

## Article IV. GENERAL ELECTIONS

### Section 4.01 *Definitions*

- (a) *candidate*: a student who is qualified to run for a position in the relevant election and has filed an intent-to-run form or has been written on to the relevant ballot; candidacy does not extend past the close of polls in one election
- (b) *campaign materials*: physical or electronic documents or postings that clearly identify the candidate and the office sought and do not exceed the size of one sheet of 8 1/2 x 11-inch paper
- (c) *Executive Board*: the outgoing executive board of SBA
- (d) *election information*: election timelines and deadlines and opportunities for candidacy
- (e) *election*: an individual round of voting, which ends with a close of polls; a run-off election is therefore separate from a general election
- (f) *election period*: the election period for a given position begins when intent-to-run forms and candidate statements are due and ends when positions are filled
- (g) *exact vote counts*: vote distributions across the candidates for a specific position that do not reveal candidate identities other than the identity of the candidate making the request
- (h) *hearing tribunal*: the Election Commission or *ad hoc* tribunal conducting a hearing to consider a petition
- (i) *filed*: sent to the official email of the appropriate party
- (j) *petitioners*: parties filing petitions alleging election violation(s)
- (k) *public bulletin board*: bulletin boards in the law school that are not student organization boards, faculty office bulletin boards, or bulletin boards that could otherwise be considered “private”
- (l) *respondents*: parties charged with violations in a petition
- (m) *SBA President*: the outgoing president of SBA

### Section 4.02 *Purpose and Administration*

- (a) Purpose: The purpose of these bylaws is to ensure that the election process is easy to understand and to administer, maximize candidate and voter participation, and minimize the potential for abuse.
- (b) Scope: These bylaws will operate in conjunction with the SBA Constitution. In the event of a conflict, the SBA Constitution governs.

### Section 4.03 *Adoption and Promulgation*

- (a) Adoption: The Election Commission adopts amendments to these bylaws by a consensus of its members and the approval of an absolute majority of the SBA body, or 2/3 of those SBA body members present and voting as required by Section 13.01.

- (b) Promulgation: An amendment to these bylaws takes effect when, after its adoption, it is announced to the student body.
- (c) Recording: When an amendment is promulgated, the SBA Parliamentarian is requested to keep an updated copy of these bylaws in the SBA records.
- (d) Entry into Force: An amendment to these bylaws takes effect when the amendment is promulgated subject to the exceptions that:
  - (i) An amendment does not enter into force with respect to an election for which intent-to-run forms were due before the promulgation of that amendment; and
  - (ii) An amendment does not enter into force with respect to a referendum which has been adopted by the SBA General Body at a meeting before the promulgation of that amendment.

#### Section 4.04 *Interpretations*

- (a) 3Ls Entitled to Vote for SBA President: The Election Commission interprets Article III, § 4 of the SBA Constitution to entitle all students to vote, regardless of their date of graduation.
- (b) Rounding Up: The Election Commission interprets Article I, § 2 of the SBA Constitution to require the number of representatives for a class year to be five percent (5%) of the enrollment of that class year rounded up to the nearest whole number.

#### Section 4.05 *Schedule*

- (a) Campaigning and elections for any position must be conducted according to the timeframes established by Article III, §§ 2–5 of the SBA Constitution.
- (b) The Election Commission will determine the times that polls in any election will open and close.
- (c) The Election Commission will determine the deadlines for the submission of intent-to-run forms, candidate statements, and requests for campaigning by school-wide email.
- (d) Candidates may only campaign during the election period.

#### Section 4.06 *Publicity*

- (a) The Election Commission will publicize election information.

- (b) Method of Publicizing: The Election Commission will publicize election information to each individual student at the law school by methods reasonably calculated to maximize awareness of the election process, particularly e-mail. The Election Commission will publish to each student:
  - (i) Deadlines for filing intent-to-run forms;
  - (ii) Deadlines for the submission of candidate statements; and
  - (iii) A statement directing students to review these bylaws.
- (c) Timeline of Publicizing: The Election Commission will publicize election information no later than twenty-four (24) hours after the start of the election period.

