

Section 3: Campaigning and the Election

§ 3.1 The Campaigning Process

(a) Informational meeting

- 1- The Honor Election Committee (HEC) shall hold an informational meeting for all interested candidates for election no later than one week prior to the start of campaigning.

(b) Timing

- 1- Campaigning will begin on noon of the Sunday prior to Election Wednesday.

(c) Campaign materials and expenditures

- 1- Campaign materials must display an endorsement by the relevant candidate.
- 2- Campaign budgets:
 - a. Campaign expenditures including those from individuals other than the candidate must be kept within:
 - i. a \$150 budget for a campaign for President of the SBA.
 - ii. a \$25 budget for a campaign for a 1L SBA representative position.
 - iii. a \$75 budget for a campaign for all other SBA positions.
 - b. All materials used within the campaign will be counted toward the budget limitation.
 - c. The HEC Chairperson reserves the right to conduct an audit of any campaign that he or she deems is in violation of §3.1(c)(2).
 - i. Candidates must keep records/receipts of all campaign expenditures for this purpose.

(d) Display and Distribution

- 1- Campaign materials are only authorized for display in the student lounge.

2- Campaign materials may be distributed in the lounge and in the student hanging files. Distributed campaign materials (i.e., fliers, buttons, stickers, etc.) may leave the above areas, but may not be distributed outside of the lounge or hanging files.

3- Electronic campaigning is authorized.

a. This may include e-mails, webpages, online videos (Youtube) or messages sent via a social network, such as Facebook.

b. All electronic campaigning must follow the timing rules in §3.1(b)(1). This includes campaign groups created on social networking sites. Candidates may do preparatory work on electronic media prior to the election, but the media must only be visible to others in accordance with §3.1(b)(1).

(e) Candidate conduct

1- Candidates may not remove or cover another Candidate's campaign materials. If a candidate believes that there is no space in the lounge left for their displays they should notify the HEC to resolve the issue.

2- Each candidate is responsible for taking down his/her campaign materials within 48 hours of the conclusion of an election.

§3.2 The Pre-Election Process

(a) Absentee ballots

1- Only a student registered as a Juris Doctor candidate at the Marshall-Wythe School of Law who is a visiting student at another law school may vote by absentee ballot.

a. A voter must notify the HEC Chairperson of their desire to vote by absentee ballot within 48 hours of the announcement of an election or vote.

i. Students will be provided the contact information of the Chair of the HEC for this purpose in the SBA announcement of the vote/election.

b. The HEC Chairperson will provide each student with an electronic version of the ballot identical to the hard copy version at the time the election/vote begins and notify them of the voting procedures and the deadline to submit their electronic absentee ballot.

c. Students may only vote by absentee ballot if they are eligible to vote in that election. For example, a visiting 3L may not vote absentee in the election for 1L representatives.

2- Electronic absentee ballots shall be submitted to hcelectioncommittee@gmail.com. Absentee voters give up their right to anonymity in exchange for the convenience of absentee voting.

(b) Visiting students and quorum

1- Students registered as Juris Doctor candidates at the Marshall-Wythe School of Law but visiting another law school will be included in the total student body count for purposes of quorum.

(c) SBA Membership List

1- The HEC Chairperson shall contact the Law School Office Manager no later than one week prior to an election. The Office Manager will generate a list of SBA members to be used for purposes of tracking eligible voters and for calculating quorum.

§3.3 The Ballot

(a) Candidate Ballot

1- All ballots for candidate elections shall list the candidates for each office in alphabetical order by their full name.

2- The ballot shall direct voters to circle no more than a certain number of candidates to indicate their choices. A voter may abstain by refraining from circling one or more choices.

3- No other text shall be included on the candidate section of a ballot.

(b) Referendum Ballot

1-

2-

(c) Constitutional Amendment Ballot

§3.4 The Election Process

(a) Timing

- 1- The election of Executive Officers of the SBA will be held on the date determined by the HEC in consultation with the SBA Board in accordance with Article X, §3 of the SBA Constitution.
 - a. The HEC Chairperson must meet with the Chief Justice and the SBA President (or appropriate representative during an SBA Presidential Re-election period) if the HEC wishes to change the date of the election.
 - i. Two of the three individuals must agree in order for the time and/or date of the elections to be altered.
- 2- The election of non-executive officers of the current 1L and 2L classes shall be held on the date determined by the HEC within two weeks of the election of the executive officers in accordance with Art. X, § 4(a) of the SBA Constitution.

- 3- The election of incoming 1L representatives will be held during the fourth, fifth, or sixth week of the fall semester as determined by the HEC in consultation with the SBA Board in accordance with Art. X, § 4(a) of the SBA constitution.
- 4- Polls will be open from 9:00 a.m. until 5:00 p.m EST for all elections and votes.
- 5- Absentee ballots must be received between 9:00 a.m. and 5:00 p.m EST for all elections and votes.

(b) The Polls

- 1- Measures to protect the privacy of voters:
 - a. Lines of tape will be placed on the floor no less than five feet away from all sides of the voting location. Those who are not voting will remain behind the lines of tape.
 - b. There shall be a temporary partition erected that voters may cast their ballot behind if they so wish.
- 2- There will be a separate line for members of each class to wait in as indicated by a sign to facilitate distribution of correct ballots.
- 3- Three Honor Council members will sit at the voting table at all times.
- 4- The voting location will not be inside the main entrance of the school where foot traffic is heavy and voters could obstruct the walkway.

