

ARTICLE I DUTIES OF THE MEMBERS OF THE BOARD OF GOVERNORS

Section 1 General Powers

The term of the Board of Governors (SBA Board) shall be from Graduation Day in the elected year to Graduation Day the following year. The SBA Board may create ad-hoc committees to deal with special issues as they arise.

Section 2 Duties of Each Member

Each Board Member must:

- A. Attend all SBA Board meetings and events, unless excused prior to the meeting or event.
- B. In all matters before the SBA, in which any Board Member has a direct conflict of interest, that Board Member shall abstain from voting.

Section 3 Duties of the President

The duties of the President are:

- A. To provide vision and leadership to the SBA Board.
- B. To call and preside over meetings of the SBA Board.
- C. Shall not vote unless to break tie of the SBA Board. Additionally, the President is a member of the Board to establish a quorum. Quorum throughout these bylaws shall be two-thirds of the elected members.
- D. Serve as an ex-officio member to all Faculty Meetings and all Faculty Committees where student representation is permitted.
- E. To make such appointments as may be required to fill student positions on the following Faculty Committees: Admissions Policy Committee, Capital Center Advocacy Committee, Curriculum Committee, Disciplinary Hearing Panel Committee, Disciplinary Appeals Panel Committee, Employment Committee, Promotion and Tenure Committee, Experiential Learning Committee, Grading & Advancement Committee, Honors & Awards Committee and Minority Affairs Committee.
- F. Represent the SBA Board to the students, faculty, administration and public.
- G. Serve as voting member on the Alumni Board of Directors.
- H. Represent the SBA as a voting member to the American Bar Association Law Students Division. The President may delegate this duty to another J.D. student.
- I. Appoint a student to be a full time American Bar Association representative. This representative will act as a liaison between McGeorge and the American Bar Association.

Section 4 Duties of Each Vice President

The duties of each Vice President are:

- A. If the President is unable to call and preside over meetings of the SBA Board, the Day Vice President shall call and preside over meetings of the SBA Board, and represent, in a voting capacity, the President, in his/her absence. If the Day Vice President is unavailable, then the Evening Vice President shall perform this duty.
- B. To create and monitor all Standing/Ad-hoc Committees of the SBA Board in consultation with the President.
 - a. The Vice Presidents shall act as liaisons between the board and all committees except, if applicable, Raft Race Committee, Diversity Committee and Barristers Ball Committee.
 - b. The Vice Presidents shall present the chair of each committee with a list of general procedures and duties that may help facilitate the committee's function.

Section 5 Duties of the Treasurer

The duties of the Treasurer are:

- A. To manage the financial interests of the SBA and create a proposed budget at the beginning of the school year.
- B. To maintain a bookkeeping system to monitor the balance in each SBA account in consultation with the President.
- C. To establish procedures for receiving funding requests, such as requiring an event plan and itemized budget proposal.
- D. To oversee and present funding requests to the Board in consultation with the Representative at Large.
- E. To present a written statement of accounts to the SBA Board on a monthly basis.
- F. To monitor funds provided by the SBA to Standing/Ad-Hoc Committees to ensure that all SBA appropriated funds are spent consistent with these bylaws, and to report any suspected misuse to the SBA Board.
- G. To prepare a year-end accounting statement.
- H. To make all books available for student inspection upon reasonable request.

Section 6 Duties of the Secretary

The duties of the Secretary are:

- A. To record and transcribe minutes of all SBA Board meetings.
- B. To post the agenda and minutes of the SBA Board meetings.
- C. To maintain and update the SBA Bulletin Board and Website.
- D. To maintain all records and keep them available upon reasonable request.

Section 7 Duties of the Representative at Large

The duties of the Representative at Large are:

- A. To act as liaison between the SBA Board and the student clubs.
- B. To oversee and execute Raft Race.
- C. To act as liaison between the SBA Board and both the Barrister's Ball committee and the Diversity committee.
- D. To represent Master of Laws (LL.M.) students or any class without a class representative.

