

ELECTION CODE

- I. Electoral Commission
 - a. Composition
 - i. Five member committee appointed as follows
 - 1. Chairman appointed by the Student Bar Association (SBA) President
 - 2. Two associate members appointed by the SBA President
 - 3. Two associate members appointed by the SBA Vice President for Operations
 - ii. All appointed members need approval by majority vote of SBA Board of Governors (BOG).
 - iii. Appointments must be approved no later than 10 days into each semester.
 - iv. EC member terms last until the new EC is appointed.
 - b. Eligibility
 - i. No EC members may be current members of SBA.
 - ii. All EC members must be University of Texas Law School students with a minimum GPA of 2.0.
 - iii. No current EC member may run for any SBA office while serving on the EC. If an EC member wants to run for office, including SBA President, the EC member must resign his post on the EC not later than 2 weeks before the election.
 - iv. The SBA President will fill any EC vacancy by appointment, subject to majority BOG approval.
 - c. Duties
 - i. The EC shall:
 - 1. Conduct and supervise all SBA and permanent class officer elections;
 - 2. Determine the validity of all ballots;
 - 3. Certify the results of SBA and permanent class officer elections; and
 - 4. Post the tabular results within 24 hours of polls closing.
 - ii. Other election aspects are left to the discretion of the Chairman, subject to protests filed in accordance with this code.
 - d. Action Requirements
 - i. A majority of the EC members comprises a quorum.
 - ii. Any action by the EC requires a majority vote of the members comprising the quorum.
- II. Pre-election
 - a. Eligibility
 - i. Candidate qualifications are found in Article V, Section 2 of the SBA Constitution.
 - ii. No candidate may run for more than one office in any single election.

- iii. SBA BOG members are eligible to run for permanent class positions without resigning from their current SBA positions.
- b. Filing of candidacy
 - i. Candidate Filing Petitions
 - 1. The EC will make Candidate Filing Petitions (CFP) available to potential candidates not later than 10 days prior to an election.
 - a. All potential candidates may attend an informative meeting, led by the EC, prior to the election.
 - b. The EC will set the date and time of the meeting.
 - c. The meeting must take place not later than 10 days prior to an election.
 - 2. Each candidate must turn in his completed CFP not later than 7 days prior to an election.
 - a. At the EC's discretion, the deadline may be changed.
 - b. In no case may a candidate submit a CFP later than 7 days prior to an election.
 - 3. Each CFP must contain:
 - a. The candidate's full name;
 - b. The candidate's contact information; and
 - c. The name of the office the candidate seeks.
 - ii. General Information Questionnaire
 - 1. The EC will make available a General Information Questionnaire, and will distribute it with the CFP to candidates.
 - 2. The EC will use the Questionnaire answers to collect candidate information and produce school wide emails publicizing the election.
 - 3. The Questionnaire must include the following information:
 - a. The candidate's hometown;
 - b. The candidate's undergraduate institution and degree;
 - c. The candidate's qualifications for office; and
 - d. Any other interesting facts about the candidate.
 - 4. The Questionnaire may include additional information as the EC chooses.
 - 5. The General Information Questionnaire is optional. Submission of answers to the Questionnaire (or lack of submission) does not determine a candidate's eligibility for an election.
 - iii. The EC will include a copy of the SBA Constitution and the Election Code with each CFP.
 - iv. Each candidate must certify in writing that he has read the SBA Constitution and the Election Code when he submits a completed CFP.