(c) Candidate/proponent/opponent Conduct

- 1- Campaigning at the voting location is prohibited.
- 2- Campaigning in the law school lobby is prohibited.
 - a. The law school lobby includes the area from the library to the courtroom, from the front doors to the doors of the center courtyard, and the hallway to classrooms 119 and 120.
- 3- Candidates or proponents/opponents of an amendment or referendum are not permitted to loiter in the lobby area on Election Day.
 - a. Other interested parties may be in the lobby and encourage people to vote, but they may not expressly advocate for or against a candidate/position.

4- If a member of the HEC, the Chief Justice, the Honor Council, or any individual believes that a Candidate/proponent/opponent or any individual associated with a Candidate/position is violating the rules of §3.4 (c)(1-3), they shall notify the Chairperson of the HEC.

a. If the Chairperson of the HEC (or the Chair's designated representative), after investigating the behavior of the accused, determines that a Candidate's presence in the area is inappropriate, the Chair or their representative will ask the Candidate to leave the area.

i. The first request to the candidate that he or she leave the area is deemed a warning.

ii. The second request to that candidate will bring about sanctions up to and including disqualification from the election. See §4 for more detail of campaign violations and sanctions.

(d) Status notification

1- No candidate or proponent/opponent of a referendum or constitutional amendment will be notified of the number of people who have voted or how many votes are needed to reach quorum until after the votes have been counted.

§ 3.5 Tallying the Votes

(a) The Counting Process

1- The HEC is responsible for collecting the ballots after a vote.

2- Immediately at 5 p.m. on the day of the election, the HEC will remove the ballot box from the voting booth and take it to a secure room where the votes will be counted.

3- The HEC will count all of the ballots the evening of the election following the closing of the polls.

4- The HEC may be assisted in the counting process by the Chief Justice, outgoing SBA President, or other Honor Council members only if deemed necessary by the Chief Justice and the HEC Chairperson.

5- The outgoing SBA President has the right to be present for the counting process.

- 6- No one who is a candidate may be involved in the counting process.
- 7- Silent Observer. Anyone who wishes to observe the counting process may do so if they do not meet the criteria of §3.5.(a)(6). They must observe the process silently from a spot in the room that the HEC will designate. Requests to observe the counting process must be made to the HEC Chairperson at least 24 hours prior to the close of the voting booth. Communications by silent observers to persons outside the room before the HEC has released the votes counts to the entire SBA membership are prohibited.

(b) What Constitutes a Vote

- 1- Votes will be indicated as directed on the ballot.
- 2- For purposes of quorum, blank ballots will count as a vote.

(c) Recount Procedure

- 1- If the percentage of votes between candidates, or the difference between an amendment or referendum passing or not passing, is less than 5% there shall be an automatic recount of all votes cast for that position, amendment, or referendum.
- 2- The recount shall consist of counting all the ballots for that position, amendment, or referendum, following the same procedure used to count the ballots the first time.
- 3- Any candidate or proponent/opponent of an amendment or referendum has the right to request a recount within 24 hours of the close of the election.
- 4- For the purposes of §3.5(c)(3), all ballots will be kept for 24 hours following an election by the HEC Chairperson.

(d) Notification of candidates

- 1- Upon final confirmation of the vote count by the HEC, the SBA President or representative designated by the SBA President will be responsible for contacting the election winners. The HEC Chairperson or representative designated by the HEC will be responsible for contacting the losing parties.

(e) Publication of results

- 1- Per Article X, Section 7 of the SBA Constitution, the Secretary of the SBA is responsible for publication of the results of elections.

(f) Disposal of the ballots

- 1- After 24 hours have passed following an election, the HEC Chairperson shall dispose of/recycle the ballots in a secure location.

Section 4: Disputes, Violations and Sanctions

§4.1 The HEC is responsible for the enforcement of all rules and regulations and for ensuring that the decorum of the election process is maintained at all times.

- (a)** All election-related disputes and possible violations of the §3 rules should be reported to the HEC Chairperson.
- (b)** The HEC has authority to investigate reports. If the HEC believes that ample evidence exists to prove that a violation has taken place, the HEC Chairperson will immediately contact the Chief Justice.

- 1- The Chief Justice and the Deputy Chief Justice will join the entire HEC in determining an appropriate sanction for the candidate. Sanctions may include, but are not limited to, the following:

- a. A candidate's removal from the ballot
- b. Removal of a candidate's campaign materials from the lounge
- c. Deletion of any internet campaign websites or pages
- d. Loss of any time reserved for candidates during the presentation of platforms.

- 2- A candidate will be made aware of any sanction given to them immediately.

- 3- Sanction decisions will be final. However, if it is determined that an individual should be removed from an election, the disqualified candidate will have a 24-hour window to appeal to a representative of the Office of the Dean.

- a. The Office of the Dean may choose whether or not it will hear the disqualified candidate's appeal. If it chooses not to do so, then the sanction stands as determined by the HEC, Chief Justice and Deputy Chief Justice.

§4.2 These rules are intended to promote the fairness and promptness of the entire election process.

- (a) During investigations of possible violations, decisions will always err in favor of *including*, rather than excluding.
- (b) All decisions/sanctions will be final.

1- The object of these rules is to keep the election fair and to avoid unnecessary distraction to our community.

§4.3 Candidate Responsibility

- (a) Candidates are responsible for their own conduct and may be held responsible for the conduct of those he or she enlists to assist in the campaign if the HEC determines that this would be appropriate.
- (b) The Honor Code and the Student Code of Conduct apply to SBA election conduct.
- (c) Any questions or concerns regarding these rules and procedures can be directed towards the HEC Chairperson, any member of the HEC, the Chief Justice, the Deputy Chief Justice, or the SBA President.