

# Georgia State University, College of Law Student Bar Association Constitution

## Article I - Name

This organization shall be known as the Student Bar Association of the Georgia State University College of Law, hereinafter referred to as the "SBA."

## Article II - Membership

### Section 1. SBA Membership --

The membership of the SBA shall consist of all students enrolled at the Georgia State University College of Law, hereinafter referred to as the "College of Law."

### Section 2. Faculty Advisor --

Each year the Associate Dean of Student Affairs shall be the selected faculty member to serve as the Faculty Advisor of the SBA unless the Board of Directors of the SBA, as defined in Article IV, votes by 2/3 majority to select another faculty advisor.

## Article III - Mission Statement and Objectives

### Section 1. Mission Statement --

The Mission of the Student Bar Association of the Georgia State University College of Law is to serve the student body by acting as an advocate of all academic concerns, a promoter of student life, and a coordinator of all those peripheral functions that are integral to the achievement of academic excellence.

### Section 2. Objectives --

The objectives of the SBA shall be:

- (A) To ensure a student government based upon the will of the student body.
- (B) To provide a forum for and encourage the free expression of ideas concerning the educational, social, ethical, and cultural aspects of student life.
- (C) To provide for association among students, faculty, and administration.
- (D) To promote a close affiliation between students and members of the legal profession.
- (E) To ensure that all students of the College of Law have equal access to the activities of the SBA.

## Article IV - Administration

### Section 1. Board of Directors --

The SBA shall be managed by the SBA Board of Directors, hereinafter referred to as the "Board," pursuant to the powers enumerated herein.

## **Section 2. Membership --**

The Board shall consist of the Executive Officers, as defined in Article V, and three Senators from each of the three classes. All Executive Officers and Senators of the Board shall be elected by the membership of the SBA as set out by Article VIII. Non-voting members shall be appointed, as set out in Article VI, sections 1 – 4.

## **Section 3. Meetings --**

- (A) *Regular Meetings.* The Board shall meet at least twice a month during the Fall and Spring semesters.
- (B) *Special Meetings.* The Board may call for a special meeting in compliance with Article V, section 1, subsection (B)(3).

## **Section 4. Attendance --**

Attendance at all Board meetings during the Fall and Spring semesters is required for all Board members. More than two unexcused absences for the year from Board meetings is prima facie grounds for impeachment in a manner that is consistent with Article X. Unexcused absences shall be defined by the Board in the Board Procedures Manual.

## **Section 5. Voting --**

- (A) A quorum shall consist of a majority of the entire membership of the Board entitled to vote. The President of the Board is to be counted for the purpose of obtaining quorum. No matters may be voted on with a binding effect if a quorum is not present at the time of the vote.
- (B) All voting members of the Board, except for the President, who are present at a meeting shall have one vote on each question coming before the Board at that meeting. The President shall have a vote only in the event of a tie vote among the other members present and voting. No member shall vote to approve the President's appointment of that member to fill a vacancy in the Board
- (C) All decisions of the Board shall be by majority vote of the members entitled to vote and present at the meeting unless otherwise provided in this Constitution.
- (D) Absentee or proxy voting shall be allowed upon the consent of the absent member only if the absent member speaks to an officer and another present member by phone during the meeting to confirm the member's vote and consent to the absentee or proxy voting.

## **Section 6. Duties of the Board --**

The Board shall:

- (A) Serve as a forum for the initiation of ideas and programs for the SBA.
- (B) Make recommendations to the President of the SBA and to the faculty and administration of the College of Law and Georgia State University ("GSU").
- (C) Have the power to pass resolutions necessary and proper to further the best interests of the student body.
- (D) Adopt procedural rules that the Board deems necessary to facilitate the execution of its duties and maintain a Board Procedures Manual, which may be amended with a majority vote of Board members present during any meeting.
- (E) Approve appointments made by the President.
- (F) Consider and present to the Dean or the College of Law faculty reasonable student grievances and proposed solutions.
- (G) Create, oversee, and dissolve special committees of the SBA as necessary to achieve the goals of the SBA.
- (H) Review and approve the annual budget of the SBA, as submitted by the Budget and Finance Committee.
- (I) Require from the Treasurer a regular accounting of all funds of the SBA.
- (J) At each regular meeting of the Board, receive reports from the Board officers and committee chairpersons as to the status of the SBA programs and activities, from the SBA Senators as to all matters pertinent to the College of Law, from the American Bar Association Representative on issues relative to that organization, from the Student Government Association ("SGA") Senators concerning the Georgia State University Student Government Association, and any other necessary reports.
- (K) Have the power to remove for cause by a majority vote of the Board any chairperson of any committee from office after such person has had notice and a fair hearing.
- (L) Schedule regular meetings so as to be in compliance with section 3 of this Article.
- (M) Perform any additional functions as assigned in the Board Procedures Manual.
- (N) Perform other duties as may be necessary and proper to exercise the foregoing powers.

