

ELECTIONS RULES

SBA ELECTIONS COMMITTEE

ARTICLE I. SCOPE AND AUTHORITY

SECTION 1.01 SCOPE

- a) These Elections Rules are in place to promote fair, open and unbiased elections.
- b) These Elections Rules apply to any matter relating to or affecting the elections of the Student Bar Association.

SECTION 1.02 AUTHORITY

- a) These Elections Rules are authorized by the SBA Constitution and SBA Bylaws.
- b) These Elections Rules interpret, apply and administer the SBA Constitution and SBA Bylaws.
- c) Should any material difference exist between these Elections Rules and the SBA Constitution and SBA Bylaws, the SBA Constitution and SBA Bylaws, in that order, control.
- d) In the interests of holding a fair, open and unbiased election, a Decision of the Committee may waive, adjust, rescind or otherwise alter any of these Elections Rules.

ARTICLE II. COMMITTEE

SECTION 2.01 MEMBERSHIP

- a) The SBA Constitution and SBA Bylaws specify the membership on the Committee.
- b) The Elections Chair and its members comprise the voting membership of the Committee.
- c) The Elections Chair will preside over the Committee and record the meetings of the Committee.

SECTION 2.02 DECISION OF THE COMMITTEE

- a) Making a Decision of the Committee
 - i) The Committee may only act through a Decision of the Committee.
 - ii) A majority of the voting membership of the Committee agreeing on any matter is the only way to make a Decision of the Committee.
 - iii) The Committee may make a Decision of the Committee within or without a meeting or hearing.
 - iv) If a Decision of the Committee materially and significantly affects a candidate, the Committee must make that Decision of the Committee in a meeting or hearing.
- b) Form of a Decision of the Committee
 - i) Reduction to Writing
 - 1) Any Decision of the Committee must be reduced to writing.

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- 2) The Elections Chair must publish any Decision of the Committee by making it widely available to the SBA members through any media or form.
- 3) The Decision of the Committee will be rules, procedures, meeting minutes, a certificate or an order.
 - ii) Any Decision of the Committee is a matter of public record.
- c) Acting Upon a Decision of the Committee
 - i) Any party may rely upon a Decision of the Committee.
 - ii) Advising on a Decision of the Committee
 - 1) Whenever possible, a Committee member should refer any party to a Decision of the Committee for that party's own interpretation.
 - 2) If advising on a Decision of the Committee, a Committee member must state his or her advice is not a Decision of the Committee and that the party may not rely upon that advice.

SECTION 2.03 MEETINGS OF THE COMMITTEE

- a) The Elections Chair or two Committee members may call a meeting of the Committee.
- b) The Committee may meet within or without meeting.
 - i) *Roberts Rules of Order, Newly Revised* will govern any meeting or hearing of the Committee to the greatest extent applicable.
 - ii) Meeting Without Meeting
 - 1) If reasonable and necessary, as provided by these Elections Rules, the Elections Chair may submit any matter to a meeting without meeting by submitting the question to all Committee members.
 - 2) The membership of the Committee that will decide that question is the membership of the Committee as seated when the Elections Chair submits the question to all Committee members.
 - 3) Committee members must submit their votes on the question to all Committee members.
 - 4) The agreement of the number of Committee members required to make a Decision of the Committee immediately makes such a Decision of the Committee.
- c) Any meeting of the Committee is open to the public, unless in a properly convened closed session.
- d) The Elections Chair must notify the public of any meeting of the Committee as soon as practical.

SECTION 2.04 ADMINISTRATION OF THE COMMITTEE

- a) The Elections Chair will enforce each and every Decision of the Committee.
- b) The Elections Chair is responsible for maintain all records of the Committee and will assist the SBA Secretary as custodian of SBA records.

ARTICLE III. CANDIDACY RULES

SECTION 3.01 QUALIFICATIONS

- a) A candidate must qualify and maintain qualification for the office he or she seeks.
- b) A candidate may only run for one office per election cycle.
- c) The Committee must determine all qualifications based upon a candidate's registration with the University of San Diego School of Law.
- d) Any SBA member in good academic standing with the University of San Diego School of Law, except one who is a member of the Third Year Class in the Full-Time Division or the Fourth Year Class in the Part-Time Division with the intent or expectation of graduation within one year, may run for any office, except:

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- i) For the office of First Year Class Representative, a candidate must be a member of the First Year Class and a member of the section that candidate is seeking to represent;
- ii) For the office of Second Year Class Representative, a candidate must be a member of the Second Year Class or be among those students rising to the Second Year Class;
- iii) For the office of Third Year Class Representative, a candidate must be a member of the Third Year Class or be among those students rising to the Third Year Class;
- iv) For the office of Part-Time Division Class Representative, a candidate must be a member of the Part-Time Division; and
- v) For the office of LL.M.C. Division Representative, a candidate must be a member of the LL.M.C. Division.

