

# BYLAWS

NEW HAMPSHIRE ASSOCIATION OF REALTORS®, INC.

## AMENDED:

December, 1989

September, 1990

November, 1990

December, 1990

June, 1991

February, 1992

September, 1993

September, 1994

June, 1997

December, 1998

February, 2000

June, 2000

August, 2002

March, 2004

June, 2005

June, 2008

June, 2009

June 2010

June 2011

December 2011

June 2012

June 2015

March 2016

# BYLAWS

of the

**NEW HAMPSHIRE ASSOCIATION OF REALTORS®, INCORPORATED**

## ARTICLE I

### Name and Objectives

Section 1. The name of this organization shall be: New Hampshire Association of REALTORS®, Incorporated, hereinafter referred to as the Association.

Section 2. The objectives of the Association shall be to unite local Boards of REALTORS®, hereinafter referred to as Member Boards and their Members in the State of New Hampshire for the purpose of exerting effectively a combined influence upon matters affecting real estate; to elevate the standards of the real estate business throughout the state and the professional conduct of persons engaged therein; to provide a facility for education, research and exchange of information for those engaged in the recognized branches of the real estate business; to inform the public of the advantages of transacting business with REALTORS®; and to encourage the use by Members of the term REALTOR® and the emblem seal. *(Amended 12/98, 03/04, 06/15)*

Section 3. As used in these Bylaws, the terms REALTOR® and REALTORS® shall be as defined in Article XIV. REALTOR® members are individuals engaged in the real estate profession as a principal, partner, corporate officer, or branch office manager acting on behalf of the firm's principal(s) who meet the qualifications for REALTOR® membership established by the NATIONAL ASSOCIATION OF REALTORS®, hereinafter referred to as NAR, and known as NAR's Membership Qualification Criteria. *(Added 06/15)*

## ARTICLE II

### Membership

Section 1. The Members of this Association shall consist of the following eight classes: (1) Member Boards, (2) Board Members, (3) Secondary Members, (4) Institute Affiliate Members, (5) Affiliate Members, (6) Honorary Members, (7) Life Members, and (8) Student Members. Board Members shall be Active Members of the Association. *(Amended 12/98, 03/04, 06/15)*

Section 2. A Member Board shall be any local Board of REALTORS® within the State of New Hampshire, all the REALTOR® members of which who hold primary membership in the Member Board, hold membership in the Association and in the NAR. *(Amended 03/04, 06/15)*

Section 3. A Board Member shall be any REALTOR® member of a Member Board as previously defined.

Section 4. . A Secondary Member shall be an individual who holds primary membership in a board/association of REALTORS® in another state and who desires to obtain direct membership in the Association without holding membership in a Member Board. Such Secondary Members shall have all the duties and obligations, to the Association of Board Members and shall be subject to disciplinary action as provided for in the Association's Code of Ethics and Arbitration Manual. *(Amended 03/04, 06/15)*

Section 5. Institute Affiliate Members shall be individuals who hold a professional designation awarded by an Institute, Society or Council affiliated with NAR that addresses a specialty area other than residential brokerage or individuals who otherwise hold a class of membership in such Institute, Society or Council that confers the right to hold office. Any such individual, if otherwise eligible, may elect to hold REALTOR® membership, subject to payment of applicable dues for such membership. *(Amended 08/02, 06/15)*

Section 6. Affiliate Members shall be individuals who are affiliate members of Member Boards.

Affiliate Members shall hold individual membership with dues set annually by the Board of Directors of the Association, hereinafter referred to as the Board of Directors. *(Amended 08/02, 03/04)*

Section 7. Honorary Members shall be individuals other than those engaged in the real estate business who have contributed notably to the Association.

Section 8. Life Members shall be Members who, due to their stature or position in the Association, their contributions to the Association, or the length and quality of their service to the Association are deemed, with the approval of the Board of Directors, to be deserving of this status. *(Added 02/92)*

Section 9. Student Members shall be individuals who are seeking undergraduate or graduate degrees with a specialization or major in real estate at institutions of higher learning, but are not engaged in the real estate profession on their own account and not associated, except as a student intern, with an established real estate office. *(Added 06/97), (Amended 03/04)*

### **ARTICLE III**

#### **Dues and Fees**

Section 1. The annual dues of each Member Board as defined in Article II, Section 2 of these Bylaws shall be an amount as established annually by the Board of Directors times the number of REALTOR® members who hold primary membership in the Association, plus real estate salespersons and licensed or certified appraisers employed by or affiliated as independent contractors with REALTOR® members of the Member Board who are not themselves REALTOR® members. In calculating the dues payable by a Member Board, nonmembers, as defined in the preceding sentence, shall not be included in the computation of dues if dues have been paid in another REALTOR® board or association in the state or a state contiguous thereto, provided the Member Board notifies the Association in writing of the identity of the REALTOR® board or association to which dues have been remitted. *(Amended 03/04, 06/15)*