#### Section 4.07 *Filing as a Candidate*

- (a) All candidates must meet the deadlines for filing as a candidate established by the Election Commission for a particular election.
- (b) Candidates seeking to be named on ballots must submit an intent-to-run form containing the candidate's name, class year, the position for which the candidate is filing, and a signed statement that the candidate has reviewed these bylaws and will adhere to them in good faith and in accordance with the Honor Code. Candidates who are interested in running for more than one position must indicate as much on their intent-to-run forms and rank the positions in order of interest.
- (c) Candidates who indicate interest in multiple positions on their intent-to-run forms will be expected to submit candidate statements for each position ranked. Such candidates are still subject to the standing requirements described in Section 4.21 when filing petitions.
- (d) The Election Commission will designate and publish a procedure for filing intent-to-run forms.
- (e) It is a violation of these bylaws to tamper with a candidate's intent-to-run form.
- (f) Write-In Candidacy: Write-in candidacy is permitted, but all write-in candidates remain subject to the restrictions on campaigning in these bylaws.

#### Section 4.08 *Allowed Campaigning*

- (a) A candidate, write-in candidate, or any other individual may only use forms of campaigning described by these bylaws or the SBA Constitution.

- (b) The Election Commission reserves the right to adapt restrictions to campaigning based on changing technology as the Election Commission sees fit as long as such restrictions are consistent with these rules.
- (c) The Election Commission reserves the right to adapt restrictions to campaigning based on health or safety concerns as the Election Commission sees fit as long as such restrictions are consistent with local, state, or federal public health mandates or protocols.
- (d) Candidates are prohibited from spending money on campaigning generally, outside of paying for campaign materials described in these bylaws.

#### Section 4.09 *Candidate Statements*

- (a) The Election Commission will distribute to the voters in any particular election a candidate statement for each candidate who has filed an intent-to-run form in compliance with these bylaws.
- (b) The Election Commission will not distribute candidate statements for write-in candidates.
- (c) Form: Candidate statements are limited to one electronic file containing only text and/or a workplace appropriate photograph of the candidate. Candidate statements must not exceed 750 words per position.
- (d) Deadline: The Election Commission will establish a deadline for the submission of candidate statements and will not accept late submissions.
- (e) Distribution: The Election Commission will distribute candidate statements complying with these bylaws via e-mail. The Election Commission has the authority to determine the order in which the statements will appear.
- (f) The Election Commission will allow candidates for SBA President to edit their candidate statements following the candidate debate, if desired, and will distribute the revised statements to the student body via e-mail.

#### Section 4.10 *Physical Distribution of Campaign Materials*

- (g) Candidates may not distribute campaign materials to student mail folders. This does not apply to communications internal to a candidate's campaign.
- (h) Each candidate is permitted to distribute campaign materials by hand to the student body during the campaign period. Such "flyering" must not be aggressive, harassing, or inconsistent with public health mandates or protocols.

- (i) Campaign materials physically distributed to the student body may not exceed the size of one sheet of 8 1/2 x 11-inch paper and must clearly identify the candidate and the office sought. Such campaign materials may include invitations to in-person or virtual meetings that (1) are open to all members of the student body and (2) will be used as forums for the candidate to speak about the candidate's campaign and/or answer any questions.
- (j) A copy of any campaign materials distributed to the student body must be sent to the official email of the Election Commission for approval.
- (k) Campaign materials may only be distributed after an email confirmation is received from the official email of the Election Commission. The Election Commission will respond to requests within twenty-four (24) hours of receipt. Upon request from the candidate, the Election Commission will send such campaign materials to the portion of the student body voting for the candidate in the relevant election.
- (l) Campaign materials inconsistent with the Honor Code will not be approved.
- (m) Candidates may only distribute approved campaign materials during the election period as defined in Section 4.01 of these bylaws.

#### Section 4.11 *Physical Posting of Campaign Materials*

- (a) Each candidate is permitted to post campaign materials on only public bulletin boards throughout the law school. Such "posting" must not be aggressive, harassing, or inconsistent with public health mandates or protocols.
- (b) Candidates are prohibited from posting campaign materials on non-public bulletin boards.
- (c) Campaign materials posted on public bulletin boards may not exceed the size of one sheet of 8 1/2 x 11-inch paper and must clearly identify the candidate and the office sought. Such campaign materials may include invitations to in-person or virtual meetings that (1) are open to all members of the student body and (2) will be used as forums for the candidate to speak about the candidate's campaign and/or answer any questions.
- (d) A copy of any campaign materials posted on public bulletin boards must be sent to the official email of the Election Commission for approval.
- (e) Campaign materials may only be posted after an email confirmation is received from the official email of the Election Commission. The Election Commission will respond to requests within twenty-four (24) hours of receipt. Upon request from the candidate, the Election Commission will send such campaign materials to the portion of the student body voting for the candidate in the relevant election.

