

**BY-LAWS OF THE MISSOURI BIRD RECORDS COMMITTEE
of the Audubon Society of Missouri**

Revision of August 2018

I. NAME AND AFFILIATION

A. *Name.* The official name of this organization shall be the “Missouri Bird Records Committee.” It is hereinafter referred to as “the MBRC” or as “the Committee.”

B. *Affiliation.* This is a committee of the society known as “The Audubon Society of Missouri.” The MBRC is established under the auspices of the Audubon Society of Missouri (hereinafter ASM), as approved by the Board of Directors on 3 October 1987.

II. PURPOSES

A. To evaluate reports of unusual bird occurrences from the state of Missouri submitted to the Committee.

B. To maintain permanently the original bird records and all Committee votes and comments for use by future bird students.

C. To publish an Annual Report that provides at least minimal data on all records receiving a decision.

D. To maintain, and revise as needed, the official ASM Annotated Checklist of Missouri Birds, and a Review List of birds that require documentation at all seasons in all or some parts of Missouri. The official checklist shall incorporate all relevant decisions of the Committee.

E. To provide a means by which sight records can gain acceptance as valuable scientific data.

F. To provide decisions on unusual bird sightings which shall guide all treatments, including the Seasonal Reports and Christmas Bird Counts published in *The Bluebird*.

G. To select Seasonal Editors for the Seasonal Reports in *The Bluebird* and to exercise oversight over those reports.

H. To choose the ten “best” Missouri bird species reported and accepted by the Committee annually within the previous calendar year. A list of at least 12 or more species candidates should be drawn up by the Secretary and distributed to the Committee for vote at or before the annual fall meeting of the ASM. In addition to being presented at the fall meeting, the list shall be published in *The Bluebird*.

I. To establish standards of observation and reporting for improving the quality and quantity of our knowledge of Missouri birds.

III. MEMBERSHIP

A. *Number and definitions.* The Committee shall consist of seven regular Voting Members, one of whom is the "Chairperson," and a "Secretary" who may either be one of the Voting Members or be non-voting (see "Secretary").

B. *Qualifications.* Qualifications for Committee membership should include expertise in identification of birds, knowledge of Missouri birds, familiarity with birders and localities in Missouri, a commitment to the documentation of bird records, and a commitment to accomplishing Committee work in a timely fashion. To the extent possible, the membership should reflect diversity by gender, age, and region of residence. Committee Members shall submit documentations for species they observe which meet the criteria for required documentation as set forth in Section VI, Part A of the bylaws; shall submit notes on their observations to the Seasonal Editors for inclusion in *The Bluebird*; and shall model careful and cooperative participation in any other ornithological activities they pursue (e.g., eBird). Committee Members shall maintain membership in the ASM.

C. *Voting Members.*

(1) Election and term of office. Election of Voting Members to occupy seven Voting Positions shall occur annually, one Position per year, and the elected Member shall take office on 1 January. The term for each Position shall be seven calendar years. As of 31 December of the seventh year of a term, a Member must vacate his or her Position for at least one year, after which he or she will again be eligible for nomination and election. Election shall be by written ballot via mail or email, or by vote of a quorum present in person or represented by written ballot at a Committee meeting; proxies shall not be used in this election, but an absent Voting Member may vote by indicating his/her choices to the Secretary in writing prior to the meeting. The candidate receiving the largest number of votes shall be elected; if necessary, ties shall be decided by an additional ballot(s) listing only those person tied.

(2) Nominations. The Secretary shall give public notice of the annual Voting Member election at least 30 days before a stated nomination deadline, which shall be no later than November 15. Nominations shall be made in writing and may be submitted by anyone, via mail or email. It is the responsibility of the nominator to provide the Committee with the qualifications of each nominee he/she submits, and to affirm each submitted nominee's willingness to serve on the Committee. A nominator may not nominate himself. If the total number of nominees is not sufficient to fill the vacant seats, it is the responsibility of the Secretary to nominate the number of persons required. The Secretary shall pool a list of

names as potential candidates for the Committee; this list should be updated periodically.

