

USA Swimming's Legislative Process FAQs

1. Who can amend the USA Swimming Bylaws?

- The USA Swimming House of Delegates ("HOD") has the power to amend certain provisions of the USA Swimming Bylaws (the "Bylaws"), specifically: the number of members of the USA Swimming Board of Directors (the "Board"), the length of Board terms, and the number of Board members elected by the HOD. The HOD may also amend the composition of the HOD and membership fees for membership classes in existence as of the 2017 registration year. (Bylaw 10.1.4)
- All other Bylaw provisions may be amended by the Board at any time.

2. What percentage of the vote is required to amend the Bylaws?

- The Board may amend the Bylaws by a 2/3 vote. (Bylaw 10.1.4)
- The HOD may amend the Bylaws by a 2/3 vote. (Bylaw 10.1.4; Rule 502.1.2)

3. Who can amend the USA Swimming Rulebook?

- The HOD may amend the Rulebook at its annual meeting or at a special meeting. (Bylaw 10.1.4)
- The R&R Committee may alter, amend, or repeal any portion of Part One or Part Seven of the Rulebook at any time to conform to the rules of World Aquatics. (Bylaw 10.1.4; Rule 502.1.3)
- The Board has no authority to amend the USA Swimming Rulebook (the "Rulebook"), except as permitted under Bylaw 4.8 (below). However, the Board may propose amendments to the Rulebook for HOD approval. (Bylaw 10.1.4)
- Bylaw 4.8: The Board may only amend the Rulebook pursuant to its emergency powers. Specifically, as part of its authority to act for USA Swimming, the Board may adopt, revoke, and amend any rule if the Board, with the advice and consent of the Operational Risk Committee, the Rules & Regulations Committee (the "R&R Committee"), and legal counsel, determines that safety considerations so require.

4. What percentage of HOD votes are required to amend the Bylaws?

- Parts One, Two, Three, Four, Six, and Seven: By a majority vote. (Bylaw 10.1.4; Rule 502.1(A))
- Part Five: By a 2/3 vote. (Bylaw 10.1.4; Rule 502.1(B))

5. How many voting members must be present at a Board or HOD meeting to pass legislation?

- *Quorum: The minimum number of voting members of an assembly that must be present at a meeting to make the proceedings of that meeting valid.*
- The Board and HOD may only vote to amend the Bylaws and/or the Rulebook if a quorum is present. Those entities would then need either a majority or a 2/3 vote of those present when voting (depending on the type of amendment), in order to pass an amendment.
- For the Board, the presence of a majority of the voting members shall constitute a quorum at a meeting. Proxy voting is not permitted. (Bylaw 4.9.3)

- For the HOD, the presence of those duly registered and eligible to vote shall constitute a quorum (i.e., there is no specific number of HOD members that must be present and voting to constitute a quorum). (Bylaw 6.2.4). Vote outcomes shall be determined by those members of the HOD present and voting. (Bylaw 6.2.5). For example, if 100 members of the HOD are present and voting on a specific amendment, 51 votes are needed to constitute a majority. If on the subsequent vote, only 50 members of the HOD remain present and voting, 26 votes would constitute a majority.

6. How are Rulebook and Bylaw amendments proposed for a vote by the HOD?

- USA Swimming sends an email each year seeking requests for amendments. Amendments must be submitted to the Secretary & General Counsel, the Associate General Counsel, and the Chair of the R&R Committee.
- Proposed amendments will be posted on the USA Swimming website, with an email address provided for comment by the membership.

7. What must be included in an amendment proposal?

Pursuant to Rule 502.1.4(B), proposed amendments must include:

- The entire section as it will read if adopted;
- Any changes in existing language; single underlined if new and struck through if deleted;
- A concise, but informative, rationale for adoption;
- The proposed effective date; and
- The name, address, and telephone number of the proposer. Note: if the proposer is an entity, include this information for the authorized spokesperson, i.e., someone with authority to agree to changes in the proposed amendment.

8. Who may propose amendments to the Rulebook?

Pursuant to Rule 502.1.4(A), an amendment to the Rulebook may only be proposed by:

- A Local Swimming Committee;
- A duly constituted committee;
- A member of the HOD as identified in Article 6 of the Bylaws;
- The Board; or
- Any Allied or Affiliate Group Member.

