

THE AUSTRALIAN TERRIER CLUB OF AMERICA, INC. CONSTITUTION

*Membership Approved October 20, 2019
AKC Approved 1-14-2020*



ARTICLE I: NAME AND OBJECTS

Section 1 – Name of the Club

The name of the Club shall be “The Australian Terrier Club of America, Inc.”, a non-profit corporation organized and existing under the laws of the State of New Jersey.

Section 2 – The Purpose of the Club

The objectives of the Club shall be:

- (a) To encourage and promote quality in the breeding of purebred Australian Terriers and to do all possible to bring their natural qualities to perfection.
- (b) To encourage the organization of independent local Australian Terrier Specialty Clubs in those localities where there are sufficient fanciers of the Breed to meet the requirements of the American Kennel Club.
- (c) To define precisely the standard of the true type of Australian Terrier and to urge members and breeders to accept the Standard of the Breed as approved by the American Kennel Club as the only standard of excellence by which the Australian Terrier shall be judged.
- (d) To educate judges about the Standard of the Breed.
- (e) To do all in its power to protect and advance the interests of the Breed and to encourage sportsmanlike competition at dogs shows, obedience trials, agility trials, earthdog tests, and any other activities that demonstrate the qualities of the Breed in a favorable light.
- (f) To provide educational programs and a forum for the exchange of information among fanciers regarding the Australian Terrier.
- (g) To conduct specialty shows, sanctioned matches, obedience trials, rally trials, tracking tests, agility trials, and earthdog tests; and to support entries and any other events for which the club is eligible under the Rules and Regulations of the American Kennel Club.

Section 3 – Not for Profit Status

The Club shall not be conducted or operated for profit and no part of any profits or remainder or residue from dues or donations to the Club shall inure to the benefit of any member or individual.

Section 4 – By-Laws

The members of this Club shall adopt and may from time to time revise such By-Laws as may be required to carry out these objectives.

BY-LAWS

ARTICLE 1: MEMBERSHIP

Section 1 - Eligibility

There shall be five (5) types of membership open to persons who are in good standing with the American Kennel Club and who subscribe to the purposes of this Club.

- (a) Regular: Open to those persons over 18 years of age who reside in the United States. Regular Members enjoy all the privileges of the Club including the right to vote and the right to hold office.
- (b) Lifetime: This status is conferred by a vote of the Board and announced at the Annual Meeting. Candidates for Lifetime Membership must already hold Regular Membership and reside in the United States. Nominations for Lifetime Membership must be made in writing to the Recording Secretary, giving the reason for this honor, at least six months prior to the Annual Meeting. Basic qualifications for this type of membership are making an important and lasting contribution to the Club in a form other than holding office, such as long and varied service to the Club. Lifetime Members pay no dues and enjoy all the privileges of the Club including the right to vote and hold office.
- (c) Junior: Open to persons between 9 and 17 years of age. These members may not vote or hold office. Junior Members pay dues at a reduced rate from that of Regular Members and may become Regular Members upon reaching their 18th birthday and so notifying the Recording Secretary.
- (d) Foreign: Open to those persons 18 years of age and older who reside outside the United States. Foreign Members enjoy all the privileges of the Club except they may not vote or hold office and do not count in determining a quorum. Non-U.S. residents who were members before the adoption of this provision shall continue to enjoy voting privileges.
- (e) Honorary: Open to persons 18 years of age and older who are residents of the United States. This Membership is for outstanding contributions to the Australian Terrier Club or the canine world in general and is elected by a majority vote of the Regular and Lifetime Members. Honorary Members do not pay dues and they are not eligible to vote. However, such members can maintain a Regular Membership if they pay dues.

Section 2 – Dues

- (a) Membership dues shall be determined by majority vote of the Board of Directors. Regular and Foreign Membership dues shall be set at no more than one-hundred dollars (\$100). Junior Membership dues shall be set at a lower figure than that of Regular Membership. The general membership shall be notified of any change in dues and the basis for it by publication in the Club's newsletter or other written notice by September 1st.
- (b) A one-time application and processing fee not to exceed twenty dollars (\$20) shall be assessed all new members and shall be paid at the time of application. The fee shall be the same for all types of memberships.

