

CYLA BY-LAWS

ARTICLE 6 - ELECTION OF DIRECTORS

SECTION 1

- a. Five Directors of the California Young Lawyers Association (CYLA) are elected each year for terms of three years each, except as provided in Section 2 of this Article.
- b. The term of office of each Director shall commence at the conclusion of the Annual Meeting of the State Bar next succeeding his or her election or appointment and he or she shall hold office until his or her successor is elected or appointed and has qualified.
- c. Any member of the California Young Lawyers Association who will not have reached the age of thirty-five years on or before December 31st of the year in which elected, or who will not have entered his or her fourth year of practice in California on or before December 31st of the year in which elected, shall be eligible for election as a Director from the State Bar District within which he or she maintains his or her principal place of business.
- d. No person shall be nominated for or eligible to become a Director who has served as a Director for three years next preceding the expiration of his or her current term or would have so served if his or her current term were completed.
- e. Within the meaning of this section, the time intervening between any two successive Annual Meetings of the State Bar is deemed to be one year.

SECTION 2

Directors shall be elected for terms as follows:

- a. In 1965, one Director each shall be elected from State Bar Districts 3 (Office 1) and 4 (Office 2) and two Directors shall be elected from State Bar District 7 (Offices 4 and 5) to serve for a three-year term. One Director each shall be elected from State Bar Districts 1 and 5 to serve for a two-year term. One Director shall be elected from State Bar District 8 to serve for a one-year term.
- b. In 1966, one Director each shall be elected from State Bar Districts 4 (Office 1), 6, and 8 and two Directors from State Bar District 7 (Offices 2 and 3), to serve for a three-year term. One Director shall be elected from State Bar District 2 to serve for a two-year term. One Director each shall be elected from State Bar Districts 3 (Office 2), 7 (Office 1), and 9, to serve for a one-year term. Thereafter, five Directors shall be elected each year, each for three-year terms, from the State Bar District in which vacancies will occur in that year by reason of the expiration of the term of office of a Director theretofore elected thereto.

SECTION 3

The CYLA Staff, in coordination with the State Bar Office of the Secretary, shall conduct and supervise the election of members of the Board of Directors in accordance with these By-Laws and such resolutions supplemental hereto and not inconsistent herewith as the Board of Directors may adopt. (Amended June 26, 1999.)

SECTION 4

- a. Candidates for election as Directors shall be nominated by a petition signed by at least three persons entitled to vote for such nominees, which petitions shall be submitted to the CYLA staff pursuant to such resolutions relating thereto as the Board of Directors may adopt. Each nominee shall provide the following information in the nominating petition under penalty of perjury: Name, address of principal place of business,

mailing address, date of birth, State Bar number, and the year the nominee was admitted to practice in California. (Amended June 26, 1999.)

- b. Each nominee may submit to the CYLA staff a statement relating to the nominee's candidacy for inclusion in the mailing of the ballots. This statement shall be submitted at such time and in such form as described in the California Young Lawyers Association Election Procedures for the Nomination and Elections of Directors. (Amended June 26, 1999.)

SECTION 5

- a. Except as provided in subparagraphs (b) and (c) below, each directorship shall be deemed a separate office for the purposes of the election. The election shall be by secret ballot with the candidate receiving the highest number of votes for each office being elected. In the case of a tie, a run-off election shall be held between the two candidates receiving the highest number of votes in the first election. Only members of the California Young Lawyers Association maintaining their principal places of business in the respective State Bar Districts of the candidates on the date the eligibility list closes shall be entitled to vote for any Director or Directors therefrom. Ballots shall be mailed to those entitled to vote upon a date fixed by the CYLA staff in coordination with the State Bar Office of the Secretary, and shall be returned by mail to the location determined by the CYLA staff, in coordination with the State Bar Office of the Secretary, where they shall be canvassed at least five (5) days prior to the ensuing Annual Meeting of the State Bar. At the Annual Meeting of the State Bar, the count shall be certified by the CYLA staff, in coordination with the State Bar Office of the Secretary, and the result thereby officially declared. In all other respects the election shall be as the Board of Directors may direct. (Amended June 26, 1999.)
- b. If in any one year two offices are to be filled for District 7, the election shall be at large with the candidates receiving the highest and next to highest number of votes being elected. (Amended May 19, 1990.)
- c. The election referred to in subparagraph (b) immediately above shall not be held at large in any year in which one of the two offices to be filled must be filled by a member maintaining a principal place of business for the practice of law outside the City of Los Angeles unless all candidates for said two District offices maintain their principal places of business for the practice of law outside the City of Los Angeles.

