

The Election Code of the Student Bar Association

Preamble

This Code has been drafted to aid in the officer elections of the Student Bar Association ("SBA" or "Association") and votes on referenda. (SBA Const. Arts. IV § 5(C), VIII § 1(B)(3)) If there is a conflict with this Code and the SBA Constitution, the latter is controlling. Pursuant to Article VIII § 1(A)(1)(a) of the SBA Constitution, it is the duty of the Ethics Committee to interpret this Code. Any Member may submit questions concerning this Code to the Chair of the Ethics Committee. Members of the Election Code Revision Committee may not be questioned as to their legislative intent.

§ 1. Definitions

- a. Any student, regardless of class classification or visiting status, that is currently enrolled in the Law Center and pays student activity fees to the Student Bar Association shall be eligible for membership into the Association. (Art. III § 1(A))
- b. Members. General Members, Visiting Members, and Graduate Members are Members of the Association.
- c. General Members. General Members shall consist of any eligible non-visiting student that is currently enrolled in the Law Center as a 1L, 2L, or a 3L. Law Center students visiting other legal institutions or who are enrolled in a joint degree program shall be General Members if they meet the eligibility requirements for membership. (Art. III § 2(A))
- d. Visiting Members. Visiting Members shall consist of any eligible student that is visiting the Law Center from another legal institution or any student from Southern University involved in the LSU-Southern University Co-Op Program. (Art. III § 2(B))
- e. Graduate Members. Graduate Members shall consist of any eligible student that is enrolled in any graduate program offered by the Law Center. (Art. III § 2(C))
- f. Saturdays, Sundays, legal holidays, or days on which weather or other conditions would make the Law Center inaccessible do not count toward times prescribed in this Code.

§ 2. Qualifications for Candidacy

- a. All interested Members must complete and submit the Statement of Intent Form found in the appendix of this Code to qualify to run for any officer position in the Association, other than LLM Representative. (Art. IV § 5(A); Art. IV § 6(D)(3)) A simple majority vote of the Association may add this requirement for the LLM Representative. (Art. IV § 6(D)(3))
- b. All officers of the Association must be General Members or Graduate Members of the Association who will be physically attending the Law Center at the time of their election and throughout their tenure of office. (Art. IV § 4(A)) Any Member who is on academic probation is ineligible to run for office.
- c. Exceptions.

1. No person may be a candidate for more than one office. (Art. IV § 5(B))
2. No person serving on the Elections Committee may be a candidate for any office. (Art. VIII § 1(A)(2)(c))
3. No person serving on the Ethics Committee may be a candidate for any office. (Art. VIII § 1(B)(4))
- d. Executive Officers. These positions shall be held by any General Member or Graduate Member: (Art. IV §§ 4(F), 1(A))
 1. SBA Executive President
 2. SBA Executive Vice President
 3. SBA Executive Secretary
 4. SBA Executive Treasurer
 5. SBA Director of Programming
- e. Senior Class Officers. These positions shall be held by General Members classified as 3Ls: (Art. IV §§ 4(B), 1(B))
 1. Senior Class President
 2. Senior Class Vice President
 3. Senior Class Secretary
 4. Senior Class Representative
 5. Senior Class Representative
- f. Junior Class Officers. These positions shall be held by General Members classified as 2Ls: (Art. IV §§ 4(C), 1(C))
 1. Junior Class President
 2. Junior Class Vice President
 3. Junior Class Secretary
 4. Junior Class Representative
 5. Junior Class Representative
- g. Freshman Class Officers. These positions shall be held by General Members classified as 1Ls: (Art. IV §§ 4(D), 1(D))
 1. Freshman Class President
 2. Freshman Class Vice President
 3. Freshman Class Representative of Section 1
 4. Freshman Class Representative of Section 2
 5. Freshman Class Representative of Section 3
 6. If there are more than three 1L class sections, then an additional Freshman Class Representative shall be elected therefrom. If there are less than three 1L class sections, then the class representative not assigned to a section shall be elected by the entire 1L class.
- h. Graduate Officer. This position shall be held by a Graduate Member: (Art. IV §§ 4(E), 1(E))
 1. LLM Representative
 2. Article IV § 2(B) of the SBA Constitution designates this position as non-voting unless the number of LLM students reaches thirty students.