- (c) Annual dues shall be paid on or before December 31st. Membership is considered past due if not received by January 31st. Any applicant being accepted as a member ninety (90) days or less before annual dues are paid will be credited for full payment for the coming year. During the month of October, the Treasurer shall send to each member a statement of dues for the ensuing year. No member may vote or serve in office whose dues are not paid for the current year.
- (d) The Board of Directors may establish membership surcharges for any member whose mailing address lies outside the United States of America. Such surcharges shall be established only on the basis of extra charges incurred, or expected to be incurred, by the Club as a result of mailing member correspondence and Club newsletters to areas beyond the jurisdiction of the United States Post Office. Foreign address surcharges shall be due and payable at the same time as the member's dues.
- (e) Annual renewal of membership indicates that the member accepts and agrees to abide by the Constitution and By-Laws of the Australian Terrier Club of America, Inc. and the Club's current Code of Ethics and Breeder Referral Listing Agreement, if applicable.

Section 3 – Election to Membership

Each applicant for membership shall apply on a form as approved by the Board of Directors. This form shall provide that the applicant agrees to abide by this Constitution and By-Laws, the Club's current Code of Ethics, and the Rules and Regulations of the American Kennel Club. The application shall carry the written endorsement of two members in good standing who have been members not less than two years. At least one of the sponsors must have known the applicant for a period of one year prior to sponsorship.

Each sponsor shall further indicate his/her endorsement in the form of a letter recommending the applicant for membership. Accompanying the application, the prospective member shall submit the initiation fee and dues payment for the current year as well as a brief resume. The membership shall be notified of the new member applicant via email in accordance with AKC policy. After a 30-day waiting period, applicants may be elected by ballot of the Board of Directors. Affirmative votes of two-thirds (2/3) of the Board of Directors shall be required to elect an applicant.

The sponsors of any applicant who fails to receive the two-thirds (2/3) favorable vote of the Board may present his/her application at the next Annual Meeting of the Club. All non-members, including the applicant, must leave the Annual Meeting while the applicant's election to membership is discussed. A favorable secret vote of seventy-five percent (75%) of the Regular and Lifetime Members present will elect the applicant to membership. A rejected applicant may not reapply for six months following such a vote of the Club. The dues payment shall be returned to any rejected applicant, the processing fee shall remain with the Club.

Section 4 – Objections to Applications for Membership

Objections to a membership application may be voiced within thirty (30) days after receipt of written notification containing the name of the prospective applicant, and their sponsor's names. Such objection must be made in writing via email or USPS to the Recording Secretary. Such application shall be tabled by the Board of Directors for investigation and disposition. Following investigation, the Board will either vote to accept the applicant or reject the application with a 2/3 secret vote.

Section 5 – Privileges of Membership

A member in good standing is defined by these By-Laws as a member who has no delinquent debts to the Club and who is in good standing with the American Kennel Club. (For example, unpaid dues, unpaid trophy pledges, and unfulfilled donations are considered debts to the Club). Members who have delinquent debts other than dues shall be notified in writing and given thirty (30) days to pay the debts.

All Regular and Lifetime Members in good standing shall at appropriate times have the privilege of voting and serving as an Officer or Director. All types of members enjoy the privileges of sponsoring membership applications, renewing memberships, serving the Club on a committee, pledging trophies, and enjoying other privileges as may be defined by the Board of Directors.

Section 6 – Termination of Membership

Memberships may be terminated:

- (a) **By Resignation:** Any member in good standing may resign from the Club upon written notice to the Recording Secretary, but no member may resign when in debt to the Club. Obligations other than dues are considered a debt to the Club and must be paid in full prior to resignation
- (b) **By Lapsing:** A membership will be considered as lapsed and automatically terminated if such member's dues remain unpaid sixty (60) days after the first day of the fiscal year; however, the Board may grant an additional thirty (30) days grace to such delinquent member in meritorious cases. In no case may a person be entitled to vote at any Club meeting whose dues are unpaid as of the date of that meeting, or as of the closing of the polls if a mail ballot. No member may hold office whose dues are unpaid.
- (c) **By Expulsion:** A membership may be terminated by expulsion as provided in Article VI of these Constitutions and By-Laws.