- (f) Campaign materials inconsistent with the Honor Code will not be approved.
- (g) Campaign materials posted to public bulletin boards must comply with all other rules governing signs in the law school.
- (h) Candidates may only post approved campaign materials during the election period as defined in Section 4.01 of these bylaws.
- (i) Candidates must remove all signs he/she/they has placed within seventy-two (72) hours of the close of polls in the election in which he/she/they is running.

#### Section 4.12 *Oral Campaigning*

- (a) Candidates may engage in oral, in-person, individual campaigning at any time, except as prohibited in these bylaws.
- (b) Candidates are prohibited from campaigning orally during meetings and events of student groups in which candidates have a leadership role.
- (c) Candidates may not purposefully or recklessly cause or influence SBA or any school-sanctioned student group or organization to promote or endorse candidates' candidacy in any way or form.
- (d) The candidate is permitted to host or participate in any in-person meetings that (1) are open to all members of the student body and (2) will be used as forums for the candidate to speak about the candidate's campaign and/or answer any questions from potential voters, if invitations to such meetings were included in the candidate's approved campaign materials.
- (e) A candidate is prohibited from engaging in any oral electronic campaigning regarding the election, unless:
  - (i) The candidate is solicited to do so in a group video and/or phone communication, in which case the candidate may only respond by directing the solicitor(s) to one of the candidate's approved election posts and/or the candidate's other approved campaign materials; or
  - (ii) The candidate is solicited by an individual in a private video and/or phone communication, in which case the candidate may respond in any way he/she/they deem appropriate and consistent with the election bylaws, including explaining or discussing his/her/their platform or responding to direct questions; or
  - (iii) The candidate hosts or participates in any virtual meetings that (1) are open to all members of the student body and (2) will be used as forums for the candidate to speak about the candidate's campaign and/or answer any questions from potential voters, and

invitations to such meetings were included in the candidate's approved campaign materials.

- (f) Oral campaigning may neither disrupt classes or meetings nor harass students.

#### Section 4.13 *Electronic Campaigning*

- (a) Each candidate is permitted to post approved campaign materials to public social media group pages that are sanctioned and created by the law school (such as the Facebook groups "Washington University School of Law Student Page" or "Washington University School of Law: Class of 2021"). Such "posting" must not be aggressive or harassing. Social media group pages managed by law school student groups do not qualify as sanctioned under this provision.
- (b) Candidates may post approved campaign materials to social media groups that do not qualify as public social media groups under Section 4.13(a), if those social media groups reach over 80% of a given class and have been approved by the Election Commission. The Election Commission will respond to requests for such approval within twenty-four (24) hours.
- (c) Members of the Election Commission may request to become administrators or moderators of the social media group pages described under Section 4.13(a) or (b). Members of the Election Commission who become administrators or moderators reserve the right to delete any comments they believe to be in violation of these bylaws or otherwise meant to harass others or inhibit discussion.
- (d) Campaign materials posted on public social media group pages may not exceed the size of one sheet of 8 1/2 x 11-inch paper and must clearly identify the candidate and the office sought. Such campaign materials may include invitations to in-person or virtual meetings that (1) are open to all members of the student body and (2) will be used as forums for the candidate to speak about the candidate's campaign and/or answer any questions.
- (e) A copy of any campaign materials posted on public social media group pages must be sent to the official email of the Election Commission for approval.
- (f) Campaign materials may only be posted after an email confirmation is received from the official email of the Election Commission. The Election Commission will respond to requests within twenty-four (24) hours of receipt. Upon request from the candidate, the Election Commission will send such campaign materials to the student body.
- (g) Campaign materials inconsistent with the Honor Code will not be approved.
- (h) Each candidate is permitted to reply to comments on posts described in Section 4.13(a).

- (i) A candidate is prohibited from engaging in any electronic communications regarding the election not described in Section 4.13(a)–(h), unless:
  - (i) The candidate is solicited to do so in a group message or group email, in which case the candidate may only respond by directing the solicitor(s) to one of the candidate’s approved election posts and/or the candidate’s other approved campaign materials; or
  - (ii) The candidate is solicited by an individual in a private message or private email, in which case the candidate may respond in any way he/she/they deem appropriate and consistent with the election bylaws; or
  - (iii) The candidate hosts or participates in any virtual meetings that (1) are open to all members of the student body and (2) will be used as forums for the candidate to speak about the candidate’s campaign and/or answer any questions from potential voters, and invitations to such meetings were included in the candidate’s approved campaign materials.
- (j) Electronic communications regarding the election by non-candidates are permitted under these bylaws. Any attempt by a candidate to electronically communicate to others through a non-candidate are, however, in violation of these bylaws. The determination of whether a candidate has attempted to communicate through a non-candidate is subject to the discretion of the Election Commission.