§ 3. Campaign Practices and Expenditures

- a. Vicarious conduct prohibited. A Candidate may not encourage another person, directly or indirectly, to commit any act or omission that this Code prohibits a

- Candidate from committing. A Candidate's failure to discourage another person from committing such acts or omissions is culpable to the extent that the Candidate knew that person was going to commit them.
- b. Campaign paraphernalia prohibited. Notwithstanding the filing of the Statement of Candidacy, no candidate shall use any physical instrument to promote his or her candidacy in any way, nor shall any physical instrument be used on any candidate's behalf. This includes, but is not limited to signs, posters, flyers, cards, and the like.
 - c. Campaigning via Electronic Messages. Candidates are encouraged to meet their fellow classmates and promote their candidacy through in-person interaction. All communication via electronic messages is prohibited. Electronic messages include but are not limited to: text messaging, emails, and any type of instant messaging program, e.g. gtalk, facebook, AIM, etc. However, personal, direct electronic communications between two people is not prohibited. Also, passive communications, e.g., updating a status, is not prohibited.
 - d. Campaign expenditure prohibited. No Candidate shall spend any money, nor shall any money be spent on any Candidate's behalf to promote his or her candidacy in any way.
 - e. Interruption, disruption, or delay of class. No Candidate shall interrupt, disrupt, or delay any class period to promote his or her candidacy in any way, unless the Candidate has express written permission from the professor. A Candidate may address a class before or after the class period occurs.
 - f. Campaigning in proximity of the official polling station prohibited. Candidates shall not campaign or promote any Candidate in any way within ten (10) feet of the official polling station.
 - g. Candidate Forums. Candidates will be allowed to verbally campaign in the Candidate Forum.
 - h. Voter Intimidation. No Candidate shall offer anything of value, corporeal or incorporeal, or make any threat to any Member to affect the Member's vote. The term "anything of value" encompasses any potential position the Candidate would have the authority to influence if elected.

§ 4. Election Procedures and Voting

- a. Elections for Executive Officers, Senior Class Officers, and Junior Class Officers shall be held during March of the Spring semester. (Art. IV § 6(D)(1))
- b. Elections for Freshman Class Officers and the election meeting for the Graduate Representative shall be held no later than thirty calendar days after the first day of school in the Fall semester. (Art. IV §§ 6(D)(2), 6(D)(3))
- c. The SBA Commissioner of Elections shall host an election meeting with the Graduate Members of the Association whereby a Graduate Member shall be elected as the LLM Representative. (Art. IV § 6(D)(3))
- d. The voting method will be administered as follows:
 - 1. When 2 candidates are running for the same office, the winner will be determined by a majority of the votes cast.
 - 2. When 3 or more candidates are running for the same office, the winner will be determined by an absolute majority of more than 50% of the votes cast.

- A. If no candidate receives more than 50%, then a runoff election will occur between the two candidates who received the highest vote percentage in the first election. The candidate with the majority of the votes cast in the runoff election will secure the position.
 - 3. In the event of a tie between two or more candidates in an election, a preferential voting method will be used to determine the candidates in the runoff.
- e. Ballots
 - 1. Electronic voting
 - A. No votes may be cast by email or conference call. (cf. Art. XI § 1)
 - B. Any Member may demand to vote by non-electronic means, unless the means to vote electronically is provided to them by the Association or the Law Center.
 - C. Members may vote from any voting apparatus, including but not limited to laptops or personal digital assistants, with access to the internet using PAWS.
 - f. Voter fraud shall be considered casting a ballot on behalf of any individual other than yourself.

§ 5. Administration of Elections

- a. The Elections Committee.
 - 1. The SBA Commissioner of Elections shall be chosen by the SBA Executive President. (Art. VIII § 1(B)(2))
 - 2. The SBA Executive President and the SBA Executive Vice President shall each nominate two willing Members to serve on the Elections Committee, subject to the approval of a simple majority of the officers of the Association.
 - 3. Preferably, all five members of the Elections Committee should be appointed by the end of the Spring semester to serve the following academic year.
 - 4. No person serving on the Ethics Committee may serve on the Elections Committee. (Art. VIII § 1(B)(4))
 - 5. No person serving on the Elections Committee may be a Candidate for any office. (Art. VIII § 1(A)(2)(c))
 - 6. Any member of the Elections Committee may be removed by the passage of a two-thirds vote of the officers present and voting at a duly constituted meeting of the Association. (cf. Art. VIII § 3(B))
 - 7. The SBA Commissioner of Elections may select a willing Member to fill a vacancy in the Elections Committee. If the Commissioner position is vacant, then the SBA Executive President shall choose the replacement.
- b. The Elections Committee shall administer all Officer elections of the Association and general voting on any referenda. (Art. VIII § 1(B)(1)) The Election Committee's duties include:
 - 1. Removal of improper campaign material and removal of disruptive persons within the ten (10) foot parameter of the official polling station.
 - 2. Organizing and coordinating a Candidate Forum for the Candidates to speak and answer Member's questions. The Forum shall be held the week before elections commence. Upon scheduling of the forum, the Commissioner of

Elections shall provide reasonable and conspicuous posting of the date, time, and place of the Forum.

