



**IFTA FULL TRACK PRELIMINARY BALLOT PROPOSAL  
#03-2021**

**Sponsor:**

Agreement Procedures Committee

**Date Submitted:**

April 9, 2021

**Proposed Effective Date:**

January 1, 2022

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

IFTA Articles of Agreement R1600 -1660

**Subject:**

Modernize and streamline IFTA balloting procedures.

**History/Digest**

The balloting process currently has procedures for both a Short Track ballot process and Full Track ballot process, along with their submission procedures, discussion periods, timelines, amending processes, and acceptance procedures. In accordance with the goal of IFTA, Inc.'s Strategic Plan to modernize balloting procedures, the Board of Trustees charged the Agreement Procedures Committee (APC) with the responsibility of reviewing the existing ballot procedures and providing alternatives to improve the current process.

The APC formed a special subcommittee to comb over the Articles of Agreement, Section R1600. The subcommittee reached out to the IFTA Commissioners and Assistant Commissioners with a nine-question survey asking what they liked/disliked about the current ballot amendment process. The APC reviewed the language of R1600 through R1660. They researched the current steps and language to incorporate the membership's feedback into the suggested language to streamline the process. The APC developed possible streamlining steps and language alternatives that would make the amendment process simpler, quicker, and easier to administer. The APC submitted the suggested language and Charge response to the Board of Trustees.

The Board of Trustees responded with a second Board Charge to the APC to draft a ballot with the amendment suggestions.

**Intent**

The intent of this ballot is to fulfill the Board Charge to modernize the ballot process to make it simpler, faster, and easier while maintaining the tenets of the IFTA Agreement. To modernize and streamline the

ballot process it is recommended that this ballot be used to:

- Remove the Short Track Ballot process and Full Track terminology in favor of having one simple Ballot process
- Amend the comment periods from 45 days to 30-calendar days
- Amend the voting period from 60 days to 45-calendar days.
- Propose that amendments for comment be submitted to the repository in draft form at least 60-calendar days prior to a meeting of the member jurisdictions for a 30-calendar day preliminary comment period.
- Allow for voting to pass/fail at the Annual Business Meeting, in-person, or remotely within the allotted timeframe for all eligible jurisdictions.
  
- Implement suggested new Board of Trustees Preliminary Edit Process:
  - Allow any eligible member jurisdiction or Board of Trustee (Board) member or committee to suggest a non-substantive change and submit it to the repository for consideration as a minor edit bypassing the formal ballot process, allowing the Board of Trustees the ability to make minor changes to the Agreement, Procedures Manual and/or Audit Manual.
  - Allow the Board the authority to approve non-substantive changes, such as typos, references to incorrect sites, font, format, and grammatical corrections. in order to better streamline the amendment process and minimize the timeframe for making such edits.
  - The Repository will circulate the proposed change to all member jurisdictions and the standing committees for a 30-calendar day review period. If no written objections submitted in writing, the proposed edit advances to the Board of Trustees.
  - The repository will submit the suggested non-substantive change to the Board of Trustees within 30-calendar days of the quarterly board meeting for review and vote. Approved edits will require three-fourths approval from the Board of Trustees.

**Interlining Indicates Deletion; Underlining Indicates Addition**

1      **\*R1600**

2                                       **AMENDMENT**

3      Proposals for amendment and requests for non-substantive changes of the Agreement,  
4      Procedures Manual, or Audit Manual may be made by any member jurisdiction, the Audit  
5      Committee, the Agreement Procedures Committee, the Clearinghouse Advisory Committee, the  
6      Law Enforcement Committee, the Program Compliance Review Committee or the Board of  
7      Trustees of the Association.  
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9      **R1605 SUBMISSION OF NON-SUBSTANTIVE CHANGES FOR BOARD REVIEW AND DECISION**

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11         .100     In accordance with subsection .200 of this section, non-substantive changes may be  
12         made to the Articles of Agreement, Procedures Manual, or Audit Manual without  
13         submitting the change as a ballot proposal. The changes must be non-substantive and  
14         cannot change the meaning of the document. The changes are limited to the following:  
15         amendments to fix a typographical error; amendments to the title, font, or format; and  
16         amendments to fix grammatical errors. Proposed changes that do not fall within the  
17         specified limits or meet the conditions provided in subsection .200 of this section must  
18         be submitted as a ballot proposal.

