

**STATE BAR OF ARIZONA**  
**RELIGIOUS LIBERTY LAW SECTION BYLAWS**

**ARTICLE I: NAME AND PURPOSE OF THE SECTION**

**1.1 NAME.** This Section shall be known as the “Religious Liberty Law Section” (“Section”).

**1.2 PURPOSE.** The general purposes of the Section are to promote the objectives of the State Bar of Arizona (“State Bar”) within the field of religious liberty law. To that end, the Section’s purposes are set forth in its Mission Statement and include, among others:

- To further the interest of the State Bar of Arizona and of the legal profession as a whole in all ways related to religious liberty law;
- To promote throughout the State of Arizona the education of members of the State Bar and the public about issues related to religious liberty law, by organizing presentations on various topics relating to religious liberty law, by sponsoring and by presenting lectures, workshops, and publications such as newsletters, on religious liberty topics, and by presenting continuing legal education programs on topics related to religious liberty law;
- To promote religious liberty law among Arizona attorneys as a specialized field of practice;
- To provide a forum for developing relations and exchanges of viewpoints with persons and organizations having related interests in the field of religious liberty law;
- To encourage and facilitate debate within the legal profession on religious liberty issues;
- To cooperate with other Sections of the State Bar of Arizona in matters concerning religious liberty law; and
- To encourage and to support mutual respect for, and understanding of, differing religious belief systems and practices and how they relate to religious liberty law.

**1.3 LIMITATIONS.** These bylaws are adopted subject to the Rules of the Arizona Supreme Court and the State Bar of Arizona Board of Governors' bylaws and policies.

## **ARTICLE II: MEMBERSHIP**

**2.1 ENROLLMENT.** Any member in good standing of the State bar shall, upon request and payment of the annual Section dues, be enrolled as a member of the Section.

**2.2 THE MEMBERSHIP.** Members so enrolled and whose dues are paid under the provisions of the Articles shall constitute the membership of the Section.

**2.3 SECTION AFFILIATES:** It is the policy of the State Bar of Arizona that non-SBA members be eligible to join State Bar Sections as Section Affiliates upon application to the State Bar and payment of the dues. Such individuals will be entitled to the same section benefits as SBA members except that such non-SBA members may not vote, hold elected office, or be counted in determining the presence of a quorum. Section Affiliates shall not advertise or hold themselves out as members of the State Bar of Arizona, nor shall they use or knowingly permit the use of their non-voting status in any directory or law list for the purpose of soliciting or obtaining business or financial advantage. In any advertisements or professional listings, non-SBA members must describe their association with the State Bar (if they reference it at all) as Affiliates of a particular section, and must include the phrase "not licensed to practice law in Arizona". Section Affiliates who advertise themselves as members of the State Bar of Arizona will be immediately removed from their section.

**2.4 DUES.** Dues for membership in the Section shall be in an amount set by the Section and approved by the Board of Governors, payable upon enrollment and thereafter annually in advance each year, at the beginning of the State Bar of Arizona's fiscal year succeeding such enrollment.

**2.5 DELINQUENCY.** Any member of the Section whose annual dues shall be more than three (3) months past due shall cease to be a member of the Section.

## **ARTICLE III: COMMITTEES**

**3.1 COMMITTEES:** The Council of the Section is authorized to establish, or to empower the Chairperson of the Section to establish, such committees composed of Section members as it may deem necessary and desirable to effectively promote the activities of the Section within the jurisdiction of the Section and with the approval of the Board of Governors. In establishing a new committee, the Council shall state the area of its proposed activities.

**3.2 CHAIRPERSONS:** The Chair shall announce the membership and the chair of each committee of the Section for the following Section year, no later than the business meeting held during the Annual Meeting of the Section.

#### **ARTICLE IV. MEETINGS OF THE MEMBERSHIP**

**4.1 ANNUAL MEETING.** The Section should hold an annual meeting of members in conjunction with the annual meeting of the State Bar. The Section may also hold other meetings of members throughout the year.