- v. Any other item to be voted on in an election, including resolutions, must be submitted in writing to the EC not later than 7 days before an election to be included on the ballot.
- c. Campaigning
 - i. Candidates may not spend money for any campaign purpose other than preparing the CFP.
 - ii. Candidates may submit the following two additional documents with their CFP for campaigning purposes:
 - 1. The Candidate's Platform
 - a. The candidate may submit a Platform on a single letter size sheet of paper.
 - b. The EC will post each candidate's Platform in a public place in the law school on Election Day.
 - c. The EC may post each candidate's Platform in the law school prior to Election Day.
 - d. The EC may post each candidate's Platform on either the UT Law website or the SBA website, or on both websites.
 - e. The EC must post all candidate Platforms for the same office in the same location at the same time.
 - 2. Answers to the General Information Questionnaire
 - iii. Only the CFP and two additional documents as filed with the EC will be posted in any election.
 - 1. The EC must provide the student body with at least one email detailing the election date(s), election time(s), and the list of candidates
 - 2. The EC may provide additional candidate information from the General Information Questionnaire for each candidate.
 - 3. If the EC provides information (such as hometown) about any one candidate in the email, it must provide the same information about each other candidate for the same office.
 - iv. Appropriate campaigning
 - 1. Word of mouth and email are appropriate methods of campaigning.
 - 2. The SBA BOG may set a time after the filing period ends and before the election for candidates to air their platforms as they desire.
 - v. Campaign Restrictions
 - 1. A candidate may not make a general verbal announcement to organizations or classes with regard to his candidacy.
 - 2. A candidate may not use official University of Texas online resources to campaign, including the Blackboard system.
 - 3. The above restrictions do not apply to online journals or a candidate's personal web page.
 - vi. No campaign solicitations are allowed within 15 feet of polls on Election Day.

- III. Election Requirements and Guidelines
 - a. Voter Requirements and Eligibility
 - i. Any current SBA member may vote in any election he would otherwise be eligible to vote in had he not been in SBA.
 - ii. First Year Representative
 - 1. Each first year representative will run as a member of his section.
 - 2. First year students will vote as members of their section for first year representative.
 - 3. No first year student may vote for the first year representative from another section.
 - 4. No non-first year student may vote for any first year representative.
 - iii. Spring Elections
 - 1. Each student will vote as a member of his class.
 - 2. Students graduating at the end of a semester are not eligible to vote in that semester's election.
 - b. Polling Procedures
 - i. For the purposes of the Election Code, runoffs are "elections."
 - ii. Place and Time
 - 1. The EC will set the place and time of an election within the SBA Constitution requirements.
 - 2. The EC must post the place and time of an election not less than two days prior to the election.
 - 3. Regular voting must take place for at least four consecutive hours. Regular voting may not last for more than two days.
 - 4. The EC may not schedule an election on a school holiday.
 - iii. Voter List
 - 1. The EC Chairman must obtain a list of eligible voters (voter list) from the Law School Registrar.
 - 2. After each voter casts a ballot, the voter's name will be stricken from the voter list. The voter must initial by his name on the list.
 - 3. The voter list is confidential, and will be disclosed by the EC only when such disclosure is necessary to settle a grievance.
 - iv. Voting
 - 1. All votes are done by secret ballot.
 - 2. Each ballot must indicate:
 - a. Each office to be filled;
 - b. The number of vacancies in each office; and
 - c. The candidate(s) for each office.
 - i. Names will appear either alphabetically or by drawing.
 - ii. The EC will determine which ordering method to use.

3. No person may receive a ballot including offices they are not eligible to vote for.
 - a. The EC will prepare as many different ballots as necessary to ensure this does not happen.
4. Each voter may vote for as many candidates as there are unfilled positions for multi-member offices.
 - a. No voter may vote more than once for the same candidate in an election.

v. Absentee Voting

1. Absentee voting is available for all elections.
2. Prior to the absentee voting period, the EC Chairman must communicate the absentee voting system to students prior to the absentee voting period via email.
3. The following students are eligible for absentee voting:
 - a. Any student who would otherwise be eligible but is either studying abroad or visiting at another law school.
 - b. Any student who would otherwise be eligible but can demonstrate extenuating circumstances no later than 48 hours prior to the election that would prevent the student from voting in person.
 - c. A majority vote of the EC is necessary to allow an individual to participate in absentee voting.
4. Voting Procedure
 - a. The EC may provide for absentee voting in any manner by its discretion.
 - b. Absentee votes via email are not subject to the secret ballot requirement.
 - c. Unless an absentee ballot is properly challenged, the specific vote of an individual email voter may not be disclosed.

vi. Provisional Ballots

1. Any person wishing to vote who is not on the voter list may cast a provisional ballot.
2. The EC must keep provisional ballots separate from other ballots.
3. After the polls close, the EC must make a final determination of the voter's eligibility.
4. If the EC finds the voter was eligible, the ballot will be counted; if the EC finds the voter was ineligible, the ballot will not be counted.