SECTION 3.02 DECLARING CANDIDACY

- a) A candidate must timely declare his or her candidacy, as established by the Elections Calendar.
- b) To declare candidacy, a candidate must file a Declaration of Candidacy with the Committee.
- c) A Declaration of Candidacy must be submitted by:
 - i) The form provided by the Committee delivered to the Elections Chair's student mailbox;
 - ii) Written letter addressed to the Committee and delivered to the Elections Chair's student mailbox; or
 - iii) Electronic mail message sent to the e-mail address published by the Committee.
- d) A Declaration of Candidacy must contain:
 - i) The candidate's:
 - 1) Name as registered with the University of San Diego School of Law;
 - 2) Optional request for a name change, if different than the candidate's name, as registered with the University of San Diego School of Law, to be approved by a Decision of the Committee;
 - 3) Student ID number;
 - 4) E-mail address;
 - 5) Mailing address;
 - 6) Phone number;
 - 7) Class, as registered with the University of San Diego School of Law;
 - 8) Division, as registered with the University of San Diego School of Law; and
 - 9) Office sought; and
 - ii) A statement of the candidate's good faith intent to fulfill the requirements of the office sought.
 - iii) For Honor Court candidates, a statement that the candidate believes in the Honor Code and its purposes and will uphold the provisions of the Honor Code according to the dictates of the candidate's conscience.
- e) A Declaration of Candidacy is filed:
 - i) If on the form provided by the Committee or in a written letter addressed to the Committee, upon delivery to the Elections Chair's student mailbox; or
 - ii) If sent via electronic mail message, at the time stated on the e-mail time stamp as noted on the Committee's e-mail account.
- f) Acknowledgment
 - i) Within 12 hours of filing a Declaration of Candidacy, the Elections Chair must acknowledge receipt of the Declaration of Candidacy.
 - ii) If the Declaration of Candidacy meets the requirements of this section, the Elections Chair must notify the candidate of its acceptance.

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- iii) If the Declaration of Candidacy is deficient of a required piece of information, the Elections Chair must notify the person filing the Declaration of Candidacy of the deficiency and allow that person to refile the Declaration of Candidacy, provided the refiling is also timely.
- iv) If the Elections Chair does not acknowledge a Declaration of Candidacy within 12 hours, the potential candidate must presume he or she did not properly file the Declaration of Candidacy.
- g) Verification
 - i) The Committee must accept any timely submitted Declaration of Candidacy.
 - ii) The Committee may verify the origin of each Declaration of Candidacy.
 - iii) The Elections Chair will verify all candidates with the University of San Diego School of Law.
 - iv) If a candidate qualifies for office, the Elections Chair must put that candidate on the ballot.
 - v) If a candidate fails to qualify for office, a Decision of the Committee will disqualify that candidate.

ARTICLE IV. ELECTIONS CONDUCT

SECTION 4.01 COMPLIANCE

- a) In connection with any election, compliance with these Elections Rules is required of:
 - i) Any potential or current candidate;
 - ii) Any agent of any potential or current candidate;
 - iii) Any person supporting or opposing any matter;
 - iv) Any agent of any political organization supporting or opposing any candidate or matter; and
 - v) Any member of the public.
- b) A candidate is not responsible for improper statements made by another party if the candidate, once discovering the improper statements, makes an attempt to stop the other party from making the improper statements.

SECTION 4.02 CAMPAIGNING

- a) No person may campaign for or against any candidate until that candidate has submitted a Declaration of Candidacy.
- b) No person may campaign on the campus of the University of San Diego until the date and time specified on the Elections Calendar.
- c) No person may campaign for or against any matter until the Committee first makes the Declarations of Candidacy available.
- d) No person may violate the University of San Diego's policies, including those relating to posting materials.

