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RULE 1:

REGISTRATION

The TWHBEA is the official Registry for Tennessee Walking Horses. All registrations, to be valid, must be filed with the TWHBEA on the prescribed form and accepted by the Secretary.

1.01 Parentage Verification Kit. The TWHBEA Registration Application/Parentage Verification Kit Request form is a dual purpose form valid for ~~six months~~ **one year** from the date processed. If the parentage verification laboratory does not receive the DNA sample within ~~six months~~ **one year** of the date processed, **and an extension has not been requested, the application will be voided and** the applicant will have to re-file and fees paid again.

1.02 Temporary Registration. If the application for registration is for a foal that is to be shown under halter prior to receipt of the official registration certificate, the assigned name and assigned registration number as they appear on the copy of the form returned with the parentage verification kit may be used for a period of six months from the processing date. **By two years of age, foals must be fully registered to compete in shows.**

~~1.01~~ **1.03 Exclusive Registration.** Only foals out of a mare registered with the TWHBEA, and by a stallion registered with the TWHBEA, are eligible for registration with the TWHBEA.

~~1.02~~ **1.04 Method of Application.** Application must be made on an official application for registration form furnished by the TWHBEA. ~~1.03~~ Application must be neat, complete, and in ink or typewritten. Forms filled out in pencil will be returned. The application must bear the signatures of the recorded owner(s) of the stallion at time of service, **unless the stallion breeding report has been authorized,** as well as the owner(s) of the mare at time of foaling. ~~TWHBEA accepts electronic signatures. (E.G., scanned and emailed image of forms with handwritten signature, digital signature certificate ID number on forms, full typed name and birthdate as signature) (Effective 4/19/18)~~

~~1.04 Name of horse must not exceed 25 characters which include all alpha-numeric characters, punctuation marks, and spaces specific to the Roman Alphabet. Phonetically similar names will be considered the same. All names must have a pronunciation. Profane, vulgar, or sexually suggestive names will not be accepted. Any submitted names that are in question of complying with the rules will be either accepted or denied by the official Registrar of TWHBEA.~~

1.05 Naming the Horse.

Prospective names submitted to the Registry shall be subject to the following considerations.

- (a) No horse will be registered by a name which has exactly the same spelling as a name already registered.
- (b) Horses designated in the Registry as World Grand Champions, Foundation, or Hall of Fame are considered a “protected class”. Phonetically or confusingly similar names will be considered the same for horses in the protected class.
- (c) Adding a registered prefix to any name can be a differentiating factor so long as the originally named horse has a foaling date of 35 years or more prior to the request date and the originally named horse is not considered in a protected class.
- (d) The name of the horse must not exceed 25 characters which include all alpha-numeric characters, punctuation marks, and spaces specific to the Roman Alphabet.
- (e) All names must have a pronunciation.
- (f) Profane, vulgar, or sexually suggested names will not be accepted.
- (g) The registry may refuse to accept a name which it deems to be confusingly similar to a name or prefix previously recorded or to be otherwise unsuitable. Any submitted names that are in question of complying with the rules will be either accepted or denied by the official registrar of TWHBEA.
- (h) The same person/entity that has used a name to register a horse may reuse the same name if the originally named horse is still listed in their recorded ownership and has been listed as deceased in registry records and does not have any registered progeny or show records.
- (i) You have one year from the date a DNA kit is issued to complete the registration process. After this time the foal application will be voided, and the name will no longer be held. Extensions may be

requested by the owner of record. There will be no refunds given for incomplete paperwork or failure to complete the registration process in a timely manner.

1.06 Registered Prefixes or Suffixes.

A registered prefix/suffix is a name, word, letter, numbers (not to exceed four digits), or combinations of these, preceding/following a name, recorded with the Registry and used exclusively by the owners of Tennessee Walking Horses for the purpose of distinguishing horses bred by them from those of other breeders.

- (a) A prefix/suffix may be recorded with the Registry providing:
1. The word(s) selected as a proposed prefix/suffix cannot be the complete name of a registered Tennessee Walking Horse.
 2. The prefix/suffix applicant shall not have another registered prefix/suffix on record with the Registry.
 3. The Prefix/Suffix Application has been correctly completed and submitted with the appropriate fee.
 4. The Registry does not deem the prefix/suffix to be confusingly similar to a name or prefix/suffix previously recorded, otherwise unsuitable, or in general use (i.e. WGC).
- (b) A name, word, letter, or combination of these, preceding or succeeding a name, not recorded as a prefix/suffix with the Registry, may be used by other breeders, until registered for the exclusive use of one breeder.
- (c) A registered prefix/suffix can only be used by the recorded owner of that prefix/suffix. The recorded owner of a prefix/suffix may grant permission, in writing and on file with the Registry, to designated person(s) to allow use of that prefix/suffix.
- (d) Once the fee is paid and application approved, a prefix/suffix will be held for a period of 5 years. If the prefix/suffix is used in the registration of a horse in that time, then it is permanently registered with no further action or fees required. However, if the prefix/suffix is not utilized by the end of the 5-year period, then the prefix is no longer reserved and must be renewed for another 5 years for an additional fee.