Section 8 Duties of Class Representatives

The duties of the Class Representatives are:

- A. To provide oral or written announcements to his/her entire class when required.
- B. To represent the interests of his/her class at SBA Board meetings and to the faculty and administration.
- C. The 3D and 4E Representatives shall:
 1. Organize the selection of the 3D and 4E class speaker for the commencement ceremony. Each representative shall select the student from their class who receives the highest number of votes from their respective class to serve as a class speaker.
 2. Organize the nomination and selection of the Professor of the Year Award and Anna Rose Fisher Employee of the Year Award. The award shall be chosen by the graduating classes and selected by a majority vote of those classes.
 3. Plan and execute a Senior Graduation Party in May ~~or Banquet~~ for all graduating students. Sources of funding may come from the SBA funds or any other source.
 4. Plan and execute a Senior Graduation celebration in December for evening or early graduating students. Contact the Alumni Association for primary source of funding.
 5. Run the Pacific McGeorge Student Philanthropy Program
- D. The 2D and 3E Representatives shall:
 1. Plan and execute the "Halfway There" party.

- E. The 1D and 1E Representatives shall:
 - 1. Plan and execute the “End of Year Party” for the 1L class.

Section 9 Ground for Removal of a SBA Board Member

- I) Removal of an SBA Member for “Concerning Behavior”
 - a) Procedure
 - i) Any concerning behavior may be brought to the attention of the SBA Disciplinary Committee by the Dean of Students, a board member or a board member acting on behalf of a student.
 - (1) The SBA Disciplinary Committee shall consist of the SBA President, the Vice Presidents, the Representative at Large, the Treasurer, and the Secretary.
 - (A) The SBA President shall serve as Chair of the SBA Disciplinary Committee
 - (2) Concerning Behavior shall include only behavior that affects an SBA board member’s ability to effectively and honorably serve on the SBA board of governors.
 - ii) The SBA Disciplinary Committee shall hold a vote as soon as practicable to determine if the matter is serious enough to warrant an investigation and to be heard by the board of governors.
 - (1) The SBA Disciplinary Committee holds the discretion to hold an emergency meeting of the board to hear the issue or have the issue heard at the next week’s meeting.
 - iii) The board member subject to removal shall be permitted to present his or her case to the board of governors and call witnesses to testify in their favor.
 - iv) After a hearing on the merits, the SBA Board shall hold a vote on whether the board member has committed “removable behavior.” A SBA member may be removed only by a majority vote of the SBA Board.
 - (1) Motions will pass upon a majority vote from the quorum.
 - (2) The member who is subject to removal shall not be present during the vote for removal.
 - v) A vote to remove a member of the SBA held after all preceding procedures have been followed takes effect immediately.
 - b) Appeal
 - i) A removed board member may appeal the vote of the SBA board by submitting a request for appeal to the Office of the Dean of Students within 7 days of removal.
 - (1) The Dean of Students shall have 10 days to either approve or deny the appeal.
 - (2) If an appeal is denied, the decision of removal is final.
 - (3) If an appeal is approved, the Dean of Students shall notify the SBA Disciplinary Committee for resubmission to the SBA Board by the SBA President.
 - ii) A grant of appeal shall include a basis for the reasoning of the appeal, and subsequent resubmission to the SBA Board, a prior decision shall only be affirmed by a 2/3 vote of the SBA Board.
 - iii) A board member who is successful in his or her appeal process shall be reinstated to the board immediately.
 - iv) A member who fails in his or her appeal shall be removed from the SBA and related responsibilities shall be terminated for the balance of that academic year.

ARTICLE II ELECTION PROCEDURES AND GUIDELINES

Section 1 Definitions

- A. Candidates: Formal Candidates are those who file a petition of candidacy with the Election Committee, and shall have their names placed on the general election ballot. The petition must contain the signature of at least ten (10) students who meet the voting requirements for that office described below, and that signature does not appear on any other petition of candidacy for that office. All other candidates who are considered write-in candidates must still meet the candidate eligibility requirements and abide by the rules set forth in this Article and solicit a request for a write-in space on the ballot to the Chair of the Elections Committee no later than 72-hours prior to the start of the general voting period.
- B. Election Committee: The Election Committee is the body with primary responsibility for running the SBA elections. The committee should be comprised of day and evening students who are not themselves candidates or serving on the current SBA Board. The SBA Board shall have the power to remove any member of the Election Committee, with or without cause, by a majority vote.

