

**AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION**

**POLICY
ELECTION GUIDELINES**

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§ 1. **Administration**

- (a) **Speaker as administrator.** The Speaker, in consultation with the Election Committee, administers these guidelines.
- (b) **Election Committee.** The Election Committee consists of the Speaker, as chair; the Chair, as vice-chair; and the Chair-Elect. For these guidelines’ purposes, the “committee” means the Election Committee.
- (c) **Impartiality.** The Speaker and the committee shall administer these guidelines without partiality toward any candidate. No member of the committee may sit with the committee for the purposes of any election in which he or she is partial, or during any proceeding that involves a candidate from his or her state or firm. An officer or appointee is not necessarily partial because he or she lives or practices in the same state or at the same firm as a candidate. An officer or appointee is irrebuttably presumed partial with respect to a particular election if he or she is a candidate, he or she actively campaigns for or against any candidate, or the committee otherwise finds that he or she cannot administer the election impartially; otherwise he or she is presumed impartial. If an officer or appointee cannot administer the election impartially with respect to a particular election or dispute, then he or she may recuse himself or herself or the committee shall excuse him or her from service with respect to that particular election or dispute, in which case the committee shall appoint an impartial substitute who does not live or practice in the same state or at the same firm as any involved candidate.

§ 2. **Notice**

Notice. The Secretary-Treasurer shall before the midyear meeting give notice of the election in a publication of general circulation to the membership, through the affiliates, or in such other manner as the Council prescribes.

Bylaws § 7.1(b)

- (a) **Publication.** The Secretary-Treasurer shall give notice of the election—
 - (1) in the magazine, in one or more of the last three issues before the deadline for a declaration of candidacy; and
 - (2) on the website.

- (b) **Form.** The first notice shall appear in substantially the following form (after accounting for any change necessary based on which officers and representatives are being elected in a given cycle):

The ABA Young Lawyers Division will elect its officers and other representatives at the annual meeting on [date] in [place]. The officers and representatives being elected include the Chair-Elect, Secretary-Treasurer, Speaker, Clerk, one delegate to the ABA House of Delegates, the representative to the ABA Nominating Committee, and the Division's candidate for young-lawyer member-at-large on the ABA Board of Governors. The deadline for nominations by written notice to the Secretary-Treasurer is the Assembly's adjournment at the Midyear meeting on [date] in [place]. The applicable bylaws and guidelines relating to eligibility and nomination are available from the Secretary-Treasurer, or on the Division's website at www.abanet.org/yld. For more information, please contact the Secretary-Treasurer, [name, address, telephone].

§ 3. **Candidacy**

- (a) **Eligibility.** Any eligible member may nominate himself or herself for election. A member is eligible for nomination if he or she qualifies under the bylaws, and no other qualifications shall be prescribed. But a member is ineligible for election unless he or she files a declaration of candidacy pursuant to these guidelines.
- (b) **Declaration of candidacy.** Each candidate must declare his or her candidacy by filing a written notice to that effect with the Secretary-Treasurer, with a copy to the Speaker and the Staff Director. The Secretary-Treasurer shall promptly so notify the Council, and shall publish the list of declared candidates on the website and in any other efficient and effective manner. When more than one candidate has filed a declaration for the same election, then each officer, constitutional representative, director, coordinator, board, and team shall take care that each competing candidate enjoys fair and reasonable equality in consideration for funded travel and for speaking at each national meeting or conference.
- (c) **Campaigning prohibited before filing declaration.** A declaration is in order after, but not before or during, the annual meeting next preceding the annual meeting where the election will occur. No candidate or prospective candidate may campaign for election before declaring his or her candidacy. For a prospective candidate to "campaign" includes, but is not limited to, engaging in any practice that section 4 otherwise prohibits; advancing his or her candidacy in any way; speaking or writing about his

or her campaign in any forum or medium; calling, mailing to, or otherwise contacting or approaching any young lawyer for the purpose of soliciting or influencing his, her, or another's support for a prospective candidacy; and wearing or distributing paraphernalia in connection with his or her campaign. For a prospective candidate to "campaign" does not include informal conversation about the election with another young lawyer for the purpose of soliciting their advice about whether to seek election.

