

**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 added July 27, 2001.)

**SECTION 2. NOMINATING PETITIONS FOR GOVERNORS**

Nomination for the office of governor shall be in writing on a form. ~~The form shall be~~ prepared by the Secretary of the State Bar, ~~and~~ The form shall be furnished upon request therefor on or about February 1 of each year. 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. ~~Persons~~ 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.)

**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. ~~Completed nominating petitions must be received at the State Bar by this deadline.~~ An electronic 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 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.

~~If no nominating petition is filed for an office or if the only candidate 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.~~

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.

~~Before a nominating petition shall be filed, t~~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, becomes ineligible or unable to serve~~ 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 herein above, said the~~ office thereupon shall be vacant ~~upon~~ at the conclusion of ~~said the next~~ 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.~~ 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.) ~~[Propose Solution]~~

#### **SECTION 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.— 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 ~~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.~~ 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 ~~candidate has been nominated by the filing of a~~ nominating petition, has been filed, 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.~~ 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 include place the names of said 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 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; renumbered July 27, 2001.)

#### **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 ~~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~~ the nominating petition ~~that he or she circulates the prior to the circulation thereof for signature the particular~~ numbered office ~~in for~~ the district ~~for in~~ which he or she is a candidate. A member shall not be a candidate or circulate a petition for more than one office ~~at in~~ an election. (Amended September 10, 1971; December 4, 1975; renumbered July 27, 2001.)

## SECTION 6. PREPARATION OF ELIGIBILITY LIST

~~The eligibility list for each election shall close on April 20. Every a~~ Active members ~~of the State Bar in good standing upon said date shall be~~ are entitled to vote within ~~his or her their~~ respective State Bar district for the governor or governors for ~~said 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. 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 ~~declared candidate or designee~~ desiring to obtain the eligibility list ~~for State Bar election-related purposes shall~~ must agree to execute 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.)

## SECTION 7. MAILING OF BALLOTS

The secretary or designee shall authorize the preparation of ~~voting materials- the ballot~~ and ensure that the ~~voting materials- 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 nominees candidates for governor listed as to each separate office. Voting materials shall be distributed to 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. Voting materials-~~ 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 place of office for the practice of law to a new State Bar district, he or she ~~is entitled-~~ may request a ballot for the new district on or before ~~the last day for voting, June 20, upon furnishing to the secretary-~~ If a member entitled to vote has not received his or her ballot or ~~that~~ such ballot has been lost or destroyed, the secretary or designee shall furnish a new ballot shall be furnished- 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, ~~upon request,~~ furnish ~~him or her the member~~ 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 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, the secretary shall furnish 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; July 27, 2001.)

## **SECTION 8. ~~BIOGRAPHICAL~~ CANDIDATE STATEMENTS**

### **A. ~~Biographical~~ 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 ~~biographical~~ 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.

### **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 ~~the San Francisco office of a site or sites designated by~~ the State Bar on or before 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 a blank space provided therefore the member shall typewrite or print his or her name and address and, in a space provided, certify by signing his or her name in ink., and upon which, in another blank space, he or she shall sign his or her name in ink.~~ No ballot shall be accepted by the secretary nor counted unless it is ~~enclosed in an outside envelope~~ properly signed certified and either received at ~~the San Francisco office of 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 ~~in said office at such site~~ not later than ~~12:00 o'clock noon for 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.)

#### 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.

#### **SECTION ~~10.~~ 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 ~~shall at regular intervals~~ may prepare a voting 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 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; July 27, 2001.)

#### **SECTION ~~11.~~ 12. 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 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 ~~and no later than July 15, the secretary canvassing board 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. 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.)

## **SECTION 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 secretary under the authority of the president. (New, as of March 21, 1997; amended July 27, 2001.)~~

## **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.)