~~1.06~~ **1.07 Fees with the Application.** The complete application must be returned with the proper fee. The fee is determined by the membership status of the owner of the mare at time of foaling.

~~1.06~~ **1.08 Foal Transfers.** Transfers are required with applications for registration of foals when the dam of the unregistered foal was owned at the time of foaling by someone other than the owner of the foal at the time the application for registration is submitted. The Transfer Report/Bill of Sale must be attached to such applications for registration, the date of purchase completed, and the fee remitted for both registration and transfer.

~~1.07~~ **1.09 Importance of Applications.** All applications for registration become an important and permanent part of the records of the TWHBEA. Every care should be exercised in giving accurate data.

RULE 2:

FREE REGISTRATION

TWHBEA members who have purchased a multi-year membership are entitled to register one foal free each year their dues are paid, provided the dam of said foal is recorded in said member's name on the date of the foal's birth. This free registration must be requested at the time the application for registration is submitted. The DNA kit is not included in the free registration. Lifetime members may choose to use their benefit for transfer but may not choose both a registration and a transfer in a single calendar year.

RULE 3:

TRANSFER REPORT/BILL OF SALE

3.01 **Seller Responsibility.** The seller is responsible for providing the buyer with a properly completed Transfer Report/Bill of Sale, the original Certificate of Registration, properly dated and signed in the appropriate block on the back of the certificate. Unrecorded back transfer fees, as well as the fee for recording ownership with the TWHBEA, may be paid by either the buyer or the seller. The Transfer Report/Bill of Sale must be signed by the seller and the buyer or, in his absence, the buyer's agent. The original Certificate of Registration will be mailed to the new owner after recording. ~~If applicable, frozen semen ownership disclosure must be filed and signed by buyer and seller. TWHBEA accepts electronic signatures. (E.G., scanned and emailed image of forms with handwritten signature, digital signature certificate ID number on forms, full typed name and birthdate as signature) (Effective 4/19/18)~~

3.02 **Signatures on Transfers.** The TWHBEA recognizes the following signatures on transfers of ownership: Sole owner of record, or if jointly owned, e.g., "Mr. John Smith and Mrs. John Smith," the signatures of all owners are required. If jointly registered, e. g., "Mr. and/or Mrs. John Smith", or "Mr. or Mrs. John Smith", then the signature of only one party is required. When a Letter of Authority has been filed with the TWHBEA office, the signature of any authorized party is acceptable. ~~TWHBEA accepts electronic signatures. (E.G., scanned and emailed image of forms with handwritten signature, digital signature certificate ID number on forms, full typed name and birthdate as signature) (Effective 4/19/18)~~

3.03 **Alterations.** Typewritten transfers are acceptable but erasures or alterations will render the transfer null and void.

3.04 **Computation of Fees.** The fee will be based not only on the sale date but the date the papers are postmarked, as well as the membership status of the person making the transfer.

3.05 **Separate Transfer Report—Bill of Sale.** A separate Transfer Report/Bill of Sale must accompany an application for registration if a foal is being recorded in any name other than the owner of the mare at the time of foaling. ~~A fee will be charged for this transfer which is determined by the date of purchase and the membership status of the person making the transfer.~~ A fee, determined by the date of purchase and the membership status of the person making the transfer, will be charged.

3.06 **Transfer without signature of recorded owner.** Whenever legal title to a registered Tennessee Walking Horse passes to another by reason of death of the recorded owner, by foreclosure of any lien or by any order or decree of court or otherwise by operation of law, the TWHBEA may transfer the registration of the horse to the new owner when presented with the following:

1. (a) A certified copy of the order of a court of competent jurisdiction or other satisfactory proof of authority for the transfer such as a divorce decree or will;
2. (b) Payment of applicable transfer fees;
3. (c) Any other requirements as may be defined by the TWHBEA in special situations.

~~TWHBEA accepts electronic signatures. (E.G., scanned and emailed image of forms with handwritten signature, digital signature certificate ID number on forms, full typed name and birthdate as signature) (Effective 4/19/18)~~

~~METHOD OF ESTABLISHING TITLE/OWNERSHIP WITHOUT SIGNED TRANSFER~~

3.06.01 **SUBJECT Method; Procedure.** ~~Transfer by TWHBEA between persons to assist in establishing ownership records consistent with transfers and current to physical possession of a horse.~~ This section describes the procedure to be employed to establish ownership records consistent with an actual transfer of ownership and possession of a horse, in the absence of a signed transfer. ~~This~~ It is to be considered a procedure of last resort after other reasonable attempts have failed. TWHBEA will not act as a factfinder and shall not be a party to any civil suit between persons to establish title or ownership. ~~The matter shall be treated as a complaint under Rule 20 and shall be subject to the requirements of that rule, including the payment of fees.~~

- (a) The present possessor (claimant) must have attempted contact with the last “owner of record” by a letter to the last known address and to the address used on the registration papers of the horse. The letter must include notice to the last “owner of record” of the ability opportunity to object to the transfer and a copy of this “method” the procedure for such an objection.
- (b) The present possessor (claimant) shall submit a notarized affidavit, under penalty of perjury, stating (A) that the claimant cannot locate the owner of the record to obtain papers, and/or cannot obtain signatures from the appropriate authorities or signatory; and (B) that the letter(s) described in Paragraph 1, above, were sent, specifying the date(s) sent, at least 30 days prior to submitting the affidavit.
- (c) The present possessor; must be a member of TWHBEA; and must pay all (non-refundable) fees in advance; must indemnify TWHBEA in the affidavit they submit with the required fees; and must meet all the other conditions set forth in this rule or in addition to by the Association, in order to complete the

process.

