.
- B. Candidates for President-Elect or Secretary/Treasurer seeking the Nominating Committee's recommendation must submit a typed completed application, utilizing a process as the Chief Executive Officer determines is appropriate, that is provided by NYSAR with the signature of the candidate to the Chairperson of the Nominating Committee in care of the NYSAR CEO. Applications will be marked CONFIDENTIAL.

Applications must be received by the NYSAR CEO during a period beginning from the date of the Nominating Committee's formal announcement to the Board of Directors of its recommendation for the ensuing year and ending August 31 of that year. After the date of August 31<sup>st</sup>, the NYSAR CEO has 1 week to review submitted applications. Upon being notified by the NYSAR CEO of any issue with the application, the candidate will have 1 week to remedy any such issues. Thereafter, the NYSAR CEO will notify applicants whether their application has been accepted.

- C. Individuals seeking the office of Secretary/Treasurer or President-Elect not receiving the recommendation of the Nominating Committee may petition to be placed on the ballot only if they have submitted a new completed application at least thirty (30) days prior to the Annual Meeting of the Board of Directors, and have the endorsement of not less than one-third of the Member Boards. The petition and completed application must be submitted to the NYSAR CEO at least thirty (30) days prior to the Annual Meeting of the Board of Directors. Notification of any eligible petition would be made to each member of the Board of Directors at least twenty (20) days prior to the Annual Meeting. At the sole discretion of the presiding Officer, the election of any Officer shall be by either/or 1. signed paper ballot, 2. a show of hands, 3. voice vote, 4. electronic vote, or 5. utilizing a process as the presiding officer determines is appropriate. In any case where there are two (2) or more nominees for one office, and candidate who receives the majority of all votes cast shall be declared elected. In the absence of a majority, when there are three or more nominees, the nominee with the fewest votes will be eliminated from the ballot and a new vote taken. This process shall continue until one of the last two remaining candidates receives a majority of all votes cast. No proxy vote is permitted.
- D. NYSAR Officers, members of the NYSAR Nominating Committee including alternates and NYSAR staff, may not endorse any candidate for statewide office.
- E. Candidates for office and/or a candidate's representative(s) are prohibited from contacting NYSAR Officers and members of the Nominating Committee including alternates with regards to promoting any candidacy.
- F. Nominating Committee members including alternates should contact appropriate NYSAR staff and not contact candidates to discuss matters related to the nominating process. Nominating Committee members are permitted to discuss personal or unrelated Association business with candidates.
- G. No candidate for office may also serve as a member of the Nominating Committee.

**SECTION 6. REMOVAL OF OFFICERS:** In the event that an Officer is deemed to be incapable of fulfilling the duties for which elected, but will not resign from office voluntarily, the Officer may be removed from office under the following procedure:

- A. A petition requiring the removal of an Officer and signed by not less than one-third of the voting Directors shall be filed with the President, or if the President is the subject of the petition, with the next-ranking officer, and shall specifically set forth the reasons the individual is deemed to be disqualified from further service.
- B. Upon receipt of the petition, and not less than twenty (20) days nor more than forty-five (45) days thereafter, a special meeting of the voting Directors shall be held, and the sole business of the meeting shall be to consider the charge against the Officer, and to render a decision on such petition.

- C. The special meeting shall be conducted by the President unless the President's continued service in office is being considered at the meeting. In such case, the next-ranking officer will conduct the meeting of the hearing by the Directors. Provided a quorum is present, a three-fourths vote of Directors present and voting shall be required for removal from office.