

SOUTHERN UNIVERSITY LAW CENTER STUDENT BAR ASSOCIATION

ELECTION CODE

CREATED: MARCH 1998

REVISED: MARCH 2015

REVISED BY: Parliamentarian V. Morgan

Preface

The primary purpose of the Student Bar Association (hereinafter the "SBA") Election Code is to provide guidelines to ensure honest elections that are fair to all involved. In upholding its responsibility to the student body, the Election Committee shall hold candidates accountable for their actions or acts done on their behalf.

ARTICLE I: GENERAL PROVISIONS

Section 1. Election Code; Copies; persons held responsible

Every person who files for an elected office under the authority of the SBA Constitution shall receive a copy of this Election Code. All candidates and their volunteers shall be responsible for the information contained in this document and any amendments and addenda made thereto.

Section 2. Election Code; Power of the Election Committee

The Election Committee shall have the power to interpret and apply this Code.

Section 3. Election Code; Amendments; Effective Dates

The SBA, whenever it is deemed necessary, shall propose amendments to this Code and their effective dates, subject to a two-thirds majority vote of the Executive Board.

Section 4. Election Committee; Meetings

The Election Committee shall meet at least once during the Fall and Spring semester(s). In the Fall semester, the Committee shall discuss improvements to the election process and submit suggestions to the SBA Executive Committee regarding the same. Election dates shall be set by the Election Committee for the Fall and Spring semester and submitted to the SBA Executive Committee.

Section 5. Election Committee; Appeals

Any decision of the Election Committee may be appealed to the SBA Judicial Committee.

Any appeals shall be directed to the Judicial Committee. The SBA Parliamentarian shall serve as the presiding officer of the Judicial Committee. The SBA Parliamentarian shall immediately call a meeting of the Judicial Committee to expedite the matters. The decision of the Judicial Committee, if

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approved by the Vice Chancellor of Student Affairs, shall be final and binding on all parties involved.

Section 6 Multiple Candidacy; Prohibition

No person shall be a candidate of more than one (1) office established under, or elected under the authority of the SBA Constitution.

Section 7. Candidate Qualifications

A qualified candidate is any full time student who is in good academic standing, has the requisite grade point average for the position desired, and is not currently under disciplinary action with the Southern University Law Center.

A part-time evening student qualifies as a candidate for evening division positions only. Such student must be in good academic standing and not currently under disciplinary action with the Southern University Law Center.

ARTICLE II: ELECTION TIMETABLE

Section 1. Order of Events

The order of events for any SULC campus election shall be as follows:

- A. Selection of Election-related Dates and Deadlines
- B. Announcement of Election Date(s)
- C. Filing Periods
- D. Mandatory Informational Meetings
- E. Qualifying
- F. Active Campaigning
- G. General Election
- H. Results
- I. Run-off Election
- J. Results
- K. Validation of Election Results

Section 2. Selection of Election – Related Dates and Deadlines

The Election Committee shall be in charge of setting all dates of election related events listed in Section 1 of this Article and subject to the provision of this Code. The Election Committee shall declare all dates and deadlines relative to filing, campaigning and the Election Day(s) for the Fall and Spring SBA Election.

All deadlines and dates relative to the filing, campaigning, and election days for the Spring SBA Elections shall be declared by the Election Committee. The Election Committee shall consider this in light of all Law Week activities.

Section 3. Announcement of Elections

- A. The Commissioner of Elections shall notify the student body at least seven (7) days prior to the opening of the filing period, unless a change is approved by

the Executive Board, for the Fall and Spring elections by placing notices in the student lounge and on the bulletin boards around the school.

- B. The notice shall list the:
 - a. The position(s) to be filled in the election;
 - b. Dates for the opening and closing of filing;
 - c. Time and place that a person may file for office;
 - d. Dates of the general election and any run-off; and
 - e. Name of the Commissioner of Elections.

Section 4. Filing Period

- A. A person shall qualify as a candidate by:
 - 1. Filing his/her intention and choice with the Election Committee during the filing period;
 - 2. Meeting the requisite grade point average for the position desired:
 - a. President – 2.75
 - b. Vice President – 2.60
 - c. Other offices – 2.50
 - 3. Verification of his/her eligibility by the Election Committee.
- B. Ten (10) calendar days prior to the date of election, a four (4) day class period for filing shall be opened for filing, unless a change of dates is approved by the Executive Board, before the date of the election. Any qualified student may file an intention of candidacy form provided by the Committee for the office he/she seeks from 8am to 6pm during these days. The Office of Student Affairs shall have 48 hours (not including weekends) to determine candidate eligibility.

