

Chapman University, Dale E. Fowler School of Law
STUDENT BAR ASSOCIATION
BYLAWS APPENDIX II:
ELECTION CODE

ARTICLE I: Election Coordinator

- A. Unless running for election, the Vice President shall be the Election Coordinator.
- B. In the event that the Vice President is a candidate in the election, the President shall appoint an Election Coordinator, selecting from the graduating third-year representatives.

ARTICLE II: Eligibility

- A. Candidates must satisfy the eligibility conditions specified in the SBA Constitution.
- B. Candidates must submit a Nominating Petition to the Election Coordinator, which shall include:
 - 1. The candidate's name, email, phone number, current class year, and track number (for 1L candidates only).
 - 2. A petition with five nominating signatures of full-time Law School students. For 1L and rising 2L candidates, the five signatures must come from students in the candidate's track.
 - 3. A personal statement explaining why the candidate is running for office. The personal statement shall be on plain white paper, no longer than one 8.5 inch by 11 inch page, with font size no larger than 14 point, and consisting only of text. The personal statement shall be posted by the Election Coordinator in a conspicuous place for SBA members to read and inform themselves on candidates for the Board.
- C. The deadline for submission of Nominating Petitions shall be at least five days prior to the commencement of elections.

ARTICLE III: Campaigning

- A. All SBA election campaigning shall be non-verbalized.

- B. Any candidate may remind classmates to vote on Election Day or discuss campaign platforms. However there shall be no announcements of candidacy in classes, posters, or election material beyond the statement of interest and conversations.
- C. The required statements of interest shall be posted in a conspicuous place during, at least, the entire time from when received by the Election Coordinator until elections are completed.
- D. There shall be no soliciting of votes via emails, social networking websites, the Internet generally, pins, candy, posters, t-shirts, or any other campaign materials.
- E. Candidates shall be required to comport with the regulations provided in this Code, by the Elections Coordinators, and in the Honor Code.

ARTICLE IV: Scheduling of Elections

- A. All elections, except for the election of the entering class, shall be held no later than the end of the first full week of school in April, on a day designated by the Election Coordinator and the Executive.
- B. The election of First-Year representatives shall be held no later than the end of the third week of the school year in September, on a day (or on days) designated by the Election Coordinator and the Executive.
- C. Notification of elections for first-year representatives shall be announced by the end of Orientation, or within the first week of classes in the Fall.

ARTICLE V: Polling

- A. Because of the nature of class selection at the Law School, two types of elections shall be necessary: Track-based elections and At-Large elections.
- B. Track-based elections shall be used for election of 1L representatives in the Fall, and election of rising 2L representatives in the Spring.
- C. At-Large elections shall be used for the election of rising 3L representatives.
- D. For all elections and referendums, the Election Coordinator shall obtain from the Registrar's Office the most up to date enrollment roster for use in verification of a student's enrollment status.
 - 1. Every SBA member is entitled to vote upon presentation of a current Chapman ID or Government Issue ID, and verification of enrollment.
 - 2. If a student is not present on the enrollment roster, they may obtain verification from the Registrar's Office of their student status.

3. When polling, each student, upon showing appropriate ID and receiving a ballot for voting, shall be marked off on the enrollment roster with either a highlighter or permanent marker.

E. Voting shall be done by secret ballot. There shall be no absentee or proxy voting.

F. Track-based elections

1. Track-based polling shall be conducted in a particular, track-wide enrolled class of the Election Coordinator's choosing. The class chosen shall be a class that is unique to each track; the same class shall be used in all tracks.
2. ID cards and enrollment rosters, in compliance with section D of this article, shall still be required during track-based elections.
3. Polling in track-based elections shall be done in only one session per track, preferably with all tracks voting on the same day.

G. At-Large elections

1. At-large polling shall be conducted by the Election Coordinator, with the assistance of members of the Board, in the Lobby of the Law School.
2. Polling shall take place during the lunch hour, over two consecutive days, for at least one hour each day. At least two Board members or pollsters (pre-approved by the Election Coordinator) shall be present for the entire time allocated for voting.
3. ID cards and enrollment rosters (specific to each class-year), in compliance with section D of this article, shall be required.
4. Completed ballots shall be deposited in a locked ballot box at the polling table. At the end of each polling day, the box shall be taken to the SBA Office, to be held until the next polling day. The keys to the ballot box shall be held only by the Election Coordinator and the President.