#### Section 4.14 *Candidate Debates*

- (a) The Election Commission will sponsor at least one debate between candidates for the office of SBA President at a convenient time and place.
- (b) If the Election Commission determines that student body interest is sufficient, it may sponsor debates between candidates for other positions.
- (c) Only candidates who have filed an intent-to-run form may participate in debates sponsored by the Election Commission.
- (d) The Election Commission will establish the format and rules of any debate it sponsors.

#### Section 4.15 *Electronic Voting*

- (a) The Election Commission will conduct all elections by electronic voting.

#### Section 4.16 *Ballot Secrecy*



- (a) Secret Ballot: All voting will be by secret ballot. Tallies of votes may not reveal the name, email address, student number, or any other personal identifying feature of voters.
- (b) Unique Access: All ballots will be designed to require a WUSTL Key for access.
- (c) Violations: A student violates these bylaws by attempting to ascertain the choices of any particular voter from any electronic record of votes.
- (d) If the Election Commission learns of a violation of this section, the student in question will be referred to the Honor Council.

#### Section 4.17 *Ballot Design*

- (a) No ballot will allow a student to vote in an election in which members of his or her class are not entitled to vote.
- (b) All ballots for the election for a position will list the names of all candidates who have filed an intent-to-run form. Ballots may also provide spaces for write-in candidates.
- (c) No ballot will allow a student to cast more votes for a position than there are openings.

#### Section 4.18 *Vote Counting*

- (a) The Election Commission will ensure that the electronic voting procedures produce an automatic tally of votes following the close of the election period.
- (b) Immediately following the close of the election period, the Election Commission will obtain a copy of the election results to certify the election results.

#### Section 4.19 *Runoffs*

- (a) In all cases, the Election Commission shall contact potential run-off candidates and obtain their consent to participate in a run-off election within twenty-four (24) hours of the close of polls. As soon as the Election Commission receives such consent, the Election Commission shall inform the student body of the run-off election within twenty-four (24) hours that there shall be a run-off election. If a candidate asked to participate in a run-off pursuant to subsections (b) or (d) does not consent to such participation, the next qualifying candidate will be asked. This process will be repeated until two candidates consent to participate in a run-off or until there is only one consenting candidate.
- (b) In an election for one open position (for example, the presidential election) where there are three or more candidates, a candidate who receives more than fifty percent (50%) of votes is elected. In such an election, should no candidate receive a majority of votes, and if the two (2) candidates

with the most votes consent to a run-off election, those candidates shall proceed to a run-off election to be held within ten (10) school days of the close of polls in the first round of voting. The candidate receiving more votes in such a run-off is elected.

- (c) Under no circumstances whatsoever will a run-off presidential election be conducted with more than two candidates.
- (d) In an election for more than one open position (for example, the class representative election), candidates shall be elected in the order of the highest number of votes. In the event that all positions cannot be filled because two or more people receive the same number of votes, those candidates who received the same number of votes and have consented shall proceed to a run-off election to be held within ten (10) school days of the close of polls in the first round of voting. The candidate(s) receiving more votes in such a run-off shall be elected.
- (e) If the run-off described in subsection (b) results in a tie between the two remaining candidates, subsequent run-offs shall be held in the same fashion until a winner is determined.
- (f) If the run-off described in subsection (d) results in a tie between the remaining candidates, the SBA President shall nominate one of the remaining candidates for a vote by the SBA body, pursuant to Article 1 § 2 of the SBA Constitution.

#### Section 4.20 *Publication of Results*

- (a) When election results are finalized under Section 4.18, the Election Commission shall verify by email with any write-in candidates who have won that they wish to fill the offered position.
- (b) The Election Commission will publish the results of any election by school-wide email as soon as is practicable after the election period closes.
- (c) The Election Commission will publish only the names of winners, listing them alphabetically for applicable positions.
- (d) The Election Commission will, upon request, furnish exact vote counts for an election to candidates in that election who filed an intent-to-run form.