Section 5. Mandatory Informational

During the two final class days of the filing period, the Election Commissioner shall conduct at least two (2) mandatory informational meeting at various times scheduled in such a way as to allow for all potential candidates to easily attend at least one (1) meeting. The purpose of these meetings shall be to clarify the provisions of the Election Code and to answer any questions, which a candidate may have regarding the process. All potential candidates must attend in person or have a known representative attend at least one meeting and sign a roll, noting their attendance. The candidate's representative must sign the roll sheet stating whom he/she is representing.

Failure to attend and sign the official roll at mandatory meeting shall result in an automatic disqualification.

Section 6. Qualifying

After the closing of the filing period, the commissioner shall submit the appropriate information for each potential candidate to the Registrar's office for verification. Once the Commissioner of Elections receives verification(s), he/she shall report to the Election Committee with a listing of the candidates, and whether or not each is qualified. After any amendments and final approval of the Election Committee, the official list of qualified candidates shall be posted. This posting shall occur on the day immediately following the filing period.

Section 7. Active Campaigning

- A. There shall be no active campaigning until the Commissioner explicitly begins the campaign period.
- B. Active campaigning is any act and/or actions done or caused to be done publicly that a reasonably prudent person identifies as attempting to make a person's name known to others as a candidate or prospective candidate for election. Active campaigning includes, but is not limited to:
 - 1. Distributing campaign materials other than private distribution to immediate campaign staff. Authorized campaign staff shall be limited to 3 or 4 persons and names must be submitted on a specific campaign form; .
 - 2. Posting any campaign material;
 - 3. Announcing or discussing candidacy or prospective candidacy in print, broadcast, or any other media; and/or
 - 4. Announcing or discussing candidacy or prospective candidacy in any public forum, including gatherings of recognized campus organizations.
- C. Active campaigning does not include:
 - 1. Designing, ordering, and/or receiving campaign materials and private distribution to immediate campaign staff, or
 - 2. Private discussions, not a gathering of a recognized campus organization, concerning candidacy or prospective candidacy.
- D. Prohibited Campaign Activities
 - 1. Prohibited campaigning includes, but not limited to, workplace solicitations, web-pages, telephoning, emailing or any means not enclosed within the Law Center.
 - 2. The Election Committee shall have the authority to determine whether a candidate has engaged in a prohibited campaign activity.

Section 8. General Election

- A. The general election for the first year class positions shall take place in the Fall semester between September 15 and October 7, unless a change of dates is approved by the SBA Executive Board.
- B. The general election for the SBA President, Vice President, Treasurer, Secretary, Parliamentarian, ABA/LSD Representative, Editor-In-Chief of the Public Defender, and all Executive Committee members as enumerated in the

SULC SBA Constitution shall be held between March 15 and April 7, unless a change of dates is approved by the SBA Executive Board.

Section 9. General Election Results

The unofficial results of the general election shall be announced by the Commissioner of Elections in an appropriate room of the Law Center building on the last night of the general election, after the votes have been tallied in the presence of an authorized representative of each candidate (said authorization shall be in writing and addressed to the Commissioner). Any candidate for President, Vice President, Secretary, Treasurer, Parliamentarian, ABA/LSD Representative, or Editor-in-Chief of the Public Defender who receives a majority (fifty percent plus one) vote cast in the general election shall be considered the winner.

For Class Presidents and Class Representatives, any candidate who receives a majority (fifty percent plus one) of the votes cast in the general election shall be considered the winner. If the results are not contested within two (2) days of the election, then the results are considered official and final.

Section 10. Run-off Election

Except as otherwise provided in this Election Code, if no candidate in the general election receives a majority of the votes cast for a particular office, the two (2) candidates receiving the highest number of votes in said election shall be in a run-off election. However, in the event that there are only two (2) candidates in the general election the candidate receiving the most votes will be declared the winner. However, if the general election between the two (2) candidates results in a tie, the election shall be rerun in a run-off election. If a run-off election results in a tie, then the Election Committee shall conduct a second run-off election between the tied candidates.

If there are more than two (2) candidates in the general election and there is a tie for second place and a run-off is needed, then the first place candidate and the two (2) candidates that tied for second place shall all run in the run-off election.

The candidate who receives the most votes in the run-off shall be the winner, regardless of whether he/she receives a majority of the votes cast. The run-off election shall be at least two days after the general election.