H. All polling shall be by secret ballot.

I. No person who is deemed by the poll worker to have already voted in the elections shall be given a ballot.

ARTICLE VI: The Ballot

- A. Each ballot shall be labeled according to Class-Year and Track when applicable. Each ballot shall also be labeled with the month, date, and year of the election, so as to differentiate from previous and future ballots.
- B. The ballot will list all qualified candidates who applied for the position for which they are running, so long as they have complied with all necessary requirements.

- C. The ballot will have a checkbox next to each candidate's name, indicating that a mark in the box is a vote in favor of that candidate.
- D. The ballot shall clearly state the maximum votes each voter shall have on the ballot.
- E. When possible, different colored paper shall be used for each different constituency.

ARTICLE VII: Counting the Votes

- A. The counting of the votes shall be done by the Election Coordinator and the Executive, or by individual members of the Board chosen by the Election Coordinator and the Executive. At least two individuals, including the Election Coordinator, must be present for the counting of votes. Whenever possible, the Parliamentarian shall be present at the vote count to ensure a fair process and that all procedures are followed.
- B. All penalties for violations must be decided before the counting begins.
- C. Dummied ballots, such as voting for an ineligible or fake candidate, shall be considered an illegal ballot and no votes on the dummied ballot shall be counted toward the total votes cast.

D. The Counting Process

1. The counters shall first account for all the students who voted in the election (separated by Class or Track, whenever applicable) by counting the voters from the enrollment rosters that were kept at the polls. A total shall be made for each class or track (when applicable), and then a total number voters overall.
2. The counters shall count the numbers of ballots casts to determine that the number of voters coincides with the number of ballots.
3. The ballots must be counted at least twice, but two separate counters, to ensure consistency in the counting. It is recommended that the ballots be equally divided among the counters present. Each counter should number their group of ballots to keep them separate, preferably by a relevant grouping.
4. Counters shall then switch their group of ballots with another, tally those votes, and compare the counts to determine the votes casts (for consistency).
5. If there is a discrepancy between tallies for a group of ballots, the ballots shall be counted again. If the discrepancy cannot be resolved after another count, and the discrepancy does not affect the outcome of the election, then the Election Coordinator may determine which count is most accurate and shall be considered the official tally.

E. Calling the Election

1. The winner of an election shall be the candidate that receives the highest percentage of votes.

2. A single vote, if adequately verified by the Election Coordinator and the Parliamentarian, shall be enough to call the election.

F. Ballots from any election shall be held, sealed and in a secure location, for at least one calendar year following an election.

ARTICLE VIII: Run-Off Elections

A. A run-off election shall be required if a counting discrepancy cannot be resolved and where the count is too close to call a clear winner, or there is an exact tie.

B. A run-off election shall be held within one week of the counting of ballots for the initial election. The ballot will contain the words "Run-Off Election" and shall otherwise conform to the requirements of the ballot form as described in Article VI of this Election Code.

ARTICLE IX: Announcing of the Results

A. The announced results of an election shall consist of the names(s) of the winning candidates only, as well as the total number of votes cast in the election and the percentage number of votes of the entire SBA. The number of votes for each candidate shall not be made known at any time.

B. Results shall be posted in a conspicuous place, as well as outside the SBA Office, and shall digitally announced to the entire SBA, preferably in the WRIT.

ARTICLE X: Recount

A. A recount will be held if a petition, signed by at least ten percent of the particular constituency from which the officer was elected.

B. The Board reserves the right to hold a recount if three-fourths of the members present at a meeting in which a motion for a recount election is made have reason to question the results.

C. The results of a recount shall be final. There can only be one recount.

D. Recounts shall be conducted within one week of when the election results are announced.

E. Excepting those members who are running in the election, all members of the Executive must be present at the recount.

ARTICLE XI: Recall Elections

- A. A recall election may be initiated by the procedures outlined in the Constitution.
- B. A recall election shall be held in accordance with either track-based election or at-large election procedures, depending on the constituency from which the officer or representative has been elected.
- C. A recall election shall be held within one week of the presentation of the Petition to Institute Recall to the Board. The ballot will contain the words “Recall Election” and shall otherwise conform to the requirements of the ballot form as described in Article VI of this Election Code.
- D. In accordance with the Constitution, a recall election shall be considered successful (resulting in the removal of the member in question) if the recall election results are at least two-thirds in favor of recall. Any recall election shall require at least twenty-five percent of the constituency from which the member was elected to have participated in the recall election.