(d) Any completed request for transfer under this rule must be added to the Executive Committee agenda for the next occurring meeting to establish that all conditions are met prior to transfer.

(e) **Must Be The Horse.** The possessor/Claimant must provide DNA/Blood Type proof of identity to validate the horse's identity by certified records of a reputable service capable of this verification and/or by affidavit under penalty of perjury by a reputable service/provider.

(f) **Must Have TWHBEA Affidavit From Current Possessor.** The affidavit of the possessor (claimant) must include the purchase date and other pertinent details. The affidavit must satisfy the questions of from whom, where and when the horse(s) was purchased, bequeathed, given, rescued, traded, etc., and the general circumstances involved. Copies of all paperwork (canceled checks included) utilized in the transaction must be submitted as attachments and must be consistent with the facts in the claimant's affidavit.

(g) **There Can Be No Objections From the Previous Owner.** TWHBEA will send a certified letter to the recorded owner, describing the situation, inviting a response, and outlining the method by which a response may be made. If the last "owner of record" objects in writing to the transfer within 30 days of the letter(s) in Paragraph 1, above, having been sent, or to the communication from TWHBEA, TWHBEA will not process the transfer absent court order or written agreement between the "owner of record" and the present possessor.

(h) **Fees.** All fees must be paid in advance of action and are non-refundable.

(i) **Final approval.** Approval of such registration under this part requires the signature of the TWHBEA President and one other member of the Executive Committee, as officers of the association. All fees are nonrefundable in any, and all, events; and new papers will be issued to the claimant (new "owner") only after all the above conditions are met.

~~6) Any complaint about a transfer of title so conducted must be channeled through the Executive Secretary of TWHBEA and then to the Enforcement Committee as a formal complaint and be accompanied by the appropriate fee. See Rule 20.03.~~

~~3.07 TRANSFERRING MARES WHICH HAVE BEEN BRED: If said mare had been served prior to sale, but not yet foaled, enter the registered name and the registration number of the sire. Enter date served and indicate whether the stud fee is paid, not paid or partially paid. Obtain signature of mare owner at time of service~~

~~3.08~~ **3.07 Auction Sale:** In the event a horse is sold through an auction, the seller will deliver to the management of the auction the registration certificate, along with a transfer report, properly completed with the

name and registration number of the horse being sold, the signature and address of the seller, and date of sale. It will be the responsibility of the auction representative to obtain the name, signature, and address of the buyer, or the buyer's agent, and to send the registration certificate, buyer's original copy, the seller's TWHBEA copy of the transfer form, and the required transfer fee to TWHBEA. ~~It will be the responsibility of the auction representative to send the seller's personal copy of the transfer form to the seller and give the buyer's personal copy to the buyer or the buyer's agent.~~

~~3.09~~ 3.08 **Alterations:** No person shall make any alteration of a completed Transfer Report/Bill of Sale, nor in any manner deface, change or amend ~~the~~ **its** provisions ~~of it~~.

~~3.10~~ 3.09 **Transfer without Papers.** When the owner of any registered animal disposes of that animal without papers, the owner shall notify the Association of the fact and surrender the appropriate registration certificate to the association for proper notation. If requested, the canceled certificate will be returned to the recorded owner.

RULE 4:

STALLION BREEDING REPORTS

4.01 Stallion reports cover the period from September 1st through August 31st each year. The report must be postmarked from the country of origin no later than October 1st each year. It is the responsibility of the stallion owner or his authorized agent to see that the form is postmarked by this deadline.

4.02 A penalty of \$100 will be assessed in the event of late filing.

4.03 All mares bred, listed by their registered names, complete with their registration number, as well as last breeding date will be required.

4.04 In the last column, indicate with the letter A, N, P, FS or TS whether the mare was (A)artificially, (N)naturally, (P)pasture bred (FS) serviced to frozen semen or (TS)served with transported semen. If pasture bred, give the dates the mare was put in and taken out of the pasture.

4.05 The mare owner is not responsible for paying the late fee and may register their mare's foal when all other registration requirements are met.

4.06 Refusal by any stallion owner to comply could result in the loss of privileges in the Association.

4.07 Frozen semen certificate number must be used on registration application ~~if~~ where applicable.

4.08 All mares or stallions listed on a stallion report filed with TWHBEA must be TWHBEA registered, DNA/Blood-typed, and parentage verified through DNA before any foals born to that mare or stallion can be registered.

