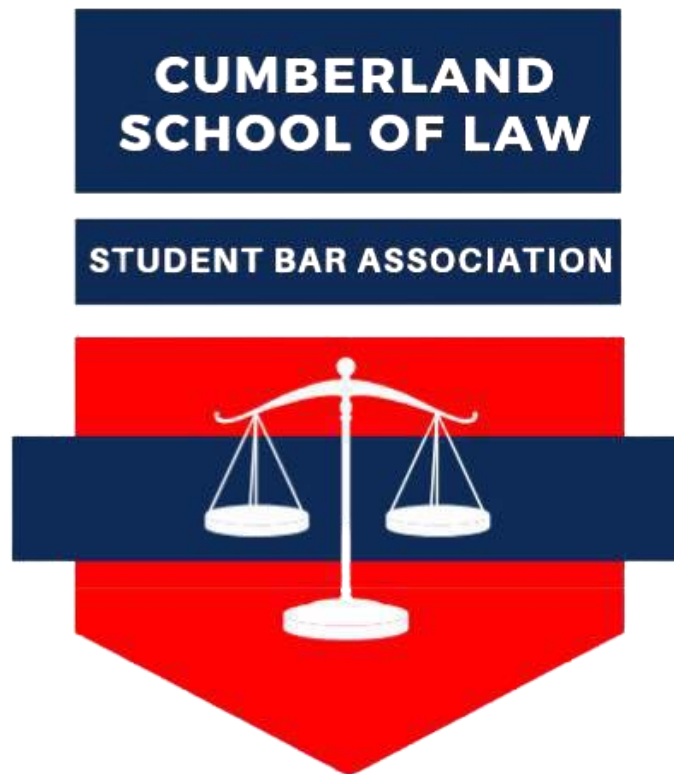


CUMBERLAND SCHOOL OF LAW
STUDENT BODY ASSOCIATION
ELECTION CODE



Last Modified: March 22, 2021

**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 (“SBA”) Election Code (the “Code”).
- Section 2. **Scope.** This Code governs all elections conducted by the SBA under the SBA Constitution or otherwise.

ARTICLE II – Changes to Code

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

ARTICLE III – Election Commission

- Section 1. **Election Commission Members.** The Election Commission shall be comprised of the officers of the 3L Class, in accordance with Article III, Section 9 of the SBA Constitution.
- Section 2. **Membership and Voting.** The voting members of the Election Commission shall consist of the 3L Class President, 3L Class Vice-President, 3L Class Secretary and 3L Class Treasurer. Any decision of the Election Commission requires a majority vote of the members. In case of a tie, the currently serving SBA President shall vote to break the tie.
- Section 3. **Duties and Responsibilities.** The Election Commission is responsible for the following:
- a. organize, supervise and conduct all official elections of the SBA and Honor Court;
 - b. interpret and enforce all election regulations and this Code;
 - c. post all information concerning an election;
 - d. conduct the Candidates’ Meeting;
 - e. determine the fair market value of campaign materials and expenditures;
 - f. 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;
- g. obtain, organize and instruct poll workers;
- h. supervise the counting of the ballots;
- i. certify and publish the election results;
- j. receive, investigate, and rule on election code violations;
- k. any duties and responsibilities not covered by this Code but which are imposed or delegated by the SBA Executive Board for any particular election;
- l. designate bulletin boards which can be used for the posting of campaign materials;
- m. qualify, disqualify, or sanction candidates in violation of this Code of other campaign regulations;
- n. declare an election null and void in case of impropriety.

Section 4. **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 IX, Section 5 of this Code. A candidate ruled ineligible to run for office is not allowed to reinstate his/her candidacy by any means.

Section 5. **Recusal or Absence.** In the event one or more of the members of the Election Commission cannot or should not serve, the SBA President must appoint a temporary replacement with the approval by majority vote of the SBA 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 Election.** There shall be a General Election in the Spring semester for the following positions:

- a. **SBA Executive Board Officers:** President, Vice President, Secretary, Treasurer, American Bar Association/Law Student Division Vice- Chair, 3L Class President, 3L Class Vice President, 3L Class Treasurer, 3L Class Secretary, and four 2L Class Representatives.
- b. **Honor Court Justices:** Chief Justice, six 3L Class Justices, and six 2L Class Justices.
- c. **Date of Spring General Election.** The Spring General Election shall be held any Thursday in the Month of March or April as decided by the Election Commission in any manner not inconsistent with this Code. If SBA hosts Law

Week, then the election shall be held the following week.