3. The official polling station will be designated by the Commissioner of Elections before voting commences. The official polling station with a ten (10) foot parameter will be made visible and conspicuous during official polling station voting times.
 4. Organizing and managing an official polling station to answer questions about the voting process and where Members may cast their vote.
 5. Posting a folder containing Election Complaint Forms onto the SBA Elections Board. Such folder shall conspicuously show the email address of the current SBA Commissioner of Elections.
 6. Making Election Complaint Forms available online.
 7. Verifying that all votes cast, electronic or otherwise, have been duly counted. However, the Ethic Committee has the duty to certify the voting results of elections. (Art. VIII § 1(A)(1)(e))
 8. Aiding the SBA Commissioner of Elections in preparing the Teller's Report.
- c. Teller's Report.
1. Not more than three class days after tabulating the votes for an election, the SBA Commissioner of Elections shall compile a Teller's Report of the election, signed by the Commissioner and the Chair of the Ethics Committee, outlining the results of the election. (Art. IV § 6(F)(1))
 2. The Teller's Report shall contain the number of votes cast, the number of votes necessary for election, the number of votes received by each candidate, and the number of illegal votes with a brief statement for each vote as to the reason for the illegality. (Art. IV § 6(F)(2))
 3. The Teller's Report shall be filed in the Admissions Office, and a copy of the Report shall be made available to any Member at his or her request. (Art. IV § 6(F)(3))

§ 6. Referendums and Petitions

- a. Issues raised by referendum or petition are subject to Article XV of the SBA Constitution.
- b. If the requirements of Article XV of the SBA Constitution are met and a vote of the Members of the Association is required, the SBA Commissioner of Elections may include the issue on an election vote if it would not unduly delay either vote.

§ 7. Dispute Resolution

- a. The Ethics Committee shall review Election Complaint Forms ("Complaints") that are submitted in conformity with this section.
 1. It is the duty of the Ethics Committee to adjudicate any disputes that may arise involving elections administered by the Association. (Art. VIII § 1(A)(1)(d))
 2. Any member of the Ethics Committee may recuse him or herself at any time and without a showing of cause.
 3. As a governing document adopted by the Association, the Ethics Committee shall have exclusive authority to interpret the language of this Code. (Art. VIII § 1(A)(1)(a))

- b. Complaints.
 - 1. Prior to filing a Complaint, a Complainant must discuss the alleged improper conduct with the SBA Commissioner of Elections. He or she shall give a non-binding preliminary recommendation to the Complainant concerning whether it would be prudent or appropriate to file a Complaint.
 - 2. A Complaint may be submitted by any Member of the Association. It must be signed and submitted in writing.
 - 3. A Complaint shall state with particularity the alleged impropriety of a Candidate's conduct. All supporting evidence and affidavits must be attached and submitted with the complaint. Failure to include all support with a Complaint will result in the evidence or affidavit's exclusion, unless it is in the interest of justice to consider it.
 - 4. Improper conduct includes:
 - A. Gross lack of compliance with § 3 of this Code or bath faith efforts to circumvent the spirit of this Code;
 - B. Fraud, theft, or engaging in any action tending to injure the good name of the Association, disturb its well-being, or hamper it in its work. (cf. Art. IV § 10(C)(2))
 - 5. Complaints must be delivered, physically or by electronic means, to a member of the Ethics Committee or the Election Committee within 3 days the Complainant knew or should have known of the allegedly improper conduct. If, in order to discuss the alleged improper conduct and by using reasonable efforts, the Complainant is unable to reach the SBA Commissioner of Elections within this time period, then this time may be extended accordingly.
 - 6. Prescriptive period. Complaints not made within the time prescribed in § 7(b)(5) shall be disregarded, notwithstanding any exception in this Code to the contrary.
 - 7. Preemptive period. No new Complaints may be submitted 3 days after the posting of the Teller's Report. This subsection in no way interferes with the Association's right to impeach Officers or the Ethics Committee's duty to enforce the Code of Student Professional Responsibility.
- c. Withdrawing Complaints.
 - 1. The Complainant may withdraw his or her Complaint at any time. Such withdrawal immediately ends the Dispute Resolution process of this section.
 - 2. Nevertheless, the Ethics Committee, in accordance with the SBA Constitution, may be required to institute a separate inquiry into allegation that would rise to a violation of the Code of Student Professional Responsibility.
- d. Meeting of the Ethics Committee.
 - 1. Upon receipt of a Complaint that is delivered and is facially in conformity with this section, the Ethics Committee shall contact the Accused and give him or her an opportunity to submit an Answer to the Complaint.
 - 2. The Ethics Committee may, at its discretion, ask the Complainant to submit a Reply to address specific issues raised in the Accused's Answer.
 - 3. The members of the Ethics Committee shall convene and conduct a public meeting to consider the merits of the Complaint ("Meeting").
- e. Timing.