Section 11. Run-off Election Results

The unofficial results of the run-off election shall be announced in the same manner as the results of the general election.

Section 12. Validation of Election Results

If no complaints or appeals are registered within two (2) class days of the announcement of any election results (general or run-off), then all results shall be deemed final.

ARTICLE III: ADMINISTRATION OF ELECTIONS

Section 1. Commissioner of Elections; Appointment

The SBA President with the approval of the SBA Executive Board shall appoint the Commissioner of Elections.

Section 2. Commissioner of Elections; Powers and Responsibilities

The duties and responsibilities of the Commissioner of Elections shall be as follows:

- A. To serve as the Chairperson of the Election Committee;
- B. To serve as administrator to the election process;
- C. To chair all election personnel;
- D. To execute the provisions of the SBA Constitution relative to elections and all other provisions of this Code;
- E. To ensure that the Election Committee presents a defense in the event that an Election Committee decision is appealed or if a complaint is filed;
- F. To have the authority to expand such funds that are appropriated to the Election Committee's use, with the consent of the Committee;
- G. To ensure that a debate takes place for all Executive Committee offices, including the 1L Class President and Section Representatives; and
- H. To serve as Secretary and Custodian of Records for the Election Committee.

Section 3. Commissioner; Action(s) requires Committee approval

All actions of the Commissioner of Elections must meet the majority approval of the Election Committee. The Committee may veto/overrule any action of the Commissioner by a majority vote.

Section 4. Election Committee; Appointments

There shall be nine (9) members of the Election Committee, including the Commissioner of Elections. The Commissioner shall vote only in the case of a tie. The Committee shall consist of three (2) members from each class, including two (2) members from Evening Division. The members of the committee shall be appointed by the SBA President, in accordance with the SBA Constitution.

Section 5. Election Committee Personnel

The Committee, and/or the Commissioner shall appoint all election personnel.

Section 6. Election Committee; Quorum

A quorum of the Election Committee shall consist of the presence, in person, of at least six (6) of the ten members, which shall include the Commissioner of Elections. The Commissioner shall not take action without a quorum present.

ARTICLE IV: CAMPAIGN PRACTICES

Section 1. Campaigning; Definition(s)

Campaigning is an activity by a person, which is intended or is likely to encourage a voter to cast a ballot in favor of or in opposition of a candidate or issue thereby affecting how he/she votes. This includes the placement of signs or the like on display. This provision shall be broadly construed so as to encompass any activity, which a reasonable prudent person identifies as campaigning.

Voting is an activity conducted by a person for the purposes of promoting the candidate or legislative change in which that person believes should win an election. After campaigning by candidates has taken place, students shall then vote on the candidate and legislative changes to the SBA Constitution and/or Election Code.

Section 2. Campaigning; On Campus; Rules and Regulations

Campaigning on campus must comply with Southern University and the SULC rules. Campaigning on campus shall be restricted to the Law Center's interior.

Section 3. Campaigning; Off-Campus

There shall be no off campus campaigning.

Section 4. Campaigning; Prohibited Methods

Prohibited methods of campaigning include, but are not limited to:

- A. Campaigning via aircrafts, motorcades, and/or parades;
- B. Campaigning through use of loudspeakers, sirens or other noisemakers (which includes bands, boom boxes, and/or disc jockey's);
- C. Campaigning through advertising on commercial radio or television;
- D. Campaigning in the SBA office, this includes the wearing of stickers, distribution of materials, and creation or storage of materials. This specifically includes the use of the SBA computers; or
- E. Campaigning through the use of helium balloons.

Section 5. Campaigning; Intimidation of Voters

No candidate or person acting on behalf of the candidate shall offer "anything of value", which includes, but is not limited to, currency or any item exceeding twenty dollars (\$20.00) fair market value, nor shall any candidate or person acting on behalf of the candidate make any threat to any voter to affect students' vote.

Section 6. Endorsements

Any student organization that is recognized by the University may publicly endorse any candidate for office providing that the organization is not on any type of probationary or provisional status with the University and it has the prior approval of the candidate to be endorsed. However, any literature or paraphernalia

distributed and/or funded by the organization on behalf of a candidate shall be subject to the election guidelines and included in the candidate's budget.

Section 7. Campaigning on Election Day

On Election Day all campaign paraphernalia must be removed or covered. All signs and other materials must be removed from the Law Center before voting begins on Election Day. The Committee may set slightly stricter guidelines to ensure that this section is enforced.

