

FOR VOTE BY MARCH 26, 2021



**IFTA FULL TRACK FINAL BALLOT PROPOSAL
FTFBP #1-2020**

Sponsor

Jurisdiction of Illinois

Date Submitted

February 25, 2020

Proposed Effective Date

January 1, 2022

Manual Sections to be Amended (Effective July 1, 1998 Last Revised July 2015)

IFTA Articles of Agreement:	R220	R1620.100	R1650.300
	R1520	R1620.200	R1650.400
	R1545	R1625	R1655
	R1546	R1630	R1720.100
	R1555.300.005	R1635	R1810.300
	R1555.400.015	R1650	R1820.100
	R1555.400.020	R1650.100	
	R1610.200	R1650.200	

Subject

The IFTA Articles of Agreement stipulate that voting privileges are granted only to jurisdictions having an active membership status. The Agreement also states that only a commissioner can vote. With these two tenets, the final disposition of votes should not be influenced by those jurisdictions not meeting these criteria.

Once these two tests are met by a jurisdiction –maintained voting privileges and a named commissioner– the denominator on which the majority affirmative votes required for passage should then be calculated upon only those jurisdictions “eligible” to vote.

History/Digest

As currently provided in the Articles of Agreement, the final tallying of votes is based upon a denominator which comprises the entire IFTA membership. This denominator, at times, has included a jurisdiction having their voting privileges rescinded, and jurisdictions not having a commissioner or delegate identified. These together, or alone, skew the required affirmative votes needed for approval.

R1545 references voting privileges are granted only to members holding active status.

R155.300.010 and R1650.100 references votes must be cast by the commissioner or a delegate named

in writing by the commissioner.

This ballot continues to recognize the following two principles:

- jurisdictions are not required to vote (R1650.300).
- (eligible) jurisdictions not casting a vote will continue to be assigned a vote of “NO” (R1650.400 & R1655).

A history of voting results on ballots from the last ten years is included as an attachment to serve as an illustration of voting outcomes when this ballot’s proposed language is applied.

Intent

The intent of this ballot is two-fold:

- to define “eligible member jurisdiction” as an active member jurisdiction not found out of compliance by the DRC and having a commissioner (or delegate) named*, and;
- to provide a representative denominator on which the majority vote of *eligible member jurisdictions* is based.

* A jurisdiction can identify its commissioner by notifying IFTA Inc., either by mail, email, or by simply updating the Jurisdiction Contact List (JCL) located on the IFTA, Inc., website. The JCL and any proxies received will become the point of reference for eligibility at the time a vote is taken. Voting delegates and their official proxies will continue to be recognized via the current process.

Accordingly, the act of removing an ineligible jurisdiction from the voting process also removes the automatic assignment of a “NO” vote to that jurisdiction.

Updates to affected cites will be necessary to include “eligible member jurisdiction” with regards to voting.

1 **Interlining Indicates Deletion; Underlining Indicates Addition**

2
3
4 **ARTICLES OF AGREEMENT**

5
6 **R200 Definitions**

7
8 **(new) R220 Eligible Member Jurisdiction** means a jurisdiction who meets all the following criteria:

9
10 .100 The jurisdiction has an active membership status.

11
12 .200 The jurisdiction's voting rights are not rescinded through the penalty provisions of the IFTA
13 Dispute Resolution Process.

14
15 .300 The jurisdiction has designated a commissioner or has designated a delegate with voting
16 privileges.

17
18
19 **R1520 APPROVAL OF ADOPTING RESOLUTION**

20
21 ~~Ballots shall be mailed by the repository to all member jurisdictions via certified mail, return receipt~~
22 ~~requested. An electronic voting booth to approve the adopting resolution shall be made available to~~
23 ~~membership by the repository. Only eligible members with voting privileges shall vote.~~ Entry shall be
24 granted to the applicant unless more than one negative vote is received. Failure of an eligible jurisdiction
25 to submit its vote on the ballot within 120 days of receipt shall be considered a vote for approval of the
26 application.

27
28
29 ***R1545 ACTIVE MEMBERSHIP STATUS**

30 To retain active membership status, the jurisdiction must:

31
32
33 .100 Collect and transfer fees for other jurisdictions in a timely manner;

34
35 .200 Pay membership fees in a timely manner; and

36
37 .300 Comply with all other provisions of the Agreement.

38
39 Voting privileges provided in Articles of Agreement R1546 are granted only to eligible members
40 jurisdictions holding active membership status.

41
42
43 **(new) R1546 VOTING PRIVILEGES**

44
45 .100 Voting privileges are granted to eligible member jurisdictions as defined by IFTA Articles of
46 Agreement Section R220. Voting privileges are determined at the time the jurisdiction votes. If a
47 jurisdiction fails to vote, voting privileges are determined on the last day that a vote could have been
48 cast.