1. Notwithstanding the exception of § 7(b)(2), the Ethics Committee may not consider any evidence or affidavits in support of the Complainant's position if it was not included with the Complaint. However, the Accused should be given sufficient time to gather witnesses and evidence to support their position at the Meeting.
 2. Good faith efforts should be made by the Ethics Committee to abide by the times mandated in § 4 of this Code.
 3. If the Meeting is scheduled to be held during or after election day, the Ethics Committee may recommend to the Election Committee to suspend the election in whole or in part. The Election Committee shall make a final decision in this regard.
 4. No candidate may be declared the winner of any office for which the Complainant or the Accused is a Candidate until the Meeting is concluded. (cf. Art. VIII § 1(A)(1)(e))
- f. Procedure.
1. Ex parte communications are strictly forbidden.
 2. If more than one Candidate has had a Complaint filed against him or her, the Ethics Committee may hold one Meeting to consider all such Complaints.
 3. Prior to the Meeting, the Accused and, subject to the interests of justice, the Complainant shall submit all evidence and affidavits consisting of the totality of their witnesses' testimony to the Ethics Committee. The Ethics Committee shall make all evidence and affidavits available to all parties prior to the Meeting.
 4. Any witness alleging to have personally witnessed the Accused's improper conduct must either:
 - A. Be present in person at the Meeting or
 - B. Make themselves personally available to questioning by the Ethics Committee prior to the Meeting.
 5. At the Meeting, the Ethics Committee may ask any party or witness whatever questions the Ethics Committee members deem probative to the evidence and facts presented.
 6. Prior to the Meeting, each party may suggest questions to be asked by the members of the Ethics Committee.
 7. Members of the Ethics Committee may formulate their own questions and decide to include or exclude any suggestions made by the parties.
 8. To the extent it is feasible, Members of the Association may attend the meeting. In any case, the Meeting shall be electronically recorded and such recording, along with all non-confidential documentation from the Meeting, shall be made available to all Members at the Meeting's conclusion.
 9. At the close of the meeting, the Ethics Committee shall convene in private and vote to either:
 - A. Dismiss the Complaint; or
 - B. Disqualify the Candidate.
 10. The Ethics Committee may also request another election be held depending on the facts and circumstances of the merits of the pleadings.

11. Any sanction against the Accused, other than disqualification, will require a separate trial conducted in accordance with the SBA Constitution and the Code of Student Professional Responsibility.
- g. The Ethics Committee shall tender an opinion to accompany its decision, and allow any Ethics Committee member to submit concurring or dissenting opinions.
- h. Suggestive guidelines.
 1. Dismissal of the Complaint may be appropriate where the improper conduct was committed in good faith, is not egregious, would not have significantly influenced the outcome of the election, or the discretion of the Ethics Committee deems it appropriate.
 2. Disqualification of the Candidate may be appropriate where the improper conduct was committed in bad faith, was egregious, would have significantly influenced the outcome of the election, or the discretion of the Ethics Committee deems it appropriate.

§ 8. Miscellaneous.

- a. The Election Committee, or another committee of the SBA's choosing, may amend this Code subject to a simple majority vote of the officers of the Association. (cf. Art. VIII § 1(B)(3))
- b. The SBA may amend this code subject to a simple majority vote of the officers of the Association.
- c. With the exception of §§ 7 & 8 of this Code, any part of this Code may be suspended for one academic year by a unanimous vote of the SBA Executive Committee.
- d. The SBA Commissioner of Elections, subject to a simple majority vote of the officers of the Association, may adopt any additional rules concerning the nomination of officers of the Association. (Art. IV § 5(C))

§ 9. Appendix.

- a. Statement of Intent
- b. Statement of Candidacy
- c. SBA Election Complaint Form