9. When are proposed amendments due?

Proposals must be submitted by May 15 at 11:59 p.m. MT of each year before the annual meeting of the HOD. (Rule 502.1.(C)). Proposals must be received by either the General Counsel or the Chair of the R&R Committee by this time; late proposals will not be accepted.

10. What does the Rules & Regulations Committee do once it receives proposed amendments?

- The R&R Committee will meet after the May 15th proposal submission deadline to discuss proposed amendments.
- The R&R Committee shall consider all timely proposed amendments and shall present them to the HOD with the R&R Committee's recommendations. (Rule 502.1.4(D))
- The R&R Committee is encouraged to consult with the proposer and any other interested parties, and to suggest changes to the amendment that would enable the R&R Committee to support adoption. (Rule 502.1.4(E))
- Recommendations (Rule 502.1.4(E)) – the R&R Committee reviews the proposed legislation to determine whether it conforms with other sections of the Rulebook, complies with U.S. Olympic & Paralympic Committee requirements and federal and state law, conflicts with the Bylaws, and is comprehensible. The R&R Committee may make the following recommendations:
 - o For adoption;
 - o Against adoption (including concise, but informative, rationale for the recommendation);
 - o Statement of no recommendation; or
 - o Recommendation to commit the proposal to another USA Swimming Committee or the proposer for further consideration.
- All proposed amendments shall be made available on the USA Swimming website no less than 75 days prior to the annual meeting of the HOD. (Rule 502.1.5)

11. Are changes to amendments allowed after publication on the USA Swimming website?

- The HOD may modify an amendment in any matter while under consideration, but the amendment must be germane to the subject matter of the proposed amendment – otherwise, the amendment would require a 90% vote by the HOD to pass. (Rule 502.1.6)
- If more than one amendment has been proposed on the same subject matter, and there are substantive differences between such amendments, the HOD may adopt a compromise of substance as well as form. (Rule 502.1.6)
- If the adoption of the amendment, as proposed, amended, or comprised, is inconsistent or in conflict with any other parts of the Rulebook, the HOD may adopt conforming amendments appropriate to the case. (Rule 502.1.6)
- After the May 15 deadline has expired, new and/or additional amendments may be proposed, but they may be adopted only by an affirmative vote of 90% of the members of the HOD present and voting.
- However, legislation originating with the R&R Committee will be considered timely (i.e., not requiring a 90% vote) if published on the USA Swimming website not less than 75 days prior to the annual meeting of the HOD. (Rule 502.1.7)

12. When does Rulebook legislation become effective, if passed by the HOD?

- Generally, amendments shall become effective on January 1 of the year following adoption, unless otherwise specified at the time of adoption. (Rule 502.1.8)
- Amendments to Part 1 of the Rulebook shall become effective on May 1 of the year following adoption, unless otherwise specified at the time of adoption. (Rule 502.1.8)

- Housekeeping items shall become effective immediately. (Rule 502.1.8)

13. How is legislation considered at an annual or special meeting of the HOD?

- The R&R Committee Chair will preside over HOD meetings, with assistance from any R&R Committee Secretaries and/or a parliamentarian.
- The R&R Committee Chair will conduct business pursuant to Roberts Rules of Order, or other rules of order as prescribed from time to time by the Board under the Bylaws.
- Pursuant to Robert's Rules of Order, amendments to legislation may be made during a meeting of the HOD. Please see FAQ #11 for more information on amendments.

14. What happens when legislation passes?

- All legislation includes an "Effective Date" when proposed and passed by the HOD. No rule changes are official until the HOD's approved "Effective Date."
- Rule changes will be included in the next version of the Rulebook, released in January of the year preceding the annual meeting or special meeting where changes were passed.
- Technical rules are to be implemented and abided by once effective. If the R&R Committee updates a technical rule during the year (i.e., not at an HOD meeting) to conform with changes made by World Aquatics, USA Swimming will alert the members affected by the change; it will also post the change on its website.
- Many rules state which entity/individual is to implement the Rule. For example, "USA Swimming" is defined in the Rulebook as "USA Swimming, Inc., a Colorado corporation" and thus refers to the organization as a whole. Other specific entities and individuals defined by the Rulebook include, but are not limited to, 10-Year Athletes, the Board of Directors, and President/CEO.