



**IFTA FULL TRACK PRELIMINARY BALLOT PROPOSAL  
FTPBP #1-2020**

**Sponsor**

Jurisdiction of Illinois

**Date Submitted**

February 25, 2020

**Proposed Effective Date**

January 1, 2021

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

IFTA Articles of Agreement:	R200	R1620.100	R1650.200
	R1520	R1620.200	R1650.300
	R1545	R1625	R1650.400
	R1555.300.005	R1630	R1655
	R1555.400.015	R1635	R1720.100
	R1555.400.020	R1650	R1810.300
	R1610.200	R1650.100	R1820.100

**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 This denominator, at times, has included a jurisdiction having their voting privileges rescinded, and jurisdictions not having a commissioner or delegate identified.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 with active membership status not being  
9 found out of compliance by the Dispute Resolution Committee **and** having a commissioner (or delegate)  
10 recognized by IFTA, Inc., with voting privileges.

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12  
13 **R1520 APPROVAL OF ADOPTING RESOLUTION**

14  
15 Ballots, or notification of such electronic voting booth, shall be mailed electronically by the repository to all  
16 eligible member jurisdictions ~~via certified mail, return receipt requested~~. Entry shall be granted to the  
17 applicant unless more than one negative vote is received. Failure of a jurisdiction to submit its vote on the  
18 ballot within 120 days of receipt of notification shall be considered a vote for approval of the application.  
19

20  
21 **\*R1545 ACTIVE MEMBERSHIP STATUS**

22  
23 To retain active membership status, the jurisdiction must:

- 24  
25 .100 Collect and transfer fees for other jurisdictions in a timely manner;  
26  
27 .200 Pay membership fees in a timely manner; and  
28  
29 .300 Comply with all other provisions of the Agreement.

30  
31 Voting privileges are granted only to eligible members jurisdictions holding active status at the time of the  
32 vote.

33  
34 **\*R1555 COMPLIANCE MATTERS**

35  
36 ***[SUB-SECTIONS .100 and .200 REMAINS UNCHANGED]***

37  
38 .300 Initiation of a Dispute Based on a Final Determination Finding of Non-Compliance

- 39  
40 .005 Eligible Mmember jurisdictions will have thirty (30) days to vote on the initiation of a  
41 dispute based on a Final Determination Finding of Non-Compliance.

42  
43 .400 Expulsion Process

- 44  
45 .015 A resolution expelling a member jurisdiction from the Agreement shall require the  
46 affirmative vote in writing of three-fourths of the total eligible member jurisdictions,  
47 excluding the jurisdiction which is the subject of the resolution. For purposes of this  
48 section, a vote submitted electronically through a mechanism provided by the  
49 International Fuel Tax Association, Inc. is deemed a vote in writing.

- 50  
51 .020 Eligible Mmember jurisdictions will have sixty (60) days from the date of issuance of the  
52 resolution to vote on the resolution of expulsion. Failure of an eligible member  
53 jurisdiction to submit its vote shall be deemed a vote against the resolution of expulsion.  
54  
55

56 **R1610 SUBMISSION OF PROPOSALS WITHOUT PRELIMINARY COMMENT**

57  
58 A proposed amendment may also be submitted to the repository for consideration as a  
59 Short Track Preliminary Ballot Proposal ("Short Track" Proposal). The preliminary comment period  
60 requirement may be waived if:

61  
62 **[SUB-SECTION .100 REMAINS UNCHANGED]**

63  
64 **.200** At the next meeting of the member jurisdictions, the proposed amendment receives  
65 the affirmative vote of at least three-fourths of the total eligible member jurisdictions of  
66 the Agreement.  
67

68 **R1620 "SHORT TRACK" VOTING**

69  
70 **.100** In the open meeting, the sponsor may request the eligible member jurisdictions to vote  
71 for or against placing a Full Track proposal on the Short Track ballot process  
72 described in IFTA Articles of Agreement Section R1625. An affirmative vote of at least  
73 three-fourths of the total eligible member jurisdictions is required to place a ballot on  
74 the Short Track ballot process.  
75

76 **.200** In the open meeting, a vote must be made by the member jurisdictions for or against  
77 continuing each Short Track proposal on the Short Track ballot process described in  
78 IFTA Articles of Agreement Section R1625. An affirmative vote of at least three-fourths  
79 of the total eligible member jurisdictions is required for continuation of a ballot on the  
80 Short Track ballot process.  
81