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20         .200     Non-substantive changes may be made in accordance with all of the following:

21  
22                 .005     A member jurisdiction or committee submits a proposed change to the repository.

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24                 .010     The repository determines that the proposed change is non-substantive and does  
25                 not change the meaning of the current language.

26  
27                 .015     The repository circulates the proposed change to all member jurisdictions and  
28                 the standing committees for a 30-calendar-day review period.

29  
30                 .020     No jurisdiction or standing committee objects in writing to the proposed change  
31                 within the 30-calendar-day review period.

32  
33                 .025     After the 30-calendar-day review period, the proposed change receives three-  
34                 fourths affirmative vote from the Board of Trustees.

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38      **\*R1605R1610 SUBMISSION OF BALLOT PROPOSALS FOR COMMENT**

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40         .100     A proposed amendment is to be submitted to the ~~repository~~ repository at least  
41         60 calendar days before an open meeting of the commissioners. The  
42         repository will circulate the proposed amendment as a ~~Full Track Preliminary~~  
43         Ballot Proposal ("Full Track proposal") ballot proposal to all member  
44         jurisdictions and the standing committees of the Association for a ~~45-day 30-~~  
45         calendar day preliminary comment period.  
46

47         .200     At the end of the 30 calendar day comment period, the ~~Full Track~~ ballot  
48         proposal ~~is to be~~ must be submitted to the repository for consideration at the  
49         next open meeting of the ~~member jurisdictions, commissioners.~~  
50         period must be ~~completed~~ completed, and notification given to the repository  
51         at least ~~45 days~~ 30 calendar days before the next open meeting of the  
52         ~~member jurisdictions, commissioners.~~

53  
54 **.300** The repository will notify the member jurisdictions of ~~Full Track ballot~~ proposals  
55 that have qualified for consideration at the next meeting of the member  
56 jurisdictions and provide the text of the proposals and any comments received.  
57

#### 58 **~~R1610 SUBMISSION OF PROPOSALS WITHOUT PRELIMINARY COMMENT~~**

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

63  
64 ~~.100~~ — A proposed amendment is submitted to the repository at least 45 days before  
65 the next meeting of the member jurisdictions for consideration at that meeting;  
66 and

67  
68 ~~.200~~ — At the next meeting of the member jurisdictions, the proposed amendment  
69 receives the affirmative vote of at least three-fourths of the total member  
70 jurisdictions of the Agreement.  
71

#### 72 **~~R1615 OPEN MEETING DISCUSSION~~**

73  
74 No amendment will be adopted without a discussion of the amendment at an open meeting  
75 of the commissioners. All Full Track and Short Track proposals will be discussed in  
76 An open meeting of the commissioners.  
77

#### 78 **~~R1620 "SHORT TRACK" VOTING~~**

79  
80 ~~.100~~ — In the open meeting, the sponsor may request the member jurisdictions to vote  
81 for or against placing a Full Track proposal on the Short Track ballot process  
82 described in IFTA Articles of Agreement Section R1625. An affirmative vote of at  
83 least three-fourths of the total member jurisdictions is required to place a ballot  
84 on the Short Track ballot process.

85  
86 ~~.200~~ — In the open meeting, a vote must be made by the member jurisdictions for or  
87 against continuing each Short Track proposal on the Short Track ballot  
88 process described in IFTA Articles of Agreement Section R1625. An affirmative  
89 vote of at least three-fourths of the total member jurisdictions is required for  
90 continuation of a ballot on the Short Track ballot process.  
91

#### 92 **~~R1625 "SHORT TRACK" 30-DAY BALLOT PROCEDURES~~**

93  
94 Proposals that receive the required three-fourths vote at the open meeting of the  
95 commissioners may proceed as follows:

96  
97 ~~.100~~ — Within 30 days of the open meeting, the sponsoring jurisdiction or committee  
98 must submit its proposal to the repository for circulation as a preliminary ballot  
99 proposal.  
100

101 ~~.200~~ — The repository will circulate the preliminary ballot proposal to the member  
102 jurisdictions and the standing committees of the Association for a 30-day  
103 comment period.  
104