- (d) **Form.** The declaration must specify a single office or other title to which the candidate seeks election. The declaration need not otherwise follow any special form: it may simply identify the candidate (by name, address, and telephone number) and say, "Please accept this letter as my declaration of candidacy for [office or title]."
- (e) **Deadline.** The deadline for filing a declaration is the Assembly's adjournment at the midyear meeting. If no candidate has filed a declaration by that deadline, or if every candidate who has filed a declaration withdraws by written notice to the Secretary-Treasurer after the Assembly's adjournment at the midyear meeting, then the Secretary-Treasurer shall promptly so notify the Council, in which case the period for filing is thereby extended until the sooner of—
 - (1) the Assembly's call to order at the annual meeting, or
 - (2) thirty days after the Secretary-Treasurer transmits the notice.
- (f) **Statement.** Each candidate may file with the Speaker, and may thereafter update at any time, a camera-ready statement (which may include a photograph or other graphic), on up to three single-sided, letter-size pages, that shall identify him or her and the office or other title for which he or she is campaigning, and may state his or her qualifications and experience, advocate his or her candidacy, and outline his or her plans and goals if elected, and may include a resume and any other relevant material. The Speaker shall compile, and shall circulate to each young lawyer attending the spring conference and each delegate attending the annual meeting, each such statement received at least twenty days (or by such earlier deadline as the committee sets) before the conference or meeting. The Speaker shall circulate each statement in the same manner as a resolution for the Assembly's consideration, or may circulate the statements together in a separate document. The Speaker shall arrange the statements by election, in the order in which the office or other title being elected is listed in articles VI and VIII of the bylaws; and, within each such office or title, in reverse alphabetical order by surname for the spring conference, and in alphabetical order by first name for the annual meeting. Each candidate may distribute his or her statement or other literature at each

national meeting or conference in any form, regardless of whether the statement is otherwise circulated as this guideline provides.

- (g) **Withdrawal.** A candidate may withdraw only by written notice to the Secretary-Treasurer, the Speaker, or the Staff Director, except that a candidate who does not attend the election is presumed to have withdrawn unless he or she has notified the Speaker that he or she cannot attend.

§ 4. **Campaigning**

- (a) **Unfair practices prohibited.** A candidate may not engage in any unfair campaign practice, including but not limited to—
 - (1) infraction or contempt of any campaign guideline,
 - (2) libeling or slandering another candidate, and
 - (3) maliciously disrupting another's campaign.
- (b) **Professional campaign services.** A candidate may not hire or use any professional campaign, marketing, advertising, or design service, even if the candidate receives the service free of charge.
- (c) **Truthfulness.** A candidate may not, in connection with his or her candidacy, make or repeat any statement that is untruthful, deceptive, or misleading, or that omits material information without which the statement is less than fully candid or fair.
- (d) **Disclosure.** If asked, a candidate must identify any other candidate who has filed a declaration for the same election. A candidate may not imply that an election is uncontested unless in fact no other candidate has filed a declaration.
- (e) **Characterization.** A candidate must let each competing candidate speak for himself or herself, and may not characterize a competing candidate's record, views, or personality except in terms of the other candidate's own statements or action or on the basis of objective factual information.
- (f) **Listing supporters.** A candidate may not list as a supporter anyone who has not consented, in writing, and may not list as a supporter anyone who is neither a current member of the Division nor a delegate unless the list conspicuously discloses that fact. No officer or constitutional representative may be listed as a supporter. Directors or coordinators may be listed as supporters in their individual capacity, but their title shall not be included on the list.

- (g) **Literature.** A candidate may not distribute hard-copy literature printed in ink of more than one color. A candidate may distribute color materials via e-mail or the Internet.
- (h) **Paraphernalia.** A candidate may not campaign by means of offering any gift, favor, sticker, badge, button, or other tangible object or paraphernalia to any young lawyer, except printed literature.
- (i) **Internet.** A candidate may campaign via the Internet or social media websites, so long as any such campaigning is in accordance with the other provisions of these Election Guidelines and YLD Social Media Policy.
- (j) **Hospitality.** A candidate may not campaign by means of buying or offering to buy any food, beverage, accommodation, or other hospitality for any young lawyer, in the form either of a hosted suite or party or of buying or offering to buy dinner, drinks, or other food or beverage for more than three young lawyers on the same day.
- (k) **Travel.** When more than one candidate has filed a declaration for the same election, then each such candidate may attend (at the Division's expense if, but for the competing candidacy, the Division would otherwise pay for such attendance) each national meeting and conference; each regional conference in his or her own region; and each other meeting, conference, or other event to which the candidate would ordinarily travel on account of his or her office, appointment, or other status in the Division.
- (l) **Undue influence.** A candidate may not threaten or imply that how a delegate votes will result in any reward or retaliation in appointments, funding, or any other benefit or opportunity at the national, state, or local level.
- (m) **Official resources.** The Division will up to twice per campaign furnish mailing labels or other contact information to each candidate on an equal basis. A candidate may not otherwise use any resource that belongs to the Division, or that is specially available to him or her as an officer, constitutional representative, or appointee, for the purpose of campaigning. The resources that a candidate cannot use for the purpose of campaigning include, but are not limited to, funding, letterhead, postage, staff support, meeting space, and any publication or other forum or platform that the Division controls.

