Cumberland School of Law
Student Bar Association
Election Code

ARTICLE I – Title and Scope

Section 1. **Title.** This document is the official Cumberland School of Law Student Bar Association (“S.B.A.”) Election Code (the “Code”).

Section 2. **Scope.** This Code governs all elections conducted by the S.B.A. under the S.B.A. Constitution or otherwise.

ARTICLE II – Changes to Code

Section 1. **Waiver or Modification.** The Election Commission may waive or modify, by majority vote, the application of any article or section of this Code to any election by express written request from the body sponsoring the election. In the event of a tie, the President of the S.B.A. shall case the tie-breaking vote. The Election Commission may not waive or modify the application of any article or section of the Election Code to any election for officers and representatives to the S.B.A.

Section 2. **Amendments to Code.** The Election Code may be amended or modified only by majority vote of the Members of the S.B.A. Executive Board, in accordance with Article IX, Section 1 of the S.B.A. Constitution. Such amendments are subject to the specific restrictions set forth in Article IX, Section 1 of the S.B.A. Constitution.

Section 3. **Severability.** If any part of this Code is invalid, all parts that are severable from the invalid part shall remain in effect.

ARTICLE III – Election Commission

Section 1. **Election Commission Members.** The Election Commission shall be comprised of the officers of the Senior Class, in accordance with Article 3, Section 9 of the S.B.A. Constitution.

Section 2. **Membership and Voting.** The voting members of the Election Commission shall consist of the Senior Class President, Senior Class Vice-President, Senior Class Secretary and Senior Class Treasurer. In case of a tie, the currently serving S.B.A. President shall vote to break the tie.
Section 2. **Duties and Responsibilities.** The Election Commission is responsible for the following:

- organize, supervise and conduct all official elections of the S.B.A. and Honor Court;
- interpret and enforce all election regulations and this Code;
- post all information concerning an election;
- conduct the Candidates’ Meeting;
- determine the fair market value of campaign materials and expenditures;
- obtain an updated list of all students registered at the Cumberland School of Law for the semester in which an election will be held, as the official voter list;
- obtain, organize and instruct poll workers;
- supervise the counting of the ballots;
- receive and investigate election code violations;
- any duties and responsibilities not covered by this Code but which are imposed or delegated by the S.B.A. Executive Board for any particular election;
- designate bulletin boards which can be used for the posting of campaign materials;
- qualify, disqualify, or sanction candidates in violation of this Code or other campaign regulations;
- declare an election null and void in case of impropriety.

Section 3. **Power to Qualify or Disqualify Candidates.** The Election Commission, by majority vote, has complete power to determine whether a candidate is qualified to run for office. In the event that the Election Commission finds a candidate not qualified, the candidate has the right to appeal this final decision to the Honor Court’s jurisdiction, pursuant to Article V of the S.B.A. Constitution and the Honor Court Constitution. A candidate ruled ineligible to run for office is not allowed to reinstate his/her candidacy by any means.

Section 4. **Recusal or Absence.** In the event one or more of the members of the Election Commission cannot or should not serve, the S.B.A. President must appoint a temporary replacement with the approval by majority vote of the S.B.A. Executive Board. Election Commission members must recuse themselves to avoid any appearance of impropriety.

Section 6. **Election Day Duties.** The Election Commission shall ensure that elections are open and available on election day at the designated times set forth in this Code.

**ARTICLE IV – Required Elections**

Section 1. **Spring General Elections.** There shall be a General Election for the S.B.A. Executive Board positions of S.B.A. President; Vice President; Secretary;
Treasurer; American Bar Association/Law Student Division Chair and Vice-Chair; President, Vice President, Treasurer and Secretary for the Senior Class; four Junior Class Representatives.

Section 2. **Date of Spring General Election.** The General Election described in Article II, Section 1 shall be held any Tuesday in the Month of March as decided by the Election Commission in any manner not inconsistent with this Code.

Section 3. **Fall General Election.** There shall be an election to fill the four freshman class representative positions on the S.B.A. Executive Board at a reasonable time after the beginning of the Fall semester. Only members of the freshman class may vote or run for office in this election.

Section 4. **Date of Fall General Election.** The Fall Election described in Article II, Section 2 shall be held in a manner consistent with the General Election, as mandated by the current Election Commission.

Section 5. **Election of Justices.** The Honor Court shall consist of Justices to be elected from the Student Body as follows:

A. The rising senior class shall elect by majority vote six justices from the junior class to serve from the first day of April of the year in which elected until the last day of March the following year.

B. The rising junior class shall elect by majority vote six justices from the freshman class to serve from the first day of April of the year in which elected until the last day of March the following year.