49
50 .200 The total number of eligible member jurisdictions shall be calculated based on whether the
51 jurisdiction had voting privileges as provided in this section.

52
53
54 ***R1555 COMPLIANCE MATTERS**

56 **[SUB-SECTIONS .100 and .200 REMAINS UNCHANGED]**
57

58 .300 Initiation of a Dispute Based on a Final Determination Finding of Non-Compliance

59
60 .005 Eligible Mmember jurisdictions will have thirty (30) days to vote on the initiation of a
61 dispute based on a Final Determination Finding of Non-Compliance.

62
63 .400 Expulsion Process

64
65 .015 A resolution expelling a member jurisdiction from the Agreement shall require the
66 affirmative vote in writing of three-fourths of the total eligible member jurisdictions,
67 excluding the jurisdiction which is the subject of the resolution. For purposes of this
68 section, a vote submitted electronically through a mechanism provided by the
69 International Fuel Tax Association, Inc. is deemed a vote in writing.

70
71 .020 Eligible Mmember jurisdictions will have sixty (60) days from the date of issuance of the
72 resolution to vote on the resolution of expulsion. Failure of an eligible member
73 jurisdiction to submit its vote shall be deemed a vote against the resolution of expulsion.
74
75

76 **R1610 SUBMISSION OF PROPOSALS WITHOUT PRELIMINARY COMMENT**
77

78 A proposed amendment may also be submitted to the repository for consideration as a
79 Short Track Preliminary Ballot Proposal ("Short Track" Proposal). The preliminary comment period
80 requirement may be waived if:

81
82 **[SUB-SECTION .100 REMAINS UNCHANGED]**
83

84 .200 At the next meeting of the member jurisdictions, the proposed amendment receives
85 the affirmative vote of at least three-fourths of the total eligible member jurisdictions of
86 the Agreement.
87

88 **R1620 "SHORT TRACK" VOTING**
89

90 .100 In the open meeting, the sponsor may request the eligible member jurisdictions to vote
91 for or against placing a Full Track proposal on the Short Track ballot process
92 described in IFTA Articles of Agreement Section R1625. An affirmative vote of at least
93 three-fourths of the total eligible member jurisdictions is required to place a ballot on
94 the Short Track ballot process.
95

96 .200 In the open meeting, a vote must be made by the eligible member jurisdictions for or
97 against continuing each Short Track proposal on the Short Track ballot process
98 described in IFTA Articles of Agreement Section R1625. An affirmative vote of at least
99 three-fourths of the total eligible member jurisdictions is required for continuation of a
100 ballot on the Short Track ballot process.
101

102 **R1625 "SHORT TRACK" 30-DAY BALLOT PROCEDURES**
103

104 Proposals that receive the required three-fourths affirmative vote of the total eligible member jurisdictions
105 at the open meeting of the commissioners may proceed as follows:
106

107 **[SUB-SECTIONS .100, .200, AND .300 REMAIN UNCHANGED]**
108

109 ***R1630 "FULL TRACK" BALLOT PROCEDURES**
110

111 Full Track proposals that are not voted on at the open meeting or do not receive the three-fourths
112 affirmative vote of the total eligible member jurisdictions may still proceed as follows:

113
114 ***[SUB-SECTIONS .100, .200, AND .300 REMAIN UNCHANGED]***

115
116 **R1635 VOIDED "SHORT TRACK" PROPOSALS**

117
118 Short Track proposals that do not receive the three-fourths affirmative vote of the total eligible member
119 jurisdictions are void. Sponsoring jurisdictions or committees may again submit the proposal through the
120 process outlined in IFTA Articles of Agreement Section R1605. However, the proposal is ineligible for the
121 expedited processes outlined in Sections R1610 or R1620.

122
123 **R1650 ACCEPTANCE OF AMENDMENTS, INTERPRETATIONS, AND ROLL CALL VOTES**

- 124
125 **.100** Votes on amendments, ~~or interpretations, or roll calls~~ must be cast by the
126 commissioner or a delegate named in writing by the commissioner.
127
128 **.200** An affirmative vote in writing of three-fourths of the total eligible member jurisdictions
129 is required to amend the Articles of Agreement, Procedures Manual, or Audit Manual.
130 For purposes of this section, a vote submitted electronically through a mechanism
131 provided by the International Fuel Tax Association, Inc. is deemed a vote in writing.
132
133 **.300** Jurisdictions may abstain from voting, but a final ballot proposal may still not be
134 adopted without the affirmative vote of three-fourths of the total eligible member
135 jurisdictions.
136
137 **.400** ~~Jurisdictions~~ Eligible member jurisdictions that do not vote on an amendment within
138 the required time limits are considered to have voted in the negative, except as
139 provided in IFTA Articles of Agreement Section R1655.
140