ARTICLE XII: Referendums

- A. A referendum may be initiated by the procedures outlined in the Constitution.
- B. A referendum shall be held in accordance with at-large election procedures.
- C. A referendum shall be held within one week of the presentation of the petition to the Board, should the Board decide to hold a referendum.
- D. The ballot will be titled as necessary for voters to understand what the referendum calls for, and (if possible) shall contain the entire language of the petitioned for action, and shall otherwise conform to the requirements of the ballot form as described in Article VI of this Election Code. If it is not possible for the referendum to include the entire language of the petitioned for action, then the language of the petition shall be provided at the polling table.
- E. In accordance with the Constitution, a referendum shall be considered successful if the polling results are a simple majority in favor. Any referendum shall require at least one-third of the SBA to have participated; failure to meet this threshold shall result in favor of the referendum.

ARTICLE XIII: Executive Board Elections

- A. Members of the incoming Board shall elect the officers of the incoming Executive at the first meeting of the Board following election. L.L.M. representatives shall be considered members of the incoming Board for purposes of electing the officers of the incoming Executive. The first meeting shall take place no later than two weeks after the Board’s elections.

- B. The outgoing President shall call for nominations for the incoming President. The outgoing President shall accept all nominations made and seconded by members of the incoming Board for nominees who satisfy the requirements set forth in the Constitution and Bylaws.
- C. Once the outgoing President has accepted all nominations, he or she shall provide each nominee no less than five and no more than ten minutes in which to address the incoming Board.
 - 1. Nominees shall be sent out of the Board room and allowed in one at a time for short speeches and questioning.
 - 2. Nominees may use the entire time allotted, but are not mandated to do so.
 - 3. There shall be a reasonable amount of time allotted for Board members to ask questions of each nominee, and for the nominee to respond.
- D. All nominees shall be directed to leave the room during the vote.
- E. The outgoing President shall then call for a vote among the remaining incoming Board. Each member shall cast a single vote by secret ballot.
- F. The Election Coordinator, the outgoing Parliamentarian, and the outgoing President (except when any of those officers are a nominee) shall count the votes. In the event that all officers are nominees, the two highest-ranking returning members of the Board shall tally the votes.
- G. A winner shall be declared by a plurality of those Board members present and voting. The numerical results of all elections shall be confidential.
- H. In the event of a tie between two or more nominees for incoming President, a tiebreaking vote shall be held immediately. In the event that that vote results in another tie, the outgoing President shall immediately adjourn the meeting and the Election Coordinator shall establish a school-wide meeting for election of the President.
 - 1. No more than five days following the adjourned meeting, an Election Meeting shall be held at which the entire SBA shall be invited to attend.
 - 2. Each of the tying nominees shall have no less than ten minutes to address the SBA, followed by an adequate amount of time for questions at the discretion of the Election Coordinator.
 - 3. Using an up-to-date enrollment roster including all currently enrolled and returning students for the following school year, a vote for President shall be held during the Election Meeting.
 - 4. Each attending and eligible student (according to the enrollment rosters) shall have one vote.
 - 5. The ballots shall be counted pursuant to this article.

6. A winner shall be declared by a plurality of clear, eligible, non-dummied ballots.
- I. Once the incoming President has been elected, he or she shall oversee the election of the remaining members of the Executive. The outgoing President shall be dismissed from the meeting, unless a returning member of the Board. Each outgoing Executive member shall remain in place until a replacement has been elected.
 - J. The President shall oversee the election of the remaining Executive positions through the process described in sections B through G of this Article. The order shall be Vice President, Secretary, Treasurer, and finally Parliamentarian.
 1. In the event of a tie of two or more nominees for any position, a run-off vote shall be immediately held. In the event that the vote remains tied after the run-off, the President shall remove their vote from the count. If this results in a plurality winner, the election shall be called. If this still results in a tie, another run-off shall be held with only the remaining tied nominees.

ARTICLE XIV: Vacancies

If, after the elections are concluded, there are any vacancies existing, the procedures for filling vacancies set out in the Constitution shall be used to fill all open Board seats.

ARTICLE XV: Penalties

Any violation of this Code, the regulations provided by the Elections Coordinator, or the Honor Code is cause for disqualification by the Executive, the decision of which is final.

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