There will be no reinstatement or renewal of membership except as listed above.

ARTICLE II: MEETINGS AND OFFICIAL CLUB NOTICES

Section 1 – Annual Meeting

The Annual Meeting of the Club shall be held in conjunction with a Club Specialty Show at a place, date, and hour designated by the Board of Directors. Notice of the annual meeting shall be sent by the Recording Secretary at least 30 days prior to the meeting in accordance with the laws of New Jersey in which ATCA is incorporated. The quorum for the Annual Meeting shall be 10% of the Regular and Lifetime Members in good standing. A majority vote of those present shall be sufficient to conduct business unless otherwise specified in these By-Laws.

Section 2 – Special Club Meetings

Special Club Meetings may be called by the President or by a majority vote of the members of the Board of Directors who are present at a meeting of the Board or who vote by mail; and shall be

called by the Recording Secretary upon receipt of a written petition signed by ten percent (10%) of the Regular and Lifetime Members of the Club who are in good standing. Such meeting shall be held at such hour and place as may be designated by the Board. The notice of the meeting shall be sent by the Recording Secretary at least 14 days and not more than 30 days prior to the meeting in accordance with the laws of New Jersey in which ATCA is incorporated. The notice shall state the purpose of the meeting and no other Club business may be transacted. The quorum for such a meeting shall be ten percent (10%) of the Regular and Lifetime Members in good standing.

Section 3 – Board Meetings

- (a) The Board of Directors shall meet in person at least once each calendar year, in conjunction with the Annual Specialty at a time and place to be designated by the President. Additional Board meetings may be called by the President or by written majority of the Board, at a time and place designated by them. Meetings of the Board are defined as gatherings where attendees see and/or hear each other. This will include meeting in person in the same room or conducting a meeting by video conference or teleconference. Notice of the annual meeting shall be sent by the Recording Secretary at least 14 days prior to the meeting in accordance with the laws of New Jersey in which ATCA is incorporated. Quorum shall be a minimum of seven (7) Board Members. A simple majority vote of those Board Members present shall be sufficient to conduct business unless otherwise specified in these By-Laws
- (b) The Board of Directors may conduct its business by email, mail, fax, telephone conference call, video conference or by polling the Board through the Recording Secretary. Items voted upon in the above manner must be confirmed in writing within seven (7) business days following the closing date of the vote, listing the vote of each Board Member and the tally.
- (c) There shall be minutes taken for all types of meetings listed above.

Section 4 – Club Notices

In accordance with the laws of New Jersey in which ATCA is incorporated, meeting notices, dues notices, and special notices may be distributed by either email or regular postal service. Members wishing notices and minutes by regular postal service must notify the Recording Secretary. The default option will be distribution by email where an email address has been provided during application or membership renewal. A notice will be included on the annual membership dues notices stating, "If you do not want to receive dues, meetings and special notices by email, please sign here to confirm _____." Such authorization, which is revocable, will also release the Club from any liability should the notification be received late or not received by the member due to circumstances beyond the Club's control. Each member is responsible for notifying the Treasurer of any change in their regular or email address.

ARTICLE III: DIRECTORS AND OFFICERS

Section 1 - Board of Directors

The Board of Directors shall be comprised of the five (5) Officers and eight (8) Board Members, all of whom shall be Regular Members or Lifetime Members in good standing and are residents of the United States. Four (4) of the Board of Directors shall be elected with four (4) Officers (President,

Vice President, Treasurer, and Recording Secretary) to serve a two year term. Four (4) additional Board members shall be elected to a two year term with the Corresponding Secretary and AKC Delegate (a non-voting member of the Board) on alternate election years. Each of the eight (8) elected Board members shall serve until the next bi-annual election for his class and shall commence his two year term on January 1, following his election. They shall be elected as provided in Article IV, and shall serve until their successors take office. General management of the Club's affairs shall be entrusted to the Board of Directors who will participate in all discussions, vote, and perform duties as required.