141 ***R1655 EFFECTIVE DATE OF AMENDMENTS**

142
143 The effective date of all amendments, unless otherwise specified, is the first day of January or July,
144 whichever occurs first, following the completion of 12 complete months following the close of the voting
145 period. An alternate effective date may be allowed if it receives the support of three-fourths of the total
146 eligible member jurisdictions. If an alternate effective date is requested, it must be voted separately from
147 the amendment. ~~Jurisdictions~~ Eligible member jurisdictions that do not vote on an alternate effective date
148 within the required time limits are considered to have voted in the negative.
149

150 **R1700 ISSUE PAPERS AND CONSENSUS BOARD INTERPRETATIONS**

151
152 ***[SECTION R1710 REMAINS UNCHANGED]***

153
154 ***R1720 CONSENSUS BOARD INTERPRETATIONS**

- 155
156 **.100** The Board of Trustees of the Association shall issue Consensus Board
157 Interpretations in response to requests for clarification or notify the requesting party
158 why a Consensus Board Interpretation will not be issued. Consensus Board
159 Interpretations will be presented for consideration at the annual business meeting and
160 require an affirmative vote of three-fourths of the eligible member jurisdictions for
161 ratification and inclusion as commentary in the IFTA governing documents.
162
163

164 ***R1810 INTERNATIONAL FUEL TAX ASSOCIATION, INC.**

165
166 ***[SUB-SECTIONS .100 and .200 REMAIN UNCHANGED]***

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.300 Membership Fees

To cover administrative costs, a membership fee shall be levied on every member jurisdiction. The fee shall be paid annually and be based upon a budget adopted by majority vote of the eligible member jurisdictions at the annual IFTA meeting. The fee shall be equally prorated among current members. The fees will be based upon a fiscal year of July 1 through June 30.

***R1820 REPOSITORY**

.100 Selection

A repository shall be selected by majority vote of the eligible member jurisdictions.

REVISIONS FOLLOWING THE SECOND COMMENT PERIOD

- R200 definition is now broken out separately to better clarify
- R1520 is re-written to better clarify
- R1545 now reads: “Voting privileges provided in Articles of Agreement R1546 are granted only to eligible members jurisdictions holding active membership status.”
- R1546 (NEW) (.100) Grants voting privileges and identifies when those privileges are determined, and; (.200) Bases the number of eligible jurisdictions on those having voting privileges
- R1620.200 added “eligible” to be consistent with R1620 .100

FTPBP #1-2020
First Comment Period Ending June 12, 2020

Support: 12
Oppose: 1
Undecided: 16

ALABAMA

Undecided

Generally support.

A failure or refusal of an eligible member to cast a vote should not be considered a "no" vote

BRITISH COLUMBIA

Undecided

Agree with sanctioned jurisdictions but uncertain of the value and whether appropriate to include: no commissioner named, or absent from ABM without a named voting delegate (i.e., the jurisdiction is still active member's of IFTA). Is there anything which indicates these proposed changes would have changed the outcome of any past vote?

CALIFORNIA

Undecided

We understand the need for this ballot and jurisdiction eligibility appears to be tied to three factors:

1. Active Status
2. Named IFTA Commissioner
3. Voting member or proxy at the ABM.

CA agrees with the first two factors as you should not be part of the denominator if your Jurisdiction has lost voting rights or has no commissioner named to cast a vote in the time frame a vote is called. The question is if a jurisdiction doesn't have a voting member or proxy at the ABM are, they now considered noneligible and not part of the denominator on the ballots for that year? It seems the way the ballot is currently written it is a factor to determine the jurisdictional denominator and I do not see where it is limited to only the voting at the ABM. It is for this reason CA is undecided.

IDAHO

Support

ILLINOIS

Support

It is important to recognize the following:

R1650 ACCEPTANCE OF AMENDMENTS .100. Votes on amendments or interpretations must be cast by the commissioner or a delegate named in writing by the commissioner.

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This ballot proposes to slide the “denominator” if a commissioner/proxy is not recognized by IFTA, Inc., or a jurisdiction is not otherwise eligible to vote (must be in good standing).

INDIANA

Support

Indiana supports a ballot process that generates results based on the participation of member jurisdictions in good standing. We would prefer a change to 75% of the votes cast but the community has spoken on that concept. With that in mind we see this ballot as an improvement and support it.

KANSAS

Support

KENTUCKY

Support

MAINE

Undecided

Maine has the same concerns that Quebec and other jurisdictions have stated and believes the intent of this ballot would be better served by defining the denominator as those jurisdictions that have not lost their voting privileges.

MANITOBA

Undecided

Manitoba generally supports the intent of this ballot but needs clarification on the issues identified by other jurisdictions.

MARYLAND

Undecided

Maryland is undecided, and agrees with comments posted by Nevada

MINNESOTA

Undecided

Minnesota is undecided at this time based on the comments raised by Alabama and Nevada on the issue that a failure to vote is an automatic no vote and that is included in the denominator. Also agree that the comments from Quebec, Ontario, Prince Edward Island and North Carolina need to be clarified in the proposal to eliminate the potential for issues later on.