D. *Secretary*

(1) Nomination, election, and term of office. Candidates for Secretary shall be nominated by Voting Members of the Committee. The Secretary shall be elected for a term of two years by a vote of the Voting Members. The candidate receiving the largest number of votes shall be elected; if necessary, a tie shall be decided by an additional ballot(s) listing only those persons tied. The Secretary takes office as of January 1 of the year following his or her election. A Secretary may be elected for consecutive two-year terms without limitation.

(2) Voting status. The Committee may determine by majority vote that the Secretary will have non-voting status until such time as he or she is appointed to Voting Member status by majority vote. Either of these actions may occur at any time, independent of election as Secretary, but with the understanding that there are always to be seven Voting Members. A Secretary appointed to Voting Member status will hold the Position most recently vacated and may hold it until, at most, the expiration of that term, whereupon he or she must return to non-voting status for at least one year, and another person must be elected to that Position.

(3) Comments by Secretary. A Secretary whose status is non-voting may submit comments, at his or her discretion, on any record that is being recirculated or is being discussed at a meeting.

(4) Duties. The Secretary shall

- (a) Receive, circulate, recirculate, and file all bird records and supporting data submitted to the Committee.
- (b) Vote on bird records and in all elections if serving as a Voting Member.
- (c) Tabulate the results of all votes of the Committee, including votes on bird records.
- (d) Provide Members with an agenda in advance of any Committee meeting, following solicitation of agenda items from the Chairperson and other Members; and keep or cause to keep minutes of Committee meetings.
- (e) Furnish Members with a list of nominees for election.
- (f) Furnish anyone, upon request, with evidence concerning any accepted

or rejected bird record. The Secretary shall not provide actual evaluations of records, but shall summarize comments of Committee Members.

- (g) Make available the results of Committee Member elections, upon request, to anyone interested; provided, however, that only the numerical vote shall be disclosed, and not the actual votes cast by individual Committee Members.
- (h) Keep the Chairperson of the Committee informed and updated on all Committee activities.
- (i) Compose, and submit for publication, the Committee's Annual Report as described in VI.G.1 below, the "ten best species" list as described in II.G above, and any other reports deemed useful by the Committee.

E. *Chairperson*

(1) Qualifications. Same as listed above for Members.

(2) Nomination, election, and term of office. Same procedures as for the Secretary. A Member may be elected Chairperson for consecutive two-year terms without limitation.

(3) Duties. The Chairperson shall

- (a) Call and preside at Committee meetings, and collaborate with the Secretary and other members on an agenda for each meeting as needed.
- (b) Appoint a temporary Secretary if the Secretary is unable to serve.
- (c) Keep the President and Board of Directors of ASM informed of the status of MBRC activities which, in the opinion of the Committee Chairperson, significantly affect the operation or activities of the ASM, including full disclosure of any proposed changes in MBRC bylaws, and any MBRC resolutions, policies, or directives which may affect the treatment of bird records in ASM publications.
- (d) Serve *ex officio* on the Board of Directors of ASM, as long as it is so provided in the ASM bylaws.
- (e) Assure that the current MBRC bylaws are properly applied.

F. *Removals*. The Committee may remove, for cause, the Chairperson, the Secretary, or

Members who are delinquent in their duties. Such action requires a vote of the majority of all other Voting Members, not merely a quorum. A removal must be accomplished by written ballot, by mail or email, or at a meeting of the Committee; at a meeting, absent Voting Members may vote by written or email ballot to the Committee.