Section 2 - Terms of Office

The President, Vice-President, Recording Secretary, Corresponding Secretary and Treasurer shall be elected for a two year term. The President, Vice- President, and each Secretary shall serve no more than three (3) consecutive two year terms and the Treasurer for no more than five (5) consecutive two year terms. The eight (8) other Board Members shall serve for no more than three (3) consecutive two year terms with four (4) such members being elected in alternate years. An Officer or Board Member who has served the maximum number of consecutive terms shall be out of that office for one full term before he is eligible to be re-nominated for that office.

Section 3 - Officers

The Club's Officers, consisting of the President, Vice-President, Recording Secretary and Corresponding Secretary and Treasurer shall serve in their respective capacities both with regard to the Club and its meetings and the Board and its meetings.

- (a) The President shall preside at all meetings of the Club and the Board of Directors, shall present the annual report to the Club at the end of the year, in January, which shall be published in the next newsletter, and shall have the duties and powers normally appurtenant the office of President in addition to those particularly specified in these Constitutions and By-Laws. The President shall be an ex-officio member of all Committees except the Nominating Committee.
- (b) The Vice-President shall preside in the absence of the President at any meeting. In the event of death, incapacity, resignation or removal from office of the President, the Vice-President shall succeed to the office of President for the remainder of the term. The Vice-President shall assist the President as directed by the President.
- (c) The Recording Secretary shall preside in the absence of the President and Vice-President at any meeting and shall have custody of the Club's official Constitution and By-Laws, shall record any and all amendments, shall keep minutes of all Club and Board meetings, shall furnish copies of all minutes within twenty-one (21) days to each Member of the Board. The Recording Secretary shall provide minutes of the Annual Meeting and of the Annual Board Meeting and shall furnish the decisions of the Board to the Editor of the Newsletter for publication. The Board shall also make available to individual Club members, upon request, the reasons and voting record of Members of the Board when the Board has voted down a motion that was previously passed at a General Club Meeting. The Recording Secretary shall maintain a log of all internal Club minutes, correspondence and actions which shall be transferred to succeeding Recording Secretaries and which shall become a permanent record retained by the Club. The Recording Secretary shall handle elections, prepare and mail notices, ballots and petitions. All those elected may be notified by mail or email of their

election to office. Upon election of a new member, the Recording Secretary shall send the member a written notice of his/her election and a copy of the Constitution and By-Laws and a membership roster. The Recording Secretary shall report any changes in the membership and their addresses quarterly in the newsletter. The Recording Secretary shall handle any and all other internal correspondence as may be directed by the Board.

- (d) The Corresponding Secretary shall preside in the absence of the President, Vice-President, and Recording Secretary. He/she shall keep and maintain adequate records of all external Club correspondence. The Corresponding Secretary shall handle communications with the American Kennel Club, all correspondence with any other dog clubs including local Australian Terrier Clubs, correspondence with any applicants to membership in the Club, requests for information about the Club, and all other external correspondence as may be directed by the Board or the President.
- (e) The Treasurer shall preside in the absence of the President, the Vice-President, Recording Secretary or Corresponding Secretary at any meeting. The Treasurer shall collect and receive all monies due or belonging to the Club and pay all bills incurred by or for the Club. The Treasurer shall open accounts in the name of the Club in a bank satisfactory to the Board of Directors. The Club's books shall at all times be open to inspection by the Board of Directors. The Treasurer shall prepare an annual budget that is to be approved by the Board of Directors. The Treasurer shall keep a roll of all members and their addresses and keep the Recording Secretary currently posted. The Treasurer shall report to the board quarterly the condition of the Club's finances and every item of receipt or payment not before reported. The Treasurer shall at the end of the fiscal year, December 31st, render an account of all monies received and expended during the previous fiscal year and file all necessary Internal Revenue Service tax returns in a timely manner. This annual report shall be published in the newsletter. The Board of Directors shall determine by Standing Rule the maximum amount of any single expenditure payable by the Treasurer without prior approval of the Board. The Treasurer's books shall be subject to a compilation or review by a professional accountant as deemed necessary by the Board of Directors. The Treasurer shall be bonded in such amount as the Board of Directors shall determine. All contracts to which the Club is a party must be reviewed by the treasurer before being signed by the treasurer or another Club officer.

Section 4 - Club Credentials

Use of the Club stationery, past or present, or logos and insignia of the Australian Terrier Club of America, Inc. by any person other than current Officers and Members of the Board of Directors, or anyone specifically authorized by the Board of Directors, is prohibited. Use of such stationery is restricted to official Club business.