1  
2 Section 2. The annual dues of each Institute Affiliate Member shall be established by the Board  
3 of Directors. *(Amended 08/02, 03/04)*  
4

5 Section 3. Upon payment to the Association of the dues required under Section 1 & 2 of this  
6 Article, each REALTOR® member of Member Boards and each Institute Affiliate Member, as the  
7 case may be, shall be deemed a Member of the Association in good standing. Upon payment of  
8 dues required under any other Sections of this Article, the individuals making such payment shall  
9 be deemed a Member as designated in good standing of the Association. *(Amended 03/04, 06/15)*  
10

11 Section 4. The annual dues of each Affiliate Member shall be determined by the Board of  
12 Directors.  
13

14 Section 5. In January of each year, each Member Board shall file with the Association, in such  
15 format as shall be determined by the Association, a list of its REALTOR® members, Institute  
16 Affiliate Members, and Affiliate Members and the real estate salespersons and licensed or certified  
17 appraisers employed by or affiliated as independent contractors with such REALTOR® members,  
18 certified by the president and secretary of the Member Board, and that Member Board shall pay  
19 dues for the current year on or before January 1 on the basis of such list; provided, however,  
20 adjustments shall be made each month to reflect those new Members enrolled by the Member  
21 Board during the preceding month. On a monthly basis, the Member Board shall report to the  
22 State Association the names and addresses of REALTOR® members and Institute Affiliate  
23 Members enrolled during the preceding month. Any Member Board or other Member delinquent  
24 in payment of dues by more than 90 days may be dropped from membership in the Association by  
25 the Board of Directors. *(Amended 03/04)*  
26

27 Section 6. Each Member Board may be assessed an amount as determined from time to time by  
28 the Board of Directors times the number of Members who are REALTOR® members and Institute  
29 Affiliate Members of the Member Board, plus an amount times the number of real estate  
30 salespersons and licensed or certified appraisers employed by or affiliated as independent  
31 contractors with REALTOR® members of the Member Board, who are not themselves

REALTORS®, such assessments to be paid with Member Board dues or at any other time as established by the Board of Directors for such special Association activities that fall within the objectives of the Association as provided in Article I, Name and Objectives, Section 2 of the Bylaws. *(Amended 03/04, 06/15)*

Section 7. Life Members of the Association shall not be required to pay any portion of the Association dues regardless of whether or not they are required to pay a Member Board or NAR portion. *(Added 02/92, 03/04)*

## **ARTICLE IV**

### **Executive Offices**

Section 1. The elective Executive Offices of the Association shall be:

a) A President, who shall:

(1) Have served as President-Elect; and

(2) Serve a one (1) year term and shall not be eligible to serve a second consecutive term; and

(3) Serve as the chief executive officer of the Association; and

(4) Preside at meetings of the Executive Committee and the Board of Directors. *(Amended 02/92, 03/04)*

b) A President-Elect, who shall:

(1) Have served as First Vice President; and

(2) Serve a one (1) year term; and

(3) In the absence of the President, fill the duties of the Office of the President; and

(4) Succeed to the Office of President. *(Amended 12/89, 02/92, 06/97, 03/04, xx/15)*

In the event of death, disability or vacancy in the Office of the President and the inability or incapacity of the President-Elect to succeed to such Office pursuant to this Section, the

Office of President shall be filled until the next annual election by the First Vice President.

*(Added 02/92, 03/04) (Amended 06/15)*

c) A First Vice President, who shall:

(1) Have served as Second Vice President; and

(2) Serve a one (1) year term; and

(3) Succeed to the Office of President-Elect. *(Amended 03/16)*

d) A Second Vice President, who shall:

(1) At the time of election, have completed a minimum of one (1) year term as one of the following: Treasurer of the Association, Member Liaison, or Standing Committee Chair within the previous five (5) years, or a Member Board president, within the previous three (3) years; and

(2) Prior to taking Office, have successfully completed the Association leadership program defined in the Association Policy Manual; and

(3) Serve a one (1) year term; and

(4) Succeed to the Office of First Vice President. *(Added 06/15)*

In the event of death, disability or vacancy in the Office of the President and the inability or incapacity of the President-Elect and First Vice President to succeed to such Office pursuant to this Section, the Office of President shall be filled until the next annual election by the Second Vice President. *(Added 06/15)*

e) A Treasurer, who shall:

(1) At the time of election, have completed a minimum of one (1) year of service on the Finance Committee within the previous five (5) years; and

(2) Serve a two (2) year term and be eligible to be elected to serve one (1) consecutive two (2) year term; and

(3) Be the custodian of the funds and securities of the Association. *(Amended 09/90, 06/91, 02/92, 06/97, 03/04)*

f) A Secretary, who shall be the Executive Vice President, as named in Article V, Section 10 of these Bylaws, but will not have a vote. *(Amended 02/92, 03/04)*

g) An Immediate Past President, who shall:

(1) Have served as President in the previous year; and

(2) Be an Active Member in good standing of the Association. *(Amended 03/04)*

All Offices shall be held for the above designated terms or until their successors are elected and qualified, and shall be members of the Board of Directors. Except for the Office of Secretary, only Active Members in good standing and, with the exception of the Treasurer, who have served within the past five (5) years as Directors of this Association or who have served as a Member Board president within the previous three (3) years, shall be entitled to hold Office in the Association. *(Amended 02/92, 03/04)*

Section 2. The Executive Officers shall consist of the President, the President-Elect, the Secretary, the Treasurer and the Immediate Past President. *(Amended 08/02, 03/04)*

The duties of the Executive Officers shall be such as their titles, by general usage, would indicate and such as may be assigned to them, respectively, by the Board of Directors from time to time, and such as required by the law. *(Amended 03/04)*

Section 3. The Treasurer, Executive Vice President and all those with the authority to endorse Association checks, shall provide a surety bond in such amount as the Board of Directors may determine the cost to be paid by the Association.

Section 4. Candidates for the Office of President, President-Elect, First Vice President, Second Vice President, Treasurer, and all other elected Officers shall comply with the Association policy regarding an annual financial, legal and criminal examination. Accordingly, Candidates shall complete and sign an Authorization for Release of Credit, Legal and Criminal Background Information, along with any other or related authorizations. This examination must be completed prior to any Candidate taking Office. *(Added 06/15)*



1  
2 **ARTICLE V**

3  
4 **Board of Directors**

5  
6 **Section 1.**

7  
8 (a) The government of the Association shall be vested in a Board of Directors, and consisting of  
9 the following: *(Amended 02/92, 03/04, 06/11)*

10  
11 (1) Two (2) Directors elected or appointed from the Active Members of each Member Board,  
12 both of which shall have served as an officer or director of the respective Member Board within  
13 the previous five (5) years of being selected and shall serve for a term of two (2) years; and  
14 *(Amended 03/04, 06/11)*

15  
16 (2) An additional Director at Large, who has served as an officer or director of the respective  
17 Member Board within the previous five (5) years of being selected and shall serve for a term  
18 of two (2) years, determined by multiplying the number fourteen (14) by the REALTOR®  
19 members of the Member Board and dividing the result by the total number of REALTOR®  
20 members of the Association as of July 31<sup>st</sup> of the year immediately preceding, and deleting any  
21 remainder; and *(Amended 03/04, 06/11, 06/15)*

22  
23 (3) The three (3) most recent past Presidents of the Association who are Active Members in  
24 the Association; and *(Amended 03/04)*

25  
26 (4) Each NAR Director from the Association; and *(Amended 03/04)*

27  
28 (5) Each Chair of the Association's Standing Committees as defined in Article VII of these  
29 Bylaws; and *(Amended 08/02, 03/04)*

30  
31 (6) The four (4) Member Liaisons, who shall:

1 a) At the time of election have completed a minimum one (1) year term on the Board of  
2 Directors within the previous five (5) years, or at the time of election have completed a  
3 minimum of one (1) term on the board of directors of a Member Board within the previous  
4 five (5) years; and

5 b) Serve a two (2) year term and not be eligible for election to a second consecutive term;  
6 and

7 c) Each represents the Association at two (2) geographically or historically interrelated  
8 Member Boards. (*Amended 02/92, 06/97, 02/00, 06/00, 03/04, 06/11, 12/11, 06/12*).  
9

10 (7) The current State President of the Institutes, Councils and Societies of NAR; and (*Amended*  
11 *09/93, 06/97, 03/04*)  
12

13 (8) All Executive Officers of the Association.  
14

15 (b) The term "Membership" as used in this Section shall mean the Active Members on file at the  
16 Association as of the July 31st of the previous year. (*Amended 03/04*)  
17

18 Section 2. Member Boards shall notify the Association's Executive Vice President, in writing, not  
19 later than March 1<sup>st</sup> of each year, of the proper election and identity of their respective Directors  
20 of the Association for that year, as well as named alternates, selected from the current or past  
21 officers or directors of the respective Member Board, who shall serve as a substitute Director for  
22 any absent Director or the president of the respective Member Board. (*Amended 03/04, 06/10*)  
23

24 Affiliated organizations, as defined in Section 1 (a)(7) of this Article, also shall notify the  
25 Association's Executive Vice President, in writing, not later than March 1<sup>st</sup> of each year, of the  
26 proper election and identity of their respective president for that year, as well as one (1) named  
27 alternate, selected from the respective organizations, who shall serve as substitute member of the  
28 Board of Directors when the president is absent. (*Amended 11/90, 03/04, 06/10*)  
29

30 If a Director or president of a Member Board or the president of an affiliated organization as  
31 defined in Section 1 (a)(7) of this Article cannot attend a meeting of the Board of Directors, the

1 named Member Board or affiliate organization alternate as provided in Section 2 of this Article,  
2 may serve as a substitute Director with full voting powers upon written notification to the  
3 Association President prior to the meeting.