RULE 5:

NOT IN ORDER FEE

Papers returned for completion or correction more than once will be subject to a “Not in Order Fee”. (See Schedule of Fees.)

RULE 6:

PARENTAGE VERIFICATION REQUIREMENTS

Failure to comply with the parentage verification requirements could result in the loss of privileges of the Association.

The TWHBEA Registration Application/Parentage Verification Kit Request form is a dual-purpose form valid for ~~six months~~ one year from the date processed. If the parentage verification laboratory does not receive the DNA hair sample within ~~six months~~ one year of the date processed, ~~the application will have to be refiled and fees paid again~~ a replacement DNA kit must be ordered and fees again paid. Forms must be requested and obtained from the Association, completed in full and returned with the appropriate fee. Complete mailing instructions will be furnished with each kit. All parentage verification information obtained will be permanently recorded with the Association.

~~Although most persons prefer to have a veterinarian pull the blood for the blood typing kit, this is not required if both the sire and dam have already been blood typed. DNA samples may be pulled by owner.~~

~~6.01~~ TWHBEA registered horses born prior to October 1, 1993, that were not blood typed by October 1, 1997, will have to parentage verify in order for their offspring to be eligible for registration with the TWHBEA. ~~(Effective 10/1/97.)~~

~~6.02—All foals born after September 30, 1993, must be blood typed and parentage verified before a certificate of registration will be issued. All registration certificates for animals that meet the registration requirements at the time of registration shall be valid. (Effective October 1, 1993.)~~

~~6.03—Anyone requesting a blood typing kit on a horse born prior to October 1, 1993 is required to send the original registration certificate to the TWHBEA before the kit will be issued. If the horse does not parentage verify, the certificate will be so marked and returned with a notice stating the horse's offspring cannot be registered. If the horse does parentage verify, the certificate will be so marked and returned.~~

~~6.04—Parentage verification information acquired from a laboratory in conjunction with an application for registration or otherwise submitted as required under the rules and bylaws of the Association becomes the property of the Association. With the implementation of new certificates of registration, blood typing and or DNA information will be printed directly on the certificate rather than a card being issued to the owner. Any blood typing information submitted to the Association will not be furnished to anyone other than the current owner of record. Such information shall be provided to the current owner of record only on written request.~~

~~6.05—Upon protest or charge (in writing) by a member, a Hearing Committee shall be appointed by the Enforcement Division Chairman to conduct a hearing and make a determination as to whether a foal shall be registered. The procedure shall be as any other charge or protest. The blood type/DNA of the Parent(s) compared to that of the foal shall be submitted to the Committee prior to the hearing. The results of the comparison shall create a rebuttable presumption at the hearing which may be overcome only by clear and convincing evidence to the contrary. The Committee's decision shall be based upon all relevant factors.~~

~~6.06—The owner of record of any horse that has not produced any registered offspring may petition the Executive Committee to change the pedigree of such horse as reflected on its registration certificate. Such request shall be made in writing to the Executive Committee.~~

~~After such request is made, the Executive Committee shall meet in regular or special session to consider such request. Prior to such hearing, written notification of such request shall be sent to the owner of sire and dam at time of service on the original application of such horse, as well as to the owner of the sire and dam proposed to be reflected as the correct pedigree. Such request will be granted only if parentage verification is produced by the owner making such request establishing the pedigree as requested by such owner.~~

RULE 7:

USE OF TRANSPORTED AND/OR FROZEN SEMEN

Registration of foals produced by the use of transported and/or frozen semen will follow the same standard requirements for registration as those begotten by other means; however, foals which are produced from the use of transported and/or frozen semen must be blood typed and or DNA and parentage verified before the foal will be accepted for registration. Frozen semen may be used after the death of a stallion provided the blood typing/DNA requirement ~~was~~ **has been** met.

RULE 8:

EMBRYO TRANSFER

Registrations of foals resulting from embryo transfers will follow the same standard requirements for registration, except that multiple foal registrations from a donor mare during an eleven month period will be accepted. Blood typing/DNA of donor mare, stallion, and the foal is required. Parentage verification will be the sole responsibility of the person(s) sending registration and entirely at his expense. Any foal that does not meet the blood type comparison/DNA will be forever barred from registration.

RULE 9:

AUTHORIZED ALTERATION OF CERTIFICATES

9.01 Alterations can be made on certificates after issuance to correct color and/or markings. Old certificates must be returned with a statement signed by the breeder listed on the face of the certificate, along with the fee. (See Schedule of Fees.) Office errors will be corrected without charge.

9.02 There will be no fee for correction of color and/or markings on foals made within 24 months of the foaling date, provided that the old certificate is returned with a statement signed by the breeder listed on the face of the certificate.

RULE 10:

CHANGE OF NAME

10.01 The name of any registered Tennessee Walking Horse may be changed provided it has not sired or produced a registered foal. Send the certificate of registration, list of three choices of name (see Rule ~~1.05~~ 1.04 for naming requirements), and fee. (See Schedule of Fees.) The certificate will be reissued showing the new name but will retain the same registration number.