## **Article V - Board**

### **Section 1. Executive Officers --**

- (A) **EXECUTIVE OFFICERS**

- (1) The SBA shall have four Executive Officers, hereinafter referred to as "The Executive Officers," to the powers enumerated herein.
- (2) The Executive Officers shall include the President, Vice-President, Secretary, and Treasurer of the SBA.
- (3) The Executive Officers shall not serve as an officer in any Georgia State College of Law student organization that receives funds from the SBA.

**(B) PRESIDENT: The President of the SBA shall**

- (1) Be a rising Second-year or Third-year student in the College of Law.
- (2) Represent the SBA, serve as its official representative, and perform all duties customary to such office.
- (3) Call special meetings of the Board as deemed necessary or upon petition by five members of the Board. Reasonable notice of all special meetings must be given.
- (4) Chair, when present, all meetings of the Board.
- (5) Have the power to submit resolutions or proposals to the Board for its consideration at any regular or special meeting of the Board.
- (6) Report to the Board at all regular and special meetings as to the state of the SBA.
- (7) Serve as a non-voting member of all SBA committees.
- (8) Make the following appointments, subject to the approval of the Board and the provisions of Article VI.
  - (i) *Board Vacancies*. Qualified students to fill vacancy arising in any elected SBA Board Office.
  - (ii) *Committee Chairs*. Members and chairpersons of all standing and special committees of the SBA subject to Article VI.
  - (iii) *ABA Representative*. One student to serve as the American Bar Association ("ABA") Representative.
  - (iv) *SGA Representatives*. Two students to serve as Senators from the College of Law on the Georgia State University Student Government Association ("SGA") if positions are unfilled following the SGA Spring elections
  - (v) *Honor Court Prosecutors*. Five students to serve as prosecutors for Honor Court adjudications as set out by Article VII, section 2, subsection (D).

- (9) Recommend removal, when appropriate, of any SBA Board member or any chairperson or member of any committee who is not carrying out his or her assigned duties, subject to a hearing before the Board and an approval vote of the Board members present.
- (10) Attend all open meetings of the College of Law Faculty.
- (11) Delegate presidential duties to the Vice President that are necessary to the administration of the office of the President.
- (12) Perform any additional functions as assigned in the Board Procedures Manual.
- (13) Perform other duties as may be necessary and proper to exercise the foregoing powers.
- (14) Serve as the Chair of the Law Week Planning Committee as defined in Article VII section 3(G).

**(C) VICE PRESIDENT;** The Vice President of the SBA shall

- (1) In the temporary absence or inability of the President to perform the presidential duties, have all powers and responsibilities of the President during that temporary absence.
- (2) In the event of a permanent vacancy in the office of the president, succeed to such office until the next regularly scheduled SBA presidential election.
- (3) In the event of a vacancy in the office of vice president, due to the Vice President's ascendance to President or otherwise, be selected from the general membership of the SBA and approved by a 2/3-majority vote of the Board entitled to vote.
- (4) Assist the President as directed by the President or by vote of the Board present at any regular or special Board meeting
- (5) Serve as chair of the SBA Student Affairs Committee.
- (6) Perform any additional functions as assigned in the Board Procedures Manual
- (7) Perform other duties as may be necessary and proper to exercise the foregoing powers.

**(D) SECRETARY:** The Secretary of the SBA shall:

- (1) Post, via electronic media, the date, time, and place of regular meetings of the Board.
- (2) Keep minutes of the proceedings of each meeting of the Board. These proposed minutes shall be posted on official SBA notice boards in the College of Law within one week after each meeting. Approved minutes shall be posted within one week after approval by the Board.
- (3) Publish annually this Constitution and be responsible for its publication to the student body.
- (4) Coordinate a mentoring program to connect first year students with upperclassmen by the mid-point of the Fall semester.
- (5) Coordinate an "Advocacy Swap" for students that want to switch Lawyering Advocacy classes.

- (6) In the event of a vacancy for any reason, be selected from the general membership of the SBA and approved by a 2/3-majority vote of the Board entitled to vote.
- (7) Be responsible for the publication and maintenance of the SBA Constitution and the Board Procedures Manual. Proposed amendments to the Constitution shall be presented to this committee, which shall prepare the proposals for ratification by the SBA members. The Board Procedures Manual shall be updated annually, if necessary, incorporating all procedural changes approved by a majority of Board members at any meeting.
- (8) Perform any additional functions as assigned in the Board Procedures Manual.
- (9) Perform other duties as may be necessary and proper to exercise the foregoing powers.