SECTION 6

- a. **NOMINATING PETITIONS FOR DIRECTORS.** Nominating petitions for the office of Director shall be in writing. The form shall be prepared by the California Young Lawyers Association (CYLA) staff in accordance with this resolution and furnished upon request therefore in accordance with the published election schedule. All information contained in the petition is subject to verification by the CYLA staff. Notification of the elections shall be published in the official State Bar Publication and may be published or mailed elsewhere, as feasible. (Amended June 26, 1999)
- b. **DATE OF FILING NOMINATION PETITIONS.** Nomination petitions shall be certified in the manner prescribed by said form, and shall be filed in the San Francisco Office of the State Bar during such period as shall be prescribed each year by the CYLA staff in coordination with the State Bar Office of the Secretary. If no nominating petition is filed for an office during the period prescribed therefore, the CYLA staff 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. 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 the 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 prior to the commencement of his or her term, or if no nominating petition is filed for a particular office within the prior 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 the Board shall fill said vacancy pursuant to the provisions of Article 5, Section 8 of the By-Laws. (Amended June 26, 1999)

- c. **DETERMINATION OF SUFFICIENCY OF NOMINATING PETITIONS.** A candidate for membership on the Board of Directors may be proposed for nomination by the signatures, upon nominating petitions, of three members of the California Young Lawyers Association 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 three (3) members entitled to vote for such nominee, all signatures in excess of said three may be disregarded. The CYLA staff shall determine when a member is nominated. (Amended June 26, 1999)
- d. **CANDIDATE COPY OF BY-LAWS AND RESOLUTION.** The CYLA staff shall mail each nominated candidate a copy of the California Young Lawyers Association By-Laws and the Election Procedures for the Nomination and Election of Directors. (Amended June 26, 1999)
- e. **PREPARATION OF ELIGIBILITY LIST.** Every active member of the California Young Lawyers Association in good standing on the date the eligibility list closes, shall be entitled to vote within his or her respective State Bar District for the Director or Directors for said district to be elected that year. The CYLA staff, in coordination with the State Bar Office of 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 California Young Lawyers Association. Upon request, copies of the eligibility list may be furnished to candidates or their designee for California Young Lawyers Association election-related activities as determined by the CYLA staff in coordination with the State Bar Office of the Secretary, upon payment of the cost of producing the same and in a manner authorized by the CYLA staff so as not to interfere with these procedures. 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 June 26, 1999)
- f. **CANDIDATE'S STATEMENT.** A candidate for election to the Board of Directors may submit to the CYLA staff as provided in Article 6, Section 4(b) of the California Young Lawyers Association By-Laws for inclusion in the mailing of ballots a candidate's statement. Such statement shall not exceed the word limitation established by the CYLA staff. The candidate's statement will be included in the mailing of ballots on a form prepared by the CYLA staff, along with a disclaimer stating that the information provided by candidate has not been verified. The statement shall be signed by the candidate and received by the CYLA staff on or before the last day fixed for the filing of the candidate's statement in accordance with the published elections schedule. (Amended June 26, 1999)
- g. **MAILING OF BALLOTS.** Upon a date fixed each year by the CYLA staff, in coordination with the State Bar Office of the Secretary, ballots shall be prepared and mailed to each active member of the California Young Lawyers Association entitled to vote at the annual election, addressed to his or her address as shown by the records of the State Bar. Ballots will not be mailed before or after the date fixed for mailing. The CYLA staff, in coordination with the State Bar Office of the Secretary, shall cause the ballots and envelopes hereinafter referred to be printed in such form as he or she deems best in order to facilitate the distribution and counting of the ballots. (Amended June 26, 1999)
- h. **VOTING OF BALLOTS.** The member shall return his or her ballot in sufficient time to reach the location determined by the CYLA staff in coordination with the State Bar Office of the Secretary, on or before the last day for voting, or shows by post office mark that it was mailed, postage prepaid, not later than the day before the last day for voting and is received in said location not later than 12:00 noon for the first day fixed for canvassing ballots, in a manner prescribed by the CYLA staff, in coordination with the State Bar Office of the Secretary. If any ballot is forwarded by a member without following the prescribed procedures, it shall be invalidated and shall not be counted. No ballot shall be accepted nor counted unless it conforms with the prescribed procedures. (Amended June 26, 1999)
- i. **CHECKING AND CUSTODY OF BALLOTS.** The CYLA staff, in coordination with the State Bar Office on the Secretary, shall have custody of the ballots after they are cast, until they are canvassed as prescribed by the Board of Directors. During the voting period, a list of those active members whose names appear on the eligibility list and who have cast ballots shall be prepared. 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, the voting list specified by this section shall be open for inspection at times and in a manner authorized by the CYLA staff, in coordination with the State Bar Office of the Secretary, so as not to interfere with the procedures required by this section. 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 26, 1999)

- j. **CANVASSING OF BALLOTS.** The CYLA staff, in coordination with the State Bar Office of the Secretary, each year shall designate the period, which shall not be less than five (5) 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 CYLA staff, in coordination with the State Bar Office of the Secretary, to prevent interference with its work. Promptly upon the conclusion of the canvass, the CYLA staff shall certify its count to the Board of Directors and shall forthwith publicly announce the same and notify each candidate thereof by mail. Upon the completion of the canvass, the CYLA staff, in coordination with the State Bar Office of the Secretary, shall oversee the storage and destruction of the ballots. (Amended June 26, 1999)

SECTION 7

- a. In 1998, the election of directors shall be suspended and the requirements of Article 6 waived. The terms of office of the five Directors whose terms would otherwise expire in 1998 shall continue and he or she may hold office until his or her successor is elected or appointed and has qualified. (Approved May 30, 1998.)
- b. In 1998, the election of Officers shall be suspended and the requirements of Article 7 waived. The terms of office of the Officers whose terms would otherwise expire in 1998 shall continue and he or she may hold office until his or her successor is elected or appointed and has qualified. (Approved May 30, 1998.)