#### Section 4.21 *Petitions*

- (a) The Election Commission has authority to hear petitions alleging violations of the SBA Constitution or SBA bylaws in the conduct of an election or referendum.
- (b) If a petition alleges a violation against the Election Commission or an individual member of the Election Commission, an independent, *ad hoc* election tribunal will consider that petition under the procedure established in Section 4.23 of these bylaws and issue judgments in accordance

with Section 4.24. Such an election tribunal will consist of three students to be appointed by the SBA Executive Board. No member of the SBA General Body, member of the Election Commission, or candidate for office may be a member of an *ad hoc* election tribunal. At the initial meeting of an *ad hoc* tribunal, its members will elect a Chairperson amongst themselves.

- (c) Standing: Any student who is a non-write in candidate in the general election, or any candidate in a run-off election, may file a petition only if the claimed violation could have materially impacted the election outcome, or could foreseeably impact the election outcome, in a way adverse to the petitioner.
- (d) Standing in subsection (c) shall be determined by the Election Commission or *ad hoc* election tribunal upon review of each petition.
- (e) Joint Petition: If multiple students have standing for the same issue in the same election, they may file a joint petition or decide to file individual petitions.
- (f) Honor Code violations do not fall under the purview of the Election Commission and will be referred to the Honor Council.

#### Section 4.22 *Petition Procedure*

- (a) Filing of Petitions: If a petition alleges a violation by a person or body other than the Election Commission, it must be sent to the official email of the Election Commission. If a petition alleges a violation by the Election Commission or an individual on the Election Commission, it must be sent to the email of the SBA President.
- (b) Contents of Petitions: Petitions must include a statement showing standing and detailing the precise allegations of actions that constitute the misconduct complained of, and they must precisely cite the provision(s) of the SBA Constitution or SBA bylaws alleged to be violated.
- (c) Limitations on Petitions: Petitions must be filed within seventy-two (72) hours of the close of polls in the election to which the petition relates.
- (d) Service of Petitions: Upon receipt of a petition that appears to comply with these bylaws, the Election Commission or SBA—determined by the allegations in the petition, per subsection (a)—will email a copy of the petition to respondents.
- (e) Petition Corrections: Petitioners shall have the opportunity to correct mistakes found in submitted petition(s). Petitioners shall make necessary corrections within twenty-four (24) hours of being alerted to the mistakes via email by the Election Commission.

#### Section 4.23 *Hearing Procedure*

- (a) The Election Commission or *ad hoc* tribunal will conduct a hearing to consider a petition within two (2) weekdays of the filing of that petition.
- (b) For either actual impropriety or the appearance of impropriety, hearing tribunal members may recuse themselves at any point before the hearing is commenced.
- (c) Replacement: The hearing tribunal must be composed of either three or five members. In the event that recusal under subsection (b) leaves an insufficient number of members, the SBA President shall be appointed to the hearing tribunal. In the event that the SBA President cannot serve on the hearing tribunal, or if more members are still needed to make a three- or five-member tribunal, he/she/they shall appoint a member or members of the Executive Board.
- (d) The Election Commission will publish the time and location of any hearing before it occurs, but hearings may be closed to the public at the discretion of the Chairperson of the Election Commission or Chairperson of an *ad hoc* tribunal.
- (e) The Chairperson will preside over all petition hearings.
- (f) Petitioners' Opening Statement: At the opening of a hearing on an individual petitioner, the petitioners will jointly have fifteen minutes to argue their petition to the Election Commission.
- (g) Respondents' Opening Statements: Following the petitioners' opening statement, any respondents will jointly have fifteen minutes to respond to the petition.
- (h) Parties may present witnesses or evidence during their opening statements. The Election Commission will not interrupt opening statements with substantive questions.
- (i) Examination of Parties: Following opening statements, the Election Commission will have the opportunity to question the petitioners for ten minutes and then the respondents for ten minutes.
- (j) Closing Statements: Following examination, the petitioners and then the respondents will each jointly have five minutes for closing statements.
- (k) Deliberations: Following closing statements, the Election Commission will retire to a private and convenient place to deliberate.
- (l) Hearings may be held either in-person or virtually, at the discretion of the Election Commission.

#### Section 4.24 *Judgments*

- (a) Consensus: The Election Commission reaches judgment on a petition by a majority vote.

- (b) Remedial Action: If the Election Commission finds that a respondent has violated the SBA Constitution or SBA bylaws, it may order appropriate remedial measures, including, but not limited to, the disqualification of a candidate or an order for new elections. The Election Commission may order lesser and proportionate remedies as it deems appropriate. All candidates, including write-in candidates, are bound by such orders.
  
- (c) Finality: The judgments of the Election Commission are final and not subject to appeal.