

TITLE 6. GOVERNANCE

Adopted July 2007

DIVISION 1. BOARD OF TRUSTEES

Chapter 1. Election of Trustees

Rule 6.1 Election matters in general

- (A) Subject to the supervision and control of the board, the Secretary is responsible for administration and supervision of the election of attorney members of the board. These duties include
- (1) preparing and distributing election forms and ballots;
 - (2) preparing and distributing eligibility and voting lists;
 - (3) determining validity of nominations;
 - (4) counting ballots;
 - (5) appointing canvassing boards and recount committees; and
 - (6) maintaining custody and control of election materials.
- (B) A Nominating Petition, Candidate Statement, or any other form required by rule in this division must be completed in accordance with instructions and filed by the dates set forth in the Schedule of Charges and Deadlines.
- (C) A member's address as it appears in his or her member record will be considered the principal office for the practice of law in determining eligibility for candidacy and voting. If the address appearing on a candidate's member record is a postal or private mailbox, the candidate must also provide the Secretary with the street address of his or her principal office on or before the date set for filing of Nominating Petitions. A candidate must also certify on the Nominating Petition that his or her principal office for the practice of law is maintained in the district from which he or she is running.

Rule 6.1 adopted effective January 1, 2009; amended effective November 14, 2009.

Rule 6.2 Nomination of trustees

- (A) A qualified member¹ must petition for candidacy by filing a completed Nominating Petition². The Nominating Petition may be filed electronically. Candidates who file electronically must retain the original copy of the petition for four years and produce it to the State Bar upon request.
- (B) The Secretary may extend the deadline for filing a Nominating Petition up to ten working days if
 - (1) no valid Nominating Petition has been filed;
 - (2) the only valid Nominating Petition filed is withdrawn before the deadline in the Schedule of Charges and Deadlines; or
 - (3) only one candidate has filed a valid Nominating Petition and has died or become ineligible.

Rule 6.2 adopted effective January 1, 2009; amended effective January 1, 2012.

Rule 6.3 Candidate information

- (A) The State Bar will post on its Web site and include in the ballot package mailed to eligible voters biographic information about qualified candidates including education, date admitted to practice, any public record of discipline, and other information in the official membership records of the State Bar.
- (B) Candidates may file a Candidate Statement that describes their views and qualifications for office.
- (C) A candidate for the Board of Trustees must 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 is not required to disclose the name of the particular club.

Rule 6.3 adopted effective January 1, 2009; amended effective January 1, 2012.

Rule 6.4 Ballots

- (A) The ballot, any Candidate Statement, and a return envelope must be mailed to the address of record of eligible members at least six weeks before the date specified in the Schedule of Charges and Deadlines.
- (B) To be counted, a ballot must be returned in the envelope provided by the State Bar and received in the manner and time designated in the Schedule of Charges

¹ Bus. & Prof. Code §§ 6013.2, 6015.

² Bus. & Prof. Code § 6018.

and Deadlines. The outside of the return envelope must include the voting member's printed name and address and must be signed by the member. Alternatively, the Secretary may provide for electronic voting using a secure means that complies with the requirements of these rules.

Rule 6.4 adopted effective January 1, 2009.

Rule 6.5 Plurality of votes; tie votes

Votes will be counted as prescribed by law.³ The candidate who receives a plurality of the votes cast for an office will be elected a trustee of the State Bar. In the event of a tie, the election will be determined by lot. The affected candidates must be notified and may attend the drawing of the lot.

Rule 6.5 adopted effective January 1, 2009; amended effective January 1, 2012.

Rule 6.6 Recounts

- (A) No later than five days after certification of election results, a candidate may request a recount. The request must be in the manner prescribed by the Secretary and include advance payment of reasonable fees for the cost of the recount. Members of the State Bar may attend a recount, subject to reasonable conditions imposed by the Secretary.
- (B) As soon as practicable, the Secretary must appoint a recount committee consisting of five active members who did not initially count ballots. The recount committee must
 - (1) recount the ballots;
 - (2) examine the ballots not counted;
 - (3) determine the number of votes validly cast for each candidate in the election; and
 - (4) immediately report the results, which will be final, to the Secretary.

Rule 6.6 adopted effective January 1, 2009.

Rule 6.7 Appointment due to a vacancy

- (A) A vacancy on the board occurs when a board member dies, resigns, or ceases to be an active member of the State Bar. The board must fill a vacancy by appointment unless these rules provide otherwise.

³ Bus. & Prof. Code § 6019.

- (B) If a winning candidate dies or becomes ineligible or unable to serve before taking office, the office must go to the candidate receiving the next-highest number of votes for that office. If there is no other candidate, the board must appoint a member to fill the vacancy until the next regularly scheduled election.

Rule 6.7 adopted effective January 1, 2009.

Rule 6.8 Special election due to a vacancy

- (A) If a vacancy leaves an unexpired term exceeding eighteen months, a special election must be held to fill the balance of the term. This special election must be held in conjunction with the next regularly scheduled Board of Trustees election.
- (B) The rules and procedures applicable to a regular election apply to a special election.

Rule 6.8 adopted effective January 1, 2009; amended effective January 1, 2012.