10.02 Once a name is used in the registry, ~~it can NEVER be used again~~ it is subject to use again only in conformity with Rule 1.05.

RULE 11:

DUPLICATE CERTIFICATES

Duplicate certificates of registration will be issued if the original has been lost or destroyed provided an affidavit for duplicate (form furnished by the Association) has been signed by the last recorded owner(s) before

~~a notary public~~ and sent to the Association with fee. (See ~~inside back cover for~~ Schedule of Fees.) Once the duplicate has been issued, the original shall automatically be void. Responsibility for the issuance of the duplicate lies with the individual making the affidavit.

RULE 12: Blank on purpose.

~~**CERTIFIED PEDIGREES**~~

~~Certified pedigrees will be issued upon request and payment of a fee. (See Schedule of Fees.) These pedigrees are not transferable.~~

RULE 13:

FALSE PEDIGREE

13.01 Any person or persons who shall ~~skillfully~~ intentionally register or record a false pedigree shall be forever barred from making further registrations, and from membership, and the registration of such false pedigree shall be void.

13.02 No person shall ~~skillfully~~ intentionally misrepresent the name, age, pedigree, blood type, blood sample, DNA, or appearance of any horse being offered for sale or breeding. ~~(Effective 8/1/95)~~

13.03 No person shall purchase, sell, give or receive a Certificate of Registration without the transfer of ownership of that represented animal being a part of the transaction. ~~(Effective 8/1/95)~~

13.04 No person shall alter or attempt to alter a Certificate of Registration or any other document issued by this Association. ~~(Effective 8/1/95)~~

RULE 14:

PEDIGREE RESEARCH

The Association Staff will provide any extended pedigree information upon request by members of the Association. This is beyond what is on the original certificate. There will be a charge per generation per pedigree extension. There will also be a charge per generation of color background. The information requested will be done at the convenience of the Staff. (See Schedule of Fees.)

RULE 15:

PRODUCTION SEARCHES

15.01 **Mare production records.** The Association Staff will furnish mare production records to any member of the Association, provided said request is made in writing and fee for each mare prepaid. In the event that the member making the request is not the owner of the record of the mare, said owner of record will be notified that such a request has been made and filled.

15.02 **Stallion production records.** Stallion production records will be furnished upon payment of a fee for each stallion per year, at the convenience of the Association Staff, to members of the Association only, provided said request is made in writing accompanied by **the** fee. In the event that the member making the request is not the owner of the record of the stallion, said owner of records will be notified that such a request has been made and filled.

RULE 16:

NEUTERED HORSES

16.01 The original Certificate of Registration may be sent by the owner of the horse to ~~the~~ TWHBEA ~~headquarters~~ upon the neutering of the horse. This provision is voluntary. The Secretary will issue a new certificate of registration and return it to the owner.

16.02 If the original registration certificate is sent to TWHBEA, the owner of the animal will be issued a \$10.00 credit toward other Association transactions, provided they are a current member. **The credit must be used within 12 months of issuance.**

16.03 If the owner notifies TWHBEA that the horse has been neutered but does not send the Certificate of Registration, it will be recorded in the registry but no new certificate nor credit will be issued.

RULE 17:

DECEASED HORSES

17.01 The original Certificate of Registration shall be sent by the owner of the horse to TWHBEA upon the death of the horse. The Secretary shall stamp "VOID-DECEASED" on the back of the original certificate and return it to the owner.

17.02 Members returning papers on deceased animals which are recorded in their name will be issued a \$10.00 credit toward other Association transactions. The credit must be used within 12 months of issuance.

17.03 If the owner notifies TWHBEA of the death of a horse registered in their name but does not furnish a Certificate of Registration, the death will be noted in the registry but no credit will be issued.

RULE 18:

MAILING RESPONSIBILITY

The Association takes no responsibility for the certificates of registration once they are mailed to the owner. The person(s) applying for transfer or registration is solely responsible for the accuracy of the mailing address. Certified mail or special delivery may be requested by the applicant at his or her expense.

Papers lost in transit from the TWHBEA to the recipient will be replaced with a duplicate certificate at no cost to the customer provided (s)he makes an inquiry of the status of the papers within six months of the processing date and completes the required affidavit.

RULE 19:

COPYRIGHT STATEMENT

The certificate of registration is intended for the private use of the owners of the named horse and the content thereof may not be copied or otherwise reproduced without the express written consent of the Tennessee Walking Horse Breeders' and Exhibitors' Association.

RULE 20:

DISCIPLINE

20.01 TWHBEA shall discipline its members, and any non-member exercising privileges of the Association or engaging in any of the activities encompassed thereby, for violations of these Rules and/or Bylaws of TWHBEA.

20.02 This discipline shall be administered by the Executive Committee and there shall be no appeal therefrom, provided that the Board of Directors may act to review and affirm or reverse a decision of the Executive Committee upon the motion of a Director, duly passed. However, this Board action must be taken at the next regular meeting of the Board following the Executive Committee action or it is forever barred. The respondent has no right to such review, as it lies in the sole discretion of the Board. Should the Board decide to review, it shall be de novo.

