

## BYLAWS OF THE COMMISSION

(Adopted at the general meeting of the Commission, Bangalore, India, 2 October 1976; amended in October 1988 [Bylaw 3], in February 2009 [Bylaws 3g, 5c–e, 11b, 11d, 12b, 37], in August 2017 [Bylaws 2a, 2c, 2g, 3j, 13d–e, 18c, 22, 23a, 23c, 23f, 29, 30, 37, 38], and in January 2020 [Bylaws 2a, 3a, 5d, 7, 30–33, 34b, 37, 38, 39; with changes to 5d, 31, 34b pending acceptance of proposed changes to the Constitution.]

### I. Members of the Commission.

#### Nominations.

1. The Commission is responsible for the nomination of candidates who best satisfy the provisions of Articles 2.2 and 2.3 of the Constitution and who are considered most likely to further the work of the Commission. A candidate shall be nominated on the basis of his or her personal qualifications for the work of the Commission, rather than as a representative of his or her nation, but having regard to a balanced representation of zoologists from different parts of the world and of those working in the principal divisions of the animal kingdom.

2. When a vacancy occurs on the Commission, the following procedure shall be followed in order to make sure that a nominee satisfies the provisions of Articles 2.2 and 2.3 of the Constitution:

(a) The Executive Secretary shall notify each member of the Commission not less than one year before the end of his or her term of service and, in any case, before the publication of the notice under Article 4.1 of the Constitution, asking him or her whether he or she wishes to nominate one or more zoologists qualified to replace him or her.

(b) The Executive Secretary shall inform the members of the Commission whenever a vacancy on the Commission occurs or is imminent and shall announce his or her intention of immediately advertising in zoological journals in various countries the fact that the Commission will receive and consider the names of persons for membership of the Commission.

(c) The Executive Secretary shall publish the notice of the impending vacancy in the *Bulletin of Zoological Nomenclature* and on the web site of the Commission and also, if possible, in one, or preferably several suitable journals of wide distribution (including journals in the field of the vacating member of the Commission) and on suitable web sites, inviting nominations of qualified candidates.

(d) Nominations may be submitted by individuals, national or international societies, congresses, organizations of zoologists, academics and other institutions.

(e) If necessary, the Council of the Commission may solicit nominations.

(f) The Executive Secretary of the Commission shall keep a list of all nominations.

(g) Nominations are to be sent to the Executive Secretary, with the information required by Article 4.3 of the Constitution.

#### Slate of nominees.

3. Slate of Nominees, Voting and Determining the Result.

(a) The Commission shall present a slate of nominees to the Section of Zoological Nomenclature. In preparing the slate, the Commission shall receive all names submitted under the provisions of Bylaw 2 and shall consider for the slate all those qualified to meet the conditions of Articles 2.2 and 2.3 of the Constitution and Bylaw 1. At that time the Commission may consider additional nominees of its own choice. The Commission may explicitly recommend any nominee whom it considers particularly well qualified, but such recommendation is not binding on the Section of Zoological Nomenclature.

(b) In the event that there are insufficient nominees whom the Commission is prepared to nominate, the Commission may propose that a vacancy remain unfilled and be dealt with as though it were a casual vacancy.

(c) The Commission shall endeavour to nominate, wherever possible, two candidates for each vacancy. The slate shall not contain more than twice the number of names required to fill the vacancies.

(d) The election shall be conducted by the Officers and Council present at the meeting of the Section of Zoological Nomenclature provided that no person who is a candidate for the election shall conduct the election. In the event that no Officer or member of the Council is present and eligible the members of the Commission present shall appoint some from their number to conduct the election.

(e) Voting on the slate shall be by secret ballot of members of the Section of Zoological Nomenclature present in person.

(f) The ballot of each member voting shall consist of a ballot paper containing the names of the persons on the slate and no others.

(g) Each member may vote for as many candidates as are required to fill the vacancies. A vote indicated in an ambiguous manner will not be counted. A completed ballot paper containing more votes than there are vacancies shall be void and not counted.

(h) The result of the ballot shall be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of members of the Commission to be elected, shall be declared to have been elected.

(i) If an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the President, or in the absence of the President the Vice-President or the person appointed in accordance with Bylaw 18 to preside over the meeting of the Commission at which the slate was prepared, shall determine which of them is deemed to be elected, giving consideration to the need to secure a balanced-representation in the composition of the Commission in accordance with Article 2.3 of the Constitution.