- C. Campaigning: For purposes of these by-laws, campaigning shall include any speech or activity that tends to promote a candidate or group of candidates for election to the SBA, with the exception of the solicitation of signatures for the petition of candidacy, unless specified otherwise within these by-laws.

Section 2 Election Committee

The Election Committee shall:

- A. Plan, organize and implement the SBA elections.
- B. Set and adequately publicize campaign dates and deadlines for the Fall First Year Election, including:
 - 1. Announcements to the first year classes regarding the election;
 - 2. Informational Meeting before the campaign begins;
 - 3. Deadline for candidacy declaration;
 - 4. Dates for the Campaign period;
 - 5. Dates for the election, which shall not last more than two (2) days; and
 - 6. Dates for any potential run off election, which shall not exceed one (1) day.
- C. Set and adequately publicize campaign dates and deadlines for the SBA General Election, and shall meet with the SBA Board within the first month of spring semester to formally set these dates and deadlines. The dates, deadlines, and announcements to be given shall include:
 - 1. Announcements regarding the general election;
 - 2. Informational Meeting for Potential Candidates, where petitions shall be distributed;
 - 3. Candidacy petition period;
 - 4. Deadline for candidacy declaration, at which time valid petitions must be turned in;
 - 5. Dates for the campaign period;
 - 6. Dates for the General Election, which shall not last more than two (2) days;
 - 7. Dates for any potential run off election, which shall not exceed one (1) day.

Section 3 Chairperson's Duties

The Chairperson shall preside over the Election Committee, and oversee the implementation of the committee's duties.

Section 4 Candidates

The candidate eligibility requirements are:

- A. Candidates must be currently enrolled at University of the Pacific, McGeorge School of Law.
- B. Current 3D, 4E, and L.L.M. students are not eligible for any SBA office.
- C. Candidates for Evening Vice-President shall be from the Evening Division and candidates for Day Vice-President shall be from the Day Division.
- D. Candidates for Class Representatives shall be students enrolled in that year and division as reported by the Office of the Registrar.
- E. Candidates must abide by the Election by-laws and any orders of the Election Committee as communicated to the candidate(s), verbally or in writing, by any member of the Election Committee.
- F. No more than one candidate may hold any one office; joint candidacy is not permitted;
- G. Candidates may withdraw from the election at any time before the election is certified by submitting a signed written statement to the Election Committee.

Section 5 Rules of Campaign Conduct

- A. Campaign Materials
 - 1. Each candidate may post the following literature:
 - a. A maximum of three 18 inches x 24 inches posters;
 - b. A maximum of ten 8.5 inches x 11 inches posters;
 - c. One 4 feet x 6 feet banner;
 - 2. Literature may only be posted:

- a. In the Student Center in locations announced by the Election Committee or as otherwise permitted by express permission of the Director of Food Services;
 - b. The following bulletin boards:
 - i. The hallway between Rooms A and B;
 - ii. The hallway between Rooms G and H;
 - iii. The hallway between Rooms D and E;
 - c. All classroom doors unless specifically prohibited; and
 - d. In any location expressly approved by the Election Committee.
3. Literature may only be distributed directly outside of classrooms, and/or in any common area on campus that is not a room regularly used for formal instruction.
 4. Under no circumstances shall literature be distributed, or campaigning of any kind take place:
 - a. In any classroom, whether or not instruction is underway;
 - b. In the library; or
 - c. Within 100 feet of any polling place on an election day, with an exception for a banner placed on the second floor balcony of the Student Center.
 5. Campaigning by Internet or intranet is acceptable, provided that the subject line of the message clearly indicates that the communication is a campaign advertisement and a similar statement is included in the text of the message in at least ten (10) point font. This includes Facebook; however campaigning via TWEN or TWEN email lists is expressly prohibited.
 6. Any campaign material or literature not specifically described in this section must be submitted to the Election Committee for approval prior to use. Approval of campaign material or literature not so specifically described is at the sole discretion of the Election Committee.
 7. All campaign material or literature shall be removed by the candidate within twenty-four (24) hours of certification of the election.
 8. No campaigning may commence before the start of the campaign period, as set by the Election committee, with the following exception:
 - a. Prospective candidates may VERBALLY discuss their intention to a be a candidate for an SBA Board position prior to this time period, but no campaign materials may be distributed, including those via the Internet.