20.03 A complaint may be filed by any member of the Association with the ~~Executive Secretary~~ CEO as follows. It shall: be in writing; contain a reasonably clear description of the offense and cite the Rule(s) allegedly violated; be signed by the complainant ~~TWHBEA accepts electronic signatures. (E.G., scanned and emailed image of forms with handwritten signature, digital signature certificate ID number on forms, full typed name and birthdate as signature) (Effective 4/19/18)~~; state the full name and address of the respondent; and be accompanied by an administrative filing fee of \$250.

Reasonable administrative and legal costs incurred by TWHBEA may be taxed to the losing party at the hearing, or against the Complainant if dismissed or withdrawn, or may be apportioned between the Complainant and Respondent. The awarding of costs shall be at the sole discretion of the Executive Committee. No expenses will be incurred in regard to any complaint without the Executive Committee's prior approval.

20.04 If the complaint meets all the criteria set out in 20.03, the ~~Executive Secretary~~ CEO shall immediately notify the Respondent that a complaint has been filed, and shall serve a copy of TWHBEA Corporate Rules and the complaint upon the Respondent and Complainant, both by certified mail, return receipt requested, ~~in compliance with Rule 4 of the Federal Rules of Civil Procedure and also by regular mail. The Respondent shall have 20 days after service to file a response. The Executive Secretary CEO~~ shall forward a copy of the complaint and response to the Vice President, Enforcement, within 10 days of receipt. The Vice President of Enforcement shall, within 10 days of receipt, present the complaint to the Enforcement Committee for the taking of evidence, ~~for~~ a hearing, as may be deemed necessary, and for the compilation of a report with recommendations for action by the Executive Committee.

20.05 A date for any hearing determined to be required by the Enforcement Vice President or requested by Complainant or Respondent shall be set within 90 days of the date upon which the complaint was originally filed with the ~~Executive Secretary~~ CEO. The ~~Executive Secretary~~ CEO will notify the Complainant, the Respondent, and any other parties deemed to be necessary by the Enforcement Committee of the hearing date and location, and of any special instructions.

20.06 The hearing shall allow each party to fairly and adequately present their case; time limits may be imposed. Hearing procedures will be set by the Enforcement Committee and advance notice of those procedures given ~~in written form~~ to the litigants. Following ~~the~~ hearing, the Hearing Committee will give their recommendations to the Vice President ~~of~~ Enforcement, for prompt presentation to the Executive Committee for action. The burden of proof shall be upon the Complainant to prove the allegations set out in the Complaint.

20.07 Deliberations of the Executive and Enforcement Committees shall be private and confidential as defined and enforced by the Rules and Bylaws and are deemed work product. The recommendations of the

Enforcement Committee shall be rendered in writing within a reasonable time after the conclusion of the hearing and are subject to the review of the Executive Committee at its next regularly scheduled meeting or at a special meeting called for this purpose.

The parties shall be notified by first class mail of this decision at the addresses listed in their pleadings.

20.08 If the decision is in favor of the respondent, the complaint shall be dismissed. If the decision is in favor of the complainant, the Executive Committee may take one, more than one, or all of the following actions:

~~1.~~ **Censure.** A vote of Censure shall be reported to the Directors at their next meeting and listed under the respondent's name in the Secretary's Record of Penalties.

~~2.~~ **Suspension.** The person may be suspended from participating in any Association activities and from any privilege of the Association, including, but not limited to:

- 1) Registration
- 2) Transfer of ownership
- 3) Membership
- 4) Holding office
- 5) Doing business with the Association

The term of suspension shall be from a minimum of 10 days to their lifetime.

~~1.~~ **Fine.** The person may be assessed a fine of not less than \$250 nor more than \$5,000.00. The person shall not be eligible to use any Association service or function until the fine is fully paid, regardless of other penalties assessed.

~~2.~~ **Corrections.** Corrections to any registration or pedigree information may be ordered when any such action is necessary to protect the accuracy of Association records.

RULE 21:

CONDUCT OF MEMBERS

21.01 The members of this Association, including specifically Directors and Officers, shall conduct themselves as ladies and gentlemen in all meetings and in all dealings with the Association.

21.02 No person shall attempt to influence the actions of the Enforcement Committee, Executive Committee, Hearing Committee, Board of Directors, or Association employees by duress, bribery, or intimidation of any sort.

21.03 Persons are expected to observe the TWHBEA Code of Conduct Standards and may be disciplined for failure to do so.

RULE 22:

RECORDS AND PUBLICATION OF BOARD AND EXECUTIVE COMMITTEE ACTIONS

22.01 Action taken by the Board of Directors and the Executive Committee with regard to administrative and operational matters shall be recorded in the minutes of the Association. ~~This action shall be OPERATIONAL ACTION.~~

22.02 Action taken with regard to adoption, amendment, and repeal of these RULES shall be published in the *Voice of the Tennessee Walking Horse* magazine in addition to the minutes. ~~This action shall be RULE ACTION.~~

RULE 23:

AFFILIATION OF SHOWS

(RESERVED)

TWHBEA does not currently affiliate shows but reserves the right to do so if desired.