4  
5 Section 3. The Board of Directors shall administer the finances of the Association and shall have  
6 authority to appropriate money, approve the annual budget, and have sole authority to appropriate  
7 monies in excess of ten thousand dollars (\$10,000). The accounts of the Association shall be  
8 audited biennially, or as directed by the Board of Directors, by a certified public accountant.  
9 *(Amended 11/90, 06/97; 06/00, 03/04)*

10  
11 Section 4. The Board of Directors shall meet at least one (1) time per quarter of each year, at a  
12 time and place to be determined by it or the President. With the exception of the Immediate Past  
13 President, the past President twice removed and the past President thrice removed, absence from  
14 two (2) consecutive scheduled or special meetings without an excuse deemed valid by the  
15 Executive Committee, as defined in Section 5 of this Article, shall be construed as resignation,  
16 with notification to the Member Board requesting immediate replacement. *(Amended 03/04)*

17  
18 Section 5. There shall be an Executive Committee of the Board of Directors, hereinafter referred  
19 to as the Executive Committee, composed of the President, President-Elect, First Vice President,  
20 Second Vice President, Treasurer, Immediate Past President, Secretary, Member Liaisons, and the  
21 Chairs of the Association's Standing Committees as defined in Article VII of these Bylaws.  
22 *(Amended 08/02, 03/04)*

23  
24 The Executive Committee shall make recommendations to the Board of Directors, shall transact  
25 all Association business between meetings of the Board of Directors, and shall report such actions  
26 in full to the Board of Directors at its next meeting. The Executive Committee is authorized to  
27 spend a maximum of ten thousand dollars (\$10,000) on a non-budgeted action, providing that it be  
28 brought before the Finance Committee for their review and recommendation. Proxy votes or  
29 alternate representatives are not provided for Executive Committee actions except that the  
30 President-Elect may stand-in for the Association President position on the Executive Committee  
31 should the President be unable to attend. *(Amended 06/97, 03/04)*

1  
2 Section 6. Special meetings of the Board of Directors may be called at any time upon five (5) days  
3 written notice by the President or by twenty percent (20%) of the Directors.  
4

5 Section 7. A majority of the Directors shall constitute a quorum of the Board of Directors.  
6 *(Amended 02/92, 03/04)*  
7

8 Section 8. A majority of the Executive Committee voting members shall constitute a quorum of  
9 the Executive Committee.  
10

11 Section 9. Any vacancies among the Executive Offices, described in Article IV hereof, shall be  
12 filled for the remainder of any unexpired term by a simple majority vote of the Board of  
13 Directors, until the next annual election, except that (1) a vacancy in the Office of the President  
14 shall be filled by the President-Elect who shall remain as President for the next succeeding year,  
15 (2) a vacancy in the Office of the President-Elect shall be filled by the First Vice President who  
16 shall remain as President-Elect for the next succeeding year, and (3) a vacancy in the Office of  
17 the First Vice President shall be filled by the Second Vice President who shall remain as First  
18 Vice President for the next succeeding year. Vacancies of Directors, described in Article V  
19 hereof, shall be filled as follows:

20 (1) Directors elected by a Member Board shall be filled by timely and appropriate action  
21 of that Member Board;

22 (2) Directors at Large shall be filled for the remainder of any unexpired term by a simple  
23 majority vote of the Board of Directors;

24 (3) NAR Directors shall be filled by timely and appropriate action of the current  
25 Association President, subject to approval of the Executive Committee; and

26 (4) Member Liaison Directors shall be filled for the remainder of any unexpired term by a  
27 simple majority vote of the Board of Directors.  
28

29 Prior to filling a vacancy as described in Section 9(4) above, the candidate must be certified as  
30 qualified by the Credentials Working Group, or in the event no qualified candidates have submitted  
31 their name to the Credentials Working Group, a simple majority vote of the Board of Directors

1 may waive such qualifications relevant to such vacancy. *(Amended 02/92, 03/04, 06/12, 06/15)*

2  
3 Section 10. The Board of Directors may employ an Executive Vice President who shall be the  
4 chief administrative officer of the Association, who shall serve as Secretary of the Association but  
5 will not have a vote, and who shall perform such other duties as may be delegated by the Board of  
6 Directors. The Executive Vice President may employ such persons as may be necessary to conduct  
7 the activities of the Association in accordance with the existing Policy Manual of the Association  
8 and the approved budget. In the event a managerial staff position is needed, the Executive Vice  
9 President must receive approval from the Executive Committee prior to hiring. *(Amended 03/04)*

10  
11 Section 11. The Board of Directors may retain legal and other professional counsel and fix the  
12 terms of compensation thereof.