105 ~~.300~~ — At the end of the 30-day comment period, the preliminary ballot proposal is  
106 submitted to the repository as a final ballot proposal and circulated, together with  
107 all comments received, to the member jurisdictions. Jurisdictions have 30 days in

108 ~~which to vote on final ballot proposals submitted under this section.~~

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110 **R1615 BALLOT PROPOSAL REQUIREMENTS**

111  
112 Ballot proposals must contain the following:

113  
114 .100 The precise language to be considered;

115  
116 .200 If the ballot proposal is an amended ballot proposal:

117  
118 .005 the language originally contained in the previous ballot proposal; and

119  
120 .010 all comments received during the comment period;

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122 .300 If applicable, the date by which voting must be completed; and

123  
124 .400 The effective date of the amendment.

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127  
128 **\*R1630\*~~R1620~~ "FULL TRACK" BALLOT PROPOSAL PROCEDURES**

129  
130 .100 Full Track Ballot proposals must be discussed at an open meeting of the  
131 commissioners.

132  
133 .200 Ballot proposals may be voted on at the meeting and be adopted in accordance with  
134 IFTA Articles of Agreement Section R1630.

135  
136 .300 If a ballot proposal that ~~are~~is not voted on at the open meeting or ~~do~~does not receive  
137 the ~~three-fourths affirmative vote~~ affirmative votes required by IFTA Articles of  
138 Agreement Section R1630, the ballot ~~may still~~ proceed as follows:

139  
140 ~~.100.005~~ Within ~~45-30~~ calendar days of the open meeting, the sponsoring  
141 jurisdiction or committee must submit its ~~ballot~~ proposal to the repository for  
142 ~~circulation as a preliminary ballot proposal.~~ ~~30-calendar-day comment period.~~

143  
144 ~~.200.010~~ The repository ~~will~~must circulate the ~~preliminary~~ ballot proposal to the  
145 member jurisdictions and the standing committees of the Association for a ~~45-~~  
146 ~~day~~30-calendar-day comment period.

147  
148 ~~.300.015~~ At the end of the ~~45-day~~30-calendar-day comment period, the  
149 ~~preliminary ballot proposal is submitted~~ sponsoring jurisdiction or committees  
150 ~~must submit the ballot proposal to the repository as a final ballot proposal and~~  
151 ~~circulated, for circulation together with all comments received,~~ to the member  
152 jurisdictions. ~~Jurisdictions~~Member jurisdictions have ~~60 days in which~~45  
153 ~~calendar days~~ to vote on ~~final the~~ ballot ~~proposals~~ proposal submitted under this  
154 ~~sections~~subsection.

155  
156 **R1635 VOIDED "SHORT TRACK" PROPOSALS**

157  
158 Short Track proposals that do not receive the three-fourths affirmative vote are void.  
159 Sponsoring jurisdictions or committees may again submit the proposal through the process  
160 outlined in IFTA Articles of Agreement Section R1605. However, the proposal is ineligible  
161 for the expedited processes outlined in Sections R1610 or R1620.

163 ~~\*R1640-R1625~~ AMENDMENTS TO ~~PRELIMINARY BALLOTS~~BALLOT PROPOSALS

164  
165 A ~~preliminary~~ ballot proposal may be amended to incorporate comments received in  
166 ~~the a~~ comment period or to make technical or grammatical changes prior to circulation  
167 ~~as a final ballot proposal. for vote by the member jurisdictions~~. If ~~the~~ changes made to  
168 ~~a preliminary~~the ballot proposal are substantive, ~~#the sponsoring jurisdiction or~~  
169 ~~committee~~ must ~~be resubmitted-resubmit the as a new preliminary~~ ballot proposal for  
170 an additional ~~45-day~~30-day-calendar comment period. The sponsoring jurisdiction or  
171 committee has discretion to determine whether changes are substantive or non-  
172 substantive. However, if two or more jurisdictions indicate in writing to the repository  
173 that they consider a change substantive, it must be resubmitted for an additional ~~45-~~  
174 ~~day~~30-calendar-day comment period.