(j) After ratification of the election results by the IUBS General Assembly, the Executive Secretary shall inform the Commission of the results, providing to them an account of:

- (i) the numbers of valid and invalid ballots received;
- (ii) the number of valid votes received by each candidate; and
- (iii) a list of the elected candidates.

#### **Election of Members of the Commission.**

4. At General Sessions. The election of members of the Commission at a General Session shall be conducted as specified in the Constitution (Article 4).

#### **5. Between General Sessions.**

(a) By authority given to it by Article 4.6 of the Constitution the Commission may fill casual vacancies arising between General Sessions.

(b) The Executive Secretary shall transmit to the Council a list of the nominees (see Bylaws 1 and 2) together with suitable statements on them.

(c) The Council shall determine the suitability of the nominees, according to the provisions of Articles 2.2 and 2.3 of the Constitution, and with the aim of producing a slate of suitable nominees numbering no more than twice the number of vacancies.

(d) The nominations made by the Council, together with relevant statements on the nominees, shall be submitted to the Commission for a vote under the Two-Month Rule.

(e) The format of the ballot and voting procedures shall be as specified under Bylaws 3(f) – 3(i), except that “member” shall mean “Commissioner” and a candidate must receive votes from at least half of the Commissioners voting, to be elected.

### **Retiring members of the Commission.**

6. Members of the Commission are eligible for re-election on the expiration of their term unless this is precluded under the terms of Article 3.2 of the Constitution.

### **Membership of the Commission.**

7. To determine the number of members of the Commission in accordance with Article 2.1 of the Constitution, the Council may submit for a vote under the One-Month Rule a proposal for a new total of members. If the Council's proposal does not achieve a simple majority, then the number at that time shall not be changed.

8. A new vacancy created under Bylaw 7 may be filled as though it were a casual vacancy.

9. A reduction in numbers under Bylaw 7 may be brought about by not filling a vacancy.

## **II. Officers and Council.**

### **Date of Elections.**

10. At each General Session, the Commission shall determine the date upon which the Commission shall proceed to elect Councillors and the President and/or Vice-President.

### **Elections.**

#### **11. President.**

(a) The President shall be elected for a term of six years, but this may vary depending upon the date of the election of his or her successor.

(b) The Nominating Committee (the Council and two additional members of the Commission appointed for the purpose by the Commission), shall propose two nominees for the Office of President. The Executive Secretary shall call for a vote under the One-Month Rule.

(c) At the end of the voting period, the Executive Secretary shall declare elected the candidate who has received the greater number of votes.

(d) In the event of a tied vote, the Executive Secretary shall refer the matter to the Nominating Committee for a decision.

#### **12. Vice-President.**

(a) The Vice-President shall be elected in the same manner as the President.

(b) The Vice-President shall be elected for a term of six years, but this may vary depending upon the date of the election of his or her successor.

#### **13. Councillors.**

(a) Ordinary members of the Council shall be elected for a term of six years but this may vary depending upon the date of the election of their successors.

(b) Three months before the date set for the election, the Executive Secretary shall send a notice to each member of the Commission calling for nominations under the One-Month Rule to fill vacancies on the Council. The names of the retiring Councillors shall be specified in the notice.

(c) The Executive Secretary shall issue to each member of the Commission a voting paper under the One-Month Rule listing in alphabetical order the names of those nominated and willing to serve. Members shall vote by indicating the candidates of their choice to reach the number of vacancies to be filled.

(d) The Executive Secretary shall declare elected those candidates receiving the highest numbers of votes, in order of number of votes, such that the number elected equals the number of vacancies to be filled. In the event of a tied vote, the President shall have a casting vote.

(e) In the event that the number of nominations received is fewer than double the number of vacancies to be filled, the President shall add to the nominations to enable the Commission to exercise its choice among not fewer than a number double than the number of vacancies to be filled.

(f) Any vacancy on the Council arising from prior termination of membership of the Council under Bylaw 21 may be filled either on the date for elections set by the Commission at the General Session or separately at the discretion of the President.

(g) A separate election to fill such a vacancy shall be conducted in the manner provided for ordinary elections to the Council under these Bylaws.

(h) A member of the Commission elected to a vacancy on the Council caused by prior termination of membership (Bylaw 21) shall serve for the remainder of the term of the member whose membership of the Council has terminated.

14. The President, Vice-President and members of the Council are eligible for re-election.

15. The term of office of a new Officer or Councillor shall begin and the term of his or her predecessor shall simultaneously expire one month after the declaration of the results of the election by the Executive Secretary.