82 **R1625 "SHORT TRACK" 30-DAY BALLOT PROCEDURES**

83  
84 Proposals that receive the required three-fourths affirmative vote of eligible member jurisdictions at the  
85 open meeting of the commissioners may proceed as follows:  
86

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

88  
89 **\*R1630 "FULL TRACK" BALLOT PROCEDURES**

90  
91 Full Track proposals that are not voted on at the open meeting or do not receive the three-fourths  
92 affirmative vote of eligible member jurisdictions may still proceed as follows:  
93

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

95  
96 **R1635 VOIDED "SHORT TRACK" PROPOSALS**

97  
98 Short Track proposals that do not receive the three-fourths affirmative vote of eligible member  
99 jurisdictions are void. Sponsoring jurisdictions or committees may again submit the proposal through the  
100 process outlined in IFTA Articles of Agreement Section R1605. However, the proposal is ineligible for the  
101 expedited processes outlined in Sections R1610 or R1620.  
102

103 **R1650 ACCEPTANCE OF AMENDMENTS, INTERPRETATIONS, AND ROLL CALL VOTES**

104  
105 **.100** Votes on amendments, ~~or~~ interpretations, or roll calls must be cast by the  
106 commissioner or a delegate named in writing by the commissioner.  
107

108 **.200** An affirmative vote in writing of three-fourths of the total eligible member jurisdictions  
109 is required to amend the Articles of Agreement, Procedures Manual, or Audit Manual.  
110 For purposes of this section, a vote submitted electronically through a mechanism  
111 provided by the International Fuel Tax Association, Inc. is deemed a vote in writing.

112  
113           **.300**   Jurisdictions may abstain from voting, but a final ballot proposal may still not be  
114                   adopted without the affirmative vote of three-fourths of the total eligible member  
115                   jurisdictions.

116  
117           **.400**   ~~Jurisdictions~~ Eligible member jurisdictions that do not vote on an amendment within  
118                   the required time limits are considered to have voted in the negative, except as  
119                   provided in IFTA Articles of Agreement Section R1655.

120  
121 **\*R1655 EFFECTIVE DATE OF AMENDMENTS**

122  
123   The effective date of all amendments, unless otherwise specified, is the first day of January or July,  
124   whichever occurs first, following the completion of 12 complete months following the close of the voting  
125   period. An alternate effective date may be allowed if it receives the support of three-fourths of the total  
126   eligible member jurisdictions. If an alternate effective date is requested, it must be voted separately from  
127   the amendment. ~~Jurisdictions~~ Eligible member jurisdictions that do not vote on an alternate effective date  
128   within the required time limits are considered to have voted in the negative.

129  
130 **R1700 ISSUE PAPERS AND CONSENSUS BOARD INTERPRETATIONS**

131  
132 ***[SECTION R1710 REMAINS UNCHANGED]***

133  
134 **\*R1720 CONSENSUS BOARD INTERPRETATIONS**

135  
136           **.100**   The Board of Trustees of the Association shall issue Consensus Board  
137                   Interpretations in response to requests for clarification or notify the requesting party  
138                   why a Consensus Board Interpretation will not be issued. Consensus Board  
139                   Interpretations will be presented for consideration at the annual business meeting and  
140                   require an affirmative vote of three-fourths of the eligible member jurisdictions for  
141                   ratification and inclusion as commentary in the IFTA governing documents.

142  
143  
144 **\*R1810 INTERNATIONAL FUEL TAX ASSOCIATION, INC.**

145  
146 ***[SUB-SECTIONS .100 and .200 REMAIN UNCHANGED]***

147  
148 **.300 Membership Fees**

149  
150   To cover administrative costs, a membership fee shall be levied on every member jurisdiction. The fee  
151   shall be paid annually and be based upon a budget adopted by majority vote of the eligible member  
152   jurisdictions at the annual IFTA meeting. The fee shall be equally prorated among current members. The  
153   fees will be based upon a fiscal year of July 1 through June 30.

154  
155 **\*R1820 REPOSITORY**

156  
157 **.100 Selection**  
158   A repository shall be selected by majority vote of the eligible member jurisdictions.

**REVISIONS FOLLOWING THE ANNUAL BUSINESS MEETING**

- Changed title of R 1650 to include, INTERPRETATIONS, AND ROLL CALL VOTES
- Included R1650.100 and amended to include interpretations and roll call votes (interpretations, or roll calls)