

Rules and Procedures for SBA Elections
Amended and restated as of February 10, 2022

Article I. POWER AND JURISDICTION

Section 1. These Election Rules are created, maintained, and enforced pursuant to the principles and procedures outlined in Article III of the Student Bar Association Constitution, and are designed to ensure free and fair elections.

Section 2. These Elections are conducted in accordance with, but do not supersede, the University's Standards of Conduct; the Honor Code; the official rules and regulations of the Housing and Residence Life; Student Council; Parking and Transportation; Student Financial Services; Information Technology Services (ITS); other applicable departments at the University of Virginia; and federal, state, and local laws.

Section 3. These Rules are binding upon all student candidates and individuals working on their behalf. Rules may be enforced by the appropriate University body including, but not limited to, the Elections Committee.

Section 4. The members of the Elections Committee shall serve from the time of appointment, which must be no later than November 1 of the year preceding the election, until the day of graduation immediately following the election. The members of the Elections Committee may be removed by a vote of 80% of the voting members of the SBA.

Section 5. Any questions regarding these Election Rules should be submitted to the Elections Committee at uvalawelections@gmail.com.

Article II. CAMPAIGNING AND ELECTIONEERING

Section 1. **General Provisions.**

A. The Elections Committee shall provide an Elections Calendar establishing petition deadlines that govern the activities of candidates. The calendar shall be disseminated no less than seven days prior to the deadline to declare candidacy and be distributed via email to all UVA law students with law school email addresses.

B. When disseminating the election calendar to the student body, the SBA president will solicit volunteers to serve as student body members of the appellate review board (see IV.2.c.i below). This sign-up will close at the deadline to declare candidacy.

C. All Campaign messages and materials used by candidates and individuals directed by a candidate must comply with these Elections Rules; applicable University regulations; and state, local, and federal law. Under these Rules, messages and materials include those intended to encourage voter participation.

D. Candidates—or individuals and/or organizations working at their direction—are strictly prohibited from obstructing or interfering with campaign messages or materials relating to any other election, candidate, or referendum.

E. Candidates and individuals working on behalf of a candidate may—and are in fact encouraged to— seek advice from the Elections Committee regarding compliance with these Elections Rules. Interpretations of these Rules and subsequent directions from the Elections Committee or their designee, whether to a candidate or other election participant, are to be considered a part of these Rules and adhered to as part of a candidate’s Rules attestation, unless overturned by the appellate review board, as described below in Article IV.

Section 2. **Specific Applications.**

A. Campaign Materials

- i. Individuals and organizations are subject to the University’s exterior posting and chalking policy and are encouraged to consult that policy prior to posting campaign messages or materials. The policy can be found at <https://uvapolicy.virginia.edu/policy/PRM-008>.
- ii. Campaign materials or messages are not permitted on chalkboards, whiteboards, projectors, bulletin boards, or any similar publicly viewable surface within University classrooms.
- iii. The use of University mailboxes, including those provided for faculty by the Law School, shall not be permitted, unless used in accordance with the policies of the Law School. Student mailboxes are not subject to this limitation.
- iv. Campaign messages and materials are not to be left unattended in general purpose areas on University property, such as dining halls, libraries, and computer labs. This does not apply to tables reserved through the Room Reservations System. The only exception to this rule is that fliers and posters may be attached to Law School bulletin boards.
- v. Permissible campaign materials include, but are not limited to, fliers, posters, pencils and business cards.