**4.2 QUORUM.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

**4.3 CONTROLLING VOTE.** Action of the Section shall be by majority vote of eligible members present. No member may vote for or on behalf of another member and no voting by proxy shall be permitted. Only otherwise eligible members appearing and participating at an annual or other duly called meeting of the Section membership shall have the right to vote.

**4.4 VOTING ELIGIBILITY.** Any member of the State Bar and the Section whose good standing can be certified by official State Bar records for thirty (30) days prior to the time of voting shall be eligible to vote.

**4.5 AGENDA.** Among the matters of business to be transacted at the annual meeting of the membership shall be the election of Officers and other Council members. The agenda shall consist of other matters as may be decided by the Chair or the Council.

**4.6 VOTING:** The council may direct that a matter be submitted to the membership of the Section for vote by mail, e-mail, facsimile transmission or telephonically. In that event, binding action of the Section shall be by a majority of the votes received from members in accordance with rules fixed by the council.

#### **ARTICLE V: OFFICERS**

**5.1. OFFICERS.** The officers of the Section shall be the Chair, the Vice-Chair, the Secretary, and the Budget Officer (or a combined Secretary/Budget Officer). Officers must be Section members in good standing.

**5.2 CHAIR.** The Chair, or the Vice-Chair in the absence of the Chair, shall preside at all meetings of the Section and of the Council. The Chair, in consultation with the Vice-Chair, shall appoint the chair and members of all committees of the Section who are to hold office during his or her term as Section chair. The Chair shall plan and superintend the program of the

Section during the Chair's term, subject to the directions and approval of the Council. The Chair shall superintend the performance of all activities of the Section. The Chair shall keep the Council duly informed and carry out its decisions. The Chair shall perform such other duties and acts as usually pertain to the office or as may be designated by the Council.

**5.3 VICE-CHAIR.** The Vice-Chair shall, on consultation with the Chair, arrange for the appointment of the Chair and members of all committees who are to hold office during his/her coming term as Vice-Chair. The Vice-Chair shall aid the Chair in the performance of the Chair's responsibilities in the manner and to the extent the Chair requests. The Vice-Chair shall perform such further duties and have such further powers as usually pertain to the Vice-Chair's office or as may be designated by the Council or the Chair. In case of the death, resignation, or disability of the Chair, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term or disability, as the case may be.

**5.4 SECRETARY.** The Secretary shall consult with and assist all the officers of the Section as to the work of the Section generally in the manner and to the extent they may request. The Secretary shall be the liaison between the Section and the State Bar staff regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of the State Bar. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. The Secretary shall provide the State Bar staff with a copy of the minutes of all meetings. The Secretary in conjunction with the Chair, as authorized by the Council, shall attend generally to the business of the Section.

**5.6 BUDGET OFFICER.** The Accounting Office of the State Bar shall keep an accurate record of all monies appropriated to the Section and expended by the State Bar for the purposes of the Section. The Budget Officer receives reports, and other documents prepared by the Accounting Department of the State Bar as to the Section funds, revenues, and expenditures, and works with State Bar staff and the accounting department to ensure the accuracy of the reports. The Budget Officer reports on the Section's present and projected financial condition at each meeting of the Section Council. State Bar staff and the Budget Officer advise the officers and council as to the financial impact of any proposed action by the officers, council or Section.

## **ARTICLE VI: THE COUNCIL**

**6.1 POWERS.** The Council shall be vested with the powers and duties necessary or convenient for the administration and affairs of the Section. The policy of the Council shall be consistent with the policies set by the Board of Governors. It shall especially authorize all commitments which entail the payment of money, and shall authorize the expenditure of all monies appropriated by the State Bar of Arizona for the use or benefit of the Section. It shall not, however, authorize commitments which entail the payment of more money during any fiscal

year than the amount appropriated to the Section for that fiscal year. No action of any Section committee shall be effective until approved by the Council or by the Section.