Section 2. **Fall General Election.** There shall be an election to fill the four 1L Class Representative positions on the SBA Executive Board and the four 1L Honor Court Justice positions as described in Article II, Section 2 and Article III, Section 2 of the SBA Constitution.

- a. **Date of Fall General Election.** The Fall Election shall be held by the last day in September in a manner consistent with the Spring General Election, as mandated by the current Election Commission.

Section 3. **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 4. **Special Elections.** Special elections may be called by the SBA 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 may excuse any candidate's absence from this meeting. Otherwise, a candidate is considered to have withdrawn from the election.

- a. **Candidates' Meeting Format.** At the Candidates' Meeting, the Election Commission will:
 - i. 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;
 - ii. Disclose the campaign spending limit;
 - iii. Draw names for ballot position in the event of election by paper ballot;
 - iv. Verify that all candidate information is accurate;
 - v. Dispense any general information pertinent to the candidates; and
 - vi. Announce the schedule and manner of regular and run-off elections.

Section 2. **Manner of Election.** The Spring and Fall Elections shall take place by electronic ballot unless it becomes necessary to conduct the election by paper ballot. The Election Commission must advertise the date, times, procedure and manner of election prior to the election date.

- a. **Election by Electronic Ballot.** For elections by electronic ballot, the ballot will be accessible at least between 9:00 a.m. to 4:00 p.m. Candidate ballot positions shall be randomized for each voter in consultation with the Technology Services Manager.
- b. **Election by Paper Ballot.** In the case of an election by paper ballot, the Election Commission shall draw names for candidate's ballot positions. The polling place will be open on Election Day from 9:00 a.m. to 4:00 p.m. Once the polls close, the ballot box must be collected by the Law Student Services Manager for result certification. The Election Commission shall designate the polling place and secure poll workers comprised only of members of the 3L class for Election Day. In the case of a paper ballot, the Election Commission must ensure that at least one member of the 3L class is continuously monitoring the polls and that no person other than a 3L 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 be held the following week.

Section 3. **Voting Procedures.**

- 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 4. **Voters Eligible for Spring Elections.** The specified students are eligible to vote for

the following positions:

- a. **Student Body At-Large.** The following SBA Executive Board officers shall be elected by the student body at-large:
 - i. SBA President
 - ii. SBA Vice President
 - iii. SBA Secretary
 - iv. SBA Treasurer
 - v. American Bar Association (ABA) Law Student Division Vice-Chair

- b. **Rising 3L Class.** In addition to those positions listed in Article V, Section 4(a) of this Code, Current 2Ls (rising 3Ls) may vote for the following positions:
 - i. 3L Class President;
 - ii. 3L Class Vice President;
 - iii. 3L Class Secretary;
 - iv. 3L Class Treasurer;
 - v. Six (6) Honor Court Justices.

- c. **Rising 2L Class.** In addition to those positions listed in Article V, Section 4(a), Current 1Ls (rising 2Ls) may for the following positions that are only eligible to current 1L (rising 2L) students:
 - i. Four (4) SBA Representatives;
 - ii. Six (6) Honor Court Justices.

Section 5. **Election Certification.** The Election Commission must certify the results for each individual position elected during the Spring and Fall elections within 24 hours of the resolution of any pending election disputes and/or appeals for each individual position after the polls close. The Election Commission may certify the results for individual positions even if there are pending election disputes and/or appeals for other positions. The Election Commission shall certify election results in consultation with the Cumberland School of Law staff members specified in subsections (a) or (b) of this section. In the event a specified staff member under subsection (a) or (b) of this section is unable to fulfill his or her duties, the staff member shall appoint a proxy to fulfill their duties under this Code. The final vote count of each candidate shall be released at the time of the election results announcement.

- a. **Certification of Electronic Ballots.** The Election Commission must certify electronic ballot results in consultation with the Technology Services Manager and the Law Student Services Director.

- b. **Certification of Paper Ballots.** The Election Commission must certify paper ballot results in consultation with the Law Student Services Director.

ARTICLE VI – Qualification of Candidates

Section 1. **Candidate Qualifications.** To qualify as a candidate for an SBA Executive Board officer or Honor Court Justice, 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 SBA Constitution.

