

**University of South Carolina School of Law
Student Bar Association
Election Code**

Chapter 1

Elections Generally

- 1.1. No portion of these provisions shall supersede the SBA Constitution.
- 1.2. Spring Semester Elections
 - 1.2.1. The purpose of the spring semester elections shall be to fill the following positions:
 - 1.2.1.1. SBA Executive Council:
 - 1.2.1.1.1. SBA President;
 - 1.2.1.1.2. SBA Vice President;
 - 1.2.1.1.3. SBA Secretary; and
 - 1.2.1.1.4. SBA Treasurer.
 - 1.2.1.2. SBA Legislative Council:
 - 1.2.1.2.1. Eight (8) 2L representatives; and
 - 1.2.1.2.2. Eight (8) 3L representatives.
 - 1.2.1.3. SBA Parliamentarian
 - 1.2.1.4. Honor Council:
 - 1.2.1.4.1. Three (3) 2L representatives; and
 - 1.2.1.4.2. Three (3) 3L representatives.
 - 1.2.2. All positions shall be filled by an election held during the spring semester.
 - 1.2.2.1. Any incumbent SBA or Honor council members must re-file for candidacy if they seek re-election.
 - 1.2.3. The spring election for the SBA Executive Council and the Honor Council shall be held between the fifth and seventh week of the spring semester. The exact date will be determined by the Elections Committee in conjunction with the Director of Student Affairs.
 - 1.2.3.1. If the university closes for an emergency, the Elections Committee may hold the election at another time.
 - 1.2.3.2. If a run-off election is necessary, it shall be held within one week following the close of polls on the day of voting.
 - 1.2.4. The spring election for the SBA Legislative Council shall be held between the sixth and eighth week of the spring semester, following the election of the SBA Executive Council.
 - 1.2.4.1. If a run-off election is necessary, it shall be held within one week following the close of polls on the day of voting.
- 1.3. Fall Semester Elections
 - 1.3.1. The purpose of the fall semester elections shall be to fill the following positions:
 - 1.3.1.1. SBA Legislative Council:
 - 1.3.1.1.1. Eight (8) 1L representatives
 - 1.3.1.2. Honor Council:
 - 1.3.1.2.1. Three (3) 1L representatives (one (1) per section)
 - 1.3.1.2.2. If one or more sections does not have a candidate, the additional seat/s shall be filled by the next most top-getting vote candidate/s.

- 1.3.2. The fall election for all available positions shall be held between the third and fifth week of the fall semester.
 - 1.3.2.1. If the university closes for an emergency, the Elections Committee may hold the election at another time.
 - 1.3.2.2. If a run-off is necessary, it shall be held within one week following the close of polls on the day of voting.

1.4. Special Elections

- 1.4.1. If a SBA Executive Council, Legislative Council, or Honor Council position becomes vacant, the Election Committee Chair must call for a special election to fill the vacancy or the vacancy must be filled in accordance with the SBA Constitution.
- 1.4.2. If the vacancy occurs with more than thirty (30) days left in the fall or spring semester, the election shall be held within thirty (30) days of the seat becoming vacant.
- 1.4.3. If a seat becomes vacant with less than thirty (30) days left in the fall or spring semester, the Election Committee Chair must call for a special election within thirty (30) days of the seat becoming vacant or within thirty (30) days of the commencement of the proceeding semester.
- 1.4.4. The SBA President may appoint an interim to serve in the vacated position until the completion of the special election.
- 1.4.5. The SBA Vice President shall serve as the SBA President in the interim until the position is filled by special election.
- 1.4.6. Excepting the above provisions, special elections shall follow all other rules and procedures of the Election Code.