MISSOURI

Support

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First Comment Period Ending June 12, 2020

MONTANA

Support

NEBRASKA

Undecided

Nebraska shares the concern expressed by California. We would need to be assured that even though a member didn't have a proxy at the ABM that wouldn't prevent them from voting on ballots for the entire year.

Additionally, we also don't disagree with comments from others regarding the issue of not voting equaling a no vote, but perhaps that could be addressed in a separate ballot.

NEVADA

Undecided

While NV agrees the percentage of votes needed should not include a member jurisdiction who's voting rights have been suspended or is otherwise not in good standing, NV also believes the percentage should not include jurisdictions who fail to vote. Automatically casting a "no" vote for a jurisdiction who for whatever reason fails to exercise their right to cast a vote, should be considered an "abstainment" and not counted in the denominator.

NEW BRUNSWICK

Support

NEW HAMPSHIRE

Support

NEW JERSEY

Undecided

NEWFOUNDLAND

Support

NORTH CAROLINA

Undecided

Attached are some comments, questions and recommended edits to the proposed ballot.

[https://www.iftach.org/forums/upload/temp/FTPBP%201-2020.\(JWP%20comments\).pdf](https://www.iftach.org/forums/upload/temp/FTPBP%201-2020.(JWP%20comments).pdf)

NOVA SCOTIA

Undecided

Agree with PEI's comments and others as well.

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ONTARIO

Support

ON fully supports the intent of the ballot however, believe there may be value in modifying by including the reference under R200 (DEFINITIONS) for greater clarity. This would also allow a defined "eligible member jurisdiction" to be cited for purposes other than R1600 amendments.

It is questionable whether a Commissioner must be officially recognized by IFTA, Inc. as this implies a form of approval is required. It is the 58 provincial/state jurisdictions that are express parties to the Agreement, not the Commissioners. By virtue of R218, a Commissioner is identified by the respective jurisdictions to be responsible for local administration of the IFTA and by extension, speak on behalf of that government.

We therefore propose the following as a definition

An eligible member jurisdiction means the jurisdiction has:

- Recognized voting privileges and is in compliance with the terms of the Agreement,
- Appointed a Commissioner and identified the Commissioner to IFTA, Inc., and
- Named an alternate delegate by proxy if unable to participate in a vote and identified the delegate to IFTA, Inc.

PRINCE EDWARD ISLAND

Undecided

"eligible member" should be included in the definition section, somewhere around R220 rather than trying to define it within R1600.

There is no mechanism for IFTA Inc to officially recognize a commissioner or delegate, borrowing the language in R1650.100 this could be Commissioner identified by the jurisdiction. Even better would be Commissioner, or delegate, identified by the jurisdiction. This second option covers the fact delegates are only a consideration for votes at the ABM.

R1545 does not need to change if the definition includes "jurisdictions with active member status"

Although R1545.300 requires compliance with the Agreement as a criteria for Active Membership; therefore, a jurisdiction found out of compliance by the DRC is not Active. It may be beneficial to include in the definition of Eligible Member language to the effect of "not currently found to be out of compliance by the Dispute Resolution Committee"

QUEBEC

Undecided

- Quebec is seeking clarification on the meaning of the words "officially recognized by IFTA, Inc. ", Which is added in article 1600 in connection with the presence of a commissioner or a voting delegate. It is our understanding that the IFTA Agreement does not provide for the recognition of the Commissioner or

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the Delegate. Is there such a procedure or would it rather be a discretionary power that these modifications would grant to IFTA Inc.?

- Furthermore, the definition of "Eligible member jurisdiction" should be found in a general section of the Agreement and not in article R1600. Finally, article R1545.300 must be reviewed in the light of this new definition, possibly by deleting the last paragraph of R1545.300 and adding to the definition of "Eligible member jurisdiction" that it must be a jurisdiction "retaining active status as defined in R1545.300. "

For these reasons Quebec is undecided.

RHODE ISLAND

Oppose

Stakeholders

Undecided

6/4/2020

Robert Pitcher, Consultant ATA

ATA takes no position; however, if the details of the ballot aren't clarified – see the other comments here – there could be controversy over close votes if the proposal is adopted.

VIRGINIA

Undecided

WEST VIRGINIA

Support

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Second Comment Period Ending November 16, 2020

Support: 28
Oppose: 0
Undecided: 2

ALABAMA

Support

ARIZONA

Support

BRITISH COLUMBIA

Support

CALIFORNIA

Support

IDAHO

Support

ILLINOIS

Support

IOWA

Support

KANSAS

Support

KENTUCKY

Support

MAINE

Support

MANITOBA

Support

MARYLAND

Support

MASSACHUSETTS

Undecided

FTPBP #1-2020

Second Comment Period Ending November 16, 2020

Greetings,

I clearly understand the frustration of a ballot not getting the "44 Votes" needed for passage, as many good ballots over the years have been victimized by NO's cast for a jurisdiction not voting at all. I clearly understand the denominator not always being 58, I get that.