#### **Duties of the Elected Officers.**

##### **16. President.**

The President shall be the chief executive officer of the Commission. It shall be his or her duty to preside at all meetings and to determine points of order and procedure (subject to appeal from his ruling) both during and between meetings. He or she shall be ex-officio a member of all committees, but he or she shall have the option to decide whether or not to take an active part in their deliberations and votes. He or she shall make such nominations as are required of the President under the Bylaws. He or she shall appoint all committees and determine the business of the Council.

##### **17. Vice-President.**

The Vice-President shall preside at meetings in the absence of the President. He or she shall assume any duty of the President delegated to him by the President except this power of delegation.

##### **18. Councillors.**

(a) Councillors shall participate in the business of the Council as prescribed in the Constitution and directed by the President. In the absence of the President and Vice-President from a meeting of the Council or Commission, the Councillors shall elect a Chairman from among their members.

(b) The Council or a Councillor may not delegate the chairmanship of a meeting of the Commission to a member who is not a Councillor, but in the event of the absence of all the Officers and Councillors from a meeting of the Commission, those members of the Commission present shall elect a Chairman from among their number.

(c) Councillors shall cast their votes on Council matters, if by mail or e-mail, under the One-Month Rule. The receipt of three votes is to be regarded as equivalent to a quorum, this quorum applies also to votes cast during meetings.

#### **Prior Termination of Membership.**

##### **19. President.**

In the event of the death, effective resignation or incapacity of the President or of his or her ceasing to be a member of the Commission, the Vice-President shall become the President and shall serve as President for the remainder of the latter's term of office.

#### **20. Vice-President.**

In the event of the death, effective resignation or incapacity of the Vice-President or of his or her ceasing to be a member of the Commission, a Vice-President shall be elected as prescribed in these Bylaws, but the Vice-President so elected will be elected for the remainder of the term of the vacant office.

#### **21. Councillors.**

(a) In the event of the death, effective resignation or incapacity of a member of the Council or of his or her election as Vice-President or President, or of his or her ceasing to be a member of the Commission, a Councillor may be elected to the vacancy as provided for and in the manner prescribed in these Bylaws, but the Councillor so elected will serve for the remainder of the term of the vacant office.

(b) The membership of a member of the Commission on the Council shall be terminated:

(i) if he or she ceases to be a member of the Commission;

(ii) if he or she tenders his or her resignation in writing to the President and the resignation is accepted by the President; or

(iii) by majority vote of the Council if, not being on leave of absence, he or she persistently fails to deal with Council business without an explanation acceptable to the Council.

### **III. The Secretariat.**

22. The routine work of the Commission shall be performed by the Executive Secretary and any available staff. The Executive Secretary and Secretariat work under the control of the Commission and following its prescriptions, the Bylaws and the Constitution. The Executive Secretary and the staff of the Secretariat do not represent the Commission and are not the spokesperson of the Commission.

23. The duties of the Secretariat are:

(a) to facilitate and assist the work of the Commission and its Officers, Council and members;

(b) to conduct the correspondence, record the transactions and keep the archives of the Commission;

(c) to process Applications and Opinions following the Procedures established by the Commission;

(d) to submit every proposal for amendment of the Code, Constitution and Bylaws to the Council for approval of the wording before it is published;

(e) to send for publication as soon as possible any decision by the Commission (Constitution Article 14.1; but see Bylaw 24); and

(f) to report in writing to the Commission at least once a year about its activities.

24. Where, after the issue of a voting paper, it is discovered that the application presented was incorrect or incomplete, the Executive Secretary shall have discretion to defer publication of the decision taken by the Commission, and shall at once notify the Commission.

25. If any member of the Commission is not satisfied with the Executive Secretary's grounds for re-opening a Case, he or she may, within one month of receiving the information specified in Bylaw

24, ask the Council to examine the matter. The Council may then either declare that the vote is cancelled or direct the Executive Secretary to publish the decision taken by the vote in question. If there is no appeal against the Executive Secretary's decision, the vote is deemed to be cancelled.

26. In the event that a new vote is to be taken on the Case, the applicant shall be informed.

27. A member of the Commission may request the Executive Secretary to take the action specified in Bylaw 24 above.

28. When the Executive Secretary receives a request under Bylaw 27 he or she shall:

(a) if he or she agrees, take the action requested as though he or she were acting on his or her own discretion; or

(b) if he or she disagrees, refer the matter to the Council.