Chapter 2

Elections Committee

- 2.1. The purpose of the Elections Committee (“Committee”) is to manage and oversee the elections of the SBA Executive Council, SBA Legislative Council, and Honor Council; to enforce the Election Code; and investigate reports of Election Code violations and make findings, where appropriate.
- 2.2. The Elections Committee shall consist of five (5) students:
 - 2.2.1. The SBA President, or his or her designee;
 - 2.2.2. The SBA Parliamentarian; and
 - 2.2.3. Three (3) students currently enrolled at the University of South Carolina School of Law, appointed by the SBA President in accordance with the procedures for appointing SBA committees.
 - 2.2.3.1. The SBA President shall appoint at least one (1) Honor Council member to the Committee. If all Honor Council members are unable to accept the appointment, the SBA President may appoint any other qualified law student.
- 2.3. The Committee Chair shall be appointed in accordance with the SBA Constitution and Bylaws.
 - 2.3.1. The Chair will not vote on Committee decisions except in the event of a tie. If a tie occurs, the Chair will vote to break the tie.
 - 2.3.2. If the Chairperson resigns or the position becomes vacant, the successor shall be appointed in accordance with the SBA Constitution and Bylaws.
- 2.4. The Chair will designate a member of the Committee to keep the minutes of every meeting.
- 2.5. No Elections Committee member may publicly endorse or campaign on behalf of a candidate.
 - 2.5.1. This rule shall not prohibit Committee members from campaigning on their own behalf once they have been relieved of any Committee duties for a particular election.
- 2.6. Any Elections Committee member running for office during a particular election, may not participate in the planning or operation of that election, nor may he or she take part in the Violations and Appeals process.
 - 2.6.1. In the event a Committee member is running during a particular election, the SBA President may select a member of the SBA Executive or Legislative Council or Honor Council not running in the current election to assume the member’s responsibilities for that election.
- 2.7. Any expenses incurred in conducting the elections shall be charged to the SBA according to established procedures for disbursing funds provided to the SBA.
- 2.8. The Elections Committee shall have the power to alter or amend these rules upon the majority vote of the Committee. The Legislative Council must approve any regulations promulgated by the Elections Committee according to Article VI of the SBA Constitution.

Chapter 3

Voting Procedures

- 3.1. All currently enrolled University of South Carolina School of Law students are eligible to vote for SBA Executive Council offices.
- 3.2. 1L students will vote to select eight (8) 1L SBA Legislative Council representatives for the 1L class at-large, and the students of each 1L section shall vote to select one (1) Honor Council representative for their section.
- 3.3. 2L students will vote to select eight (8) 2L SBA Legislative Council representatives and three (3) 2L Honor Council representatives.
- 3.4. 3L students will vote to select eight (8) 3L SBA Legislative Council representatives and three (3) 3L Honor Council representatives.
- 3.5. Voting for all elections shall take place between 9:00 am to 7:00 pm on the day of election.
- 3.6. Voting via TWEN shall be utilized in all SBA and Honor Council elections whenever possible.
 - 3.6.1. If TWEN is not available, the Elections Committee may utilize another form of online voting or paper ballots.
- 3.7. The candidates' names shall appear on the ballot in random order.
- 3.8. Determination of a winner.
 - 3.8.1. Following the close of polls, the Elections Committee members, who are not running in that election, shall tabulate the votes. During the tabulation, the SBA President and an Honor Council member must be present. Candidates may not observe the initial count of the ballots.
 - 3.8.2. SBA Executive Council office winners will be determined by the candidate that receives a majority of the votes cast (fifty percent (50%) plus one (1)) for that office.
 - 3.8.2.1. If a single candidate does not receive a majority of the votes, a run-off election shall be held between the two candidates with the highest number of votes cast to determine a winner.
 - 3.8.3. SBA Legislative Council and Honor Council offices will be determined by the candidates that receive a plurality of the votes cast. The top vote-getting candidates are seated according to how many seats are to be filled.
 - 3.8.3.1. A run-off shall only be held in the event of a tie for one or more of the final seats.
- 3.9. The results of the election shall be available by 12:00 pm the day after the poll closes.
- 3.10. The results shall be signed and certified by the Elections Committee Chair; the member of the Honor Council who was present during tabulation; and the SBA President.
- 3.11. The Elections Committee shall post the certified election results on the red wall by the student lockers and request that the results be emailed to all law students via the appropriate faculty member by 12:00 p.m. the day following the election.
- 3.12. Any candidate or student may request to see the election totals on the certified TWEN results page. The request must be submitted by written notice to the Elections Committee Chair or SBA President within forty-eight (48) hours of the close of polls.

- 3.12.1. If the candidate or student believes there is a discrepancy, the candidate or student may observe the recounting of the ballots.
- 3.12.2. If the requesting student, Chair, and SBA President agree that there is a discrepancy in the vote count, the corrected results shall be re-certified, and the Chair will release the corrected list of winning candidates within twenty-four (24) hours.
- 3.13. The certified TWEN results page shall be secured and stored by the Chair for two weeks after the election results have been certified and posted, or until any appeal or contesting of the count has been finalized.

