

ARTICLE II
NOMINATION AND ELECTION OF GOVERNORS
(Amended by the Board of Governors January 23, 2003)

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 added July 27, 2001.)

SECTION 2. NOMINATING PETITIONS FOR GOVERNORS

Nomination for the office of governor shall be in writing on a form prepared by the Secretary of the State Bar. The form shall be furnished upon request therefore on or about February 1 of each year. Potential candidates may, on the same date that the Secretary announces the schedule for availability of the nominating petition, request a list of active members in the candidate's district. Potential candidates 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; July 27, 2001; January 23, 2003.)

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 and received at the San Francisco office of the State Bar by 5:00 p.m. on April 1 of each year. An electronic 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 Service or other delivery service showing that it was mailed, postage prepaid, not later than April 1, and received not later than 5:00 p.m. on April 6.

The secretary may extend the time for filing nominating petitions to a date no later than seven days prior to the date fixed for mailing of ballots pursuant to section 7 of this article if: 1) no valid nominating petition is filed for an office by an eligible candidate, or the only petition filed is withdrawn by the deadline in section 4 below; or 2) the only candidate who has filed a nominating petition dies, and the secretary verifies the death.

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 becomes ineligible or unable to serve or dies prior to the commencement of his or her term of office, the office shall be vacant at the conclusion of the next annual meeting. The vacancy shall be filled by the

candidate receiving the next-highest number of votes for that office. In the event that no such candidate exists, or in the event that no nominating petition is filed for an office within the time limits prescribed by this section, the Board shall appoint a member to fill the vacancy until the next regularly scheduled election. An election for the remaining term of that office will then be held in accordance with the rules and regulations. (Amended September 10, 1971; December 20, 1974; December 4, 1975; May 13, 1976; March 21, 1997; July 27, 2001; January 23, 2003.)

SECTION 4. DETERMINATION OF SUFFICIENCY OF NOMINATING PETITIONS

Nominations of members of the Board of Governors shall be by petition signed by at least 20 members of the State Bar, who are eligible to vote pursuant to section 6018 of the Business and Professions Code.

Any number of nominating petitions on behalf of a nominee may be filed, but once 20 signatures in support of a nominee have been obtained, all additional signatures may be disregarded. The secretary shall determine when a member is nominated.

After a nominating petition has been filed, said petition shall remain on file for a period of at least five years. Once nominated, a candidate may withdraw from the election no later than 5:00 p.m. on April 11 by providing written notice to the secretary. Thereafter, the secretary shall place the names of all eligible candidates on the ballot, provided for in section 6 of this article, except in the event of the death of a candidate. To the extent feasible, the name of the deceased candidate shall be removed from the ballot. (Amended May 13, 1976; renumbered July 27, 2001; amended January 23, 2003.)

SECTION 5. DESIGNATION OF SEPARATE OFFICES

For the purposes of the election, each 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 shall be distinguished one from the other on the ballot by consecutive numbers. A candidate shall designate on the nominating petition that he or she circulates the numbered office for the district in which he or she is a candidate. A member shall not be a candidate or circulate a petition for more than one office in an election. (Amended September 10, 1971; December 4, 1975; renumbered July 27, 2001; amended January 23, 2003.)

SECTION 6. PREPARATION OF ELIGIBILITY LIST

Active members of the State Bar are entitled to vote within their respective State Bar district for the governor or governors for that 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. This list shall be prepared on April 20. Any declared candidate or designee desiring to obtain the eligibility list for State Bar election-related purposes shall first: 1) sign a hold harmless agreement in favor of the State Bar and an agreement limiting the use of the eligibility list; and 2) make payment to the State Bar for the cost of producing the eligibility list. (Amended August 5, 1971; December 4, 1975; January 25/February 21, 1986; January 24, 1987; July 27, 2001; January 23, 2003.)

SECTION 7. MAILING OF BALLOTS

The secretary or designee shall authorize the preparation of the ballot and ensure that the ballots are distributed to each active member of the State Bar entitled to vote in State Bar districts in which there is an election, on or before April 30. The ballots shall contain the names of the candidates for governor listed as to each separate office.