Section 2. **Letters of Intent.** All Candidates must file a Letter of Intent with the Election Commission. Letters of Intent must be filed with the Election Commission no later than 24 hours before the Candidates' Meeting.

- a. **Contents of Letters of Intent.** A Letter of Intent must contain the following:
 - i. The name of the individual who intends to run;
 - ii. The title of the position for which that individual intends to run;
 - iii. The signature of the candidate;
 - iv. Confirmation that the candidate has read and understands the S.B.A. Constitution and will abide by its provisions;
 - v. A statement that the candidate accepts the Election Commission as the final authority for any dispute regarding the election or the Election Code;
 - vi. The candidate's statement or platform for running for office.

Section 3. **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 4. **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 candidates meeting. 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 7:00 AM the Monday morning before election day and ends when the polls close.

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 social media

- websites;
- 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, social media posts, 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 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. **Prohibited Campaigning Behavior.**

- a. **In-Person Campaigning.** In the event of an election by paper ballot, no candidate or a candidate's representative may actively campaign within twenty feet of the election ballotbox.
- b. **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.

- c. **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 9. **Removal of Campaign Materials.** All campaign materials within the school must be removed by candidates within 24 hours after the election or run-off election polls close.

Section 10. **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 11. **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.

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.

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

Section 3. **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 4. **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 of request.

Section 5. **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 Violations.** Failure to follow the provisions of this Code and Election Commission regulations shall constitute an Election Code Violation.

Section 2. **Election Violation Sanctions.** The Election Commission shall have the discretion sanction candidates it finds to have violated this Election Code. Permissible sanctions include, but are not limited to:

- a. Warnings;
- b. Restrictions on active campaigning;
- c. Candidate disqualification;
- d. Take any other action deemed appropriate by the Election Commission and approved by the Director of Student Services.

Section 3. **Election Violation Reporting & Resolution Procedures.** All election violation reports must be submitted to the Election Commission in accordance with this Code. The Election Commission has the authority to make the final decision regarding any dispute relating to the election process, subject to appeals to the Honor Court.

a. **Filing a Violation Complaint.** Any complaints of a violation of campaign rules or regulations must be filed before the polls close on the day of the election. Election violation complaints must be delivered in writing to the 3L Class President.

i. **Violations Reported Prior to Election Day.** If an Election Code violation is reported before 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.

b. **Procedure for Violation Complaint Review.** The Election Commission will evaluate all election violation complaints within 24 hours of receipt. The Commission may conduct an unofficial hearing, interviews, or request documents, or affidavits to investigate any disputes or reports of violations. The Election Commission must resolve all disputes and violation complaints before the election results can be certified.

- c. **Notification of Election Commission Decisions.** The Election Commission must notify a candidate in writing of any adverse action or sanctions taken against the candidate as soon as the decision is made.

Section 4. **Procedure for Election Violation Appeals.** Any candidate subject to adverse action by the Election Commission may request a hearing with the Honor Court to appeal the decision and present evidence contrary to the Election Commission's findings. The appealing candidate is entitled to copies of any evidence the Election Commission considered in reaching its decision.

- a. **Filing an Election Violation Appeal.** A candidate wishing to appeal a decision of the Election Commission must submit an appeal request in writing to the Chief Justice of the Honor Court and copy the 3L Class President within 12 hours of receipt of the Election Commission's decision.
- b. **Procedure for Election Appeal Hearing.** The Chief Justice must schedule an election appeal hearing for no later than 48 hours after receiving the candidate's appeal request. The Chief Justice must call an election appeal panel comprised of the Chief Justice and two 3L Justices of the Honor Court. The appealing candidate and a member of the Election Commission must be present at the election appeal hearing. The justices may interview all relevant parties, including Election Commission members, and investigate any relevant evidence to determine whether to affirm or reverse the Election Commission's decision. All Honor Court decisions on appeal are final.
- c. **Notification of Election Appeal Decisions.** The Chief Justice must notify the appealing candidate and the Election Commission in writing whether the Election Commission's decision was upheld or reversed as soon as the decision is made by the election appeal panel.

Section 5. **Decisions Final.** The Election Commission's decisions are final unless appealed to the Honor Court. All Honor Court decisions on appeal are final.