Section 5 - AKC Delegate

The Club shall have a delegate to the American Kennel Club, Inc. Such Delegate shall be elected for a two year term as provided in Article IV and shall serve until his or her successor has been qualified and elected, unless he or she has his or her appointment withdrawn by a two-thirds (2/3) vote of the Regular and Lifetime Membership. To be eligible to represent the Club as Delegate to the American Kennel Club, the candidate shall have been a member in good standing for a period of at least two years. The Delegate shall serve as liaison between the Club and the American Kennel Club and shall communicate all matters of interest and concern to the Club's Board of Directors as soon as practical

after each Delegate's meeting of the American Kennel Club. A Delegate need not be a member of the Board of Directors, and if he or she is not a member of the Board, he or she shall be invited to attend the meetings of the Board without a vote.

Section 6 – Vacancies

Any vacancy occurring on the Board or among the Officers or AKC Delegate shall be filled until the next annual election by a majority vote of all the then Members of the Board within sixty (60) days; except that a vacancy in the office of President shall be filled automatically by the Vice-President and the resulting vacancy in the office of Vice President shall be filled by a majority vote of all the then Members of the Board as above.

ARTICLE IV: THE CLUB YEAR AND VOTING

Section 1 – Club Year

The Club's fiscal year shall begin on the 1st day of January and end on the 31st day of December.

The Club's official year shall begin on the 1st day of January, when newly elected Officers and Directors assume their positions, and shall continue through the next annual election and end on the 31st day of December. Each retiring Officer shall turn over to his successor in office all properties and records relating to that office by the 1st day of February.

Section 2 - Voting

- (a) At the Annual Meeting or at a Special Meeting of the Club, voting shall be limited to the Regular and Lifetime Members in good standing who are present at the meeting, except that the annual election of Officers and Directors and Amendments to the Constitution and By-Laws and the Standard for the Breed shall be decided by written ballot cast by mail and, when authorized by the Board, sent in accordance with AKC's procedure on Electronic Balloting for AKC Parent Clubs, to members who have opted-in to electronic voting pursuant to Article XI. Voting by proxy shall not be permitted. The Board of Directors may submit other specific questions for decision of the Regular and Lifetime Members by written ballot cast by mail and/or via email, consistent with the N.J.S.A. 45:22A-46 as to members who have opted-in to electronic voting. Balloting under this section shall be conducted substantially in accordance with the provisions of Section 4, below.
- (b) The Australian Terrier Club of America, Inc. prefers that actions of the Board be taken in person at meetings as the best way to insure thorough debate and discussion. However, any election, action, or question that can be presented for a vote to the Board of Directors or the Membership by regular mail under Subsection (a) may be done via electronic means as to members who have opted-in to electronic voting pursuant to Article XI.

Section 3 – Election

The election of Officers, AKC Delegate, and Board of Directors, shall be conducted by secret ballot cast by mail. The nominated candidate receiving the greatest number of votes for each office shall be declared elected on December 15. If any nominee is unable to serve for any reason, such nominee shall not be elected and the vacancy so created shall be filled by the new Board in the

manner provided by Article III, Section 6.

Section 4 – Nominations and Ballots

No person may be a candidate in a Club election who has not been nominated in accordance with these By- Laws. No later than May 1 of each year, a Nominating Committee shall be chosen by the Board. The Committee shall consist of three members preferably from different areas of the U.S.A., and two alternates, all members in good standing, no more than one of whom may be a member of the current Board of Directors. The Board shall name a chairman for the committee and approve the committee in its entirety by June 1st. The Nominating Committee may conduct its business by mail, in person, by telephone or other electronic means.