Ballots shall be distributed to the member's address as shown by the records of the State Bar. If a member changes the address of his or her principal office for the practice of law to a new State Bar district, he or she may request a ballot for the new district on or before June 20. If a member entitled to vote has not received his or her ballot or such ballot has been lost or destroyed, the secretary or designee shall furnish a new ballot to him or her. The request shall be made in writing to the secretary and shall include satisfactory proof of such change. Upon receipt of the request, the secretary shall furnish the member a proper ballot for the new district. (Amended August 5, 1971; December 4, 1975; July 27, 2001; January 23, 2003.)

SECTION 8. CANDIDATE STATEMENTS

A. Candidate Statements.

A candidate for election to the Board of Governors pursuant to this article or article IIA of these rules and regulations may submit to the secretary for inclusion in the mailing of ballots pursuant to section 6 hereof a candidate statement. Such statement may set forth 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, and/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. In the event that a candidate fails to provide or does not completely provide the information in Section A(2) above, the secretary will include this information, as reflected in the official membership records of the State Bar, with the mailing of the ballots. (Amended January 23, 2003.)

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; July 27, 2001.)

SECTION 9. VOTING OF BALLOTS

The member shall return his or her ballot to reach a site or sites designated by the State Bar on or before June 30, in an envelope furnished by the secretary, upon which the member shall print his or her name and address and, in a space provided, certify by signing his or her name in ink. No ballot shall be accepted by the secretary or counted unless it is properly certified and either received at a site or sites designated by the State Bar on or before June 30 or shows by post office mark that it was mailed, postage prepaid, not later than June 30 and is received at such site not later than 5:00 p.m. on the first day fixed for canvassing ballots. The last day for voting each year shall be June 30. (Renumbered and amended March 21, 1997; July 27, 2001; January 23, 2003.)

SECTION 10. ELECTRONIC VOTING

Notwithstanding the provisions of sections 7 and 9 above, the secretary may provide members with a secure electronic ballot in lieu of a written ballot. Such electronic ballot

must meet the requirements of section 7. Members shall vote electronic ballots in accordance with instructions provided by the secretary. (Added January 23, 2003.)

SECTION 11. 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 may prepare a voting list of those active members whose names appear on the eligibility list and who have cast ballots. The voting list specified by this section shall be open for inspection at times and in a manner authorized by the secretary. 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; July 27, 2001; January 23, 2003.)

SECTION 12. CANVASSING OF BALLOTS

The secretary 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 by the canvassing board at a site or sites designated by the State Bar. The Canvassing Board shall be composed of not less than five active members of the State Bar appointed by the secretary under the authority of the president. 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 or the canvassing board. Promptly upon the conclusion of the canvass, the canvassing board shall certify the count. Following the canvassing board's certification of the election results, the secretary, or his or her designee, shall publicly announce and notify each candidate of the results. Upon the completion of the canvass, the secretary, or his or her designee, shall secure the ballots for a period of 90 days and thereafter the ballots shall be destroyed. (Amended December 4, 1975; January 25/February 21, 1986; March 21, 1997; July 27, 2001; January 23, 2003.)

SECTION 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. (Renumbered July 27, 2001.)

SECTION 14. RECOUNT

Any candidate dissatisfied with the result of the count by the canvassing board in his or her election contest may request, within five days of the date upon which the canvassing board certifies the election, a recount of the ballots pertaining to his or her election by filing a request in writing with the secretary. Where the canvassing has been conducted electronically, the written request shall specify whether the challenger wants the recount conducted by hand or electronically, or both. Requests for recount that include ballots cast pursuant to section 10 will be counted by hand only to the extent practicable. Prior to the commencement of a recount, the candidate challenging the results of his or her election shall deposit with the secretary a sum calculated by the secretary to cover the costs of the recount. The money deposited shall be refunded to the candidate challenging the election if the recount results in a finding that this candidate actually received the plurality of the votes cast.

Following receipt of such a request and the required deposit, the secretary, under the authority of the president, shall appoint a recount committee composed of five active members of the State Bar who are not members of the canvassing board and where practicable, do not maintain their principal office for the practice of law in the same district as the challenger. As soon as practicable, but not less than five days prior to the Annual Meeting, the recount committee shall recount the ballots pertaining only to those elections in which a recount has been requested in the manner requested by the candidate filing the recount request, examine the ballots not counted, determine the number of votes validly cast for each candidate in the election, and immediately report the results to the secretary who shall announce the results at the annual meeting. Any member of the State Bar will be permitted to be in attendance during the recount of the ballots subject only to reasonable restrictions invoked by the secretary or the recount committee. The results of the recount shall be final. (Added January 23, 2003.)