It is the language that has me concerned/confused. "Eligible Member Jurisdictions" and "With Voting Privileges" has me wondering...Clarify for me please, when NJ was not voting for a couple of years, was the denominator not 57?? or was their non-voting a "No Vote"..?

If (5) Commish's fail to vote for a ballot and the denominator becomes 53 and the magic votes of yes's needed goes to 40, instead of 44. That's what we are after with this ballot.....right?

We want the failure to vote ..., to not be counted as a "No Vote"....isn't that our end game goal?

MICHIGAN

Support

MISSOURI

Support

MONTANA

Support

NEBRASKA

Support

NEW HAMPSHIRE

Support

NORTH CAROLINA

Undecided

North Carolina generally agrees with the intent of the what the ballot is trying to achieve but has concerns regarding the language used to get there. Our primary concerns are with the definition of "Eligible Member Jurisdiction." Where this definition affects the right to vote, the definition must be clear and concrete; deficiencies in this definition may affect the outcome of our vote. We discuss our concerns regarding this definition in the text below. We have also provided recommended changes in the link below. The document addresses our concerns with the definition and provides additional tweaks and fixes that we believe would improve the ballot generally.

We identify four concerns with the definition of eligible member jurisdiction.

First, the definition provides that an eligible member jurisdiction is one "with active membership status not being found out of compliance . . ." As used here, "being found out of compliance" does not account for a jurisdiction that was previously found out of compliance but subsequently comes into compliance. In other words, "being found out of compliance" can be subsequently cured and voting rights restored if

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Second Comment Period Ending November 16, 2020

previously revoked. Further, a jurisdiction can be found out of compliance but not have its voting rights revoked (e.g. the PCRC finds non-compliance but fails the 2/3 vote to initiate the dispute).

Second, the jurisdiction's voting rights are conditioned on a commissioner or delegate be recognized by IFTA, Inc. Where applying this provision could effectively treat a jurisdiction as if it does not exist, the procedure for naming a Commissioner should be provided in the Agreement if referring to a formal recognition by IFTA, Inc. The procedure appears to be provided under the "Intent" section of the ballot. This language should be incorporated into the Agreement itself. If this language is incorporated, additional considerations will have to be made to ensure consistency between formal recognition by IFTA Inc. and Sections R218 (defining Commissioner), R1555.300 (delegate's ability to vote), R1650.100 (delegate's ability to vote). Requiring formal recognition by IFTA Inc. may impact these Sections.

Third, the use of "with voting privileges" tagged at the end of the sentence in R220 should be clarified. We understand the intent of the phrase is to ensure that the delegate has been granted voting privileges from the Commissioner, who then has notified IFTA, Inc. of this delegated power. Where the referent "delegate" is in a parenthetical, the purpose of this phrase becomes less clear.

Finally, the definition has three criteria that must be met before a jurisdiction becomes an eligible member jurisdiction. These concepts should be separated to improve clarity.

Please see the following link regarding other comments:

<https://www.iftach.org/forums/upload/temp/NC%20response-%20FTPBP%201-2020%20for%20nd%20Comment%20Period.docx>

NOVA SCOTIA

Support

OKLAHOMA

Support

ONTARIO

Support

ON continues to support this ballot.

PENNSYLVANIA

Support

SASKATCHEWAN

Support

SOUTH CAROLINA

Support

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TENNESSEE

Support

VIRGINIA

Support

WASHINGTON

Support

WEST VIRGINIA

Support

WYOMING

Support

**IFTA FULL TRACK FINAL BALLOT PROPOSAL 1-2020
VOTING RESULTS**

JURISDICTION	LANGUAGE		EFFECTIVE DATE	
	YES	NO	YES	NO
ALABAMA	1	0	1	0
ALBERTA	1	0	1	0
ARIZONA	1	0	1	0
ARKANSAS	1	0	1	0
BRITISH COLUMBIA	1	0	1	0
CALIFORNIA	1	0	1	0
COLORADO				
CONNECTICUT	1	0	1	0
DELAWARE	1	0	1	0
FLORIDA	1	0	1	0
GEORGIA	1	0	1	0
IDAHO	1	0	1	0
ILLINOIS	1	0	1	0
INDIANA	1	0	1	0
IOWA	1	0	1	0
KANSAS	1	0	1	0
KENTUCKY	1	0	1	0
LOUISIANA	1	0	1	0
MAINE	1	0	1	0
MANITOBA	1	0	1	0
MARYLAND	1	0	1	0
MASSASSCHUSETTS				
MICHIGAN	1	0	1	0
MINNESOTA				
MISSISSIPPI				
MISSOURI	1	0	1	0
MONTANA	1	0	1	0
NEBRASKA	1	0	1	0
NEVADA	1	0	1	0
NEW BRUNSWICK	1	0	1	0
NEW HAMPSHIRE	1	0	1	0
NEW JERSEY				
NEW MEXICO				
NEW YORK	1	0	1	0
NEWFOUNDLAND	1	0	1	0
NORTH CAROLINA	1	0	1	0
NORTH DAKOTA				
NOVA SCOTIA	1	0	1	0
OHIO	1	0	1	0
OKLAHOMA	1	0	1	0
ONTARIO	1	0	1	0
OREGON				
PENNSYLVANIA	1	0	1	0
PRINCE EDWARD ISLAND	1	0	1	0
QUEBEC	1	0	1	0
RHODE ISLAND	0	1	0	1
SASKATCHEWAN	1	0	1	0