**(E) TREASURER: The Treasurer of the SBA shall:**

- (1) Administer the financial affairs of the SBA, receive and expend all funds of the SBA, and maintain an accurate set of records showing all receipts and disbursements of funds.
- (2) With the assistance of the President and the Budget and Finance Committee, prepare an annual SBA budget for Board approval and assist in presenting the budget to the Georgia State University Council on Student Fees.
- (3) Require at least one mid-semester accounting from student organizations funded through the SBA.
- (4) Render an account of current finances to the Board at each regular meeting and advise the President and the Board on financial matters.
- (5) Serve as Chair of the Budget and Finance Committee.
- (6) Perform any additional functions as assigned in the Board Procedures Manual.
- (7) Perform other duties as may be necessary and proper to exercise the foregoing powers.
- (8) In the event of a vacancy for any reason, be selected from the general membership of the SBA and approved by a 2/3-majority vote of the Board entitled to vote.

**Section 2. Senators --**

Three Senators shall represent each of the first, second, and third-year classes. The three Senators of each class shall consist of a Full Time, Part Time, and At Large Senator.

**(A) Duties: Each Senator shall**

- (1) Attend all SBA Board meetings.
- (2) Announce to their respective constituents any and all matters that the Board shall request
- (3) Make every reasonable effort to inform themselves and their constituents of all matters of concern to the SBA and the student body.
- (4) Serve on an SBA committee as a member or chairperson and attend all meetings of that committee.

- (5) Provide reasonable assistance in the operation of all activities in which the SBA is involved.
- (6) Participate, except for good cause as determined by the Board, in activities which are termed "official" SBA functions.
- (7) Sponsor at least one event each semester directly related to the needs or desires of their respective constituent class.
- (8) Perform any additional functions as assigned in the Board Procedures Manual.

**(B) Qualifications:**

- (1) Third-year Full Time Senate candidates must complete and pass all required courses and must be classified by the College of Law as a full-time student.
- (2) Third-year Part Time Senate candidates must complete and pass all required courses and must be classified by the College of Law as a part-time student.
- (3) Third-year At Large Senate candidates must meet the criteria for either Third-year Full Time Senate candidates or Third-year Part Time Senate Candidates, as described in Article V, section 2, subsections (B)(1) or (B)(2), respectively.
- (4) Second-year Full Time Senate candidates must complete and pass all required courses and must be classified by the College of Law as a full-time student.
- (5) Second-year Part Time Senate candidates must complete and pass all required courses and must be classified by the College of Law as a part time student.
- (6) Second-year At Large Senate candidates must meet the criteria for either Second-year Full Time Senate candidates or Second-year Part Time Senate Candidates, as described in Article V, section 2, subsections (B)(4) or (B)(5), respectively.
- (7) First-year Full Time Senate candidates must complete and pass all required courses and must be classified by the College of Law as a full-time student.
- (8) First-year Part Time Senate candidates must complete and pass all required courses and must be classified by the College of Law as a part-time student.
- (9) First-year At Large Senate candidates must meet the criteria for either First-year Full Time Senate candidates or First-year Part Time Senate Candidates, as described in Article V, section 2, subsections (B)(7) or (B)(8), respectively.

## **Article VI – Executive Appointments**

The President shall make appointments as listed in Article V, section 1 (B)(8) with the approval of the Board. All appointments shall be for one year to run concurrently with the term of the President. All vacancies for appointed positions shall be advertised to the entire student body for at least one week. All appointments, with the exception of SGA Senators, shall be made by April 30th following the President's election. Under no circumstances shall appointed positions, including the SGA Senators and Board positions left vacant by the previous election, be unfilled by September 30th following the President's election.

### **Section 1. ABA Representative**

**The American Bar Association (“ABA”) Representatives shall:**

1. Attend all Board meetings reporting on ABA activities as appropriate.
2. Report to the ABA as to activities and efforts within the Georgia State University College of Law as appropriate.
3. Attend all ABA functions on behalf of the GSU College of Law.
4. Actively recruit student members of the ABA through regular distribution of membership materials.

**Section 2. SGA Representative**

**The Student Government Association (“SGA”) Senators shall:**

1. Attend all Board meetings, reporting on all activities of the SGA that are relevant to the College of Law as appropriate.
2. Report to the Board on all activities of the SGA that are relevant to the College of Law.
3. Assist in promoting SGA functions on campus, as well as the SGA nomination process and SGA Senator elections during the Spring semester.

**Section 3. Faculty Committees**

**The SBA Board student representatives or liaisons of the College of Law Faculty Committees shall:**

1. Attend all meetings of the faculty committee as requested by the committee.
2. Report to the Board on all activities that directly affect the College of Law students.