G. *Vacancies and Special Elections.* If the Committee loses a Voting Member during mid-term (through death, resignation, removal, etc.), either (a) a Secretary who is non-voting at the time shall be appointed a Voting Member (see above, D (2)), or (b) the Secretary shall immediately conduct an election, termed a Special Election, for the purpose of filling the vacancy. A Special Election may be conducted at a meeting or by individual contact (mail, email, etc.), whichever is most expedient in the opinion of the Secretary. Procedure for nomination and election shall follow guidelines for the regular selection of a Member, Secretary, or Chairperson (see above). The term of any Member elected in a Special Election begins immediately following the tally of votes of the other Members, and lasts for the unserved portion of the term of the replaced Member. If the unserved portion is two years or less, the Member newly elected to that Position may be nominated and elected to a full additional term of seven years. If the unserved portion is more than two years, it is treated as a full term—i.e., at the end of it, the newly-elected Member must vacate his or her Position for at least one year, after which he or she will again be eligible for nomination and election. If a Voting Member leaves the Committee while serving as an officer (Chairperson or Secretary), the Committee will elect a replacement officer immediately following departure.

H. *Voting.* For votes involving individuals nominated to the MBRC, Committee Members are requested to return completed ballots to the Secretary within one month of receiving the ballot.

IV. MEETINGS

A. *Annual Meeting.* An Annual Meeting of the Committee, if deemed necessary, shall be held once a year for the purpose of election and for transacting such other business as may be brought before the Committee. The Secretary must give prior notice of the Annual Meeting, and a list of nominees for Membership, to all Members.

B. *Special Meetings.* Special Meetings of the Committee may be called by the Chairperson or by agreement of four or more Members, or, in the Chairperson's absence, by the Secretary.

C. *Quorum.* Four voting Members, present in person, not by proxy, shall constitute a quorum for any meeting of the Committee (see E, below).

D. *Voting by proxy.* Voting on a preannounced issue may be by proxy; a Member wishing to vote by proxy should submit his or her vote to the Secretary in writing in advance of the meeting.

E. *Electronic participation.* A Member who participates in a meeting via teleconference or other electronic means by which that Member and all others can hear one another at all times shall be deemed present and voting and shall be counted towards a quorum.

V. BYLAWS

A. *Formation.* All bylaws and other procedures of the Committee are to be as determined by the Committee, provided that they do not conflict with the bylaws of the ASM, upon approval by the Board of Directors of the ASM.

B. *Changes.* These bylaws may be changed by a majority vote of all Voting Members of the Committee, upon approval by the Board of Directors of the ASM.

VI. BIRD RECORDS

A. *Records treated.* The Committee may consider any Missouri bird record without limitation as to date or nature of evidence. Assuming documentation is furnished, the Committee shall, in general, evaluate records of species that meet one of the following criteria:

- (1) Any species listed as casual, accidental, provisional, extirpated, or extinct in the state on the ASM's official current Annotated Checklist of Missouri Birds. A Review List of these species is maintained and updated from time to time.
- (2) Any species not listed on the above Checklist or Review List.
- (3) Any species listed as casual, accidental, provisional, extirpated, or extinct (or not listed) for the season in which it is reported.
- (4) Any species listed on the Checklist as casual, accidental, provisional, extirpated, or extinct (or not listed) for the section of the state in which it is reported.
- (5) Any species found in very unusual circumstances, such as a first breeding record for Missouri, a remarkably high number, or a record-early arrival or record-late departure.

B. *Submission.* Records should be, but need not be, documented on line at www.mobirds.org, following the protocols outlined there; a report may include uploaded photographs, audio files, or field notes in addition to the main documentation. Alternatively, a report form may be downloaded there, completed, and sent by mail or email to the Secretary, who then creates an online documentation on behalf of the observer and may upload such additional items.