**6.2 COMPOSITION.** The Council shall be composed of the following persons, all of whom must be Section members in good standing:

- (i) the officers;
- (ii) a Legislative Liaison, if any (any member may hold this position);
- (iii) the last retiring Chairperson;
- (iv) up to eleven (11) members-at-large, elected to the Council by the Section membership for three-year terms (at any one time, one third of these members shall be serving the first year of their terms, one third shall be serving the second year, and one third shall be serving the third year (at the first election of members-at-large only, one-third (1/3) of the members-at-large shall be elected to terms of three (3) years, one-third (1/3) of the members-at-large shall be elected to terms of two (2) years, and one-third (1/3) of the members-at-large shall be elected to terms of one (1) year); and
- (v) a Young Lawyers Section member, if available and willing to serve, who shall be elected to the Council by the Religious Liberty Law Section membership.

**6.3 QUORUM AND CONTROLLING VOTE.** Action of the council shall be by majority vote of those members present, in person or telephonically. A quorum consisting of a majority of the council members shall be required to conduct its business.

**6.4 MEETINGS.** The Council shall hold regularly scheduled meetings to dispatch any necessary business. The Council shall hold at least one regular meeting each year at the time and place of the Annual Meeting of the State Bar. The Chair shall call and set the agenda for such regularly scheduled meetings. Special meetings may be called at any time by the Chair, or in the Chair's absence, the Vice-Chair, or upon the written request of a majority of the Council. Meetings may be conducted telephonically and all Council members shall be given reasonable advance written notice (which shall include, without limitation, electronic mail if possible) of any scheduled meetings and a copy of the agenda.

**6.5 POLL OF COUNCIL.** The Chair or other member of the Council may submit to each of the members of the Council a proposition upon which the Council may be authorized to act and the members of the Council may vote upon the proposition either by written ballot, electronic mail ballot, facsimile transmission, or by telephone vote. The Secretary shall record the proposition and the votes.

**6.6 COUNCIL AUTHORITY:** Between meetings of the Section, the Council shall have full power to do and perform all acts and functions which the Section itself might perform. Any such action taken by the Council shall be reported to the Section at its next meeting.

**6.7 NO COMPENSATION:** No salary or compensation for services shall be paid to or by any officer, member of the Council, or member of any committee, except that reasonable out-of-pocket expenses may be reimbursed as approved by the Council, or as may otherwise be specifically authorized by the Board of Governors.

**6.8 REFERENDUM:** The Council may direct that a matter be submitted to the members of the Section for vote. In such event, binding action of the Section shall be a majority of the votes received in accordance with rules fixed by the Council and as conducted and certified by the secretary.

**6.9 ABSENTEEISM:** If any officer or member of the Council shall fail to attend three successive meetings of the Council, the Council shall vote at the third meeting as to whether the officer or Council member shall be removed from office and the Council. Unless the absences are excused upon good cause, accepted by a majority vote of the voting members present, in person or by telephone, the officer or Council member shall be removed immediately.

## **ARTICLE VII: ELECTIONS**

**7.1 ELECTIVE OFFICERS:** At each Annual Meeting of the Section, the Section membership shall elect:

- (i) a Vice-Chair or Chair-Elect to serve a term of one (1) year;
- (ii) a third of the total number of members-at-large of the Council;
- (iii) a Council representative from the Young Lawyers Division if such YLD representative's three (3) year term has expired;
- (iii) a Secretary and a Budget Officer for a one (1) year term; and
- (iv) officers or Council members to fill vacancies in any office of the Council as provided in Article VIII.

**7.2 CHAIR:** The Vice-Chair shall automatically succeed to the office of Chair. The Chair shall serve a term of one (1) year and may not again accede to that office. In the event the office of Vice-Chair shall be vacant at the time the Chair's term expires, then a Chair shall be elected in the manner set forth in Section 7.4.

**7.3 ELIGIBILITY FOR OFFICE:** Any member of the State Bar and the Section whose good standing can be certified by official State Bar records for thirty (30) days prior to the time of an election shall be eligible for office.

**7.4 NOMINATIONS AND VOTING:** By March 1 of each year, the Chair, after consultation with the Council, shall appoint a Nominating Committee of not less than three (3) members of the Section who are not candidates for office, at least two (2) of whom shall not be either a present or former officer nor Council member of the Section.