C. Each fall the freshman class shall elect by majority vote four Justices from the class to serve from the day elected until the last day of March of the following year.

D. All candidates for Honor Court must have and maintain an overall grade point average of at least the equivalent of a 2.3 on a 4.0 scale and be a registered student at Cumberland School of Law for the full term of office. The Chief Justice of the Honor Court shall become a senior at least by the fall semester subsequent to taking office. The senior, junior, and freshman Justices must be members of their respective classes.

E. The Honor Court Constitution and By-Laws shall govern the election of the Chief Justice, filling a vacant office on the Honor Court, or removal of any Honor Court Justice from office.
Section 6. **Run-off Elections.** In the event that a run-off election is required, the Election Commission must set a date for the run-off election within one week of the preliminary election. This date must be published at the Candidates’ Meeting. The run-off elections must be conducted under the guidelines of this Code.

Section 7. **Special Elections.** Special elections may be called by the S.B.A. Election Commission to fill permanent vacancies of any office within a reasonable time following the date of the vacancy. If a run-off in the special election is required, it shall be scheduled by the Election Commission.

**ARTICLE V – Election Procedure**

Section 1. **Required Candidates’ Meeting.** The Required Candidates’ Meeting must be held no less than five days prior to the election. The Election Commission must excuse any candidate’s absence from this meeting. Otherwise, a candidate is considered to have withdrawn from the election.

Section 2. **Candidates’ Meeting Format.** At the Candidates’ Meeting, the Election Commission will:
   a. decide whether a candidate’s forum will or will not, be held; if the decision is made that it will be held, then to announce the details of the forum;
   b. determine the campaign spending limit;
   c. draw names for ballot position;
   d. dispense any general information pertinent to the candidates; and
   e. announce the schedule and manner of regular and run-off elections.

Section 3. **Manner of Election.** At the Election Commission’s discretion, a election may be by paper ballot or by electronic ballot, but not both. The Election Commission will determine the manner of election prior to the Candidates’ Meeting. The Election Commission must advertise the date, times, procedure and manner of election prior to the election date.

Section 4. **Election by Paper Ballot.** In the case of an election by paper ballot, the polling place will be open on Election Day from 8:00 a.m. to 5:00 p.m. The Election Commission shall designate the polling place and secure poll workers for Election Day.

In the case of a paper ballot, the Election Commission shall insure that at least one member of the Senior class is continuously monitoring the polls and that no person other than a Senior is permitted to work the polls. Failure of the commission to insure constant supervision of the polls by a senior class member will require the election to be set aside and a replacement election to

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be held the following week.

Section 5. **Election by Electronic Ballot.** In the case of an election by electronic ballot, the ballot will be accessible at least between 9:00 a.m. to 4:00 p.m.

Section 6. **Voting Procedure.**

a. **Single-Seat Offices.** In the case of a single seat office, the following method will be used for the election:

   i. The candidate receiving a majority of the votes cast is elected to that position.

   ii. If no candidate receives a majority of the votes cast, there will be a run-off election between the two candidates receiving the most votes.

   iii. If two or more candidates receive the same number of votes, and otherwise qualify for the run-off election, those candidates will be in the run-off election.

   iv. The candidate receiving the highest number of votes in the run-off election is elected to that position.

   v. In the event of a tie vote in a run-off election, another run-off election will be held to break the tie.

b. **Multiple-Seat Offices.** In the case of multiple-seat offices, the following method will be used for the election:

   i. Candidates are elected by a plurality. Candidates will be ranked according to the number of votes received. Candidates receiving the most votes are elected to the first available seat until all seats are filled. In case of a tie, both candidates will receive a seat until no seats are available. In case of a tie for the last available seat, there shall be a run-off election for all candidates tying for that seat.

   ii. In the event of a tie vote in a run-off election, another election shall be held to break the tie.

Section 7. **Voters Eligible for Spring Elections.**

Current 1Ls (rising 2Ls), Current 2Ls (rising 3Ls) and Current 3Ls (Graduates) may vote for the following SBA Executive and ABA positions for the Spring election:

SBA President  
SBA Vice President  
SBA Secretary  
SBA Treasurer  
American Bar Association (ABA) Law Student Division Chair
American Bar Association (ABA) Law Student Division Vice-Chair

Current 2Ls (rising 3Ls) may vote in the above stated SBA Executive and ABA positions in addition to the following positions that are only eligible to current 2Ls (rising 3L) students:

Senior Class President
Senior Class Vice President
Senior Class Secretary
Senior Class Treasurer
Six (6) Honor Court Justices