#### **IV. Procedures.**

29.1. The Commission shall be empowered to enact Procedures to regulate its interactions with the zoological community and the general public, both directly and through the intermediation of the Secretariat, including such topics as the handling of applications requesting the use the plenary power or specific powers, arbitration of disputes concerning interpretation of the Code's provisions, or any other topics deemed necessary.

29.2. The Procedures shall describe the flow and succession of actions pertaining to recurrent activities in order to ensure consistency and equality of treatment.

29.3. Procedures can be enacted, modified or terminated at any time by the Commission with a simple majority vote under the One-Month Rule.

#### **V. Voting Rules (Constitution Article 12).**

30. Members entitled to vote and have their votes for or against counted in any particular ballot are those:

(a) who are not on leave of absence under Article 5.3 of Constitution at the close of the voting period;

(b) who are not excluded from voting under Bylaw 38; and

(c) who are members of the Commission on the date of dispatch of the voting paper concerning that ballot and who are still members on the date of closing of the voting period that is specified in the voting paper. Votes cast by someone who ceases to be a member of the Commission before the closing date of a particular ballot shall be deemed invalid and not be considered in determining the outcome of the vote.

31. The Two-Month Rule. In all new applications, in all questions involving the use of the plenary powers, in all proposed amendments to the Code, Constitution and Bylaws and in all nominations (Bylaws 1–3) and elections to the Commission between General Sessions, a vote of the Commission shall be deemed to be complete when a period of two months has elapsed from the dispatch of the voting paper and when votes for or against (or indicating the selected candidate(s) in a by-election for Commissioners) have been received from at least half of those members entitled to vote under Bylaw 30 above (abstentions and blank votes shall not be counted for the purposes of this article).

**32. The One-Month Rule.** In questions involving additional details or corrections of factual errors regarding authors and dates, or second votes (see Bylaw 34) not involving further use of the plenary powers and in elections for the Officers and Council, a vote of the Commission shall be deemed to be complete when one month has elapsed from the dispatch of the voting paper and when votes for or against (or indicating the selected candidate(s) in an election for Officer(s) or Council) have been received from at least half of those entitled to vote under Bylaw 30 (abstentions and blank votes shall not be counted for the purposes of this article).

**33.** If at the end of a voting period under Bylaw 31 or 32 fewer than half of the Commission members entitled to vote under Bylaw 30 above have recorded their votes for or against (or indicating the selected candidate(s) in a by-election for Commissioners or an election for Officer(s) or Council), the Executive Secretary shall cancel the voting paper and issue another with its own date of dispatch, under the same rule as the first.

**34.** If, in a Case involving the use of the plenary powers, a majority smaller than a two-thirds majority is in favour of the application in question, the vote shall be taken as a preliminary vote only. The Executive Secretary must then

- (a) report the result of the preliminary vote to the Commission;
- (b) issue simultaneously a second voting paper under the Two-Month Rule calling for a final decision, and include any comments not already communicated to the Commission; and
- (c) state clearly the alternative nomenclatural consequences of acceptance or rejection of the request for the use of the plenary powers.

**35.** In a Case submitted for a second vote under Bylaw 34, a two-thirds majority is required for a favourable vote. If a majority smaller than two-thirds is in favour, the application shall be treated as having been rejected and the consequences of rejection (see Bylaw 34(c) above) shall be deemed to have been approved by the Commission.

**36.** Voting by e-mail fulfils the requirements of a ballot.

**37.** The Executive Secretary shall inform the Commission of the results of any vote cast under Section V of the Bylaws within two weeks (or one week for elections under Bylaw 3(j)) from the closing of the voting period.

**38.** A member must not vote on any Case involving the use of the plenary power if he or she is an author of the application originating the Case or of a comment on that application containing a modified or different request with respect to the request contained in the application.

## **VI. Attendance at Special Sessions.**

**39.** Members of the Commission may participate in a Special Session through use of conference telephone, electronic video screen communication, electronic chat or other communications equipment so long as all of the following apply:

- (a) Each member of the Commission participating in the Session can communicate with all of the other members of the Commission concurrently;
- (b) Each member of the Commission is provided with the means of participating in all matters under consideration, including the capacity to vote, to propose, or to interpose an objection to, a specific action to be taken by the Commission; and
- (c) The Commission verifies that:

(i) a person communicating by telephone, electronic video screen, or other communications equipment is a member of the Commission; and

(ii) all motions, votes, or other actions required to be made by a member of the Commission were actually made by a member of the Commission and not by someone who is not entitled to participate in such actions.