13  
14 Section 12. The President will appoint a non-voting Parliamentarian to be present at every  
15 Executive Committee and Board of Directors Meeting who is versed in the rules and procedures  
16 of parliamentary law. The Parliamentarian is engaged at such meetings to advise the presiding  
17 officer on questions of procedure in transacting the business of the assembly legally, efficiently  
18 and impartially and does not participate in the business being conducted. The Parliamentarian is  
19 assigned a seat near the presiding officer for convenient consultation and when necessary, is asked  
20 to state the ruling or give his/her interpretation of it. *(Amended 03/04)*

## 21 22 ARTICLE VI

### 23 24 Meetings

25  
26 Section 1. The Association shall hold an annual Membership meeting, hereinafter referred to as  
27 the Annual Membership Meeting, to include the election of Active Members to the Offices of the  
28 Association and approval of, as appropriate, Association candidate(s) for the NAR director(s) and  
29 NAR Regional Vice President, after August 1 and prior to December 31, and at least seven (7)  
30 days prior to the installation of Active Members to the Offices of the Association, the time and  
31 place to be designated by the President. *(Amended 03/04)*

1  
2 Section 2. The Association may hold an annual convention, hereinafter referred to as the  
3 Convention, which shall be open to all Members upon payment of applicable registration fees.  
4 (*Amended 06/97; 06/00, 03/04, 06/08*)

5  
6 Section 3. The Installation of Active Members to the Offices of the Association may be held at  
7 the Convention. Active Members to be installed to the Offices of the Association who are not  
8 present at the Installation of Active Members to the Offices of the Association shall be installed at  
9 the next meeting of the Board of Directors following the Installation of Active Members to the  
10 Offices of the Association. (*Amended 02/92, 06/97; 06/00, 03/04, 06/15*)

11  
12 Section 4. A majority of the Board of Directors shall constitute a quorum at the Annual  
13 Membership Meeting. (*Amended 06/08*)

14  
15 Section 5. At all Association meetings, with the exception of Membership meetings per Article  
16 IX, Section 1 of these Bylaws, each eligible individual shall be entitled to only one (1) vote,  
17 regardless of representation. The chair of any Association meeting, if a member of the assembly,  
18 is entitled to vote when the vote is by ballot (but not after the tellers have commenced to count the  
19 ballots), and in all other cases only where the vote would change the result. (*Amended 02/92,*  
20 *03/04*)

21  
22 Section 6. Electronic Transaction of Business. To the fullest extent permitted by law, Association  
23 meetings may be conducted by electronic means. *Added (06/09)*

## 24 25 **ARTICLE VII**

### 26 27 **Committees**

28  
29 Section 1. The President, subject to the approval of the Executive Committee, shall appoint chairs  
30 and members of all committees, standing subcommittees, task forces and working groups of the  
31 Association except for the chair of the Finance Committee, and chair and members of the Honor

1 Society Working Group, Credentials Working Group and REALTOR® of the Year Working  
 2 Group, and shall fill any vacancies that may occur with the exception of vacancies addressed under  
 3 Article V, Section 9 and Article VIII, Section 8 of these Bylaws. Committee chairs shall serve a  
 4 one (1) year term, and shall be eligible for reappointment for a maximum of three (3) consecutive  
 5 one (1) year terms, or until their successors are appointed and qualified, except for the Public  
 6 Policy Chair who shall serve an initial three (3) year term and who shall be eligible for  
 7 reappointment to one (1) additional two (2) year term, or until a successor is appointed and  
 8 qualified. Committee chairs shall have completed or shall agree to complete prior to serving their  
 9 initial term, a three-hour classroom-based committee chairperson course sponsored and funded by  
 10 the Association. (*Amended 11/90, 02/92, 06/97, 03/04, 06/08, 06/10, 06/11*)

11  
 12 The Treasurer of the Association shall serve as chair of the Finance Committee and the Assistant  
 13 Treasurer of the Association, as appointed by the President, shall serve as vice chair. (*Added 02/92,*  
 14 *03/04*)

15  
 16 The President-Elect shall serve as chair of the Honor Society Working Group and there shall be  
 17 no vice-chair. (*Added 02/92, 06/97*)

18  
 19 The Association shall have the following four Standing Committees, hereinafter referred to as the  
 20 Standing Committees: (*Amended 03/04*)

- 21
- 22 a) Communications (*Amended 09/94*)
- 23 b) Legal [including the Professional Standards Subcommittee, the Grievance
- 24 Subcommittee, the Mediation Subcommittee, and the Risk Management
- 25 Subcommittee] (*Amended 08/02, 03/04, 06/08*)
- 26 c) Professional Development (*Amended 06/97*)
- 27 d) Public Policy (*Amended 06/97*)
- 28

29 Section 2. The President, with the approval of the Executive Committee, may appoint such other  
 30 committees, subcommittees, task forces or working groups as needed. The President shall be an  
 31 ex-officio member of all committees. (*Amended 02/92, 09/94, 03/04*)

1  
2 Section 3. Committees shall have such duties as their titles indicate, and as the Executive  
3 Committee may assign. All actions of committees shall be reported to the Executive Committee  
4 and shall be subject to the approval of the Executive Committee. A majority of all committee  
5 members shall constitute a quorum at any meeting of the committee. *(Amended 02/92, 09/94)*  
6

7 Section 4. With the exception of the Treasurer, no other members of the Finance Committee may  
8 serve on the Executive Committee. *(Amended 02/92)*  
9