- (a) The Nominating Committee shall nominate, from among the eligible members of the Club, one candidate for each office and for each open position on the Board of Directors and a candidate for Delegate to the American Kennel Club. The Chairman shall procure the written acceptance of each nominee so chosen, along with a brief resume of his/her qualifications for the position. The Committee shall consider geographical representation of the membership on the Board to the extent that it is practicable to do so. The Committee shall submit its slate of candidates to the Recording Secretary by September 1st. The Recording Secretary shall provide the list via mail or email, including the full name of each candidate and the name of the state in which he/she resides, as well as a brief biographical resume prepared by each nominee, to each Regular and Lifetime Member of the Club on or before September 20th, so that additional nominations may be made if they so desire. Junior, Foreign and Honorary Members are ineligible to hold office or in any way participate in the election process.
- (b) Additional nominations of eligible members may be made by written petition addressed to and received at the Recording Secretary's regular address on or before October 31st. Such petitions must be signed by five (5) members and accompanied by the written acceptance of each such additional nominee signifying his/her willingness to be a candidate and a brief resume of his/her qualifications for the office. Except for the position of Delegate, no person shall be a candidate for more than one position.
- (c) If no valid additional nominations are received by the Recording Secretary on or before October 31st, the Nomination Committee's slate shall be declared elected.
- (d) If one or more valid nominations are received by the Recording Secretary on or before October 31st, he/she shall, on or before November 10th, then the following procedures shall be followed:

Two Types of Balloting Shall be Permitted:

- i. Balloting by mail. Mail-in balloting shall be the default means of balloting, in all instances where the Board of Directors does not specifically authorize electronic balloting pursuant to sub-section ii, below.
- ii. Balloting in accordance with AKC's procedure on Electronic Balloting for AKC Parent Clubs: E- balloting shall be allowed for elections where the Board of Directors authorizes it, and only as to Regular Members who have provided written consent pursuant to Article XI, and shall be conducted by a Board-approved independent organization that specializes in electronic balloting.

As to either type of balloting stated above, the Election Committee Chair shall:

- i. Prepare a ballot listing all of the Nominees for each position in alphabetical order, with the names of the states in which they reside and a brief resume, along with instructions for voting. When applicable, ensure that the independent e-balloting organization has a substantially identical copy of the ballot and voting instructions.
 - ii. Obtain a list of all Regular and Lifetime Member in good standing from the Treasurer.
 - iii. Assemble the ballot(s) and instructions together with a blank envelope and a return envelope marked "Ballot" addressed to the professional firm or individual designated by the Board of Directors, and mail them to each member on the approved list from the Treasurer. When applicable, the Recording Secretary will ensure the independent e-balloting organization sends out the e-ballots and instructions no later than November 15th. When mailed, the return envelope must bear the name of the member to which it was originally sent.
- (e) Who may handle ballots? All persons handling and/or supervising the election shall preserve the security and secrecy of the process.
- i. Mail-in ballots. Neither Members of the current Board of Directors or candidates on the ballot can receive the ballots. So that the ballots may remain secret, each voter, after marking their ballot shall seal it in the blank envelope provided, which shall in turn be placed in the second envelope marked "Ballot" which will be addressed to the professional firm or individual designated by the Board. Upon receipt of the ballot and prior to opening the outer envelope, the professional firm or individual designated by the Board shall check the return addresses against a list of members in good standing. The outer envelopes of those members eligible to vote, may then be opened, the blank envelopes removed and the ballots counted.
 - ii. E-ballots. E-ballots shall be handled only by an independent e-balloting organization approved by the Board.
- (f) To be valid, all ballots must be received or cast with the independent e-balloting organization by December 15th and must be counted and the results reported to the Recording Secretary by telephone and in writing within two (2) working days. The Recording Secretary shall notify those elected of their election immediately by email or mail. The election results will be announced on the Website and in the next Newsletter. Ballots shall be transferred to the Recording Secretary within two weeks of the election, who shall retain said ballots for six months.
- (g) When one or more valid nominations are received, the balance of the slate that is unopposed shall be declared elected by the Recording Secretary on November 1st.
- (h) Nominations cannot be made in any manner other than as provided above.

ARTICLE V: COMMITTEES

Section 1 – Committee Chairman

Subject to approval by the Board of Directors, the President may appoint any necessary Committee Chairmen, standing or special, to advance the work of the Club in such matters as, but not limited to, dog shows, obedience trials, annual awards, special awards, Register of Merit, Newsletter Editor, and other fields which may be well served by committees. Chairmen of such Committees, after being approved by the Board, may select their own Committee Members or subcommittees to work with them. Exceptions to this include the Nominating Committee, By-Laws Committee, Auditing Committee, and Standard Committee: these Committees shall be approved in their entirety by the Board of Directors. Each Committee shall report to the Board of Directors annually at the time of the Annual Meeting and at any time as requested by the Board of Directors.

