

**University of South Carolina  
School of Law**

**Student Bar Association**

# **Election Code**

The Student Bar Association (SBA) is the student government of the University of South Carolina School of Law. The purposes and objectives of this association shall be:

- (a) To promote and maintain a high degree of integrity which is essential to the legal profession;
- (b) To encourage and foster high standards of scholarship;
- (c) To encourage the growth of a strong sense of professional responsibility;
- (d) To provide an effective medium for the expression of student views;
- (e) To maintain an effective liaison among students, faculty, and alumni of the School of Law;
- (f) To sponsor and maintain such services as may be deemed beneficial to the students of the School of Law;
- (g) To foster a closer personal relationship among the law school community; and
- (h) To cooperate with national, state, and local bar associations, and with other law schools through the Law Student Division of the American Bar Association.

*Constitution of the Student Bar Association of the University of South Carolina School of Law, Article I, Section 2.*

The SBA is comprised of 37 elected student representatives, which include:

- An **Executive Council** consisting of:
  - A President
  - A Vice-President
  - A Secretary
  - A Treasurer
- A **Legislative Council** consisting of:
  - Eight (8) 1L representatives selected from each of the current 1L sections, using whole numbers; should a fractional distribution result, those seats representing the fractional distribution will be elected at-large
  - Eight (8) 2L representatives selected at-large
  - Eight (8) 3L representatives selected at-large
- An **Honor Council** consisting of:
  - Three (3) 1L representatives selected at-large
  - Three (3) 2L representatives selected at-large
  - Three (3) 3L representatives selected at-large

Additionally, the SBA is also made up of appointed members, including, but not limited to:

- One (1) Parliamentarian
  - Appointed by the Vice-President from the student body at-large.
  - Not a member of the Executive, Legislative, or Honor Councils.
  - Serves at the discretion of the Vice-President.
  
- Committee Members
  - Appointed by the President, who has the power to establish any committee necessary to further the goals of the SBA.
  - President nominates a Chair and the members of any committee for approval by the Legislative Council.
  - Subject to the Bylaws.
  - The only required standing committee is the Elections Committee. *See* Section 2 of this Code.

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The **SBA Executive Council** is responsible for the following duties:

- (a) Meet at least monthly at the time and date agreed upon by the Executive Council and at any other time as directed by the President;
- (b) Adhere to the SBA Bylaws; and
- (c) Compile and submit a SBA Budget to the Legislative Council after taking office.

The **Executive Council** is comprised of the following offices:

**PRESIDENT**

- Shall serve as Chair of the Executive Council.
- Must be available to the student body during at least five (5) office hours per week.
- May work for pay up to ten (10) hours per week outside of the School of Law.

**VICE-PRESIDENT**

- Shall serve as the Chair of the Legislative Council (presides at all Legislative Council sessions).
- Responsible for coordinating, planning, and overseeing the orientation sessions.
- Responsible for updating and distributing a Legislative manual to the Legislative Council.

**SECRETARY**

- Shall serve as the Clerk of the Legislative Council.
- Keep the minutes and agenda of each Legislative Council meeting.
- Responsible for ordering and maintaining inventory for the SBA store, creating a schedule for Legislative and Executive Council members to work in the store, and coordinating and administering the Book Exchange program.
- Maintains an updated list of SBA dues-paying members.

- Assist in all matters of written correspondence and keep a permanent record of that correspondence.

#### **TREASURER**

- Shall serve as the Chief Financial Officer.
- Responsible for the accounting and disbursement of the approved budget.
- Must maintain a monthly report of transactions.

The **SBA Legislative Council** is responsible for the following duties:

- (a) Meet at least once each month and at any other time as directed by itself, the President, Vice-President, of Chair Pro-Tempore;
- (b) Serve in the SBA store for scheduled shift(s) each week;
- (c) Determine the budget of the SBA upon recommendation by the Executive Council; and
- (d) Initiate and pass legislation by majority vote.

The **Honor Council** is responsible for the following duties:

- (a) To educate the student body of the School of Law on the Honor Code;
- (b) To perform any duties established by the Honor Code;
- (c) To propose sanctions to the administration for any infraction adjudicated by the Honor Council;
- (d) To exercise judicial review over legislative and executive acts in accordance with the provisions of the SBA Constitution; and
- (e) To resolve appeals of decision by the SBA Elections Committee.

- A. The Elections Committee shall consist of five (5) students appointed by the SBA President, according to the procedures for appointing SBA committees. The SBA President shall be a non-voting member of the Elections Committee.
- B. The SBA President shall designate the Chairperson of the Committee. If the Chairperson resigns, the SBA President shall designate a successor.
- C. A member of the Elections Committee will be designated to keep the minutes of every meeting.
- D. The Elections Committee shall be responsible for implementing the Election Code in good faith.
- E. Any expenses incurred in conducting the elections shall be charged to the SBA according to established procedures for disbursing funds provided to the SBA.
- F. 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.