C. *Resubmission.* A record that has received a Committee decision, whether accepted or rejected, and even though published in the Committee's Annual Report, may be resubmitted by anyone if and only if there becomes available new and substantial documentary evidence that might reverse the decision. For a record rejected because of questionable origin, such evidence might include the recognition of a natural pattern of occurrence. Records involving taxa that undergo revision by the American Ornithologists' Union after a decision by the Committee may be resubmitted to determine the status of any changed taxa (e.g., Clark's Grebe as distinct from Western Grebe). Upon receipt of a resubmission request, the Secretary may, at his discretion, either proceed with the resubmission or first poll the Committee as to whether the evidence presented meets the standard of "new and substantial." Any resubmitted record shall be circulated along with all previous votes and comments of the Committee, its publication status, and all new evidence marked as such.

D. *Circulation Procedures.*

(1) Initial preparation by the Secretary. Once submitted as described above, all records are archived on line at www.mobirds.org, on pages accessible only to Committee members and the site administrator. The Secretary is the first to examine each record and determine whether it is to be reviewed by the Committee, following the criteria in VI (A).

The Secretary gives each record a unique number, consisting of the year of receipt (not the year of sighting) followed by a hyphen and the next unused number for that year, starting with "1." If a record is represented by documentations from more than one person, all documentations shall receive the same number. The numbered records are moved to a "review" page on the site.

Periodically, the Secretary sends an email message to the Committee announcing that a batch of records is ready for review and stating the species and record number of each.

(2) Review by members. Upon receipt of the Secretary's message, each Member shall go to the review page, assess the validity of each record in the batch, and send the Secretary a return email stating his or her votes.

(3) Recirculation

(a) If no decision was made during the initial circulation, a record shall be recirculated automatically.

(b) A record that has not received a decision after two circulations is to be discussed at a Committee meeting. The record shall either be resolved during the meeting or shall be recirculated again following the meeting. At the Committee's discretion, discussion at a meeting may occur after just one circulation.

(c) Prior to each meeting, the Secretary should inform the Members of any records scheduled for discussion.

(d) Regardless of whether or when a decision is reached, any Voting Member may request discussion of any record at a meeting of the Committee or may request a recirculation.

(e) Regardless of whether or not a decision is reached during the first circulation, the Secretary may recirculate a record if he/she feels that the Committee's comments might alter the decision.

E. *Voting on Bird Records*

(1) Evaluation Format The votes of each Voting Member, together with his/her comments (when applicable), must be submitted to the Secretary and must show (a) the record number, (b) the name of the species, (c) the name of the Voting Member, (d) the date of review, (e) the number of the circulation, (f) the Voting Member's decision, and (g) comments, if any.

(2) Voting Categories

(a) Accept

(b) Reject, identification questionable

(c) Reject, circumstances questionable

(d) Reject, origin questionable

(e) Reject to species but accept to genus (e.g., *Empidonax*) or to species pair (e.g., Couch's/Tropical Kingbird) if such a category remains casual or accidental or otherwise reviewable under the circumstances of the record.

(3) Abstentions. Voting members may not abstain from voting.

(4) Secretary Vote. On the first circulation, the Secretary must vote prior to seeing any other Members' votes or comments.

(5) Comments. On the first circulation, a "reject" vote must be supported by appropriate written comments in the Member's reply (see (1)). Comments should be supplied for all votes, whether "reject" or "accept," if a record is being recirculated or if it is a potential Definitive State Record (see V.I.E.10).

(6) Consultations. On the first circulation, a Voting Member shall not discuss a

record with another Voting Member until both have voted. Pre-vote consultations are encouraged among Members for a recirculation. When records are submitted to the Committee by person(s) whose field ability is unknown to at least one Member, the Committee may request information on the observer from appropriate sources.

(7) Voting Criteria. The criteria used by a Voting Member for acceptance or rejection of a record are based on that Member's expertise and should not be treated by these Bylaws. Such criteria might include the field marks, vocalizations, and behaviors described, the experience and skills of the observers, and the conditions of observation (e.g., lighting, weather conditions, optical equipment, etc.).

(8) Tabulation. After all Voting Members have voted, the voting results are tabulated by the Secretary and are sent to the Committee.