**Article VII - Committees**

**Section 1. Committee Chairs --**

The President, shall appoint the chairpersons of the SBA committees, subject to the approval of the Board by the second Board meeting of the Fall semester. The Chairpersons of the committees shall be members of the Board, shall assume their duties immediately upon appointment, and shall regularly report the current status of each committee to the Board. The Chairperson shall vote in the committee only in the case of a tie among committee members. In case of a resignation or removal of a Chairperson, a new Chairperson shall be appointed by the President and shall take office immediately and fill the unexpired term.

**Section 2. Committee Members --**

The President shall appoint the members of the SBA committees, subject to the approval of the Board. The President shall seek from the SBA membership candidates for membership on the committees. Committee appointments shall be made by the last day of classes of the Spring semester. New students may be selected in the Fall semester to participate on committees. Members shall assume their duties immediately upon appointment.

**Section 3. Standing Committees --**



The standing committees of the SBA are as follows:

- (A) **Academic Affairs Committee.** This Committee shall be responsible for all SBA initiatives regarding registration; curriculum development; grades and grading procedures; class and exam schedules; exam procedures; and any other academically related issues to come before the Board
- (B) **Budget and Finance Committee.** This Committee shall be responsible for the SBA budget and for the allocation of student funds to the student organizations of the College of Law.
  - (1) *Membership.* The Committee shall consist of at least four (4) members, two of whom are SBA Senators, plus the Chairperson, who shall be the SBA Treasurer. Budget and Finance Committee members shall not serve in any other capacity, elected or appointed, for College of Law student organizations that are funded through the SBA or the Georgia State University Student Government Association. These four members are to be appointed by the President in accordance with Article V, section I, subsection (B)(8).
  - (2) *Duties.* The Committee shall perform the following functions:
    - (i) Establish the SBA budget for the fiscal year that runs concurrent with their terms and submit the budget to the Board for approval.
    - (ii) Allocate student fee funds to student organizations, pursuant to the following guidelines:
      - (1) Require each student organization seeking funding for the next fiscal year to present a proposed budget to the Committee. This proposal shall contain a summary of that organization's budget for the current academic year, and the proposed budget shall include a summary of funds spent, along with the organization's proposed budget for the upcoming academic year. The deadline for the budget proposals shall be established by the Committee. All chartered student organizations shall be notified of the deadline at least two weeks prior to the date.
      - (2) Allocate student fee funds to student organizations in the Fall semester keeping a portion on reserve. Based on the request submitted to the Committee a student organization may receive only a portion of their specific budget in the Fall semester with the remaining balance to be distributed in the Spring semester once the semesterly accounting is received and reviewed by the Committee. No student organization will receive subsequent funding until the already allocated money has been apportioned. Upon review of the Fall semester accounting, the Committee has the discretion to modify the amount to be distributed based on such report.
      - (3) Meet as necessary to discuss the proposed budgets and submit the proposed budgets to the full body of the SBA Board for approval.

- (4) Prior to making the final allocations, meet with representatives from each student organization submitting a proposed budget. Organizations not represented shall be deemed to waive the right to challenge their subsequent allocations.
- (5) Upon funding by the **GSU Student Fee Allocation Committee**, allocate funds to the student organizations. If funding is insufficient to meet all budget requests, the Committee shall have the authority to refuse requests and demand modified requests that are equal to funding. Any excess of funds over budget requests shall be allocated to items included in the organizations' original proposed budgets but excluded from the modified requests.
- (6) If the funding procedure of the **GSU Student Fee Allocation Committee** is amended to provide for individual funding of College of Law student organizations, then paragraphs (1) through (4) of this subsection (a) are null and void.
- (7) All budgeting decisions of the Committee shall be subject to the approval of the Board, and the decisions shall be final and binding on all student organizations. Nothing in this section shall preclude a student organization from separately petitioning the Board for additional funding of programs or activities.

**(C) Constitution and Board Procedures Committee**

- (1) This Committee shall be responsible for the publication and maintenance of the SBA Constitution and the Board Procedures Manual. Proposed amendments to the Constitution shall be presented to this committee, which shall prepare the proposals for ratification by the SBA members. The Board Procedures Manual shall be updated annually, if necessary, incorporating all procedural changes approved by a majority of Board members at any meeting.

**(D) Elections Committee.**

- (1) *Disinterested Chairperson.* The Chairperson of the Elections Committee shall be a Third-year law student and disinterested party to the election.
- (2) *Committee Duties.* This Committee shall be responsible for planning and implementing programs for SBA candidates and students; preparing campaign rules for SBA candidates; resolving issues referred by the Elections Observer pursuant to Article IX, section 5, subsection (I); and all other election-related SBA functions, in a manner that is consistent with Article IX, section 5. The Committee shall supervise all election-related matters, including collecting ballots from students, except those matters reserved for the Honor Court in Article IX, Section 7.