SECTION 4.03 ORGANIZING

- a) All candidates, except for candidates for an Honor Court position, are free to organize into political organizations for the purposes of campaign coordination.
- b) The Committee will not:
 - i) Formally recognize any political organization; or
 - ii) Treat any candidate who is part of a political organization differently from any candidate who is not part of a political organization, except as provided in these Elections Rules.
- c) Political organizations may perform any action in compliance with these Elections Rules except for campaigning for or against any candidate for an Honor Court position.
- d) Honor Court candidates cannot campaign for or against any political organization

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SECTION 4.04 FINANCES

- a) Candidates for Office
 - i) No candidate may spend or have spent more than \$200, regardless of source, in support of his or her candidacy, of which that person may spend no more than \$50 on consumer goods.
 - ii) If candidates are part of a political organization, those candidates may pool their spending together up to the sum of the limit for the total number of candidates that are part of that political organization.
 - iii) A candidate must count as part of his or her spending limit any in-kind donation from any party.
- b) No person may spend more than \$50 in support of or in opposition to any referendum.
- c) Financial Records
 - i) The Committee may require the production of spending records from any person subject to this section.
 - ii) Candidates and political organizations must keep financial records to aid in enforcing this section.

SECTION 4.05 PUBLIC STATEMENTS

- a) No person may make any public statement that is false or misleading.

SECTION 4.06 INTERACTION WITH VOTERS

- a) No person may threaten or harass any voter.
- b) No person may offer or solicit any bribe in connection with an election.
- c) Once the Elections Chair declares an election open, no person may actively campaign for or against an office or matter within the same room as or within twenty-five feet of a polling place.

SECTION 4.07 INTERACTION WITH THE COMMITTEE

- a) No person may make any misrepresentation to the Committee or to Committee members.

SECTION 4.08 FAIR, OPEN AND UNBIASED ELECTION

- a) No person may take any action or allow any inaction that undermines a fair, open and unbiased election.

ARTICLE V. ELECTIONS OPERATIONS

SECTION 5.01 ELECTIONS CALENDAR

- a) A Decision of the Committee will establish an Elections Calendar for each election.
- b) Each Elections Calendar must specify the date and time for:
 - i) The deadline for submitting Requests for Absentee Ballots;
 - ii) The deadline for submitting Declarations of Candidacy;
 - iii) The beginning of on-campus campaigning; and
 - iv) Periods when polls will be open.
- c) The Elections Chair will publish the Elections Calendar as soon as the Committee establishes it.

SECTION 5.02 VOTER GUIDES

- a) The Committee must provide voter guides for voters.
- b) Voter guides must include:

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- i) How to vote;
 - ii) A list of the offices up for election;
 - iii) A summary of the duties for each office up for election;
 - iv) A list of candidates;
 - v) The candidate information provided by each candidate; and
 - vi) How to file an appeal.
- c) Candidate Information
- i) Any candidate must have an opportunity to provide a tagline and brief statement to voters.
 - ii) Candidate information must not be untruthful, offensive or obscene.

SECTION 5.03 ABSENTEE BALLOTS

- a) Any SBA member who will not be within 50 miles of a polling site for due cause during any election may make a Request for Absentee Ballot.
- b) A Request for Absentee Ballot must be submitted by:
 - i) The form provided by the Committee delivered to the Elections Chair's student mailbox;
 - ii) Written letter addressed to the Committee and delivered to the Elections Chair's student mailbox; or
 - iii) Electronic mail message sent to the e-mail address published by the Committee.
- c) A Request for Absentee Ballot must contain the voter's:
 - i) Name;
 - ii) Mailing address to receive the absentee ballot;
 - iii) Student ID number;
 - iv) Division, as registered with the University of San Diego School of Law;
 - v) Class, as registered with the University of San Diego School of Law;
 - vi) Reason for being more than 50 miles from a polling site during the election.
- d) A Request for Absentee Ballot is filed:
 - i) If on the form provided by the Committee or in a written letter addressed to the Committee, upon delivery to the Elections Chair's student mailbox; or
 - ii) If sent via electronic mail message, at the time stated on the e-mail time stamp as noted on the Committee's e-mail account.
- e) Acknowledgment
 - i) Within 12 hours of filing a Request for Absentee Ballot, the Elections Chair must acknowledge receipt of the Request for Absentee Ballot.
 - ii) If the Request for Absentee Ballot meets the requirements of this section, the Elections Chair must notify the voter of its receipt.
 - iii) If the Request for Absentee Ballot is deficient of a required piece of information, the Elections Chair must notify the person filing the Request for Absentee Ballot of the deficiency and allow that person to refile the Request for Absentee Ballot, provided the refiling is also timely.
 - iv) If the Elections Chair does not acknowledge a Request for Absentee Ballot within 12 hours, the voter must presume he or she did not properly file the Request for Absentee Ballot.
- f) A Decision of the Committee will accept a Request for Absentee Ballot.
- g) One week before the polls open in any election, the Elections Chair must mail, via priority mail, one valid ballot and one pre-addressed return envelope to each person from whom the Committee has accepted a Request for Absentee Ballot.
- h) The sent absentee ballot must be postmarked on the last day of elections for that election and must be received by the Committee no later than two days after the closing of the election.

