

ARTICLE II
NOMINATION AND ELECTION OF GOVERNORS
 (Amended by the Board of Governors July 27, 2001)

SECTION 1. COMPUTATION OF DEADLINES

If any of the deadlines set forth in this Article fall on a Saturday, Sunday, or holiday, the deadline shall be extended to and including the next business day. (New section _____, 2001.)

SECTION 2. NOMINATING PETITIONS FOR GOVERNORS

Nomination for the office of governor shall be in writing. The form shall be prepared by the Secretary of the State Bar, and furnished upon request therefor ~~not earlier than~~ **on or about February 1 of each year** ~~.150 days before the next Annual Meeting of the State Bar~~ **Potential candidates or their designees may, on the same date that the Secretary announces the schedule for availability of the nominating petition, request a list of all active members in the candidate's district.** ~~Any person or entity desiring to obtain the member list must agree to execute a hold harmless agreement in favor of the State Bar and an agreement limiting the use of the member list.~~ **Persons requesting the list under this section will be provided with the list upon execution of a hold harmless agreement in favor of the State Bar, an agreement limiting the use of the member list and payment of a fee for production of the list.** (Amended September 10, 1971, January 26, 2001, _____ 2001.)

SECTION 3. DATE OF FILING NOMINATING PETITIONS

Nominating petitions shall be completed according to the instructions that appear on the petitions. Completed petitions shall be filed at the San Francisco office of the State Bar by 5:00 p.m. **on April 1 of each year** ~~on the last day of a period to be designated each year by the secretary which is not less than 60 days nor more than 105 days prior to the Annual Meeting of the State Bar.~~ Completed nominating petitions must be received at the State Bar ~~during the period designated by the secretary~~ **by this deadline.** A facsimile copy of a nominating petition will be accepted, provided that the original petition is received in an envelope which bears a postmark of the United States Postal Services showing that it was mailed, postage prepaid, not later than ~~the last day of the period designated by the secretary~~ **April 1,** and received not later than 5:00 p.m. ~~on the fifth day following the last day of the period designated by the secretary~~ **April 6.**

If no nominating petition is filed for an office or if the only candidate ~~in~~ **on** whose behalf a nominating petition has been filed dies (and the fact of death is ascertained to the satisfaction of the secretary) during the period prescribed therefor, the secretary is authorized to extend the time for filing nominating petitions for said office to a date at least seven days prior to the date fixed for the mailing of ballots pursuant to section 6 of this article.

Before a nominating petition shall be filed, the nominee shall sign a statement on the petition accepting the nomination. If the person who receives a plurality of the votes cast for any office withdraws his or her acceptance of nomination or dies prior to the commencement of his or her term of office, or becomes

ineligible to serve as a member of the board, or if no nominating petition is filed for a particular office within the period prescribed or fixed hereinabove, said office thereupon shall be vacant upon the conclusion of said annual meeting for the purpose of selecting a successor and a special election to fill said vacancy shall be conducted pursuant to the provisions of article IIA of these rules and regulations.

~~Candidates who have filed a nominating petition which has been verified by the Office of the Secretary may request a list of all active State Bar members in the candidate's district upon payment of the cost of producing the same. Any person desiring to obtain the member list must agree to execute a hold harmless agreement in favor of the State Bar and an agreement limiting the use of the member list.~~

(Amended September 10, 1971; December 20, 1974; December 4, 1975; May 13, 1976; March 21, 1997; _____, 2001.)

SECTION 3-4. DETERMINATION OF SUFFICIENCY OF NOMINATING PETITIONS

A candidate for membership on the Board of Governors of the State Bar may be proposed for nomination by the signatures, upon nominating petitions, of 20 members of the State Bar entitled to vote for a candidate for that office.

Any number of nominating petitions on behalf of a nominee may be filed, but when such nominee shall have been nominated by 20 members entitled to vote for such nominee all signatures in excess of said 20 may be disregarded. The secretary shall determine when a member is nominated.

After a candidate has been nominated by the filing of a nominating petition, said petition shall remain on file for a period of at least five years, the candidate is not authorized to withdraw his or her acceptance of nomination prior to the completion of the canvass of ballots provided for in section 10 of this article, and the secretary shall include the name of said candidate on the ballot provided for in section 6 of this article regardless of the death or ineligibility of the candidate to serve as a member of the board; provided that if a candidate dies and the secretary ascertains to his or her satisfaction the fact of death at least seven days prior to the date fixed for the mailing of ballots pursuant to said section 6, the deceased candidate's name shall not be included on said ballot. (Amended May 13, 1976.)