- (E) Fundraising Committee.** This Committee shall be responsible for the fund-raising activities of the SBA.

**(F) Student Affairs Committee.**

- (1) *Chairperson.* The Chairperson of the Committee shall be the SBA Vice President.

(2) *Duties.* This Committee shall be responsible for the planning and promotion of social activities for students.

(G) **Law Week Committee.** This Committee shall be responsible for the planning and organizing of all Law Week activities. Law Week shall be a yearly school activity that is scheduled to take place the first week in April. Law Week shall be a week designated to activities that are sponsored by the various chartered student organizations.

#### **Section 4. Special Committees --**

Special committees shall be created by the SBA Board in accordance with Article IV, section 6, subsection (G). During the life of the special committees, the members and chairpersons shall participate in the management of the SBA with the same status as that of members and chairpersons of the standing committees. Special committees shall cease to exist upon completion of all delegated tasks or at the end of the term of the Board by which it was created, whichever is earlier.

### **Article VIII - Honor Court**

#### **Section 1. Judiciary --**

The judicial power of the SBA shall be vested in the Honor Court.

#### **Section 2. Membership --**

The membership of the Honor Court shall consist of a Chief Magistrate, a Chief Justice, and five Associate Justices. All members of the Honor Court shall be elected by the membership of the SBA as set out by Article IX. Honor Court members shall not serve in any other capacity, elected or appointed, for the SBA but may serve as officers in other campus organizations.

#### **(A) The Chief Magistrate.**

(1) The Chief Magistrate shall be a third-year student as defined in Article V, section 2, subsection (B)(3) and shall be elected in the Spring semester by the Honor Court from its incoming seven-justice membership in accordance with Article IX.

(2) *Duties.* The Chief Magistrate shall:

- (i) Assist the Associate Dean or his or her designee in the determination of probable cause regarding any alleged Code violations.
- (ii) Participate in the Honor Court's training of prosecutors.
- (iii) Participate in the administration of the SBA elections.
- (iv) Participate in the formulation of Honor Court policies and procedures.

#### **(B) The Chief Justice.**

(1) *Qualifications.* The Chief Justice shall be a third-year student as defined in Article V, section 2, subsection (B)(3) and shall be elected by the Honor Court from its incoming seven-justice membership immediately upon assuming office.

- (2) Duties. The Chief Justice shall:
- (i) Call and preside over all Honor Court meetings.
  - (ii) Appoint a substitute Associate Justice to replace any Honor Court Justice who cannot participate in the decision of any hearing before the Court.
  - (iii) In conjunction with the Clerk of the Court, handle all administrative functions as necessary.
  - (iv) Participate in the formulation of Honor Court policies and procedures.
  - (v) Have the power to designate any Honor Court meeting, hearing, or election duty assignment as mandatory, thus requiring the attendance of all named justices and the Chief Magistrate if necessary. Any Honor Court member with an excessive number of unexcused absences from any mandatory meeting, hearing, or election duty assignment shall be subject to removal from the Honor Court upon the motion of the Chief Justice and a majority vote by the remaining Honor Court members.

(C) **The Associate Justices.**

- (1) Qualifications. The Associate Justices shall consist of two third-year members, two second-year members, and one first-year member, as defined in Article V, section 2, subsection (B).
- (2) Duties. The Associate Justices shall:
- (i) Participate in Honor Court hearings.
  - (ii) Attend all Honor Court meetings.
  - (iii) Participate in the administration of all SBA elections.
  - (iv) Participate in the formulation of Honor Court policies and procedures.
- (3) Clerk. One Associate Justice shall be appointed by the Chief Justice to serve as the Clerk of the Court. The Clerk shall keep records of all hearings and meetings and shall assist the Chief Justice with the administrative duties of the Honor Court.
- (4) Faculty Liaison. One Associate Justice shall be appointed by the Chief Justice to serve as the Faculty Liaison of the Court. The Faculty Liaison shall establish and maintain a working relationship with the Honor Court's faculty advisor.

- (D) **Prosecutors.** The SBA President shall appoint students to serve as prosecutors for Honor Court adjudications, subject to approval by a majority of the SBA Board. Prosecutor vacancies shall be advertised to the entire student body for one week prior to the appointment. The duties of the prosecutors shall be determined by the Honor Court and the College of Law Honor Code.