Section 2 – Committees Subject to Board Authority

All Committees shall always be subject to the final authority of the Board. Any Committee appointment may be terminated by the majority vote of the full Board for just cause, upon written notice to the appointee; and the Board shall appoint successors to those persons whose service has been terminated. A Committee appointee whose service has been terminated shall, within thirty (30) days of his notification of his termination transmit all records to the person appointed to succeed him.

Section 3 – Writing for Publications under ATCA's Name

No person may write for publication under the name or authority of the Australian Terrier Club of America, Inc. without prior Board approval.

ARTICLE VI: DISCIPLINE

Section 1 – American Kennel Club Suspension

Any member who is suspended from any of the privileges of the American Kennel Club shall automatically be suspended from the privileges of this Club for a like period.

Section 2 - Charges

Any member may profer charges against a member for alleged misconduct prejudicial to the best interests of the Club or the Breed. Written charges with specifications must be filed in duplicate with the Recording Secretary together with a deposit of fifty dollars (\$50), which shall be forfeited if such charges are not sustained by the Board of Directors. The Recording Secretary shall promptly send a copy of the charges to each Member of the Board or present them at a Board Meeting, and the Board shall first consider whether the actions alleged in the charges, if proven, might constitute conduct prejudicial to the best interests of the Club or the Breed. If the Board considers that the charges do not allege conduct which would be prejudicial to the best interests of the Club or the Breed, it may refuse to entertain jurisdiction. If the Board entertains jurisdiction of the charges, it shall fix a date of a hearing by either the entire Board or a committee comprised of at least three members of the Board not less than 3 weeks or more than six (6) weeks thereafter. The Recording Secretary shall promptly send one copy of the charges to the accused member by certified mail together with a notice of the hearing and an assurance that the defendant may personally appear in his or her own defense and bring witnesses if he or she wishes.

Section 3 – Board Hearing

The Board of Directors shall have complete authority to decide whether counsel may attend the hearing, but both the complainant and the defendant shall be treated uniformly in that regard. Should the charges be sustained after hearing all the evidence and testimony presented by the complainant and defendant, the Board may, by a majority vote of those present and voting, set a penalty ranging from a letter of reprimand to a suspension of the defendant from all privileges in the Club for not more than six (6) months or until the next Annual Meeting, if that will occur after six months. And, if it deems that punishment insufficient, it may also recommend to the membership that the penalty be expulsion. After the Board has reached a decision; its findings shall be put in written form and filed with the Recording Secretary. The Recording Secretary, in turn, shall notify each of the parties of the decision and penalty, if any. Notice of official disciplinary action shall be published in an official Club publication.

Section 4 – Expulsion

Expulsion of a Member from the Club may be accomplished only at the Annual Meeting of the Club following a hearing and upon the recommendation of the Board or Committee as provided in Section 3 of this Article. The defendant shall have the privilege of appearing in his or her own behalf though no evidence shall be taken at this meeting. The President shall read the charges and the findings and recommendations, and shall invite the defendant, if present, to speak in his/her own behalf. The Regular and Lifetime Members present shall then vote by secret written ballot on the proposed expulsion. A two-thirds vote of those present and voting at the Annual Meeting shall be necessary for expulsion. If expulsion is not so voted, the suspension shall stand.

ARTICLE VII: AMENDMENTS

Section 1 – Proposing Amendments

Amendments to the Constitution and By-Laws or Standard for the Breed may be proposed by the Board of Directors or by written petition, addressed to the Recording Secretary signed by twenty percent (20%) of the Regular and Lifetime Members in good standing. Amendments to the bylaws proposed by such petition shall be promptly considered by the Board of Directors and must be submitted to the members with the recommendations of the Board by the Recording Secretary for vote within three (3) months of the date when the petition was received by the Recording Secretary. Proposed amendments to the standard for the breed must be submitted to the members with recommendations of the Board by the Recording Secretary for a vote following the procedures established by the AKC Board of Directors.