SECTION 4 5. DESIGNATION OF SEPARATE OFFICES

For the purposes of the election, each ~~place~~ **seat** upon the Board of Governors shall be a separate office. The offices to be filled in a State Bar district where more than one governor is to be elected at an election shall be distinguished one from the other on the ballot by consecutive numbers which shall be designated each year by the secretary. A candidate for governor at such election in such a district shall designate upon his or her nominating petition prior to the circulation thereof for signature the particular numbered office in the district for which he or she is a candidate. A member shall not be a candidate or circulate a petition for more than one office at an election. (Amended September 10, 1971; December 4, 1975.)

SECTION 5 6. PREPARATION OF ELIGIBILITY LIST

~~The secretary each year shall fix a date not more than 85 days nor less than 45 days prior to the annual meeting of the State Bar upon which the eligibility list shall close for that election.~~ **The eligibility list for each election shall close on April 20.** Every active member of the State Bar in good standing upon said date shall be entitled to vote within his or her respective State Bar district for the governor or governors for said district to be elected that year. The secretary shall prepare an eligibility list of all active members so entitled to vote, which shall be open to inspection by members of the State Bar. Upon request, copies of the eligibility list may be furnished to candidates or their designee for State Bar election-related activities as determined by the secretary, upon payment of the cost of producing the same and in a manner authorized by the secretary so as not to interfere with the procedures required by this article. Any person or entity desiring to obtain the eligibility list must agree to execute a hold harmless agreement in favor of the State Bar and an agreement limiting the use of the eligibility list. (Amended August 5, 1971; December 4, 1975; January 25/February 21, 1986; January 24, 1987; _____, **2001.**)

SECTION 6 7. MAILING OF BALLOTS

~~Upon a date fixed each year by the secretary, which shall not be less than 45 days nor more than 70 days prior to the Annual Meeting of the State Bar, t~~ **The secretary or designee shall authorize the preparation of voting materials and ensure that the voting materials are distributed** ~~prepare and mail,~~ to each active member of the State Bar entitled to vote ~~at the annual election in State Bar districts in which there is an election, a ballot addressed~~ **on or before April 30. Voting materials shall be distributed** to ~~his or her~~ **the member's** address as shown by the records of the State Bar.

The ballots shall contain the names of the nominees for governor listed as to each separate office. If a member changes his or her principal place of office, he or she is entitled on or before the last day for voting, upon furnishing to the secretary satisfactory proof of such change, to vote for governor from his or her new State Bar district in lieu of his or her former district and the secretary shall, upon request, furnish him or her a proper ballot for the new district. In such a case, the member shall furnish the secretary his or her new address and such other information as may be requested ~~touching~~ **regarding** the change of his or her principal place of office. In any case where it is satisfactorily made to appear to the secretary that a member entitled to vote has not received his or her ballot, or that such ballot has been lost or destroyed, a new ballot shall be furnished to him or her by the secretary.

The secretary shall cause the ballots and envelopes hereinafter referred to, to be printed **or produced** in such form as he or she deems best in order to facilitate the distribution and counting of the ballots. (Amended August 5, 1971; December 4, 1975 _____, **2001.**)

SECTION 6-5 8. BIOGRAPHICAL STATEMENTS

A. Biographical Statements.

A candidate for election to the Board of Governors pursuant to this article or article IIA of these rules and regulations ~~shall~~ **may** submit to the secretary for inclusion in the mailing of ballots pursuant to section 6 hereof a biographical statement. Such statement ~~shall~~ **may** set forth ~~only~~ the following:

- (1) College or university and law school attended and any degrees conferred by each;

- (2) Dates of admission to the practice of law in California and other states, and any public record of discipline;
- (3) Law firm membership, employment or position;
- (4) State or local bar activities, current and past;
- (5) Membership in professional organizations; and
- (6) Other activities, **ideas, platform, views, or other qualifications for office.**

Such statement shall not exceed 250 words. It will be included in the mailing of ballots on a form prepared by the secretary. It shall be signed and received by the secretary on or before the last date fixed for the filing of nominating petitions.