(E) **Vacancies.**

- (1) Chief Magistrate. In the event of a temporary or permanent vacancy in the office of the chief magistrate, the Chief Justice will succeed to the vacancy; the office of chief justice shall be filled in accordance with Article VIII, section 2, subsection (B)(1).
- (2) Chief Justice. In the event of a temporary or permanent vacancy in the office of the chief justice, the vacancy shall be filled in accordance with Article VIII, section 2, subsection (B)(1).

- (3) Associate Justices. In the event of a temporary or permanent vacancy in the office of an associate justice, a Substitute Justice shall be appointed by the Chief Justice from the group of approved Honor Court prosecutors. A Substitute Justice shall not be a prosecutor who has participated in the investigation or preparation of the case that is before the Court.

### **Section 3. Duties --**

- (A) The Honor Court shall
  - (1) Investigate and try alleged violations of the Code of Student Conduct of the Georgia State University College of Law pursuant to the Code.
  - (2) Make recommendations to the Dean of the College of Law
  - (3) Follow the Honor Code rules and procedures as approved by the faculty
- (B) The Honor Court Members shall
  - (1) Interpret this Constitution only at the request of the President, a majority of the SBA Board, or the Dean of the College of Law. The Honor Court may also issue advisory opinions at its own discretion, but these opinions are nonbinding.
  - (2) Not rehear election issues decided by a previous Honor Court, when the election has been completed.
  - (3) Preside over impeachment proceedings as set out by Article X.
  - (4) Appoint, if needed, by a majority vote of its members, replacements from the prosecuting pool for those members of the Court who will not be present during the Summer semester.

## **Article IX - Elections**

### **Section 1. Term --**

The members of the SBA Board and the members of the Honor Court shall be elected for the term of one year.

- (A) The SBA elected officials shall assume office at the first scheduled meeting of the Board by May of each year.
- (B) The SBA elected officials shall serve in an ex-officio position from the date of certification of election results until the date described in subsection (A), above.

### **Section 2. Qualifications --**

A candidate for any office of the SBA or Honor Court must meet the following requirements:

- (A) Be a registered student in the College of Law and must plan to be enrolled in the College of Law for the entire term, exclusive of Summer semester, during which he or she is to serve.
- (B) Be in good scholastic standing as determined by the administrative policy of the College of Law.
- (C) Be in good standing with the Honor Code at the time of elections and have no pending charges or previous Honor Court convictions.

(D) A candidate for any Executive Office may not hold more than one elected SBA or Honor Court office at any one time.

### **Section 3. Procedures --**

All SBA elections shall be conducted by secret ballot.

- (A) The President, Vice President, Secretary, and Treasurer shall be elected in the Spring semester by the entire membership of the SBA, excluding students who will graduate from the College of Law at the end of the semester in which the election occurs. The number of votes necessary for election to each of these offices shall be one more than half the votes cast for the office. In the event that no candidate receives the votes necessary for election, the two candidates receiving the greatest number of votes shall meet in a run-off election.
- (B) Three Senators (one Full Time, one Part Time, one At Large) from each of the rising second- and third-year classes, as defined in Article V, section 2, subsection (B), shall be elected in the Spring semester by their respective classes. Three Senators (one Full Time, one Part Time, one At Large) from the entering first year class shall be elected in the Fall semester by the first-year students. The number of votes necessary for election to each of these offices shall be one more than half the votes cast for the office. In the event that no candidate receives the votes necessary for election, the two candidates receiving the greatest number of votes shall meet in a run-off election.
- (C) The student representatives of the Honor Court shall be elected by the entire membership of the SBA as follows:
- (1) Four members shall be elected from the rising third-year class, as defined in Article V, section 2, subsection (B), during the Spring elections, and shall be the four candidates receiving a plurality of all votes cast in the election. In the event of a tie for fourth position, a run-off election shall be held to determine the fourth position only.
  - (2) Two members shall be elected from the rising second-year class, as defined in Article V, section 2, subsection (B), during the Spring elections, and shall be the two candidates receiving a plurality of all votes cast in the election. In the event of a tie for the second position, a run-off election shall be held to determine the second position only
  - (3) One of the members shall be elected from the first-year class, as defined in Article V, section 2, subsection (B), during the Fall elections, and shall be the one candidate receiving the plurality of all votes cast in the election. In the event of a tie for the position, a run-off election shall be held to determine the winner

### **Section 4. Class Voting --**

Only members of each respective class can nominate or vote for their class Senators. For the purposes of voting, class membership shall be defined as follows:

- (A) Third-year full-time students must be enrolled in or have completed all required courses and must be classified by the College of Law as a fulltime student. Only these students can vote for the Third-Year Full Time Senator.
- (B) Third-year part-time students must be enrolled in or have completed all required courses and must be classified by the College of Law as a part time student. Only these students can vote for the Third-Year Part Time Senator.
- (C) Any student that meets the criteria to vote for either Third-year Full Time Senate candidates or Third-year Part Time Senate Candidates, as described in Article IX, section 4, subsections (A) and (B) respectively can vote for the Third-year At Large Senator.
- (D) Second-year full-time students must be enrolled in or have completed all required courses and must be classified by the College of Law as a full-time student. Only these students can vote for the Second-Year Full Time Senator.
- (E) Second-year part-time students must be enrolled in or have completed all required courses and must be classified by the College of Law as a part-time student. Only these students can vote for the Second-Year Part Time Senator.
- (F) Any student that meets the criteria to vote for either Second-year Full Time Senate candidates or Second-year Part Time Senate Candidates, as described in Article IX, section 4, subsections (D) and (E) respectively can vote for the Second-year At Large Senator.
- (G) First-year full-time students must be enrolled in or have completed all required courses and must be classified by the College of Law as a fulltime student. Only these students can vote for the First-Year Full Time Senator.
- (H) First-year part-time students must be enrolled in or have completed all required courses and must be classified by the College of Law as a part-time student. Only these students can vote for the First-Year Part Time Senator.
- (I) Any student that meets the criteria to vote for either First-year Full Time Senate candidates or First-year Part Time Senate Candidates, as described in Article IX, section 4, subsections (G) and (H) respectively can vote for the First-year At Large Senator.

**Section 5. Rules --**

Elections are to be held in accordance with the following rules:

- (A) Fall elections shall be held on any five consecutive days, as chosen by the SBA Elections Committee, no later than the midpoint of Fall semester. Spring elections shall be held on any five consecutive days, as chosen by the SBA Elections Committee, no later than the fifth week after the midpoint of Spring Semester.
- (B) Nominations shall be collected for a minimum period of three consecutive days the week prior to the election. Further, an e-mail shall go out to all nominations confirming their intent to run for a position.

- (C) In the event that run-off elections are necessary, the elections shall be held the week and shall remain open for at least three consecutive days following the first elections and shall be in accordance with the rules governing regular elections.
- (D) Campaigning shall be allowed from the first day of the nomination process through the end of the election week, provided that candidates follow election rules approved by a majority of the SBA Board. Any complaints regarding the violation of these rules or regarding any election impropriety must be brought pursuant to Article IX, section 7.
- (E) Consecutive voting days shall not be required if the school is officially closed on one or more days that would have been designated as election days in accordance with subsection (A) above; however, every effort must be made to maintain consecutive voting days
- (F) Elections may occur through online balloting. The Elections Committee Chair shall coordinate the results of any online balloting in conjunction with the College of Law's Westlaw Representative, who shall use TWEN to ensure ballot integrity so long as the Elections Chair is a disinterested party. In the event that the Elections Committee Chair becomes an interested party then the President shall coordinate any results of online or paper balloting the College of law's Westlaw Representative. The Election Committee shall coordinate any paper balloting, establishing reasonable voting hours in a fashion that secures ballot integrity.
- (G) The SBA Board shall sponsor SBA candidate forums or other events related to the election process; establish rules for candidate conduct and the distribution of campaign materials; and establish other initiatives to assist the SBA election process that do not directly impact or hinder the actual balloting or tabulation process
- (H) Any candidate running for a contested position shall give a speech which all College of Law students will be invited to attend.
- (I) The Elections Committee Chair shall be responsible for receiving and investigate all timely complaints prior to and during an election. The Elections Committee Chair shall attempt to resolve any problems promptly. Any problems that cannot be resolved by the Elections Committee Chair shall be referred promptly to the SBA Board. The SBA Board shall refer any unresolved issues to the Honor Court. Any complaint brought after voting has been completed shall not be brought pursuant to this subsection but shall be brought only pursuant to Article IX, section 7.
- (J) All ballots shall include a designated space for write-in candidates for every position.

#### **Section 6. Certification of Results --**

Following the close of voting, the Elections Committee Chair shall collect election data from the College of Law's Westlaw Representative, and shall tabulate and certify the results. The Honor Court shall receive and investigate any complaints relative to an election only pursuant to Article IX, section 7. The Elections Committee Chair and President of the SBA shall certify the results of each election and the qualifications of those candidates elected. No member of the SBA Board shall participate in conducting an election, or certifying the results, if the member is a candidate for any office. All elections results shall remain strictly



confidential between the Elections Committee Chair, the President of the SBA, and the College of Law's Westlaw Representative until they are officially announced at Barristers Ball or an event specified by the entire SBA Board. The results shall be announced by the Elections Committee Chair, the SBA President, or an individual selected by the SBA Board.