B. Electronic Campaigning

- i. E-mail, instant messaging, text messaging, GroupMe messaging, the use of personal websites, and the use of other websites and social media platforms such as Facebook are generally permissible, subject to the limitations in these Rules and in relevant University Policies, available at <https://uvapolicy.virginia.edu/policy/IRM-006>.
- ii. Candidates and individuals may directly electronically message (e.g., text or email) anyone they wish regarding the election or their campaign. Sending a “direct email” includes sending an email to one or more direct recipients, whether through BCC, CC, or otherwise.
- iii. Candidates and individuals may also use group electronic communications (e.g., GroupMes or Email Mailing Lists) that the candidate or the individual created, subject to limitations in these Rules. An Email Mailing List, for the purposes of these Rules, is defined as mailing lists containing “virginia.edu” in the full address; these include, but are not limited to, “mailman.virginia.edu” lists, “toolkit.itc.virginia.edu” lists, and other official and unofficial email lists for classes and student organizations.
- iv. Under these Rules, candidates may:
 - a. Send an email to one or more recipients, whether through BCC, CC, or otherwise;
 - b. Send a message to an Email Mailing List, GroupMe, or other group electronic communication platform that the candidate created for the purpose of their campaign;
 - c. Send a message to a Groupme or Facebook group whose membership encompasses an entire class-year. An example of this would be the “UVA Law 2022” Groupme or

Facebook group. Candidates may join these groups after campaigning has begun for the purposes of campaigning; or

- d.. Send a message to an Email Mailing List, GroupMe, or other group electronic communication platform of which the candidate or individual was a member prior to the start of the campaign, except SBA or school-curated Email Mailing Lists as prohibited under 2.B.vii.
- v. Student organizations, or the leaders thereof, may send campaign-related e-mail messages to their organization's own internal Email Mailing Lists, but may not send messages to other Email Mailing Lists.
- vi. The candidate or individual may not join an existing Email Mailing List prior to the start of the campaign for the purpose of utilizing that Email Mailing List during and in relation to said campaign.
- vii. No person—candidate or otherwise—may email an SBA or school-curated Email Mailing List regarding the election or their campaign. As an exception to this rule, the current SBA President may send emails in order to notify the student body of election information, or send emails on behalf of the Elections Committee.
- viii. All University of Virginia ITC policies and directions from ITC staff must be followed.

C. Campaigning in the Law School

- i. All campaigning in the Law School must be in compliance with rules set forth by Building Services, available at <https://www.law.virginia.edu/about/building-usage>.
- ii. Interfering with a student casting a ballot is strictly prohibited. Interference includes, but is not limited to, physical interference with voting or verbal comments that are coercive or harassing in nature. Complaints may be directed to the SBA Elections Committee via email at uvalawelections@gmail.com.

Article III. ELECTION PROCEDURES

Section 1. Establishment of Procedures.

A. The Elections Committee shall establish the Elections Procedures for each election in a fair and reasonable manner, respecting the free speech of students, upholding the educational environment of the University, and maintaining the public trust in self-governance.

B. The “voting population” shall be defined as all J.D., LL.M., and S.J.D. Candidates, unless otherwise stated.

C. A “voter” shall be defined as a member of the voting population.

Section 2. Candidate Procedures.

A. A “candidate” is a University of Virginia Law student who has been certified to appear on the official ballot in an election administered by the SBA, pursuant to these rules and the qualifications established by the SBA's Constitution.

B. Certification of Candidacy

- i. The Elections Committee shall only certify an individual as a candidate for election upon submission of a completed, original Petition for Candidacy that is approved by the Elections Committee.

- ii. If the Elections Committee denies a petition, it must provide the candidate with a statement of the reasons for the denial. If a petition is denied after the deadline, the candidate will be provided one opportunity to reapply within forty-eight (48) hours of the denial of the first petition. The Committee's decision regarding the reapplication is final and cannot be appealed.