Current 1Ls (rising 2Ls) may vote in the above stated SBA Executive and ABA positions in addition to the following positions that are only eligible to current 1L (rising 2L) students:

Four (4) SBA Representative Positions
Six (6) Honor Court Justices

ARTICLE VI – Qualification of Candidates

Section 1. **S.B.A. Candidate Qualifications.** To qualify as a candidate for the position of an officer or representative of the S.B.A. Executive Board, or to any other office under the S.B.A. Constitution, a person must:
   a. be a registered student in the Cumberland School of Law;
   b. have an overall grade point average of at least the equivalent of a 2.3 on a 4.0 scale;
   c. not indicate any intent to graduate, transfer, or otherwise be absent from School during his or her term of office; and
   d. meet the further qualifications for office as set forth in Articles III and IV of the S.B.A. Constitution.

Section 2. **Letters of Intent.** All Candidates must file a Letter of Intent with the S.B.A. Election Commission. The Letters of Intent must be filed with the Election Commission no later than 5 p.m. on the Thursday before the Candidates’ Meeting.

Section 3. **Contents of Letters of Intent.** A Letter of Intent (see Appendix Form A) must contain the following:
   A. The name of the individual who intends to run;
   B. The title of the position for which that individual intends to run;
   C. The names and phone numbers or email addresses of the Election Commission members;
   D. The signature of the candidate;
E. The signature of two (2) other law students, other than the candidate, who will serve as endorsers of the candidate;
F. The date on which the letter is filed;
G. The date on which the Candidates meeting will be held as set out in Article VIII, Section 1;
H. A statement that the candidate has read and understands the S.B.A. Constitution and will abide by its provisions;
I. A statement that the candidate accepts the Election Commission as the final authority for any dispute regarding the election or the Election Code.

Section 4. **No Write-In Candidates.** Votes may not be cast for candidates not listed on the ballot. Votes for anyone not listed on the ballot will not be counted.

Section 5. **Petition for Addition to Ballot.** A candidate who fails to file a Letter of Intent may petition the Election Commission to be added to the ballot. This petition must be in writing and filed with the Election Commission before the ballot is finalized or before 5 p.m. on the Thursday preceding the election, whichever is sooner. The candidate must set out good cause for failing to comply with qualification requirements. The Election Commission has sole authority to accept or deny a petition to be added to the ballot.

**ARTICLE VII – Campaign Restrictions**

Section 1. **Active Campaigning.** Active campaigning begins at 12:01 a.m. following the mandatory Candidates’ Meeting and ends at 12:01 a.m. on the day of elections.

Section 2. **Active Campaigning Defined.** Active campaigning includes:
   a. distribution and posting of campaign materials;
   b. speaking inside classrooms or at official gatherings or meetings;
   c. the use of email or other electronic communication, including but not limited to Facebook, blogs, websites, MySpace, or Twitter;
   d. any other campaigning authorized by this Code.

Section 3. **Campaign Materials Defined.** Campaign material means any advertisements or promotional material promoting to a particular candidate. This includes, but is not limited to, posters, fliers, and electronic communications.

Section 4. **Posters.** No candidate for any office shall have in excess of three (3) posters. Posters not greater than 14 x 22 inches may be placed by or on behalf of a candidate on designated bulletin boards as long as it does not obstruct any other candidates campaign materials or other law school materials.
related material also posted.

Section 5. **Posting Prohibited in Some Areas.** Posters are specifically prohibited from the following areas:

a. restrooms;
b. the Law School Library;
c. painted, tile, or wooden walls or doors;
d. trees;
e. the interior of classrooms, except on designated bulletin boards;
f. the exterior of the Law School building;
g. vending machines;
h. hanging from ceilings;
i. steps in stairwells;
j. windows;
k. vehicles;
l. classroom instructional materials, including white and black boards, projectors, or computers;
m. or any other areas prohibited by the Election Commission, Law School, or Samford administration.

Section 6. **Prohibited Campaign Material.** The following items are specifically prohibited:

a. sandwich boards;
b. banners;
c. any campaign materials not made of paper, cardboard or plastic.

Section 7. **Food Items Prohibited.** Candidates are not allowed to distribute food items to promote their candidacy. Food items include perishable and non-perishable items such as baked goods, bottled water, or candy.

Section 8. **In-Person Campaigning.** No candidate or a candidate’s representative may actively campaign within twenty feet of the election ballot box.

Section 9. **Harassment or Coercion.** Candidates or their representatives may not harass, coerce, or bribe voters in exchange for votes. This includes, but is not limited to, monetary payment in exchange for votes, blackmail, or excessive and unreasonable direct communication (electronic or otherwise) rising to the level of harassment.