c. Votes Required to Win

i. Single-Member Offices

1. A single-member office requires winning by a majority of the votes cast.

- a. If the initial election does not produce a candidate with a majority of the votes case, a runoff election between the top two vote getters will take place.
 - b. Any runoff election must take place within 7 days of the initial election.
 - 2. A single-member office filled by special election requires a plurality of the votes cast.
 - a. In the case of a tie, the winner will be chosen by lot.
 - b. Each candidate may be present in person when the tie break occurs.
 - ii. Multi-Member Offices
 - 1. Offices
 - a. Permanent class agents.
 - b. All senior and mid-law class SBA representatives.
 - 2. All multi-member offices require winning by a plurality of the votes cast in the election.
 - a. In the case of a tie, the winner will be chosen by lot.
 - b. Each candidate may be present in person when the tie break occurs.
- d. Vote Tabulation
 - i. After the polls close, the EC will tabulate the votes, either by hand or by computer.
 - ii. After tabulation, the SBA President will take charge of the individual ballots, the voter list, and any materials used in the tabulation.
 - 1. These materials may only be used to settle grievances concerning the validity of the ballots or the election.
 - 2. If the President is seeking a permanent class position, the SBA BOG must select a different BOG member (not seeking election) to take the President's responsibility.
- e. The SBA BOG will inaugurate newly elected candidates into their respective offices within two weeks following the election.

IV. Grievances

- a. Oral complaints
 - i. Oral complaints are dealt with at the discretion of the Chairman.
 - ii. The EC does not have to act on any oral complaint.
- b. Written grievances
 - i. All parties involved have a right to be present and speak at any hearing regarding the grievance.
 - ii. The decision maker must make the following determinations:
 - 1. Did a violation occur? If yes, then
 - 2. Did the violation cause harm?
- c. Disqualification of SBA BOG member
 - i. If any current SBA BOG member is a candidate in a contested election, he may not participate as a SBA BOG member in determining the validity of the election contest.

- d. Contesting EC Operations or Candidate Behavior Before Voting
 - i. Any law student may submit a written grievance to the EC with respect to:
 - 1. EC Operations; or
 - 2. Candidate Behavior.
 - ii. After receiving a written grievance, the EC may, at its discretion, postpone an election for up to one week.
 - iii. Aggrieved parties may demand a hearing before the EC in their written grievance. If demanded, the EC must meet within 3 days.
- e. Contesting Election Results
 - i. Any law student may submit a written grievance to the SBA Secretary, President, and EC Chairman within 2 school days of the polls closing.
 - ii. The grievance must be in a signed writing, including email.
 - iii. The SBA BOG must hold a hearing within 3 days of the receipt of the written grievance.
- f. Allegations of a Candidate Violation of the Election Code After Voting
 - i. Any law student may submit a written grievance to the EC Chairman within 2 school days of the polls closing.
 - ii. The grievance must be in a signed writing, including email.
 - iii. The EC must hold a hearing within 3 days of the receipt of the written grievance.
- g. Contests of EC Operations After Voting
 - i. Any law student may submit a written grievance to the SBA Secretary, President, and EC Chairman within 2 school days of the polls closing.
 - ii. The grievance must be in a signed writing, including email.
 - iii. The SBA BOG must hold a hearing within 3 days of the receipt of the written grievance.
 - iv. If the SBA BOG finds a facial violation of the express provisions of the Election Code occurred, that finding will be prima facie evidence that harm occurred.
- h. Remedies
 - i. The EC may take such actions necessary to provide a fair election.
 - ii. Authorized actions include:
 - 1. Candidate sanctions (including warnings, limitations on campaigning, and disqualification); or
 - 2. A new election; or
 - 3. Special election procedures.
- i. Appeals
 - i. The SBA BOG has appellate jurisdiction in all decisions made by the EC.
 - 1. Appeals of EC decisions must be made, in writing, to the SBA Secretary within 2 school days after the EC decision.
 - ii. The Assistant Dean of Student Affairs has appellate jurisdiction in all decisions made by the SBA BOG.

1. Appeals of SBA BOG decisions must be made, in writing, to the Assistant Dean of Student Affairs within 2 class days after the SBA BOG decision.
 2. The Assistant Dean may only overturn a SBA BOG decision if he finds abuse of discretion.
 3. Except in instances of gross unfairness, substantial deference will be given to the interpretations and findings of the SBA BOG.
- iii. In decisions by the EC and SBA BOG, either body may dismiss the contest or appeal on the grounds that:
1. There was no violation, or
 2. The violation did not cause any harm