The Chair shall announce the names and addresses of the members of the Nominating Committee in an e-mail to the Section members. The Chair may appoint a member to fill any vacancy which may arise thereafter in the Nominating Committee.

The duties of the Nominating Committee shall be to make and receive nominations, to verify that persons nominated are eligible to hold the office to which they are nominated, and to report the person or persons who have been nominated for each position which is to be filled by elections as provided elsewhere in these bylaws. The report shall identify each nominee and shall include a brief statement of the nominee's activities in the Section and in the law profession generally. The Nominating Committee shall submit its report to the Chair of the Section within enough time to allow the Chair to have it e-mailed to the Section members not later than thirty (30) days prior to the opening assembly of the Annual Meeting.

State Bar Staff with the assistance of the Secretary shall e-mail a notice of all contested Section elections to all members of the Section.

In the event of the nomination of more than one person for any of the positions to be filled by election at the Annual Meeting, ballots in such form as may be approved by the Section Council shall be placed in the United States mail, or via e-mail, at least thirty (30) days prior to the opening Assembly of the Annual Meeting, addressed to all members of the Section as shown on the latest roster of Section membership. Members enrolled in the Section after the ballots have been sent are not eligible to vote. Such ballot shall be accompanied by a brief biographical statement of each person nominated to an office for which more than one name had been placed in nomination. Ballots shall be returned to State Bar staff. State Bar staff shall inform the Secretary of the Section of the ballot results no later than noon on the day of the opening Assembly of the Annual Meeting. Election shall be by a plurality of the votes cast by mail and e-mail.

In the event that only one person is nominated for each position to be filled, ballots need not be mailed or e-mailed. Instead, election shall be by voice vote at a business session of the Section at the Annual Meeting.

**7.5 TERMS OF OFFICE:** The term of office shall begin with the adjournment of the Annual Meeting following the election and shall end following the Annual Meeting at which a successor

has been duly elected. If at the close of any term of office a successor has not been elected, then the term shall be extended until a successor shall have been elected.

## **ARTICLE VIII:      SUCCESSION OF OFFICERS AND VACANCIES**

**8.1 VICE-CHAIR:** The Vice-Chair, unless he/she refuses or is disqualified or receives a vote of “no confidence” by a majority at the Annual Meeting, automatically assumes the office of the Chair for a term of one (1) year commencing at the end of the Annual Meeting following the election.

**8.2 OFFICERS AND COUNCIL:** Between Annual Meetings of the Section, the Council may fill vacancies in its own membership, or in vacancies in the offices of Vice-Chair, Secretary, or Budget Officer. Members of the Council and officers so elected shall serve until the next Annual Meeting of the Section, at which time the membership of the Section shall elect officers or Council members to fill any unexpired terms existing at the time.

**8.3 ABSENTEEISM:** If any officer or member of the Council shall fail to attend two (2) successive meetings of the Council, the officer or Council member’s office shall be automatically vacated, unless excused upon good cause accepted by the members of the Council.

**8.4 RETIRING CHAIR:** At the end of the Chair’s term of office, the retiring Chair shall become a member of the Council for a term of one (1) year.

**8.5 SUCCESSION:** No Council member-at-large may serve more than two (2) successive terms as a member-at-large; however, the member-at-large may serve additional terms on the Council as an ex-officio member.

## **ARTICLE IX.      REPRESENTATION OF STATE BAR POSITION**

**9.1**      The Section must seek Board of Governors approval before taking any action or making any comments which purport to be on behalf of the State Bar or the Section. Any such action by the Section must be approved by the Board of Governors of the State Bar before such action can be effective as the action of the State Bar. Any resolution adopted or action taken by the Section shall be reported by the Chair or the Chair’s representative to the Board of Governors for action by the State Bar.



**ARTICLE X.            AMENDMENTS**

**10.1** These bylaws may be amended at any annual or specially called meeting of the Section by a majority vote of the eligible members of the Section present and voting, provided that such proposed amendment shall first have been approved by a majority of the Council. Any approved amendments to these bylaws shall become effective upon approval of the amendment by the Board of Governors.

Approved by the Board of Governors, 05-20-16