175  
176 ~~R1645-FINAL~~ BALLOT PROPOSAL REQUIREMENTS

177 Final Ballot proposals must contain the following:

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- ~~.100~~ The precise language to be considered;
  - ~~.200~~ The language originally contained in the preliminary ballot proposal;
  - ~~.300~~ All comments received during the comment period;
  - ~~.400~~ The date by which voting must be completed; and
  - ~~.500~~ The effective date of the amendment.

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181 ~~\*R1650-R1630~~ ACCEPTANCE OF AMENDMENTS

- 182  
183 .100 Votes on amendments or interpretations must be cast by the commissioner or a  
184 delegate named in writing by the commissioner.  
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186 .200 An affirmative vote in writing of three-fourths of the total member jurisdictions is  
187 required to amend the Articles of Agreement, Procedures Manual, or Audit Manual. For  
188 purposes of this section, a vote submitted electronically through a mechanism provided  
189 by the International Fuel Tax Association, Inc. is deemed a vote in writing.  
190  
191 .300 ~~Jurisdictions-Eligible member jurisdictions~~ may abstain from voting, but a final ballot  
192 proposal may still not be adopted without the affirmative vote of three-fourths of the  
193 total member jurisdictions.  
194  
195 .400 ~~Jurisdictions-Eligible member jurisdictions~~ that do not vote on an amendment within the  
196 required time limits are considered to have voted in the negative, except as provided in  
197 IFTA Articles of Agreement Section R1655.  
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199 ~~\*R1655-R1635~~ EFFECTIVE DATE OF AMENDMENTS

200  
201 The effective date of all amendments, unless otherwise specified, is the first day of  
202 January or July, whichever occurs first, following the completion of 12 complete months  
203 following the close of the voting period. An alternate effective date may be allowed if it  
204 receives the support of three-fourths of the total eligible member jurisdictions. If an  
205 alternate effective date is requested, it must be voted separately from the amendment.  
206 ~~Jurisdictions-Eligible jurisdictions~~ that do not vote on an alternate effective date within  
207 the required time limits are considered to have voted in the negative.

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**R1660-R1640 WITHDRAWAL OF AMENDMENT PROPOSALS**

An amendment proposal may be withdrawn by the sponsoring jurisdiction or committee at any time during the amendment process.

**REVISIONS FOLLOWING THE ANNUAL BUSINESS MEETING**

- Renumbered sections
- Grammar and clerical changes
- Changed all meeting references to the "open meeting of the commissioners"
- Removed all references to "preliminary ballots"
- Deleted the Section regarding the "Open Meeting Discussion." The ballot procedures in the ballot fully address the language in this removed section and therefore was duplicative
- Moved the "Final" ballot requirements to the beginning of the ballot and applied these requirements to all ballots that are to be submitted. This is required where the first ballot can also be the final ballot because this ballot can be voted on and approved at the open meeting. Make changes to the ballot requirements to make sure it is clear that the ballot on the first comment period does not have to have certain information that would normally be included on a 'final ballot'
- Reverted to the original language in the ballot for "Acceptance of Amendments"
- Made minor changes to the Amendments to Preliminary Ballots section for clarity

# **Clean Copy of Ballot Proposal**



**\*R1600**

**AMENDMENT**

Proposals for amendment and requests for non-substantive changes of the Agreement, Procedures Manual, or Audit Manual may be made by any member jurisdiction, the Audit Committee, the Agreement Procedures Committee, the Clearinghouse Advisory Committee, the Law Enforcement Committee, the Program Compliance Review Committee or the Board of Trustees of the Association.

**R1605 SUBMISSION OF NON-SUBSTANTIVE CHANGES FOR BOARD REVIEW AND DECISION**

- .100** In accordance with subsection .200 of this section, non-substantive changes may be made to the Articles of Agreement, Procedures Manual, or Audit Manual without submitting the change as a ballot proposal. The changes must be non-substantive and cannot change the meaning of the document. The changes are limited to the following: amendments to fix a typographical error; amendments to the title, font, or format; and amendments to fix grammatical errors. Proposed changes that do not fall within the specified limits or meet the conditions provided in subsection .200 of this section must be submitted as a ballot proposal.
- .200** Non-substantive changes may be made in accordance with all of the following:

  - .005** A member jurisdiction or committee submits a proposed change to the repository.
  - .010** The repository determines that the proposed change is non-substantive and does not change the meaning of the current language.
  - .015** The repository circulates the proposed change to all member jurisdictions and the standing committees for a 30-calendar-day review period.
  - .020** No jurisdiction or standing committee objects in writing to the proposed change within the 30-calendar-day review period.
  - .025** After the 30-calendar-day review period, the proposed change receives three-fourths affirmative vote from the Board of Trustees.