- A. The following offices shall be filled by election:
1. SBA Executive Council.
    - a. SBA President;
    - b. SBA Vice-President;
    - c. SBA Secretary; and
    - d. SBA Treasurer.
  2. SBA Legislative Council.
  3. Honor Council.
- B. SBA offices shall be filled by currently enrolled University of South Carolina Law students.
1. Each member of an Executive Council office must be a full-time student at the Law School.
  2. Each member of the Legislative or Honor Council must be enrolled in at least one class at the Law School per semester.
- C. Determination of winner.
1. SBA Executive Council offices: determined at such time as one candidate gains a majority of the votes cast, which shall be defined as fifty percent (50%) plus one.
  2. Honor Council and SBA Legislative Council offices: determined by those 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.
- D. Run-off Elections.
1. Executive Council offices: a run-off election shall be held if any candidate does not receive a majority of the votes cast. The person receiving the highest and the second highest number of votes cast shall be eligible for the run-off election.
  2. Honor Council and SBA Legislative Council offices: a run-off election shall only be held in the event of a tie for one or more of the seats.
  3. If a run-off election is necessary, it shall be held at a time to be determined by the Elections Committee.

- E. Votes cast.
  - 1. Votes cast include all ballots submitted, including blank ballots.
  - 2. The Elections Committee will determine if a ballot is ambiguous and will treat the ballot as a blank one.
  
- F. The Election Code shall supplement the SBA Constitution but shall in no way supersede the SBA Constitution.

- A. Eligibility to run for SBA President is limited to students the administration defines as rising 3rd year students at the time of the election.
- B. 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.
- C. Candidates for SBA Legislative Council and Honor Council offices can only run to represent their respective classes.
- D. No student shall be eligible to run for an SBA Legislative Council seat and an Honor Council seat during the same semester election.
- E. **ALL** those seeking office must file for candidacy for each Election in which they wish to participate. Incumbents must re-file for candidacy if they wish to seek re-election.
- F. In order to properly file for candidacy, candidates **MUST**:
  - 1. Attend one (1) of the candidate meetings scheduled by the Elections Committee. Candidates must sign-in to substantiate that they attended the meeting;
  - 2. Sign and return the application for SBA office **BEFORE** the determined deadline. The applications are distributed at the candidate meetings;
  - 3. Read the SBA Election Code, posted on TWEN and available in the SBA office; and
  - 4. Be a dues-paying SBA member.
- G. Candidates must file using their legal names. Each candidate may decide how his/her name will appear on the ballot subject to the approval of the Elections Committee. Names will appear on the ballot in random order.
- H. All Candidates, including write-in candidates, **MUST** comply with the Election Code.



**Section 5****Voting Times and Dates**

- A. The date of the spring election for Executive Council shall be held between the fifth and seventh week of the spring semester. If a run-off election is necessary, it shall be held within one week.
- B. The date of the spring election for the Legislative Council and Honor Council shall be held between the sixth and eighth week of the spring semester, following the election of the Executive Council. If a run-off election is necessary, it shall be held within one week.
- C. The date of the fall election (for the first year offices) shall be held between the third and fifth week of the fall semester. If a run-off is necessary, it shall be held within one week.
- D. The time of all general elections shall be 9:00 am to 4:00 pm. The Elections Committee has the discretion to hold run-off elections for a shortened period of time.
- E. The location of the poll for all elections shall be the main lobby of the law school.

- A. All currently enrolled University of South Carolina Law students are eligible to vote for SBA Executive Council offices.
- B. Each class (1L, 2L, 3L) shall have a separate slate of candidates for SBA Legislative Council and Honor Council offices. Students may only vote for candidates from their class slate and not from any other slate.
- C. The poll shall have the following items provided by the Elections Committee:
  - 1. Paper ballots;
  - 2. A computer printout sheet(s) listing all students eligible to vote in the election;
  - 3. A pen so that each voter may initial by his or her name on the printout to certify that he is casting his or her one and only ballot in that election;
  - 4. A ballot box to keep all ballots in until counting; and
  - 5. Two students to operate the poll and watch for any irregularities—one member of the Elections Committee, if available, and one Legislative Council or Honor Council member, if available.
- D. Votes for write-in candidates are allowed for any office in a general election, but are not allowed in any run-off election. In the event of a run-off election, the names of the candidates with the highest number of votes, including if appropriate a write-in candidate's name, shall be listed on the ballot.
- E. Students shall be allowed to vote absentee beginning one week before the date of the election. All absentee ballots **MUST** be cast before closing of the polls.
- F. The Elections Committee members, who are not running in that election, shall tabulate the votes after the poll has closed. During the tabulation, the SBA President and an Honor Council member **MUST** be present. Candidates may not observe the initial count of the ballots.
- G. The results of the election shall be available as public record, including the number of ballots that each candidate received, within eight (8) hours after the poll closes. This record shall serve as the certified result and shall contain the signature of:
  - 1. The Chairperson of the Elections Committee;
  - 2. The member of the Honor Council who was present during tabulation; and

3. The SBA President.
  - H. Any candidate or student may demand a recount of the ballots by written notice to the Elections Committee Chairperson or SBA President by noon the Monday following the election. The candidate may observe the recounting of the ballots.
  - I. All ballots shall be secured and stored by the Elections Committee Chairperson for two weeks after the election results have been posted, or until any appeal or contesting of the count has been finalized.