(9) Decision from Circulation. On any circulation round, with all Voting Members voting,

(a) a record is considered accepted if the vote is 7-0 or 6-1 in favor of acceptance.

(b) a record is considered rejected if the vote is 2-5, 1-6, or 0-7 in favor of acceptance.

(c) a record is to be recirculated if the vote is 5-2, 4-3, or 3-4, or if the Secretary or any other Member requests recirculation (see D.3 (d) and (e) above). If no decision is reached after at most two recirculations, then the record is to be presented at a meeting. If, after discussion, the vote remains less than 6-1 in favor of acceptance, the record is rejected.

(10) Evaluation of Definitive State Records.

(a) Definitions and Requirements: A species will be confirmed in the state if and only if either the species has been accepted by the Committee as a Definitive State Record according to the procedure outlined below, or the species is listed as fully accepted in Robbins and Easterla, *Birds of Missouri*, most recent edition.

(b) When voting on a bird record that is being evaluated as a Definitive State Record, a Member should vote to "Accept as Definitive State Record" only if, in his or her opinion, the record is fully acceptable in the sense of VI.E.2 (a) and the evidence for the record deposited in the Committee's files includes at least one of the following:

i) a diagnostic photograph of a specimen and its data (specimen records only);

- ii) a diagnostic photograph or set of photographs of the bird, with information on the date and exact location;
- iii) a diagnostic sound recording of the bird, with information on the date and exact location;
- iv) at least two independently written and independently acceptable documentations of the same record;

In case a Member finds the record acceptable in the sense of VI.E.2 (a) but believes that none of the above criteria for “Definitive State Record” is met, the Member should vote to “Accept as Provisional.”

(c) A record being evaluated as a Definitive State Record which receives either six (6) or seven (7) “Accept as Definitive State Record” votes will be accepted as a Definitive State Record and so noted in the Annual Report. The species will thenceforth be treated as a confirmed species for the state, and its new status will be reflected in the official ASM checklist. If a confirmed species was previously treated as Provisional, then those previous records on which its Provisional status was based will be considered valid records (subject to review by the Committee).

(d) A record being evaluated as a Definitive State Record which receives at least six (6) “Accept” votes (either “Accept as Provisional” or “Accept as Definitive State Record”) but receives five (5) or fewer “Accept as Definitive State Record” votes will be treated as an accepted record of a Provisional species. If the species in question is not already on the ASM checklist as Provisional, it will be so added.

(e) A record being evaluated as a Definitive State Record which receives two (2) or more “reject” votes will be rejected.

(f) A record evaluated as a Definitive State Record shall be recirculated under the same conditions as any other record (see VI.E.9 (c)).

(11) Rejected Records. Any rejected record will be published as “not accepted,” followed by the appropriate rejection category and a brief statement of the reasons for rejection. The same procedure shall be followed for rejected Definitive State Records, except that when such a record is accepted as Provisional, it shall be so published in the “accepted” section of the Annual Report (see below),

(12) Recommended time limits for voting. For bird records, a Committee Member is ordinarily requested to return votes to the Secretary within two months of receiving the Secretary’s email with the current batch. At times the Secretary may request a more rapid return.

G. *Publication*

(1) The decisions of the Committee shall be published annually, in the form of an

Annual Report, in *The Bluebird* and on the ASM website.

(2) The published data for accepted records should include at least the name of the species, date(s) of observation, locality, reporting observer(s), and the type of evidence upon which the record is based, i.e., specimen, photograph of specimen, photograph, sound recording, or sight record.

(3) Rejected records should also be published, with a minimum of the above data, except that observers' names should not be included. In publications, the term "not accepted" should be used instead of "rejected."

(4) All items to be published under the auspices of the Committee shall first be passed through the Committee for comments and approval.

VII. FUNDING

Any costs associated with the review and storage of records may be reimbursed by ASM. Phone calls will not constitute reimbursable items.