## 10 ARTICLE VIII

### 11 Election of Offices

12  
13  
14 Section 1. The election of Active Members to the Offices of the Association shall be held at the  
15 Annual Membership Meeting of the Association, as per Article VI, Section 1. *(Amended 03/04)*  
16

17 Section 2. The Credentials Working Group of the Association shall be composed of: *(Amended*  
18 *06/97, 06/10)*  
19

20 a) the Immediate Past President; and *(Amended 06/97, 03/04)*  
21

22 b) the past President twice removed who is an Active Member in good standing of the  
23 Association and who serves as chair of the Credential Working Group; and *(Amended*  
24 *03/04)*  
25

26 c) one (1) member at large to be appointed from among Active Members by the current  
27 President.  
28

29 In the case where a delegate of the Credentials Working Group is a candidate for an Office  
30 of the Association, the chair of the Credentials Working Group shall request that candidate  
31 to excuse themselves during the qualifications review of the specific position(s). *(Amended*



12/89, 02/92, 06/97, 12/98, 03/04)

Except for the Immediate Past President, members of the Executive Committee shall be ineligible to serve on the Credentials Working Group. *(Amended 06/97)*

Section 3. The Credentials Working Group shall certify qualified candidates no later than thirty (30) days prior to the date set for:

a) Election of Active Members to Offices of the Association as per Article IV Section 1 of these Bylaws for the Office of President-Elect, First Vice President, Second Vice President and Treasurer, as applicable at that time; and, for the position of Member Liaison as per Article V, Section 1 of these Bylaws; and *(Amended 03/04, 06/15)*

b) A candidate for recommendation to NAR for the NAR Regional Vice President, per Article VIII, Section 7 of these Bylaws, when required; and *(Amended 03/04)*

c) A candidate for representative, director or delegate to any other affiliated or subsidiary organization, institution or agency when called upon and to which such representation is required.

Section 4. The report of the Credentials Working Group shall be made available to each Active Member via public notice at the Association's headquarters and through electronic media at least fifteen (15) days before the election is held. No additional candidates for any office shall be certified after the meeting of the Credentials Working Group shall have passed. *(Amended 02/92, 06/97 12/98, 03/04)*

Section 5. An Active Member qualified under Article IV, Section 1 of these Bylaws may submit their name to the Credentials Working Group no later than June 1<sup>st</sup> of each year as a candidate for Office of President-Elect, First Vice President, Second Vice President or Treasurer, as may be applicable at that time. An Active Member qualified under Article V, Section 1 (a) (6) of these Bylaws may submit their name to the Credentials Working Group no later than June 1<sup>st</sup> of each

1 year as a candidate for Member Liaison. *(Amended 03/04, 06/15)*

2  
3 Section 6. NAR Directors shall consist of the President, the President-Elect, the Immediate Past  
4 President, and the Treasurer, in this specific order, and based on the annual national director  
5 allocation provided by the National Association of Realtors; and, chairs of NAR committees  
6 recognized by NAR as Directors, and NAR Distinguished Service Award Recipients who are  
7 Active Members in good standing and who will be noticed to NAR by the Association in a timely  
8 manner. *(Amended 08/02, 03/04, 06/08)*

9  
10 Section 7. The selection of the NAR Regional Vice President candidate, when required, shall be  
11 approved by the Board of Directors at the second or midyear Board of Directors meeting.  
12 *(Amended 03/04)*

13  
14 Section 8. In the event that an Officer or Director is deemed to be incapable of fulfilling the duties  
15 for which elected, but will not resign from office voluntarily, the Officer or Director may be  
16 removed under the following procedure: *(Amended 06/97, 03/04)*

17  
18 a) A petition requiring the removal of an Officer or Director and signed by not less than  
19 one-third of the voting Membership as defined in Article IX of these Bylaws, or a  
20 majority of all Directors shall be filed with the President, or if the President is the  
21 subject of the petition, filed with the President-Elect, and shall specifically set forth  
22 the reasons the individual is deemed to be disqualified from further service.  
23 *(Amended 06/97, 03/04)*

24  
25 b) Upon receipt of the petition, and not less than twenty (20) days or more than forty-  
26 five (45) days thereafter, a special meeting of the voting Membership shall be held,  
27 and the sole business of the meeting shall be to consider the charge against the  
28 Officer or Director, and to render a decision on such petition. *(Amended 06/97, 03/04)*

29  
30 c) The special meeting shall be noticed to all voting Members at least ten (10) days prior  
31 to the meeting, and shall be conducted by the President unless the President's

1 continued service in Office is being considered at the meeting. In such case, the  
2 President-Elect shall conduct the meeting of the hearing by the Members. Provided a  
3 quorum is present, a three-fourths vote of Members present and voting shall be  
4 required for removal. *(Amended 06/97, 03/04)*

## 5 6 **ARTICLE IX**

### 7 8 **Voting**

9  
10 **Section 1.** At all meetings of the Membership, voting shall be by the members of the Board of  
11 Directors. *(Amended 02/92, 06/97)*

## 12 13 **ARTICLE X**

### 14 15 **Fiscal Year**

16  
17 **Section 1.** The fiscal year of the Association shall be the calendar year.