Chapter 4

Candidate Filing and Eligibility

- 4.1. SBA offices shall be filled by currently enrolled University of South Carolina School of Law students.
- 4.2. Each member of an Executive Council office must be a full-time student at the Law School.
 - 4.2.1. Eligibility to run for SBA President is limited to students the administration defines as rising 3rd year students at the time of the election.
 - 4.2.2. Eligibility to run for SBA Vice-President, Treasurer, or Secretary is limited to students the administration defines as rising 2nd or 3rd year students at the time of the election.
- 4.3. Each member of the Legislative Council or Honor Council must be a full-time student at the Law School.
 - 4.3.1. Candidates for SBA Legislative Council and Honor Council offices can only run to represent their respective classes.
- 4.4. No student running for Honor Council shall be eligible to run for any SBA Executive or Legislative Council position in the same election.
- 4.5. All those seeking office must apply for candidacy for each election in which they wish to participate by the deadline established by the Committee.
 - 4.5.1. Applications for candidacy will be distributed at the candidate meetings.
- 4.6. In order to properly file for candidacy, candidates must:
 - 4.6.1. Attend one (1) of the candidate meetings scheduled by the Elections Committee (candidates must sign-in to substantiate that they attended the meeting);
 - 4.6.2. Sign and return the appropriate application to the Chair before the determined deadline;
 - 4.6.3. Read the SBA Election Code;
 - 4.6.4. Be a dues-paying SBA member, if seeking an SBA Executive or Legislative Council position;
 - 4.6.5. Be in good academic standing by having at least a 2.0 GPA as set forth in the SBA Constitution; and
 - 4.6.6. Use his or her legal name on the application. On the application, the candidate may list a preferred name to appear on the ballot, subject to the approval of the Committee.
 - 4.6.7. An exception to provisions 4.6.1. or 4.6.2. may be allowed in the case of an emergency. If a student believes they are excused due to an emergency, that student must email his or her exemption request to the Chair within twenty-four (24) hours of the application deadline. The Chair will issue a decision within twenty-four (24) hours of receipt of the student's request.
- 4.7. All candidates must comply with the Election Code.

Chapter 5

Rules for Campaigning

- 5.1. Campaigning shall begin one week prior to the opening of the polls on election day and continue through the close of polls on election day.
- 5.2. Candidates must comport with the rules and spirit of the Honor Code and standards of professional conduct while campaigning.
- 5.3. No member of the Honor Council may campaign for any SBA Executive Council or SBA Legislative Council candidate.
- 5.4. Candidates may use only the following methods of campaigning:
 - 5.4.1. Posters
 - 5.4.1.1. Candidates are limited to ten (10) posters, none of which may be larger than 8 1/2 by 11 inches (a standard letter-size sheet of paper).
 - 5.4.1.2. Candidates for Executive Council offices may, in addition, have up to one (1) large poster, which may not be larger than 2 feet by 3 feet.
 - 5.4.1.3. All posters must be placed on the red glass boards located throughout the Law School building.
 - 5.4.1.4. No posters can be placed on any painted area, wood, window or other glass, door, ceiling, or locker in the building.
 - 5.4.1.5. No posters may be placed in any classroom, study room, restroom, stairwell, elevator, the library or the lobby.
 - 5.4.1.6. When hanging posters, candidates may only use clear scotch tape or masking tape on the red glass boards.
 - 5.4.1.7. Any member of the Elections Committee may remove any poster, which the Elections Committee determines is in violation of rules on hanging posters.
 - 5.4.2. Public Speaking
 - 5.4.2.1. Candidates will be invited to attend a Candidate Forum (“Forum”), at which the candidate will be given the opportunity to speak. The Chair will announce the date, time and other details of the Forum at the candidate meetings.
 - 5.4.2.2. Candidates may not campaign before or after a general law school class or tutoring session.
 - 5.4.2.3. Candidates may announce a general reminder to other students on the day of the election that voting is open before or after a general law school class or tutoring session, with the permission of the appropriate professor or tutor. The candidates may not endorse themselves, other candidates, or otherwise campaign during this type of announcement.
 - 5.4.2.4. Any candidate may speak to a law school organization with the prior permission of the organization leader.
 - 5.4.2.5. Excepting the above restrictions, candidates may speak to voters to solicit their vote.