#### **Section 7. Challenges to Certification --**

The Honor Court shall receive and investigate any complaints relative to an election only upon a showing of probable cause before, and a request from, either the President, a majority of the SBA Board, or the Dean of the College of Law. Any complaint regarding the qualifications of a candidate is waived if not raised prior to the election unless a candidate misrepresented his or her qualifications. Any complaint regarding election impropriety that could have been raised pursuant to Article IX, section 5, subsection (I) is waived if it was not initially raised pursuant to that subsection. An alleged impropriety shall be considered harmless error unless the complainant proves by clear and convincing that there is a substantial likelihood that the impropriety affected the outcome of the election.

#### **Section 8. Reporting of Results --**

The Elections Committee Chair or President of the SBA shall, upon certification of election, post the results of the election on the SBA's website or Facebook page the day following the election. Nothing shall preclude the SBA President from directly notifying SBA candidates following certification of the election results and prior to the official posting.

#### **Section 9. Oath of Office --**

The newly elected Board members of the SBA and Honor Court members shall be inaugurated by taking an oath of office.

(A) *SBA Board.* The President of the SBA shall administer to the newly elected or appointed Board members the following oath:

*I do solemnly affirm that I will faithfully execute the duties of my office and will, to the best of my ability, preserve and uphold the Constitution of the Student Bar Association.*

(B) *Honors Court.* The Chief Justice of the Honor Court shall administer to the newly elected or appointed Honor Court members the following oath:

*I do solemnly affirm that I will faithfully execute the duties as a member of this Court and will, to the best of my ability, preserve and uphold the Constitution of the Student Bar Association and the Honor Code of the College of Law.*

### **Article X - Impeachment**

#### **Section 1. Petition --**

An elected or appointed official of the SBA or Honor Court may be impeached by the presentment to the Honor Court of a petition signed by twenty percent (20%) of the membership of the SBA or by two-thirds of the entire membership of the SBA Board.

**Section 2. Hearing --**

The Honor Court, in accordance with the requirements of due process, shall conduct a hearing on the impeachment charges. The hearing shall be held before the SBA Board and membership of the SBA. A majority vote of the Honor Court present shall be required to submit the issue for a vote by the SBA Board.

**Section 3. Removal --**

Removal from office shall result from an affirmative vote of three-fourths of the entire membership of the SBA Board. The accused shall be without a vote concerning this matter.

**Section 4. Grounds --**

The basis for removal shall be the violation of any provision of this Constitution, violation of the Code of Student Conduct, or the neglect or refusal to perform the responsibilities and duties as an elected or appointed official of the SBA or Honor Court. In the case of a neglect of or refusal to perform responsibilities or duties, the accused must be given notice and an opportunity to correct the neglect or refusal prior to removal. Refusal to perform responsibilities includes but shall not be limited to excessive absences from Board meetings in violation of Article IV, section 5 herein.

**Article XI - Student Resolutions**

**Section 1. Initiation --**

The membership of the SBA may initiate an action by presenting to the Board a petition containing the proposed action with the signatures of no less than twenty percent (20%) of the membership of the SBA.

**Section 2. Ratification --**

Within fifteen school days of receipt of such petition, the Board shall call for a secret ballot to be conducted by the Honor Court. An action thus initiated must be ratified by a majority of the members of the SBA voting in the special ballot.

**Section 3. Effect --**

A ratified student resolution shall have the same effect as a binding resolution passed by the Board.

**Section 4. Implementation --**

A ratified student resolution shall be implemented by the Board.

**Article XII - Amendments**

**Section 1. Proposed Amendments --**

Amendments to this Constitution shall be proposed by a vote of two-thirds of the entire membership of the Board or by petition of twenty percent (20%) of the members of the SBA, which petition shall be filed with the Secretary of the SBA.

**Section 2. Ratification --**

Amendments shall be ratified by vote of the members of the SBA. The vote necessary for ratification shall be two-thirds of the number of members voting. The amendment shall take effect immediately upon approval, unless otherwise specified within the amendment.

**Section 3. Notice --**

The amendment as proposed shall be posted in a public place within the College of Law with notice of the ballot for ratification two weeks before the vote is taken. The vote shall be conducted by the Election Committee as a part of the next regularly scheduled SBA election.

**Section 4. Addition or Repealer --**

Any amendment to this Constitution shall be written as an addition or repealer amendment to this Constitution and, upon adoption, shall be valid to all intents and purposes as part of this Constitution.

**Article XIII - Ratification**

This Constitution shall be presented to the members of the SBA for ratification by a two-thirds majority of the members voting in the Spring Student Bar Association elections. This Constitution, upon its ratification, shall take effect immediately and shall supersede all prior Constitutions.