RULE 24:

LICENSING OF JUDGES

(RESERVED)

~~The~~ TWHBEA does not currently license judges but reserves the right to do so if desired.

RULE 25:

COMMITTEE SELECTION AND CONDUCT

25.01 The Vice President of each division shall have complete discretion as to the nature, structure, and composition of his or her committee, which exists to aid that person in the performance of his or her duties. The meeting shall be called at the discretion of that Vice President.

25.02 The Vice President of each division, or his or her appointee, shall preside over and regulate committee meetings, which shall be initiated by the setting of an agenda pursuant to Roberts Rules of Order and which agenda shall be followed by all participants and guests.

25.03 Association members who are not members of the committee may be invited to attend and to offer comments on terms to be set by the ~~preside~~ president. Violations of these rules shall be considered violations of the rules of the Association.

25.04 While the product of this Association is not confidential, matters considered in generating that work product may be deemed so. Matters deemed confidential by the ~~preside~~ president shall remain confidential. Breaches of confidentiality shall be considered violations of the rules of this Association.

25.05 The presiding Vice President shall have the discretion to remove committee members or other participants from any meeting and/or to refer any violation of these rules to the Enforcement Division for further action.

RULE 26:

REGULATIONS GOVERNING AWARDS AND SPECIAL RECOGNITIONS :

~~Anyone being nominated to receive~~ Qualification for receipt of a special award or recognition by TWHBEA shall be a membership in good standing with the Association. Nominees to receive special awards and/or recognition shall be reviewed by the Executive Committee or a designated committee to verify and confirm that:

(A) ~~1.~~ The nominee currently holds an active membership in the Association.

(B) ~~2.~~ The nominee is not serving a USDA-initiated and finally adjudicated Horse Protection Act suspension of thirty (30) days or longer, has not served any such HPA suspension within the last 365 days, nor ~~be~~ has served any HPA suspension of thirty (30) days or longer from any USDA-certified horse industry organization.↵

RULE 27

MEMBERSHIP/TPEDS RENEWAL CYCLE

27.01 TWHBEA memberships are on an anniversary cycle. All memberships will begin immediately upon activation and payment of dues and expire 12 months later. Member benefits are suspended immediately if a

membership is not paid by the renewal date. For the purpose of determining a consecutive membership, a membership is considered lapsed after one year of non-payment.

27.02 Likewise, IPEDS memberships are on an anniversary cycle and subject to the same rules as are TWHBEA memberships.

RULE 28

PROOF OF APPLICATION FOR REGISTRATION—NON-PARENTAGE VERIFIED

~~“Under the authority of Article III, Section 15 of the TWHBEA Bylaws, the Executive Committee has approved Corporate Rule 28 (to be published 30 days prior to taking effect) as follows:~~

~~“Individuals registering foals will now have the option to delay the purchase of a DNA Kit at the time of registration, and all individuals registering a foal will receive a ‘Proof of Application for Registration’ at the time of registration. This document will be a bright yellow certificate showing only the sire and dam in the pedigree tree and clearly indicate that the foal is ‘Non-Parentage Verified.’ The Proof of Application for Registration document can be transferred from owner to owner; however, offspring from non-parentage verified parents are not eligible for TWHBEA registration. In addition, non-parentage verified horses are not eligible for TWHBEA awards. They may participate in TWHBEA programs such as the ‘Distance Program, Go Gelding, Motivated Mare, etc., but in order to win an award or have their points counted, they must be fully parentage verified. It is a violation of this rule to exhibit any horse at any show that has not applied for parentage verification.”~~

RULE 29

ELECTIONS

As provided in the By-Laws of the Association, the Directors are elected by the members, and the officers are elected by the Directors. This rule prescribes the procedure for both.

29.01 A six-member Election Committee will be appointed by the Executive Committee. No more than four members from any given state may serve on the Committee. A TWHBEA member who is a candidate for Director in the election may not serve on the Election Committee. The Executive Committee shall appoint the Chair of the Election Committee from one of the six Election Committee appointees. The Election Committee will be responsible for conducting the election. The Election Committee shall decide, by majority vote, whether the election will be conducted by an independent third party on paper ballots; in-house on paper ballots; or a combination of paper ballots and electronic voting as set out below.

29.02 Members willing to be candidates for the Board of Directors shall notify the TWHBEA Executive Director in writing on or before August 1st of each election year. If all eligibility requirements are met, those members' names will be listed on the TWHBEA website.

29.03 Only those persons who have notified the Executive Director in writing will be printed on the official ballot, and only official ballots will be accepted. Write-in names will be accepted and tabulated, provided that all other eligibility requirements are met.

29.04 If any state or region does not have a declared candidate, or has fewer declared candidates than there are open positions and no write-in votes are submitted, then that state or region may be represented by the director elected in a contiguous state or region, in the discretion of the Executive Committee to the extent that discretion is necessary, until the next election period.

29.05 The Association shall make every effort to compile a database of email addresses for all members, including specific and directed efforts prior to August 1 of each year. Those efforts shall include descriptions of current rules and opportunities concerning electronic voting.