- A. Advertising.
1. Advertising may begin immediately after the candidate-filing deadline.
  2. No candidate shall use materials obtained from the University of South Carolina.
  3. Candidates may use **ONLY** the *following methods* of advertisement:
    - a. Posters.
      - i. Candidates are limited to twenty (20) posters, none of which may be larger than 8 ½ by 11 inches (a standard letter-size sheet of paper). Candidates for Executive Council offices may, in addition, have up to three (3) large posters, none of which may be larger than 2 feet by 3 feet.
      - ii. All posters must be placed on the classroom side of the Law School building. They may be placed in any hallway or stairwell. However, posters may not be affixed to the lower brown half of the Law School walls.
      - iii. No posters shall be permitted in any classroom, on the library doors, inside the library, in the lobby, or on the glass windows and doors at the entrances to the Law School Building. Also, no posters shall be permitted on any ceiling or windows in the building.
      - iv. Any member of the Elections Committee may remove any poster, which the Elections Committee determines is in violation of rules on hanging posters.
      - v. Organizations and non-candidates are prohibited from posting posters in support of a candidate, unless otherwise permitted by the candidate. Posters in support of any candidate, hung either by the candidate or on behalf of the candidate, are limited to the numbers permitted in Part (A)(3)(a)(i) of this Section.
    - b. Public Speaking.
      - i. Any candidate and those speaking on behalf of or in support of a candidate may speak to any class or organization with the prior permission of the professor or organization leader.

- ii. Candidates **MUST** use discretion not to disrupt classes. It is suggested that candidates try to limit speeches to one (1) or two (2) minutes before classes begin or in class breaks.
  - c. Individual Contact.
    - i. Candidates and those working on behalf of or in support of a particular candidate may campaign by “word of mouth.”
  - d. Web sites.
    - i. Candidates and those working on behalf of or in support of a particular candidate may prepare campaign Web sites so long as visitation to the site is voluntary.
    - ii. Web sites may only be advertised through the appropriate channels—on posters, in speeches, or by “word of mouth.”
- B. Prohibited Actions.
- 1. Candidates.
    - a. Candidates may not distribute any printed materials or other campaign materials. “Stuffing mailboxes” is prohibited.
    - b. Candidates may not distribute or wear any “campaign favors.” Campaign favors include, but are not limited to: T-shirts, stickers, buttons, or candy.
    - c. Candidates may not distribute individual E-mail or mass E-mail, unless the E-mail is sent out over a “listserv” that the candidate is already a member of and whose members have voluntarily joined and agreed to receive such E-mails (*e.g.*, an organization with a TWEN site).
      - i. Candidates may not join listservs specifically for the purpose of sending out campaign materials.
      - ii. Listservs that are organized for a Law School class are not an appropriate venue to distribute campaign E-mail.
      - iii. No mass E-mails may be sent out over the SBA listserv, nor any administration listserv.
    - d. Candidates may not knowingly loiter within twenty (20) feet of someone voting in the SBA election.

2. Non-candidates.
  - a. “On the campus of the Law School” includes the Law School building and its grounds and any Law School-sponsored event held off-campus.
  - b. Those working on behalf of or in support of a particular candidate may not distribute any printed materials or other campaign materials on the campus of the Law School. “Stuffing mailboxes” is prohibited.
  - c. Those working on behalf of or in support of a particular candidate may not distribute or wear any “campaign favors” while on the campus of the Law School. Campaign favors include, but are not limited to: T-shirts, stickers, buttons, or candy.
  - d. Those working on behalf of or in support of a particular candidate may not distribute individual E-mail or mass E-mail, unless the E-mail is sent out over a “listserv” whose members have voluntarily joined and agreed to receive such E-mails.
    - i. Listservs that are organized for a Law School class are not an appropriate venue to distribute campaign E-mail.
    - ii. No mass E-mails may be sent out over the SBA listserv, nor any administration listserv.
3. No member of the Elections Committee may campaign on behalf of any candidate. In the event that a member of the Committee is running for office, that person may not participate in Committee actions or decisions regarding that particular election.
4. No member of the Honor Council may campaign on behalf of any candidate.

- A. Upon signed, written complaint, or upon their knowledge, the Elections Committee shall investigate alleged violations of the Election Code, and, upon clear and convincing evidence, make appropriate findings, setting forth both its conclusion and the evidence upon which it was based.
- B. Complaints **MUST** be submitted to the Elections Committee Chairperson. The Chairperson will call a meeting of the Elections Committee to render a decision on the complaint.
- C. The Elections Committee shall not impose a penalty exceeding the disqualification of the candidate. 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.
- D. A majority vote of the Committee is necessary to impose a penalty.
- E. The Committee shall make no finding of violation without first providing any person so accused with the opportunity to be heard.
- F. A decision of the Elections Committee may be appealed directly to the Honor Council, which shall be the final level of appeal.