Section 10. **Club or Organization Endorsement.** Law School organizations may not endorse a particular candidate or place campaign materials on behalf of a candidate on organization bulletin boards or other organizational property.
Section 11. **Removal of Campaign Materials.** All campaign materials must be removed by candidates within 24 hours after the election or run-off election is certified.

Section 12. **Email.** Each candidate may send ONE email relating to his or her candidacy for each election and one for any run-off elections. Any additional emails will be considered an election violation, subject to the discretion of the Election Commission.

Section 13. **Preliminary Voting.** Every Candidate deserves an equal opportunity to receive votes from their classmates. Therefore, ALL voting will be handled by the SBA through the above-mentioned procedures. The use of any sort of preliminary voting or narrowing of candidates through any type of block voting is outlawed. This includes but is not limited to: class primaries, block voting, caucusing, or straw poll voting. Any group or candidate found in violation of this section may be subject to lose their candidacy and may be reprimanded at the discretion of the Election Commission.

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**ARTICLE VIII – Campaign Expenditures**

Section 1. **Limit on Campaign Expenses.** The Election Commission will determine the maximum amount of allowed campaign expenditures at the Candidates’ Meeting. This amount must be no less than $50.00.

Section 2. **Measure of Campaign Expenses.** All campaign materials and campaign expenditures are valued at their fair market value. The Election Commission will determine fair market value for materials or expenditures.

Section 3. **Fair Market Value Defined.** Fair Market Value shall mean the current definition found in Black’s Legal Dictionary, most current edition.

Section 4. **Limits on Spending.** No money shall be spent in a manner which violates state law, federal law, or University policy. Money may not be spent to buy valuable items for the electorate, including, but not limited to pens, pencils, food or drink.

Section 5. **Campaign Accounting.** The Election Commission may request an accounting of any candidate, for any reason, at any time. A candidate shall present evidence showing the amount spent for campaign purposes within 24 hours.

Section 6. **Refusal to Account or Violations of Spending Limits.** Refusal or failure to comply with a demand to produce adequate proof of campaign expenditures, or
the determination by the Election Commission that a candidate has exceeded the allowable amount, is a violation of this Code. At the discretion of the Election Commission, sanctions, up to removing the candidate from the ballot, may be imposed.

ARTICLE IX – Election Code Violations

Section 1. **Election Certification.** Within a reasonable time after an election, not to exceed two weeks from the date of the general election, and at the discretion of
the then existing S.B.A. Election Commission Members, a meeting may be held to certify the election of each candidate for office. Certification of an election shall mean the approval by a majority vote of the then existing S.B.A. Election Commission of the overall propriety by which an election has been conducted.

Section 2. **Reporting Violations or Filing Disputes.** Any report of a violation of campaign rules or regulations must be filed before the polls close on the day of the election. The report must be emailed or hand-delivered to the Senior Class President. Disputes or Violations must be reported on Appendix Form C.

Section 3. **Election Commission Authority to Settle Disputes.** The Election Commission shall make the final decision regarding any dispute relating to the election process.

Section 4. **Election Violations.** Failure to follow the provisions of this Code shall constitute an Election Code Violation.

Section 5. **Violations Reported Prior to Election.** If an Election Code Violation is reported up to the date of an election, the Election Commission may take whatever steps necessary to correct such violation, up to and including preventing a candidate’s name from appearing on the ballot.

Section 6. **Violations Reported Before Certification.** If an Election Code Violation is reported after the date of the election but prior to certification by the Election Commission, the Election Commission must withhold certification of the election for that particular office until a determination is made. If an Election Code violation is attributed to a candidate, such violation is sufficient cause to prevent such candidate from holding any office or position under the S.B.A. Constitution for at least two semesters.

Section 7. **Violations Reported After Certification.** The Election Commission will not entertain any disputes or violations filed after the election is certified.

Section 8. **Procedure for Election Disputes of Violations.** The Election Commission will evaluate all complaints as they are received and in a timely manner. The Commission may conduct an unofficial hearing, interviews, or request documents, or affidavits to investigate any disputes or reports of violations.

Section 9. **Violating or Disputing Candidate’s Rights.** The Election Commission must notify a candidate in writing of any adverse action or sanctions taken against the candidate. The candidate may request a hearing with the Election Commission to appeal the decision of the Election Commission and present evidence.
contrary to the Election Commissions findings. The appealing candidate is entitled to copies of any evidence the Election Commission considered in reaching its decision.

Section 10. **Decisions Final.** The Election Commission’s decisions are final.