**IFTA FULL TRACK FINAL BALLOT PROPOSAL 1-2020
VOTING RESULTS**

JURISDICTION	LANGUAGE		EFFECTIVE DATE	
	YES	NO	YES	NO
SOUTH CAROLINA	1	0	1	0
SOUTH DAKOTA	1	0	1	0
TENNESSEE	1	0	1	0
TEXAS	1	0	1	0
UTAH	1	0	1	0
VERMONT	1	0	1	0
VIRGINIA	1	0	1	0
WASHINGTON	1	0	1	0
WEST VIRGINIA	1	0	1	0
WISCONSIN				
WYOMING	1	0	1	0
TOTALS	48	1	48	1

Bold font and shading indicate that the jurisdiction did not vote.

Failure to vote for the ballot language counts as a "No" vote.

Failure to vote for the alternative effective date counts as a "No" vote.

Number of "YES" votes necessary to pass: 44

Effective Date: January 1, 2022

LANGUAGE:

NUMBER OF "YES" VOTES RECEIVED: **48**

NUMBER OF "NO" VOTES RECEIVED: **1**

NUMBER OF VOTES NOT RECEIVED: **9**

NUMBER OF INELIGIBLE JURISDICTIONS: **0**

RESULT: PASSED

ALTERNATIVE EFFECTIVE DATE:

NUMBER OF "YES" VOTES RECEIVED: **48**

NUMBER OF "NO" VOTES RECEIVED: **1**

NUMBER OF VOTES NOT RECEIVED: **9**

NUMBER OF INELIGIBLE JURISDICTIONS: **0**

RESULT: PASSED

Ballot Intent: The intent of this ballot is two-fold:

* to define "eligible member jurisdiction" as an active member jurisdiction not found out of compliance by the DRC and having

a commissioner (or delegate) named*, and;

* to provide a representative denominator on which the majority vote of eligible member jurisdictions is based.

* A jurisdiction can identify its commissioner by notifying IFTA Inc., either by mail, email, or by simply updating the Jurisdiction Contact List (JCL) located on the IFTA, Inc., website. The JCL and any proxies received will become the point of reference for eligibility at the time a vote is taken. Voting delegates and their official proxies will continue to be recognized via the current process.

Accordingly, the act of removing an ineligible jurisdiction from the voting process also removes the automatic assignment of a "NO" vote to that jurisdiction.

Updates to affected cites will be necessary to include "eligible member jurisdiction" with regards to voting.

FOR VOTE BY 12/30/2020



**IFTA SHORT TRACK FINAL BALLOT PROPOSAL
STFBP #2-2020**

Sponsor

Jurisdictions of British Columbia, California, Kentucky, Manitoba, Ontario, Pennsylvania, Quebec, Saskatchewan, Texas, Utah, Wisconsin

Date Submitted

April 14, 2020

Proposed Effective Date

Upon Passage

Manual Sections to be Amended (January 1996 Version, Eff. July 1, 1998, as revised)

IFTA Articles of Agreement R1810 International Fuel Tax Association, Inc.

Subject

Establishing the Attorney Section as a Standing Committee renamed as the Attorney Committee

History/Digest

The Attorney Section was established by the IFTA Board in 1992. Like the standing committees recognized in the Agreement (and unlike the special committees), the Attorney Section operated under a Charter adopted in 1998 that identified the Section's continuing purposes as: a) training legal personnel from IFTA jurisdictions; b) facilitating cooperation between member jurisdictions on legal issues; c) reviewing ballot proposals with respect to legal issues; and d) planning and conducting the annual Attorney Section meeting. The work of the Attorney Section was coordinated by the Attorney Section Steering Committee (ASSC) until the ASSC was declared dissolved by the IFTA Board in April 2019.

IFTA operates in a highly complex legal environment, involving the laws of 58 participating jurisdictions, 2 federal jurisdictions, 2 constitutional systems, the IFTA Agreement and the by-laws of IFTA Inc. It is important to the Association that it have an organized body that can assist the Association, the Board, the other committees, and member jurisdictions in navigating this complex legal framework, and facilitate jurisdiction attorney education and communication.