(a) **Voting within the United States.** ~~After~~ Each year, the Election Committee ~~may~~ shall send an email to all Association members who have current email addresses on file with the Association. Those members shall be notified that their votes in the upcoming election may be conducted electronically, if they indicate their preference to vote electronically. ~~After considering the responses of the members, the Election Committee will decide whether to allow electronic voting. If so,~~ The election will proceed with paper ballots for all members except those who have expressed a preference to vote electronically.

(b) **Voting by Members Outside the United States.** Voting on the part of members residing outside the territorial United States, including members residing in territories, shall be conducted electronically, and paper balloting shall not be allowed. As with other members, every effort shall be made to collect and retain valid and current email addresses for international members, and to explain and facilitate the electronic voting process.

29.06 ~~If the Election Committee decides to use electronic voting,~~ The electronic voting will be conducted by a non-conflicted independent third party, and this third party will be required to certify that the electronic voting has been conducted properly, accurately, anonymously, and with appropriate security. The third party will keep sufficient information to respond to challenges. Once the results are final, the third party will retain no information.

29.07 If the Election Committee decides not to conduct the paper balloting in-house, the paper voting will be conducted by a nonconflicted independent third party, and this third party will be required to certify that the paper voting has been conducted properly, accurately, anonymously, and with appropriate security. The third

party will keep sufficient information to respond to challenges. Once the results are final, the third party will retain no information.

29.08 If the Election Committee decides to conduct the paper balloting in-house, the following procedures will be used:

- (a) The paper ballot packet will include an explanation of the election procedure, a ballot listing all candidates from the state or region, a plain envelope for the ballot and a return envelope which will bear a label with the voter's membership number only. (Membership numbers, and/or a barcode for computer read-out of membership numbers, not names, may be used to verify voter's eligibility.) Voting members will be instructed to seal their completed ballot, unsigned, in the plain envelope and seal the plain envelope in the return envelope.
- (b) The return envelopes for paper voting will be addressed to a post office box reserved by TWHBEA solely for election returns. All paper ballots shall be required to be in the Election Committee post office box by October 15th. All returned paper ballots shall be picked up from the post office box on the first day of results' tabulation (and not before that day), by two designated Election Committee members. The unopened paper ballots will be taken directly to the Election Committee meeting for tabulation. Any ballots found already open or the security of which is found to be otherwise compromised at the Election Committee meeting will be considered ineligible for counting.
- (c) All returned envelopes for paper voting will be put in numerical order by membership number, and voters' numbers will be cross-checked against the list of eligible voting members. Only one ballot per member will be allowed.
- (d) All return envelopes for paper voting will be opened and put aside, in order that no one could later match specific ballots to specific voters. The plain envelopes containing ballots will then be opened and ballots removed. After all the envelopes are opened and ballots removed, both envelopes and ballots will be counted as a final cross-check. (All return envelopes shall be kept to recount the total vote after ballots are counted.) Members of the Election Committee will then tabulate election results from the paper ballots and add them to the results of the electronic voting, if any, as certified by the third party, for the results of the election.
- (e) After all results have been tabulated, and prior to meeting adjournment, the returned envelopes and ballots for paper voting will be securely sealed in separate boxes, be retained for safekeeping by the Election Committee Chairman. In case of a disputed election, the boxes may be opened only upon the approval of the Executive Committee and opened only in the presence of a majority of Election Committee members.
- (f) **Processing of Provisional Ballots.** If, for any reason, a member does not receive an emailed or mailed ballot from the Association, the member may request a provisional ballot from the TWHBEA office.
 1. The Association will first attempt to email the provisional ballot for online voting.
 2. If this effort to email the ballot is unsuccessful for any reason, TWHBEA shall print a new ballot and envelope, marked as a provisional ballot.

3. Provisional ballots must be returned by the date indicated for other ballots and this time shall not be extended.
4. Returned provisional ballots, whether electronic or mailed, shall be set aside in files marked as provisional.
5. Ballots in the provisional file shall be checked against the original ballots. If the original ballot has not been tabulated, the election authority shall then tabulate the provisional ballot as that member's vote. Conversely, if the original ballot has already been tabulated during the non-provisional tabulation, the provisional ballot will not be tabulated.

29.09 In case of a tie between two candidates, a run-off election shall be held between those two candidates alone. This run-off balloting may be conducted using the same method(s) as the first ballot, in time for the annual meeting.

29.10 The election of officers shall be conducted as provided in the By-Laws. Uncontested elections may be by voice vote. Contested elections shall be by secret ballot. The ballots will be distributed, collected, and counted in full view of any Director or member who wants to watch.

29.11 As of calendar year 2023, a voting member is defined as a member who owns a walking horse in his or her name at the time ballots are mailed. Members in good standing at the conclusion of 2022 who do not own a horse but have had voting privileges shall be granted continued voting privileges provided their membership is kept current on an annual basis. A member prior to 2022 whose voting membership lapses shall lose voting membership privileges. Only one member/owner of a horse owned in the name of a corporate structure may claim that horse for the purposes of voting privileges.