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SECTION 5.04 COUNTING OBSERVERS

- a) The Committee must allow up to seven SBA members who are not candidates to observe the counting of ballots.
- b) Each candidate may nominate to the Elections Chair one SBA member to serve as an Observer.
- c) The Elections Chair will draw at lot a list of seven Observers.
- d) The Elections Chair will forward the list onto the Committee.
- e) A Decision of the Committee will approve the list of Observers.
- f) Any approved Observer must sign a nondisclosure agreement stating the Observer will not announce the results of any count before the Committee publishes its Declaration of Winners.
- g) The Observers must not be allowed access to the area of the counting room where ballots may be.

SECTION 5.05 BALLOTING PROCEDURES

- a) A Decision of the Committee will adopt separate Balloting Procedures.
- b) The Balloting Procedures are part of, and are incorporated into, these Elections Rules.

ARTICLE VI. APPEALS

SECTION 6.01 STANDING

- a) Any SBA member may bring an appeal.
- b) The Committee, on its own initiative, may bring an appeal.

SECTION 6.02 FORM OF APPEAL

- a) An appeal is a formal lodge of a violation of the SBA Constitution, SBA Bylaws, these Elections Rules, the Balloting Procedures, any other rule, procedure, certificate or order, or any action or inaction that undermines a fair, open and unbiased election.
- b) Any appeal must be reduced to writing.
- c) Appeals from an SBA Member
 - i) Any appeal must be submitted by:
 - 1) The form provided by the Committee delivered to the Elections Chair's student mailbox;
 - 2) Written letter addressed to the Committee and delivered to the Elections Chair's student mailbox; or
 - 3) Electronic mail message sent to the e-mail address published by the Committee.
 - ii) Any appeal must contain:
 - 1) The name and contact information of the person lodging the appeal;
 - 2) An identification of the part of the SBA Constitution or SBA Bylaws, these Elections Rules, the Balloting Procedures or the rule, procedure, certificate or order violated or the nature of the action or inaction that undermines a fair, open and unbiased election.
 - 3) A statement identifying the nature of the appeal;
 - 4) A statement listing all information relevant to the appeal; and
 - 5) A subscribing signature, either in writing or electronically.
- d) Appeals from the Committee
 - i) A Decision of the Committee may lodge an appeal.
 - ii) A Committee member may lodge an appeal by making a written statement to all Committee members.

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- e) Timing of Appeal
 - i) An appeal is lodged:
 - 1) If on the form provided by the Committee or in a written letter addressed to the Committee, upon delivery to the Elections Chair's student mailbox; or
 - 2) If sent via electronic mail message, at the time stated on the e-mail time stamp as noted on the Committee's e-mail account.
 - ii) Any appeal from an SBA member:
 - 1) If concerning an action or inaction occurring before the opening of the polls, must be lodged within 24 hours of the opening of the polls; or
 - 2) If concerning an action or inaction occurring at or after the opening of the polls, must be lodged within 24 hours of the alleged action or inaction.
 - iii) Any appeal from the Committee or a Committee member must be made within a reasonable time, considering the effect the appeal will have on the election or a candidate.
- f) Acknowledgment
 - i) Within 12 hours of filing an appeal, the Elections Chair must acknowledge receipt of the appeal.
 - ii) If the appeal meets the requirements of this section, the Elections Chair must notify the candidate of its receipt.
 - iii) If the appeal is deficient of a required piece of information, the Elections Chair must notify the person lodging the appeal of the deficiency and allow that person to refile the appeal, provided the refiling is also timely, tolling the time between the appeal's filing and the Elections Chair's notification of the deficiency.
 - iv) If the Elections Chair does not acknowledge an appeal within 12 hours, the person lodging the appeal must presume he or she did not properly lodge the appeal.