Section 2 – Voting on Proposed Amendments

The Constitution and By-Laws may be amended at any time (or the Standard for the Breed in accordance with AKC policies), provided a copy of the proposed amendments has been sent by the Recording Secretary to each member in good standing on the date of mailing, accompanied by a ballot on which a choice for or against the actions to be taken shall be indicated. Voting procedures described in Article IV, Section 4(d) shall be followed in handling such ballots, to assure secrecy of the vote. The notice shall specify a date no less than thirty (30) days after the date of the mailing by which date the ballots must be returned to the Recording Secretary or other individual appointed by the Board, to be counted. The favorable vote of two thirds (2/3) of the members in good standing whose ballots are returned within the time limit shall be required to effect any such amendment.

Section 3 – Approval by AKC Required

No amendment to the Constitution and By-Laws (or to the Standard for the Breed) that is adopted by the Club shall become effective until it has been approved by the Board of Directors of The American Kennel Club.

ARTICLE VIII: DISSOLUTION

Section 1- Termination of a Member

The interest of any Member in the property of the Club ceases with the termination of membership.

Section 2 – Dissolution of the Club

The Club may be dissolved at any time by the written consent of not less than two thirds (2/3) of the Regular and Lifetime Members in good standing. In the event of dissolution of the Club for any purpose other than for the purpose of reorganization, whether voluntary or involuntary or by operation of law, none of the property of the Club, nor any proceeds thereof, nor any assets of the Club shall be distributed to any members of the Club, but after payment of the debts of the Club, its property and assets shall be given to a charitable organization for the benefit of dogs selected by the Board of Directors.

ARTICLE IX: ORDER OF MEETING

Section 1 – Meetings of the Club

At the Meetings of the Club, the order of business, so far as the character and nature of the meeting may permit, shall be as follows:

- Roll Call
- Minutes of the Last Meeting
- Report of the President
- Report of the Recording Secretary
- Report of the Corresponding Secretary
- Report of the Treasurer
- Reports of the Committees
- Election of New Members
- Unfinished Business
- New Business
- Adjournment

Section 2 – Meetings of the Board

At the Meetings of the Board, the order of business, unless otherwise directed by majority vote of those present, shall be:

- Reading of the Minutes of last meeting
- Report of the Recording Secretary
- Report of the Corresponding Secretary
- Reports of Committees

- Unfinished Business
- Election of New Members
- New Business
- Adjournment

ARTICLE X: AUTHORITY AND PROCEDURE

All meetings and parliamentary procedures shall be conducted in accordance with the latest edition of Robert's Rules of Order unless it is inconsistent with these Constitution and By-Laws and written Policies and Procedures of the Club, in which case the Constitution, By-Laws, and Policies and Procedures shall take precedence.

ARTICLE XI: ELECTRONIC COMMUNICATION AND VOTING

Section 1 - Electronic Communication and Voting

Official notices to the membership, and voting pursuant to Article IV, shall be carried out consistent with N.J.S.A. 45:22A-46, and shall be made via hard copy through U.S. mail or in the club newsletter, as designated by the Board. However, members may instead elect to participate by email by completing an authorization, in hard copy or electronic form, approved by the Board, which form shall clearly state that:

- (a) The member is consenting to receive club notices, and conduct voting under Article IV, by email whereauthorized by the Board.
- (b) It is the responsibility of the member to designate the email address they wish to utilize in association with this option, and keep it updated with the Recording Secretary and/or Treasurer.
- (c) The member agrees to release the Club from liability should a notice or ballot be received late, or notat all, due to circumstances beyond the Club's control.
- (d) The authorization may be revoked by notifying the Recording Secretary in hard copy or via email, consistent with Section 2, below. As to e-balloting, such revocation must be received forty-five (45) days prior to the voting deadline in order to be valid.

Section 2 - Notice to Members

E-mail notice to members under this section shall be valid only as to members who have elected to participate by submitting a completed form as required above. Such notice shall also be posted to the members-only area of the Club's website.

Section 3 - Communication from Members to the Club

Official communication from members to the Club may be by mail or email, except that communication byemail must be confirmed by return e-mail verifying receipt to be valid.

Revision approved by AKC January 14, 2020