## 18 19 **ARTICLE XI**

### 20 21 **Institutes, Societies and Councils**

22  
23 **Section 1.** For the purpose of affording those affiliated with the Association a greater opportunity  
24 for cooperation and discussion of administrative and business problems of the particular phases of  
25 the real estate profession in which they are interested, the Board of Directors may enter into a  
26 membership agreement with the New Hampshire State Chapters of the Institutes, Societies and  
27 Councils of NAR. Such New Hampshire Chapters must, however, maintain good standing and  
28 operate in accordance with the requirements of their national affiliate of NAR.

29  
30 **Section 2.** The Association may provide administrative services to such recognized Chapters of  
31 the Institutes, Societies and Councils as is feasible and practical, with incurred expenses duly

assessed to the appropriate Chapter. *(Amended 02/92, 09/93, 03/04)*

## **ARTICLE XII**

### **Code of Ethics**

Section 1. The Code of Ethics of NAR is adopted as the Code of Ethics of this Association and shall be considered a part of its Rules and Regulations, and the Code of Ethics and the Rules and Regulations of the Association shall, in the future, be deemed to be amended and changed whenever said Code of Ethics is amended or changed by NAR. *(Amended 03/04)*

## **ARTICLE XIII**

### **Professional Standards**

A Member Board, prior to referring an ethics complaint or arbitration request for review to the Association, should exhaust all efforts to impanel an impartial tribunal to conduct either the original hearing or the appeal or procedural review. These efforts may include the appointment of knowledgeable members of the Member Board on an ad hoc basis to serve on either a Hearing Panel or on behalf of the Member Board's board of directors. If, because of notoriety, etc., the Member Board cannot impanel an impartial tribunal, then (1) the Association may draw from the members of the Legal Committee to form the Member Board tribunal, or (2) the Member Board may refer the matter to the Association, and the Association may delegate to another Member Board or a regional enforcement facility, the authority to hear the case on behalf of the Association. No Member Board or regional enforcement facility, however, may be required to accept this delegation of authority. If no other entity is amenable to conducting the review, the Association shall be responsible for conducting the hearing. *(Amended 03/04, 06/08)*

Section 1. Allegations of ethical violations and contractual disputes (and specific non-contractual disputes as defined in Standard of Practice 17-4) between REALTORS® and between

REALTORS® and their customers or clients may be submitted to an ethics or arbitration panel at the Association level under the following circumstances:

(a) Allegations of unethical conduct made against a REALTOR® in the instance in which the Member Board, because of size or other valid reason, determines that it cannot provide a due process hearing of the matter and petitions the Association to conduct a hearing. *(Amended 03/04)*

(b) Contractual disputes (and specific non-contractual disputes as defined in Standard of Practice 17-4) between REALTORS® who are not members of the same Member Board where the matter has been referred to the Association by both Member Boards. *(Amended 03/04)*

(c) Contractual disputes (and specific non-contractual disputes as defined in Standard of Practice 17-4) between REALTOR® members of the same Member Board where the Member Board with good and sufficient reason is unable to arbitrate the Controversy. (Explanation: This provision is not designed to relieve a Member Board of its primary responsibility to resolve differences arising between members of the Member Board. The section recognizes that in some Member Boards with limited membership, usual arbitration procedures may be impossible.) *(Amended 03/04, 06/15)*

(d) Contractual disputes between a customer or a client and a REALTOR® where the Member Board with good and sufficient reason is unable to arbitrate the dispute. *(Amended 03/04, 06/15)*

(e) Controversies between REALTOR® members and other REALTORS®, who are not members of the same State Association, shall be submitted to Interstate Arbitration if the REALTORS® are members of the State Associations that are signatories to the same Interstate Arbitration Agreement and said agreement is consistent with the appropriate State statutes. *(Amended 06/05, 06/15).*

1 Section 2. Professional Standards hearings and the organization and procedures incident thereto  
2 shall be governed by the Code of Ethics and Arbitration Manual of the Association, as from time  
3 to time amended, which by this reference is made a part of these Bylaws. (*Amended 03/04*)  
4

5 Section 3. If a Board Member (as defined in Article II, Section 3, of these Bylaws) or other  
6 Member, who is a REALTOR® member, resigns from the Member Board or otherwise causes  
7 membership to terminate with an ethics complaint pending, the board of directors of that Member  
8 Board may condition the right of the resigning Member to reapply for membership upon the  
9 applicant's certification that he/she will submit to the pending ethics proceeding and will abide by  
10 the decision of the hearing panel. (*Amended 03/04, 06/15*)  
11

12 (a) If a Board Member (as defined in Article II, Section 3, of these bylaws) or other Member,  
13 who is a REALTOR® member, resigns or otherwise causes membership to terminate, the  
14 duty to submit to arbitration continues in effect even after membership lapses or is  
15 terminated, provided that the dispute arose while the former member was a REALTOR®.  
16