For nearly 30 years, the Attorney Section has supported the Association in fulfilling the Purpose of IFTA (R130) to have a uniform administration of motor fuels use taxation laws and in providing cooperation and mutual assistance in the administration/collection of motor fuel use taxes (R140).

Intent

The intent of this ballot is to amend the Agreement to recognize an Attorney Committee as a standing committee so that it may continue providing this support.

FOR VOTE BY 12/30/2020

1 **Interlining Indicates Deletion: Underlining Indicates Addition**

2
3 **ARTICLES OF AGREEMENT**
4 **R1800 ADMINISTRATION**

5
6 ***R1810 INTERNATIONAL FUEL TAX ASSOCIATION, INC.**
7

8 **.100 Association Bylaws**
9 The Bylaws of the Association Shall outline and govern the establishment, selection, and
10 responsibilities of the Board of Trustees and officers. The Bylaws shall also govern the
11 12 membership of the Audit Committee, the Agreement Procedures Committee, ~~and~~ the
12 Industry Advisory Committee, and the Attorney Committee, and govern the creation and
13 membership of other standing and special committees. Member jurisdictions agree to
14 abide by the Bylaws as a condition for participation in the Agreement.

15
16 ***[SECTIONS .200.010 THROUGH .070 REMAIN UNCHANGED]***
17

18 **.080 Attorney Committee**
19 There is established an Attorney Committee to provide support on legal
20 issues to the Association, its committees, the Board of Trustees, and
21 member jurisdictions. ~~The Attorney Committee will provide training to~~
22 legal personnel from ~~participating member~~ jurisdictions, facilitate
23 cooperation between member jurisdictions with respect to legal issues,
24 assist in the preparation and review of ballots, by-law amendments and
25 other proposals as they arise, and ~~to~~ perform other services as
26 requested by the Board

27
28 ***[SECTIONS .300, .400 AND .500 REMAIN UNCHANGED]***
29

REVISIONS FOLLOWING THE SECOND COMMENT PERIOD

- See lines 21, 22 and 25

FTPBP #2-2020
First Comment Period Ending June 12, 2020

Support: 28
Oppose: 2
Undecided: 2

ALABAMA

Undecided

Unsure why other standing committees are not also being considered

BRITISH COLUMBIA

Support

CALIFORNIA

Support

COLORADO

Support

Colorado supports this ballot

IDAHO

Support

ILLINOIS

Support

INDIANA

Undecided

Indiana is undecided on this ballot as currently written.

We support the value of attorneys working together to train legal personnel from IFTA jurisdictions and facilitating cooperation between member jurisdictions on legal issues. In these areas they can act on behalf of their respective jurisdictions' interests without conflict and to great benefit. But to go beyond this level of support may risk placing too much influence within one committee.

Also, as the ballot states the IFTA Board of Trustees dissolved the Attorney Section Steering Committee. Indiana is not convinced that reversing a recent action of the Board is appropriate.

Finally, all of the tasks that the sponsors of this ballot propose can be performed by attorneys without the establishment of a standing committee and the associated annual expenses.

KANSAS

Support

FTPBP #2-2020
First Comment Period Ending June 12, 2020

KENTUCKY

Support

MAINE

Support

MANITOBA

Support

MARYLAND

Support

MINNESOTA

Support

MISSOURI

Support

MONTANA

Oppose

NEBRASKA

Support

NEVADA

Support

If the membership is in support of moving the Attorney Committee to a standing Committee, NV will also support.

NEW BRUNSWICK

Support

NEW JERSEY

Support

NEWFOUNDLAND

Support

NORTH CAROLINA

Support

NOVA SCOTIA

Support

FTPBP #2-2020
First Comment Period Ending June 12, 2020

Nova Scotia strongly supports ballot. The Attorney's committee has been in existence since I've been involved in IFTA (that dates back to 1997) and while I respect the Board's authority, as witnessed at the 2019 ABM, such a decision should have been discussed with the rest of the membership before hand.

ONTARIO

Support

ON is one of the sponsors of this ballot and encourage its support. The Attorneys' Section Steering Committee (ASSC) has been relied upon for a number of years and likely an oversight that it was not designated as a standing committee. This is an opportunity to rectify the status and reinstate its successor, the Attorney Committee.

PENNSYLVANIA

Support

PA supports the language of this ballot with respect to not including sanctioned members in the denominator, but not with respect to the other conditions.

PRINCE EDWARD ISLAND

Support

QUEBEC

Support

Quebec urges the need to have an Attorney Committee as a standing committee. Also, we sponsored this ballot.

RHODE ISLAND

Support

SASKATCHEWAN

Support

Stakeholders

Oppose

6/4/2020

Robert Pitcher, Consultant ATA

ATA opposes. This new committee is unnecessary. The IFTA Board knew what it was doing when it eliminated the ASSC.