Section 8. Litter; Announcing Election Results

No results of any election shall be announced until the Commissioner of Elections has pronounced the campus to be free of campaign litter. All candidates must remove ALL campaign materials within twenty-four (24) hours before Election Day. However, if Election Day falls on a Monday, candidates must remove all campaign materials by 10:00 a.m. In the instance of a run-off election, those candidates participating may again place their campaign materials in designated places throughout the Law Center during the designated run-off campaign period. All candidates in a run-off election must remove ALL campaign materials from the Law Center twenty-four (24) hours before the date of the scheduled run-off.

ARTICLE V: CAMPAIGN SPENDING LIMITS

Section 1. Campaigning; Spending Limits

The Commissioner of Elections shall publicly disclose the spending limits for the Fall and Spring elections based upon the enrollment numbers from the Admissions Office, registrar's office or other SULC office that handles enrollment. The Elections Committee shall set the spending limit at \$2.00 per SULC student qualified to vote for the position in question. This limit shall apply throughout the entire election process including all subsequent run-offs. Donations shall constitute those items that are assessed at fair market value that are not directly provided by the candidate.

Section 2. Expenditures; Scope

A candidate's total expenditures shall include all goods and services purchased by or donated to a candidate (as donations are defined in Art. V, § 1 of this Code), for use in the election, or use in any way furthering that candidate's campaign or detracting from the campaign of any or all of that candidate's opponents.

Section 3. Expenditures; Valuation

All goods and services (includes tax and shipping and handling) shall be valued at the fair market value of that good and service. The Committee will recognize the retail value paid for a good or service at its fair market value. The Committee reserves the right to revalue a good or service in response to a complaint that the good or service is not reported at its fair market value.

Section 4. Expenditure Report

All candidates are required to submit expenditures reports on forms provided by the Committee at the time of filing. All receipts for purchases made toward campaigning shall be attached to the back of the report at the time of submission. These reports shall be public record after the election. Candidates shall sign their reports and certify that they are accurate and completed under penalty of disqualification. The expenditure report is due at 4:30 pm on the day before the general election. Amended reports in the case of a run-off election are due the day of the run-off election.

If one or more candidates' names appear on campaign materials, both candidates shall account for said material in their budget.

ARTICLE VI: VOTING

Section 1. Voting; Procedure

Voting links will be sent to SULC e-mail accounts by the SBA Faculty Advisor; voting shall be completed online via the link provided. It is imperative that any student that does not receive a voting link notify the Commissioner of Elections or the SBA Faculty Advisor prior to the time set forth below in Section 2.

Section 2. Voting; Times

The voting times on Election Day shall be from 6:00 am to 6:00 pm.

Section 3. Voting; Identification

Each member of the Student Body as defined by the SBA Constitution with a valid Southern University picture identification or any other state issued pictured identification shall be entitled to cast one vote in an election that the SBA Constitution or other applicable rules entitles him/her to vote.

Section 4. Procedure for Validating Eligible Voters

Each member of the Student Body as defined by the SBA Constitution shall be listed on a class roster verified and received from the Law Center's Admissions Office. All verified students appearing on the list are entitled to cast his/her vote. This includes part-time and evening division students.

ARTICLE VII: BALLOT

Section 1. Ballot; Order of Candidates

Candidates shall appear on the general election ballot in alphabetical order, in the manner in which it appears on the intention of candidacy form. This order shall remain the same for the run-off election.

Section 2. Posting of Candidates

The Commissioner shall post a list of all candidates at least two (2) class days prior to any election. The names and order (alphabetical) of the posted candidates shall be the same as those used on Election Day.

Section 3. Withdrawal

If a candidate wishes to withdraw from an election, he/she must do so by meeting with the Commissioner in person, presenting a valid picture ID, and giving the Commissioner a written, signed statement of his/her withdrawal. It shall then be the Commissioner's duty to inform the student body of the withdrawal of candidacy. Should a withdrawn candidate's name be inadvertently placed on the ballot, any votes cast in favor of the withdrawn candidate shall be excluded from the official tally of the votes.

ARTICLE VIII: APPEALS AND COMPLAINTS PROCEDURE

Section 1. Complaints for Violations; Time Limits

Complaints of violations of the Election Code provisions must be submitted in writing on the proper complaint form to the Election Committee within twenty-four (24) hours of the alleged violation. The Committee will then, within twenty-four (24) hours, decide what action shall be taken as a result of the complaint. Complaints shall be submitted on a "complaint form." If the Election Committee does not provide a form, the complaint may be submitted to the Commissioner in writing.