## 17 ARTICLE XIV

### 18 Use of the Terms REALTOR® or REALTORS®

19  
20  
21 Section 1. Use of the terms REALTOR® or REALTORS® by Members shall, at all times, be  
22 subject to the provisions of the Constitution and Bylaws of NAR and to the Rules and Regulations  
23 prescribed by the NAR board of directors. The Association shall have authority to control, jointly  
24 and in full cooperation with NAR, use of the terms within those areas of the State of New  
25 Hampshire not within the jurisdiction of a Member Board. Any misuse of the terms by Members  
26 is a violation of a membership duty and may subject Members to disciplinary action by the Board  
27 of Directors after a hearing as provided for in the Association's Code of Ethics and Arbitration  
28 Manual. (*Amended 03/04, 06/08*)  
29

30 Section 2. Members of the Association who are REALTOR® members shall have the privilege  
31 of using the terms REALTOR® and REALTORS® in connection with their business so long as

1 they remain REALTOR® members in good standing. No other class of members shall have this  
2 privilege. *(Amended 06/15)*

3  
4 Section 3. A Member who is a REALTOR® member, and who is a principal of a real estate firm,  
5 partnership or corporation, may use the terms REALTOR® or REALTORS® only if all the  
6 principals of such a firm, partnership or corporation who are actively engaged in the real estate  
7 profession within the state or a state contiguous thereto are REALTOR® members or Institute  
8 Affiliate Members. *(Amended 06/15)*

9  
10 Section 4. An Institute Affiliate Member shall not use the terms REALTOR® or REALTORS®  
11 and shall not use the imprint of the emblem seal of NAR.

1                                   **ARTICLE XV**

2

3                                   **New England REALTORS® Committee**

4

5   Section 1. The Association shall be a member of the New England REALTORS® Committee,  
6 hereinafter referred to as NERC. The Association's participation in NERC shall be governed by  
7 the policies and procedures adopted, and from time to time amended, by NERC. The following  
8 shall represent the Association as members of NERC: (a) President, (b) President-Elect, (c)  
9 Immediate Past President, and (d) Executive Vice President. *(Amended 03/04, 06/08, 06/15)*

10

11                                   **ARTICLE XVI**

12

13                                   **Harassment**

14

15   Section 1. Any Member of the Association may be reprimanded, placed on probation, suspended  
16 or expelled for harassment of an Association employee or Association Director after an  
17 investigation in accordance with the procedures of the Association. As used in this Section,  
18 harassment means any verbal or physical conduct including threatening or obscene language,  
19 unwelcome sexual advances, stalking, actions including strikes, shoves, kicks, or other similar  
20 physical contact, or threats to do the same, or any other conduct with the purpose or effect of  
21 unreasonably interfering with an individual's work performance by creating a hostile, intimidating  
22 or offensive work environment. The decision of the appropriate disciplinary action to be taken  
23 shall be made by the investigatory team comprised of the President, President-Elect and one  
24 member of the Board of Directors selected by the highest ranking officer not named in the  
25 complaint, upon consultation with counsel for the Association. Disciplinary action may include  
26 any sanction authorized in the Association's Code of Ethics and Arbitration Manual. If the  
27 complaint involves the President or President-Elect, they may not participate in the proceedings  
28 and shall be replaced by the Immediate Past President or, alternatively, by another member of the  
29 Board of Directors selected by the highest-ranking officer not named in the complaint. *(Amended*  
30 *03/04, 06/09)*

31



1 **ARTICLE XVII**

2

3 **Rules of Order**

4

5 **Section 1.** Robert's Rules of Order, latest edition, shall be recognized as the authority governing  
6 all meetings and conferences when not in conflict with the Bylaws of the Association.

7

8 **ARTICLE XVIII**

9 **Amendments**

10

11 **Section 1.** These Bylaws may be amended by a majority vote of the Members present and qualified  
12 to vote at any meeting at which a quorum is present, provided the substance of such proposed  
13 amendment or amendments shall be plainly stated in the call for the meeting, except that the Board  
14 of Directors may, at any regular or special meeting of the Board of Directors at which a quorum is  
15 present, approve amendments to the Bylaws which are mandated by NAR policy. (*Amended*  
16 *02/92*)

17

18 **Section 2.** Amendments to these Bylaws affecting the admission or qualifications of Active  
19 Members and Institute Affiliate Members, the use of the terms, REALTOR® or REALTORS® or  
20 any alteration in the territorial jurisdiction of a Member Board shall become effective upon the  
21 approval of the Board of Directors of NAR. (*Amended 03/04*)

22

23 **ARTICLE XIX**

24 **Dissolution**

25

26 **Section 1.** Upon the dissolution or winding up of affairs of this Association, the Board of Directors,  
27 after providing for the payment of all obligations, shall distribute any remaining assets to NAR or,  
28 within its discretion, to any other nonprofit, tax exempt organization. (*Amended 03/04*)