TENNESSEE

Support

FTPBP #2-2020
First Comment Period Ending June 12, 2020

WASHINGTON

Support

WEST VIRGINIA

Support

STPBP #2-2020
Second Comment Period Ending October 26, 2020

Support: 25
Oppose: 1
Undecided: 0

ALABAMA

Support

ALBERTA

Support

BRITISH COLUMBIA

Support

CALIFORNIA

Support

COLORADO

Support

IDAHO

Support

KANSAS

Support

KENTUCKY

Support

MAINE

Support

MANITOBA

Support

MARYLAND

Support

MICHIGAN

Support

MISSOURI

Support

MONTANA

Oppose

STPBP #2-2020
Second Comment Period Ending October 26, 2020

NEVADA

Support

NEW BRUNSWICK

Support

NEW HAMPSHIRE

Support

NEWFOUNDLAND

Support

NORTH CAROLINA

Support

NC supports this ballot. Please see the attachment for suggested changes to the verbiage for more clarity.

<https://www.iftach.org/forums/upload/temp/STPBP%202-2020%20comments.docx>

NOVA SCOTIA

Support

I strongly support this ballot and believe the IFTA jurisdictions are well served by this committee and the advice they have provided to us over the years. I've been involved with IFTA since 1996 and I can't think of a time where we ever contemplated not having this committee.

PRINCE EDWARD ISLAND

Support

QUEBEC

Support

SASKATCHEWAN

Support

Saskatchewan strongly supports this ballot.

TENNESSEE

Support

WASHINGTON

Support

WYOMING

Support

**IFTA SHORT TRACK FINAL BALLOT PROPOSAL 2-2020
VOTING RESULTS**

JURISDICTION	LANGUAGE		EFFECTIVE DATE	
	YES	NO	YES	NO
ALABAMA	1		1	
ALBERTA	1		1	
ARIZONA	1		1	
ARKANSAS	1		1	
BRITISH COLUMBIA	1		1	
CALIFORNIA	1		1	
COLORADO	1		1	
CONNECTICUT	1		1	
DELAWARE	1		1	
FLORIDA	1		1	
GEORGIA	1		1	
IDAHO	1		1	
INDIANA	1		1	
IOWA	1		1	
KANSAS	1		1	
KENTUCKY	1		1	
LOUISIANA	1		1	
MAINE	1		1	
MANITOBA	1		1	
MARYLAND	1		1	
MASSACHUSETTS				
MICHIGAN	1		1	
MINNESOTA	1		1	
MISSISSIPPI				
MISSOURI				
MONTANA		1		1
NEBRASKA	1		1	
NEVADA	1		1	
NEW BRUNSWICK	1		1	
NEW HAMPSHIRE	1		1	
NEW JERSEY	1		1	
NEW MEXICO	1		1	
NEW YORK	1		1	
NEWFOUNDLAND	1		1	
NORTH CAROLINA	1		1	
NORTH DAKOTA	1		1	
NOVA SCOTIA	1		1	
OHIO	1		1	
OKLAHOMA		1		1
ONTARIO	1		1	
OREGON				
PENNSYLVANIA	1		1	
PRINCE EDWARD ISLAND	1		1	
QUEBEC	1		1	
RHODE ISLAND	1		1	
SASKATCHEWAN	1		1	

**IFTA SHORT TRACK FINAL BALLOT PROPOSAL 2-2020
VOTING RESULTS**

JURISDICTION	LANGUAGE		EFFECTIVE DATE	
	YES	NO	YES	NO
SOUTH CAROLINA				
SOUTH DAKOTA	1		1	
TENNESSEE	1		1	
TEXAS	1		1	
UTAH	1		1	
VERMONT				
VIRGINIA				
WASHINGTON	1		1	
WEST VIRGINIA	1		1	
WISCONSIN	1		1	
WYOMING	1		1	
TOTALS	48	2	48	2

Bold font and shading indicate that the jurisdiction did not vote.

Failure to vote for the ballot language counts as a "No" vote.

Failure to vote for the alternative effective date counts as a "No" vote.

Number of "YES" votes necessary to pass: 44

Effective Date: December 31, 2020

LANGUAGE:

NUMBER OF "YES" VOTES RECEIVED: **48**

NUMBER OF "NO" VOTES RECEIVED: **2**

NUMBER OF VOTES NOT RECEIVED: **8**

NUMBER OF INELIGIBLE JURISDICTIONS: **0**

RESULT: PASSED

ALTERNATIVE EFFECTIVE DATE:

NUMBER OF "YES" VOTES RECEIVED: **48**

NUMBER OF "NO" VOTES RECEIVED: **2**

NUMBER OF VOTES NOT RECEIVED: **8**

NUMBER OF INELIGIBLE JURISDICTIONS: **0**

RESULT: PASSED

Ballot Intent: The intent of this ballot is to amend the Agreement to recognize an Attorney Committee as a standing committee so that it may continue providing this support.