B. Speeches

1. During the candidacy period of the General Election, the Election Committee shall designate and publicize a time and location for a candidates' forum.
2. The Election Committee shall announce the order of speeches.
3. Each Formal Candidate may deliver a speech of no more than five (5) minutes at the candidates' forum.
4. After all Formal Candidates have had an opportunity to deliver a speech, they shall have an opportunity to address any other candidate for that office in a debate moderated by a person selected by the Election Committee Chairperson. The debate format shall consist of up to two (2) questions from each candidate with ninety (90) seconds allotted to each participating candidate to state their position and a forty-five (45) second rejoinder. In the event that a candidate is requested to participate but declines, the candidate requesting the debate shall be allowed to give a one hundred and twenty (120) second narrative on up to two (2) questions of that candidate's choosing. The declining candidate shall not have any opportunity to respond to the narrative at the candidates' forum.

C. Finances

1. Candidates may use materials either purchased or received as a gift or donation.
2. Materials used shall not exceed \$100 total cost for Class Representative campaigns.
3. Materials used shall not exceed \$150 total costs for President, Day and Evening Vice President, Secretary, Treasurer and Representative at Large campaigns.
4. All successful candidates must present a copy of a statement of expenses and receipts for all campaign expenses to the Election Committee prior to certification of the election.
5. Any campaign materials used that the candidate does not provide a receipt for will be assessed a fair market value by the Election Committee Chairperson.
6. Candidates that exceed the dollar limit on campaign materials will be disqualified, and the candidate for that office with the second highest vote total shall be named as the winner of the election upon qualifying under this paragraph and certification of the election.

Section 6 Violations of the Rules of Conduct

The Election Committee shall investigate all complaints of election misconduct, or failure to comply with any of the requirements provided by these bylaws. Disciplinary action shall be at their discretion, with review by the current SBA Board. Disciplinary actions may range from a warning letter to recommendation for disqualification to the SBA Board. This provision includes consequences implicated by absence from any “mandatory” meetings.

Section 7 Mechanics of the Election

A. Voter Qualifications

1. All members of the student body, except current 3D, 4E, and L.L.M. students, are eligible to vote in the General Election.
2. Student year and division classifications are conclusively presumed to be that designation found in the Office of the Registrar.
3. No voter may cast more than one (1) vote for each office per election.
4. Votes for Class Representative may only be cast by members of the student body who are designated as members of the class that Class Representative candidate would represent.

B. Students shall vote as follows:

1. All students shall vote for the following positions: President, Class Representative at large, Secretary, and Treasurer.
2. All day students shall vote for the Day Vice President.
3. All evening students shall vote for the Evening Vice President.
4. Each class shall vote for the Representative of their respective class of the upcoming year. For example, current 1E students vote for the upcoming academic year’s 2E Representative.

C. Ballots

1. Ballots shall list each candidate, at random, by office, with a box to mark the voter’s selection. The words “Write-in” with a line available for writing in a candidate’s name shall appear for every office for which a write-in candidate has solicited such a request to the Chair of the Election Committee.

D. Ballot Tallying

1. The ballot count shall be performed by the Election Committee.
2. The preliminary results of each election shall be posted the day following the election on the SBA Bulletin Board.
3. No results will be released while ballots are still being counted.
4. An agent of a candidate may observe the removal, tallying and count of the ballots.
5. All persons present when the ballot box is opened shall remain in the room until all vote counting is complete and preliminary results are determined. All other persons shall be excluded and not granted entrance into the room until the vote counting is complete.
6. A vote is valid if it indicates a clear, unambiguous selection of one candidate for any and all offices for which the voter is eligible to cast a vote. The Election Committee shall make all decisions regarding validity of a vote, and the determination of the Election Committee is final and not subject to review.
7. In order to win, a candidate must receive a plurality of the total number of valid votes cast for that office.

Section 8 Election Certification

A. The Election Committee shall certify the election results upon the occurrence of all of the following:

1. A count of all valid votes cast and announcement of a preliminary winner;
2. Verification of the preliminary winners’ compliance with campaign finance rules; and
3. The resolution of any pending disqualification action against the preliminary winner.