B. Membership in Discriminatory Organizations.

A candidate for the Board of Governors shall disclose his or her membership in a club that discriminates in its membership policies on the basis of race, color, creed, national ancestry, sex, or sexual preference, but shall not disclose the name of the particular club. (Added March 1970; Amended April 1970; December 4, 1975; September 14, 1989; March 21, 1997; January 26, 2001; _____, **2001.**)

SECTION 7 9. VOTING OF BALLOTS

The member shall return his or her ballot to reach the San Francisco office of the State Bar on or before ~~the last day for voting~~ **June 30**, in an envelope furnished by the secretary, marked "Ballot", which in turn shall be enclosed in an outside envelope furnished by the secretary and addressed to the State Bar, upon which in a blank space provided therefor the member shall typewrite or print his or her name and address, and upon which, in another blank space, he or she shall sign his or her name in ink. ~~If any ballot is forwarded by a member without his or her written signature on the outside envelope, it shall be returned to him or her for signature.~~ No ballot shall be accepted by the secretary nor counted unless it is enclosed in an outside envelope properly signed and either received at the San Francisco office of the State Bar on or before ~~the last day for voting~~ **June 30** or shows by post office mark that it was mailed, postage prepaid, not later than ~~the last day to vote~~ **June 30** and is received in said office not later than 12:00 o'clock noon for the first day fixed for canvassing ballots. **The last day for voting each year shall be June 30.** (Renumbered and amended March 21, 1997; _____ **2001.**)

~~**SECTION 8. LAST DAY FOR VOTING**~~

~~The secretary each year shall fix a date not less than five days prior to the annual meeting of the State Bar nor less than ten days after the last date for mailing the ballots to the members, which shall be the last day for voting (Amended December 4, 1975; renumbered March 21, 1997.)~~

SECTION 9 10. CHECKING AND CUSTODY OF BALLOTS

The secretary, or his or her designee, shall have custody of the ballots after they are cast and until they are canvassed. During the voting period, the secretary shall at regular intervals prepare a list of those active members whose names appear on the eligibility list and who have cast ballots. This list shall be called the voting list. During the period from the date upon which ballots are mailed until the next business day following ~~the last date for voting fixed by the board~~ **June 30**, the voting list specified by this section shall be open for inspection at times and in a manner authorized by the secretary so as not to interfere with the procedures required by this article. The signatures on the outside envelopes will be checked with the signature on the members' registration cards upon request and at the expense of the persons making the request. Following the election, copies of this voting list shall be maintained for a period of three years and may be available for State Bar election-related activities as determined by the secretary and upon payment of the cost of producing the same. Any person or entity desiring to obtain the voting list must agree to execute a hold harmless agreement in favor of the State Bar and an agreement limiting the use of the list(s). (Amended June 22, 1974; December 4, 1975; June 24, 1976; March 1, 1977; March 10, 1978; January 25/February 21, 1986; March 21, 1997; _____, **2001**.)

SECTION 10 11. CANVASSING OF BALLOTS

The secretary each year shall designate the period; which, **in compliance with Business and Professions Code section 6019**, shall not be less than five days prior to the annual meeting, during which the ballots shall be canvassed. Any member of the State Bar shall be permitted to be in attendance during the canvassing of the ballots subject, only, to reasonable restrictions invoked by the secretary. Promptly upon the conclusion of the canvass **and no later than July 15**, the secretary shall certify the count to the board of governors, or their designee, and shall forthwith publicly announce the same and notify each candidate thereof by mail. Upon the completion of the canvass, the secretary shall ~~place~~ **secure** the ballots in ~~locked receptacles~~, for a period of ~~three months~~ **90 days** and thereafter the ballots shall be destroyed. (Amended December 4, 1975; January 25/February 21, 1986; March 21, 1997; _____ **2001**.)

SECTION 11 12. CANVASSING BOARD

When the number of ballots that are not counted because of noncompliance with the provisions of Section 7 are of such a number so as to affect the outcome of the election, the secretary shall convene a canvassing board to verify the canvass of ballots. The canvassing board shall be composed of not less than five active members of the State Bar appointed by the ~~Board of Governors or~~ **secretary** under ~~it's~~ **the** authority ~~by~~ **of** the president. (New, as of March 21, 1997; **Amended** _____ **2001**.)

SECTION 12 13. PLURALITY OF VOTES; PROVISIONS FOR TIES

The person who receives a plurality of the votes cast for any office is elected thereto in any election for the selection of a governor of the State Bar; provided, however, that if at any such election two or more persons receive an equal and the highest number of votes for any office, the Secretary of the State Bar shall forthwith summon the candidates who have received the tie votes to appear before him or her at a time and place to be designated by him or her and the secretary shall at that time and place determine the tie by lot. Promptly after the determination of the tie the secretary shall file his or her certificate of the results of such determination and publicly announce the same and notify each candidate thereof by mail.