C. Petition for Candidacy

- i. The Petition for Candidacy will include:
 - a. A certification that the candidate has read and understands these Rules and agrees to abide by these Rules;
 - b. Information relating to the candidate's platform, submitted via a form to be promulgated by the Elections Committee;
 - c. The candidate's phone number, address, and University e-mail, submitted via a form to be promulgated by the Elections Committee;
 - d. A form with twenty (20) signatures from twenty (20) voters affirming the candidate's candidacy and requesting that the individual's name be placed on the ballot for election to a particular office.
 - 1. Voters may only sign Petitions for Candidacy in elections in which the Voter is eligible to vote. Signatory information shall be reasonably legible and accurate for a signature to be held valid.
 - 2. Voter signatures do not express willingness to vote for an individual, only willingness to have the individual appear as a candidate on the ballot. Voters are permitted to sign as many petitions for candidacy as they wish for all elections in which they are eligible to vote.
 - 3. Voters cannot sign on behalf of other voters.
 - 4. Voter signatures may be collected electronically, but voters must type their own names into the petitions.
- ii. Only individuals that will be enrolled at UVA for all of the subsequent academic year, and enrolled at UVA Law for at least half of that subsequent academic year, are eligible to run for positions (i.e., dual degree candidates who will be at academic institutions other than UVA, and dual degree candidates who will spend all of the subsequent academic year in a UVA school other than the Law School, are ineligible). Further restrictions in the SBA Constitution shall also be enforced as to a candidate's eligibility.
- iii. An individual seeking multiple offices, when eligible to do so, need only submit one Petition for Candidacy adhering to these rules, provided the Petition satisfies the requirements necessary for both positions.
- iv. An individual may run for no more than two elected positions in any election cycle.

D. Resignation of Candidacy

- i. A candidate may, at any time prior to the commencement of polling in a given election, request the termination of their candidacy and the removal of their name from the ballot by submitting a request to the Elections Committee at uvalawelections@gmail.com.

Section 3. **Polling Procedures.**

- A. All voting shall be by confidential electronic ballot. In emergency circumstances, however, paper balloting may be allowed at the Elections Committee's discretion.

B. To ensure the election of the candidate preferred by the most voters, plurality voting shall be used. A candidate must receive at least 40% of the votes cast for that position. In the event that no candidate receives the minimum percentage of the votes, or in the event of a tie, a runoff election will be administered by the Elections Committee between the two candidates with the highest number of votes.

Section 4. **Fall Elections.**

A. First Year Senators. Six first-year Senators shall be elected as set forth in the First Year Council Charter.

B. Graduate Senator. The graduate Senator shall be elected by the graduate law students by the third full week of the fall semester.

C. Transfer Senator. The transfer Senator shall be elected by the incoming transfer class by the third full week of the fall semester.

Section 5. **Spring Elections.**

A. The Spring Elections shall take place on a date selected by the Elections Committee. Elected offices shall be:

- i. President (only members of the rising 3L class may run for this position)
- ii. Vice-President (only members of the rising 3L class may run for this position)
- iii. Secretary
- iv. Treasurer
- v. Vice President of Diversity, Equity, and Inclusion
- vi. Six Third-Year Senators (only members of the rising 3L class may run and vote for these positions)
- vii. Six Second-Year Senators (only members of the rising 2L class may run and vote for these positions)
- viii. One ABA/LSD Representative
- ix. Two Honor Committee Representatives
- x. Two Student Council Representatives
- xi. Two University Judiciary Committee Representatives

Article IV. ENFORCEMENT

Section 1. **Reporting Rules Violations.**

A. Any member of the Law School community may file a complaint or query about compliance with these Rules by contacting the Elections Committee at uvalawelections@gmail.com.

Section 2. **Enforcement Procedures.**

A. When a dispute is brought to the Elections Committee, the Committee must seek to resolve the dispute through mediation within twenty-four (24) hours. Mediation will be facilitated by member(s) of the Elections Committee.

B. If mediation is unsuccessful within twenty-four (24) hours, the Elections Committee must then hold a hearing to determine if there has been a Rules violation. This hearing must take place within forty-eight (48) hours of the original complaint, and both the accuser and the accused must be provided the opportunity to be in attendance.