- (n) **Accountability.** Each candidate is responsible for activity that another undertakes on his or her behalf, as if the candidate is undertaking the activity himself or herself, unless the candidate sincerely and affirmatively discourages such activity.

§ 5. **Neutrality**

For a member to “actively campaign” includes, but is not limited to, endorsing a candidate or advancing his or her candidacy in any way; speaking or writing for or against a candidate’s campaign in any forum or medium; calling, mailing to, or otherwise contacting or approaching any young lawyer for the purpose of influencing his, her, or another’s vote in the election; or letting a candidate use one’s name in connection with his or her campaign. For a member to “actively campaign” does not include informal conversation about the election with another young lawyer from the same state or firm, if the other young lawyer raises the subject and seeks the member’s advice, and the member takes reasonable and appropriate care that the other young lawyer will not repeat his or her remarks; or writing a letter of recommendation for, or otherwise evaluating, the candidate for a purpose unrelated to the campaign, such as a fellowship in another section within the Association or an appointment within the Division.

- (a) **Staff neutral.** The staff shall administer these guidelines without partiality toward any candidate and may not campaign for, endorse, or otherwise support any candidate in preference to any other candidate.
- (b) **Leadership neutral.** No officer or constitutional representative shall actively campaign for or against any candidate. No director or coordinator shall actively campaign for or against any candidate while performing his or her duties as a director or coordinator. Each director or coordinator, in connection with any campaign, shall explicitly distinguish between personal remarks and remarks made officially; shall not imply or knowingly let an implication arise that the Division or any officer, constitutional representative, other appointee, board, committee, or team necessarily shares his or her personal opinions; when writing, shall correspond on personal stationery over his or her personal signature, without using a title; and shall take care that any mention of his or her title in connection with his or her remarks is for identification only.

§ 6. **Interpretation**

- (a) **Written opinion available.** The committee interprets these guidelines and shall, in response to any candidate’s or officer’s written question

regarding their interpretation, issue within ten days a written opinion answering the question asked. The committee shall apply the plain meaning of interpreted language, with due regard for consistency. The committee may, or at any candidate's request shall, report its opinion to the Council.

- (b) **Precedent.** The committee shall consider each interpretation with a view toward its precedential value. If the interpretation does not clearly follow from the language interpreted, if the plain meaning of interpreted language evidently differs from the intended or historical meaning, or if the meaning is ambiguous or confusing or may cause further question, the committee shall draft clearer language and recommend it to the Council.
- (c) **Reliance.** Any candidate or other member may rely on a written opinion in connection with the election with respect to which it was issued, and a candidate is not subject to remedial action for such reliance. An opinion that is not incorporated into these guidelines is persuasive, but not controlling, authority with respect to any later election.

§ 7. Enforcement

- (a) **Liberal remedial power.** The committee enjoys liberal remedial power to enforce these guidelines and ensure the integrity of any election.
- (b) **Factual questions.** The committee, on its own motion or at the written request of any candidate or other young lawyer, shall promptly decide any factual question arising under these guidelines or otherwise relating to the election, including a complaint that a candidate has broken these guidelines or otherwise engaged in an unfair campaign practice.
- (c) **Due process.** The committee shall, on the basis of clear and convincing evidence, take remedial action against any candidate who has broken these guidelines or otherwise engaged in an unfair campaign practice. The Speaker shall give timely notice to any candidate who is subject to such remedial action, who may personally appear before the committee and confront any evidence against him or her. Any such proceeding shall be private and confidential, unless the candidate waives his or her right to privacy and confidentiality.
- (d) **Remedial action.** If a candidate has broken these guidelines or otherwise engaged in an unfair campaign practice, then the committee shall either warn the candidate, in which case the Speaker shall deliver the warning

privately; or reprimand the candidate, in which case the Speaker shall report the reprimand to the Council. If a candidate repeats a breach or other unfair practice that was the subject of an earlier warning or reprimand, then the committee may reprimand the candidate and report the reprimand to the Assembly during the election.

- (e) **Strict construction.** These guidelines shall be strictly construed. A candidate is strictly liable for any infraction of these guidelines, however slight, unless the infraction results from another's inequitable conduct. Neither good faith nor ignorance is a defense to a complaint against a candidate who has allegedly broken these guidelines or otherwise engaged in an unfair campaign practice.

§ 8. **Review**

- (a) **Review by committee.** The committee may review any action taken under these guidelines by the Speaker, the Secretary-Treasurer, or any other officer or appointee.
- (b) **Review by Council.** The Council may review any action taken under these guidelines by the committee, the Speaker, the Secretary-Treasurer, or any other officer or appointee.