B. Upon certification, the Election Committee shall:

1. Notify the candidates of the results and remind them to remove any remaining election material
2. Deliver the results to the SBA Secretary for posting on the SBA bulletin board.

Section 9 Recount Procedures

- A. An immediate recount may be conducted at the discretion of the Election Committee Chairperson to insure accuracy when there exists reasonable suspicion that the vote count is incorrect.
- B. Where a vote count places candidates within the greater of two percent (2%) of all valid votes (with all calculations being rounded to the nearest whole percent) cast for that office, the Election Committee shall conduct an immediate recount.
- C. All ballots and count sheets shall be held by the Election Committee Chairperson for five (5) days following certification of the election. The Election Committee Chairperson shall destroy the ballots and count sheets on the sixth day, unless an appeal or a recount is pending.
- D. Any candidate or group of thirty (30) Student Body members may request a recount. Such requests must be made in writing to the Election Committee within five (5) days of certification of the election.

Section 10 Voiding Elections

- A. The SBA Board may void an election only in the case of serious misconduct, fraud, or egregious and unfair violation of these bylaws on the part of the Election Committee or any of its members.
- B. Any candidate disqualified with the election may bring their concerns to the SBA Board in the form of an appeal.
- C. The SBA Board shall make a determination of the validity of the complaint, and either uphold the election or, upon probable cause, call for an inquiry.

Section 11 Special Elections

- A. If a vacancy exists on the SBA Board, a Special Election may be requested by the SBA Board to fill a position.
- B. Voter qualification for Special Elections shall be as for any election governed by these bylaws, except that 3D and 4E students may vote in a Special Election for President, Secretary, Treasurer, Representative at Large and their respective Vice President and Class Representatives.
- C. The dates of any Special Election will be determined by the SBA Board in consultation with the Election Committee.
- D. All other election procedures for Special Elections will be the same as those outlined for the Spring General Election discussed above.

ARTICLE III COMMITTEES

Section 1 Selection of Chairpersons for SBA Standing Committees

- A. The Vice Presidents shall publicize all available committee positions and their respective responsibilities to the entire student body. The Vice Presidents shall review the applicants and select chairpersons and committee members.
- B. The Chairpersons must be confirmed by a majority of the SBA Board.

Section 2 Removal of Chairpersons for SBA Committees

Any SBA Board appointed Chairperson who is not fulfilling his/her duties may be removed by a two-thirds (2/3) vote of the entire SBA Board after the student has been given notice and an opportunity to be heard.

Section 3 Duties of All SBA Committee Chairpersons

The duties are specific to the purpose of their respective committee, and include meeting with the SBA Board on a regular basis. The Vice Presidents will determine the duties and procedures of the committee.

ARTICLE IV FINANCIAL ADMINISTRATION

Section 1 Club Funding

The SBA Board shall have discretion to allocate SBA funds to student organizations. The student organization must first schedule the event on the student calendar through the Dean of Students' Office. To do so, the organization must comply with the standards and procedures of the Dean of Students' Office.

Section 2 Conference Funding

Whether or not the SBA Board will provide funding for student conferences is up to the discretion of that year's Board.

Section 3 Disbursement of Funds

After funds are allocated, they will be disbursed to the organization's on-campus accounts.

Section 4 Access to Financial Records

All SBA financial records shall be open to any member of the Student Body upon reasonable request.

Section 5 Carryover of Funds

Every SBA Board shall allocate funds necessary for the incoming SBA Board to operate until the beginning of the next academic year.

Section 6 Recapture of Club Funds

Where a club fails to recharter in any given year by the deadline provided by the Office of the Dean of Students, or any administrative office who may take charge of that duty, the SBA shall have the authority to recapture any funds left stagnant in the failing club's account.

- A. The Treasurer of the SBA must make an accounting of recaptured club funds.
- B. If any club recharter within 10 months of recapture, that club will be refunded the amount of the most recent recapture from the club account.

ARTICLE V AMENDMENT OF BYLAWS

The bylaws may be amended by a two-thirds (2/3) vote of the SBA Board. A copy of the amendments must be made available to the student body for viewing for one (1) week to solicit public comments. If there are comments after one (1) week, the SBA must address the comments and vote again. Upon a two-thirds (2/3) vote of the SBA Board on a final version, the bylaws will be amended.