- i. The accused must be provided with all information relevant to the alleged Rule violation in advance of this hearing, including the particular Rule(s) alleged to be violated and the behaviors constituting a violation. The accused must be provided with an opportunity to dispute any allegations at the hearing.
- ii. A decision must be made by the Elections Committee within twenty-four (24) hours of the conclusion of this hearing, and this “hearing decision” must be communicated via email to both the accuser and accused in that time. A Rule is deemed to be violated if at least two of three Elections Committee members vote in favor of a finding of violation. If fewer than two members vote in favor of a finding of violation, then the Election Committee’s decision is that no Rule has been violated.
- iii. In the event that a Rule violation is found to have occurred, the Elections Committee shall have plenary power to craft an appropriate and fair sanction to rectify the Rule violation. The sanction must not be overly punitive or, if relevant, must not unduly prejudice the candidacy of the accused. The sanction will be communicated along with the hearing decision.
- iv. The Elections Committee may only apply a sanction if two of the three members of the Committee agree to the sanction. Such sanctions shall be presented in writing to the parties involved and can include any dissenting opinion, if relevant. A list of potential sanctions might include, but is not limited to: a prohibition against campaigning for a prescribed amount of time or a termination of candidacy for that election. If the Elections Committee’s sanction is the permanent removal of a candidacy from the election, all three members must unanimously agree to this sanction.

C. All hearing decisions and sanctions of the Elections Committee may be appealed to an Appellate Review Board. To appeal, the appealing party must notify the Elections Committee by email within twelve (12) hours of the Committee’s hearing decision and sanction. The notice must identify the decision and/or sanction being appealed.

- i. The Appellate Review Board will consist of five (5) voting and three (3) non-voting members. Two members of the Elections Committee and the current SBA President shall serve as non-voting members of the Appellate Review Board and participate in an observational capacity. Voting members of the Board shall consist of one current Honor Representative, one current UJC Representative, and three volunteer members of the law school student body chosen at random from the students who volunteered per II.1.B above. If no such volunteers are available, one or more of the nonvoting members may fill in as voting members to make a panel of five, starting with the SBA President. The third member of the Elections Committee not chosen shall choose the Honor and UJC Representatives present on the Board.
- ii. Volunteer members will be selected randomly from those students who volunteered, as established under II.1.B above. A new set of three students will be chosen for each appeal.
- iii. An appealing party must present to the Appellate Review Board a statement of facts and an argument for why the hearing decision and/or sanction should be overturned. The Board will evaluate the appeal on a standard of reasonableness. The

- non-appealing party may also present a statement of facts and argument for why the hearing decision and/or sanction should be upheld.
- iv. Hearing Decision Review. To overturn a hearing decision by the Elections Committee, at least four of five Appellate Review Board members must vote in favor. If fewer than four members vote in favor, the Committee's hearing decision is upheld.
 - v. Sanction Review. If the Board finds, as a result of the Hearing Decision Review, that no Rule violation has occurred, then any existing sanction shall be overturned and no new sanctions shall be imposed in connection with the alleged violation. If the Board finds, as a result of the Hearing Decision Review, that a Rule violation has occurred, then the Board may sustain or overturn the original sanction.
 - a. To overturn a sanction by the Elections Committee, at least four of five Appellate Review Board members must vote in favor. If fewer than four members vote in favor, the Committee's sanction is sustained.
 - b. If the Committee sanction is overturned, the Board may craft a new sanction that is appropriate. The sanction must not be overly punitive or, if relevant, must not unduly prejudice the candidacy of the accused
 - vi. A decision must be made by the Appellate Review Board within seventy-two (72) hours of the original complaint. This "review decision" must be communicated via email to both the accuser and accused in that time.

D. All enforcement proceedings—whether it be at the phase of reporting, mediation, hearing, or appeal—must be kept strictly confidential by involved parties. This includes the accuser, the accused, and all Elections Committee and Appellate Review Board members. Failing to maintain confidentiality is a violation of these Rules and may be punished accordingly by the Elections Committee and/or under relevant University Guidelines. If one or two members of the Elections Committee are alleged to have violated confidentiality, the remaining member(s) will make this determination; if all members of the Elections Committee are implicated, the determination will be made by the SBA President.

- i. Involved parties will sign a confidentiality statement prior to the commencement of any enforcement proceeding.

E. Individuals or organizations seeking to initiate UJC or Honor charges independently of the Elections Committee are encouraged to consult with the Elections Committee prior to initiation.

Article V. RATIFICATION AND AMENDMENT

- A. These Election Rules shall be enacted by a majority vote of the SBA.
- B. The SBA may amend these Election Rules by a 70% vote.