**R1610 SUBMISSION OF BALLOT PROPOSALS FOR COMMENT**

- .100** A proposed amendment is to be submitted to the repository at least 60 calendar days before an open meeting of the commissioners. The repository will circulate the proposed amendment as a ballot proposal to all member jurisdictions and the standing committees of the Association for a 30-calendar day comment period.
- .200** At the end of the 30 calendar day comment period, the ballot proposal must be submitted to the repository for consideration at the next open meeting of the commissioners. The comment period must be completed, and notification given to the repository at least 30 calendar days before the next open meeting of the commissioners.
- .300** The repository will notify the member jurisdictions of ballot proposals that have qualified for consideration at the next meeting of the member jurisdictions and provide the text of the proposals and any comments received.

## **R1615 BALLOT PROPOSAL REQUIREMENTS**

Ballot proposals must contain the following:

- .100** The precise language to be considered;
- .200** If the ballot proposal is an amended ballot proposal:
  - .005** the language originally contained in the previous ballot proposal; and
  - .010** all comments received during the comment period;
- .300** If applicable, the date by which voting must be completed; and
- .400** The effective date of the amendment.

## **\*R1620 BALLOT PROPOSAL PROCEDURES**

- .100** Ballot proposals must be discussed at an open meeting of the commissioners.
- .200** Ballot proposals may be voted on at the meeting and be adopted in accordance with IFTA Articles of Agreement Section R1630.
- .300** If a ballot proposal is not voted on at the open meeting or does not receive the affirmative votes required by IFTA Articles of Agreement Section R1630, the ballot may proceed as follows:
  - .005** Within 30 calendar days of the open meeting, the sponsoring jurisdiction or committee must submit its ballot proposal to the repository for a 30-calendar-day comment period.
  - .010** The repository must circulate the ballot proposal to the member jurisdictions and the standing committees of the Association for a 30-calendar-day comment period.
  - .015** At the end of the 30-calendar-day comment period, the sponsoring jurisdiction or committees must submit the ballot proposal to the repository for circulation to the member jurisdictions. Member jurisdictions have 45 calendar days to vote on the ballot proposal submitted under this subsection.

## **R1625 AMENDMENTS TO BALLOT PROPOSALS**

A ballot proposal may be amended to incorporate comments received in a comment period or to make technical or grammatical changes prior to circulation for vote by the member jurisdictions. If changes made to the ballot proposal are substantive, the sponsoring jurisdiction or committee must resubmit the ballot proposal for an additional 30-day-calendar comment period. The sponsoring jurisdiction or committee has discretion to determine whether changes are substantive or non-substantive. However, if two or more jurisdictions indicate in writing to the repository that they consider a change substantive, it must be resubmitted for an additional 30-calendar-day comment period.

## **R1630 ACCEPTANCE OF AMENDMENTS**

- .100** Votes on amendments or interpretations must be cast by the commissioner or a delegate named in writing by the commissioner.
- .200** An affirmative vote in writing of three-fourths of the total member jurisdictions is required to amend the Articles of Agreement, Procedures Manual, or Audit Manual. For purposes of this section, a vote submitted electronically through a mechanism provided by the International Fuel Tax Association, Inc. is deemed a vote in writing.
- .300** Eligible member jurisdictions may abstain from voting, but a final ballot proposal may still not be adopted without the affirmative vote of three-fourths of the total member jurisdictions.
- .400** Eligible member jurisdictions that do not vote on an amendment within the required time limits are considered to have voted in the negative, except as provided in IFTA Articles of Agreement Section R1655.

## **R1635 EFFECTIVE DATE OF AMENDMENTS**

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

## **R1640 WITHDRAWAL OF AMENDMENT PROPOSALS**

An amendment proposal may be withdrawn by the sponsoring jurisdiction or committee at any time during the amendment process.