SECTION 6.03 HEARING ON APPEAL

- a) If an appeal is timely filed and meets the requirements as to form, the Elections Chair must immediately notify the Committee members.
- b) An appeal is a Special Order for the Committee requiring its immediate attention.
 - i) Calling for the Hearing
 - 1) The Elections Chair will:
 - a) Immediately call for a meeting of the Committee to hear the appeal, or
 - b) If the Committee is already in meeting, suspend the pending agenda to hear the appeal.
 - ii) The Elections Chair must allow the person lodging the appeal and any other person materially affected by the appeal to appear before the Committee in hearing the appeal.
 - iii) Failure of the person lodging the appeal or any other person materially affected by the appeal to appear before the Committee is not a waiver or default of that person's claims or interests.
- c) Hearing Procedures
 - i) Hearing the Appeal
 - 1) If a member of the SBA has lodged the appeal, the Committee must provide sufficient time to the person lodging the appeal to address the Committee and explain the circumstances behind the appeal.
 - 2) If the Committee or a Committee member has lodged the appeal, the Committee or the Committee member must explain, on open record, the nature of the appeal.
 - ii) The Committee must provide sufficient time to any person materially affected by the appeal to explain that person's defenses, claims or interests.

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- iii) The Committee may provide additional time to any other SBA member to give that person's statement.
- iv) The Committee may ask questions from any person present at the hearing.
- v) Additional Investigation
 - 1) If additional investigation is required, a Decision of the Committee may postpone deciding the appeal, allowing for such investigation.
 - 2) The Committee must complete its investigation as soon as practical and without delay.
 - 3) The Committee must later meet to decide the appeal.
- vi) If the matter is ready for consideration, a Decision of the Committee will move the Committee into closed session to decide the appeal.

SECTION 6.04 DECISION ON APPEAL

- a) A Decision of the Committee that comprises an absolute majority of the Committee members will decide the appeal.
- b) The Committee must decide any appeal in the interests of having a fair, open and unbiased election.
- c) Action Upon Appeal
 - i) If the Committee finds the appeal is justified, given the nature of the violation, the Committee may take any, several or all of the following actions:
 - 1) Verbal warning to a party;
 - 2) Written warning to a party;
 - 3) A binding order requiring a party to do some action;
 - 4) A binding order requiring a party refrain from some action;
 - 5) Disqualification of a voter;
 - 6) Disqualification of a ballot, either in whole or for a particular office;
 - 7) Disqualification of a candidate;
 - 8) Voiding of an election; or
 - 9) Any other action the Committee deems justified and necessary to remedy the violation.
 - ii) A Decision of the Committee must order such action or actions.
- d) Publishing of Decision
 - i) The Committee must reduce its decision to writing.
 - ii) The Elections Chair must immediately publish any decision.

ARTICLE VII. ELECTIONS CERTIFICATION

SECTION 7.01 AUTHORITY TO CERTIFY

- a) The Committee may only certify an election that is:
 - i) Fair, open and unbiased;
 - ii) In conformity with the ballots cast;
 - iii) Without any duly brought and timely appeal pending; and
 - iv) In accordance with these Elections Rules, the Balloting Procedures and any other rule, procedure, certificate or order.
- b) The unanimous approval of the Committee will certify any election.

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SECTION 7.02 FORM OF CERTIFICATION

- a) The Committee will certify any election through an official Canvass of Votes.

SECTION 7.03 EFFECT OF CERTIFICATION

- a) A certification of election is conclusive for all purposes.
- b) Any party may act upon the certification of election.

ARTICLE VIII. ADOPTION AND AMENDMENT

SECTION 8.01 ADOPTION

- a) A Decision of the Committee will adopt these Elections Rules.

SECTION 8.02 AMENDMENT

- a) A Decision of the Committee may amend these Elections Rules.

***A DECISION OF THE COMMITTEE HAS APPROVED THIS DOCUMENT.
YOU MAY RELY UPON THE INFORMATION IN THIS DOCUMENT.***