Section 2. Complaints; Standing

Complaints of Election Code violations may be brought to the Election Committee by any Southern University Law Center student, faculty member, or administrator.

Section 3. Complaints; Procedure

A complaint concerning irregularities in the conduct of an election by the Committee may be brought by a law student, faculty member, or administrator. This complaint must be filed not more than forty-eight (48) hours after the closing of the election in question.

Section 4. Complaints; Burden of Proof

The person making the complaint shall have the burden of proving the alleged violation. If that person or his representative is not present at the hearing, if such presence is requested by the Committee, the complaint shall be dismissed.

Section 5. New Election

If the Committee determines that the action(s) of itself, any person, or any organization have cast a reasonable doubt on the fair outcome of an election, it may order the particular election run over. If the Committee determines that the results of that particular election are a true expression of the desires of the constituents of the office involved, it shall deny the appeal and declare the results of that election official.

Section 6. Notification to the Complainant

The Election Committee shall take immediate action to notify the complainant and the accused of the Committee's ruling on a complaint.

ARTICLE IX: PENALTIES FOR VIOLATION

Section 1. Sanction; Violations of Campaigning Spending Limit Rules

Any candidate failing to file any report of campaign expenditures required by this Code shall be disqualified. Any candidate exceeding the limit on campaign expenditures set by this Code shall be disqualified. This provision shall not be deviated from in the manner or time prescribed by the Commissioner or this election code.

Section 2. Sanctions; Failure to Attend an Informational Meeting

Any candidate failing to attend at least one (1) of the mandatory informational meetings shall be disqualified, unless the candidate has made special provisions to meet personally with the Committee or the Committee approved his/her absence due to extraordinary circumstances.

Section 3. Sanctions; Candidates

If a candidate or any of his volunteers is found guilty of violating this Code or knowingly benefits from a violation of the code, the candidate shall be penalized by the Committee in the manner deemed appropriate from the following:

- A. Private censure, reserved for only for minor cases;
- B. Public censure, the general minimum sanction;
- C. Restriction of the candidate and his volunteers from campaigning for a fixed period of time in such a manner as the Committee feels appropriate; and
- D. Disqualification.

Section 4. Sanctions; Others

If a person who is not a candidate or if an organization is found guilty of violating this Code, the candidate benefiting from the action shall be disqualified from the election and/or penalized by the Committee in the manner deemed appropriate from the following:

- A. Private censure, reserved for only for minor cases;
- B. Public censure, the general minimum sanction; and,
- C. Restriction of the person or organization from campaigning for a fixed period of time and in such a manner as the Committee feels appropriate.

Section 5. Other Measures

The Committee may order any person or organization found in violation of this Code to take such steps as are necessary to cease the violation. An example of this is an order to remove campaign signs, which are illegally placed. Failure to

comply with such an order is a violation of this Code and may be complained of by the Commissioner, with the consent of the Committee.

Section 6. Additional Sanctions; Report with the Vice Chancellor

If in the opinion of the Committee and if the violation warrants it, the Committee may direct the Commissioner to file a report with the Vice Chancellor's Office with the recommendation that the Vice Chancellor prosecute the offending person or organization under the provisions of the Student Handbook or other appropriate University rules.

ATTACHMENT(S)
CANDIDATE ACKNOWLEDGMENT FORM

I, _____, acknowledge that I have received a copy of the following documents:

1. The SULC SBA Constitution;
2. The SULC Election Code;
3. An Intention of Candidacy Form; and
4. An Expenditure Report Form

I further acknowledge that I have attended and/or have sent a named representative to at least one (1) mandatory informational meeting prior to submitting an intention of candidacy form as required by Article II, § 4 (B) of this Election Code; that I have read and understand the Election Code and agree to be bound by its terms as required by Article I, § 1 of the Election Code; that I have been made aware of the appeals and complaints procedure contained in Article VIII, § 1-6; that I have been made aware of the penalty for violating any terms of the Election Code as contained in Article IX, § 1-4; that I have been informed of the dates and time for submitting all documents to the Commissioner of Elections; and that I have been informed of the date and times of the General Election the Run-off Election, if necessary. By signing below I understand that I have read and understand the contents of this form, the SBA Constitution, and the SBA Election Code.

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Print Full Name

Signature

Date