- 5.4.3. Internet Campaigning
 - 5.4.3.1. Candidates may prepare campaign websites (e.g. Facebook, Twitter, Instagram) so long as visitation to the site is voluntary.
 - 5.4.3.2. No candidate may send a mass email using university or student organization compiled list-serves (e.g. TWEN groups, Blackboard rosters, organization list-serves, or any university related compilation of contact information).
- 5.4.4. Candidate Campaign Bio
 - 5.4.4.1. Candidates may submit to the Chair an essay of two hundred and fifty (250) words or less by the candidate application deadline.
 - 5.4.4.2. The Chair will make the candidate essays available to the Law School students at least forty-eight (48) hours in advance of the election, in a manner determined by the Chair.
 - 5.4.4.3. The Chair may refuse to accept candidate bios that do not comport with the rules and spirit of the Honor Code and standards of professional conduct.
- 5.4.5. Campaign Staff
 - 5.4.5.1. Candidates may utilize other law school students (“campaign staff”) to assist them in campaigning.
 - 5.4.5.2. Campaign staff must follow all Election Code campaign rules.
 - 5.4.5.3. If candidates solicit the assistance of other law school students, they are responsible for ensuring that all campaign staff are familiar with all rules that pertain to the elections process.
 - 5.4.5.4. Candidates may be held liable for any election violation of a campaign staff member if the Committee determines the campaign staff member was acting on behalf of or at the request of the candidate.
- 5.5. Prohibited Actions.
 - 5.5.1. Candidates may not campaign before or after a general law school class or tutoring session.
 - 5.5.1.1. However, candidates may announce a general reminder to other students on the day of the election that voting is open before or after a general law school class or tutoring session, with the permission of the appropriate professor or tutor. The candidates may not endorse themselves, other candidates, or otherwise campaign during this type of announcement.
 - 5.5.2. Candidates shall not use any logo not created for the purpose of their candidacy on their campaign materials. This includes, but is not limited to, any state of South Carolina, University of South Carolina, USC School of Law, SBA, or Honor Council logos or trademarks on their campaign materials.
 - 5.5.3. Candidates shall not use endorsements of university administrators, faculty, or staff.
 - 5.5.3.1. “University staff” shall include law school tutors and peer mentors.
 - 5.5.3.2. Tutors and peer mentors are strictly prohibited from using student contact

information lists provided to them for the purpose of the tutoring and peer mentor programs respectively, to endorse or campaign on behalf of any candidate, including themselves.

- 5.5.3.3. Tutors and peer mentors may not endorse or campaign on behalf of a candidate while acting in their official capacity as a tutor or peer mentor (i.e. a tutoring session or official peer mentor meeting).
- 5.5.3.4. The above provisions do not prohibit tutors and peer mentors from endorsing or campaigning on behalf of a candidate when not acting in their capacity as a tutor or peer mentor.
- 5.5.4. Candidates may not pay for advertisements.
- 5.5.5. Candidates may not distribute any “campaign favors.” Campaign favors include, but are not limited to: T-shirts, stickers, buttons, or candy.
- 5.5.6. Candidates may not knowingly loiter within twenty (20) feet of someone voting in the SBA or Honor Council election.

Chapter 6

Violations and Appeals

- 6.1. The Committee shall investigate alleged violations of the Election Code.
- 6.2. Any student wishing to report a violation must submit the request for investigation in writing to the Chair and include any relevant evidence.
- 6.3. The Committee shall convene, either in person or via email, within forty-eight (48) hours to discuss the reported violation. By a majority vote, the Committee may:
 - 6.3.1. Find that no violation occurred and dismiss the allegation;
 - 6.3.2. Find that a violation did occur and issue a warning to the candidate; or
 - 6.3.3. Find that a violation did occur and convene a violation hearing to determine whether or not the candidate should be disqualified.
- 6.4. If a violation hearing is convened, the candidate will have the opportunity to be heard in front of the Committee before a final decision is rendered.
- 6.5. The Elections Committee may only disqualify a candidate when there is clear and convincing evidence that the candidate violated the Election Code.
 - 6.5.1. Disqualification of a candidate shall require a majority vote of the Committee.
 - 6.5.2. The Elections Committee may not impose a penalty exceeding the disqualification of the candidate.
- 6.6. A new election shall be held only if the winning candidate is disqualified or if the Elections Committee believes that it is reasonably likely that a violation had an impact on the outcome of the election.
- 6.7. Reports of violations must be submitted to the Chair no later than twenty-four (24) hours after the close of polls for the election in which the alleged violation took place.
- 6.8. A decision of the Elections Committee following a violation hearing may be appealed directly to the Honor Council, which shall be the final level of appeal.
 - 6.8.1. Appeals must be submitted to the Honor Council Chair within twenty-four (24) hours of the receipt of the decision of the Elections Committee.
 - 6.8.2. The Honor Council shall convene, either in person or via email, within forty-eight (48) hours to discuss the appeal.
 - 6.8.3. No Honor Council member running for election may hear the appeal of a candidate running for the same position.

Effective: October 22, 2018