

Bill No. 2223-02

An Act to Amend WSBA Bylaw 103

Author(s): Nicholas Smith, Vice President

Sponsor(s): Nicholas Smith, Vice President; Audriana Berry Dunn, President

Background:

The Washburn Student Bar Association (WSBA) oversees schoolwide elections to the WSBA Governing Body. These elections and campaigns must adhere to the WSBA Bylaws. Presently, WSBA has conflicting and duplicate provisions relating to elections, election procedures, and campaigning. To efficiently and effectively administer the upcoming Fall 2022 WSBA General Election, the WSBA President and Vice President request that all elections and campaign-related provisions be brought under one WSBA Bylaw, amended to eliminate contradictions and amended to promote a fairer election that exhibits professionalism. The recommended amendments are contained in the Appendix. Article IX, Section 4 states that a two-thirds affirmative vote of the WSBA Governing Body is required to effectuate this amendment.

Legislative Notes:

This bill seeks to amend WSBA Bylaw 103 and bring all election and campaign-related provisions under a single Bylaw. This bill also seeks to clarify, eliminate contradictions, and promote fair elections.

Presented to the Governing Body of the Washburn Student Bar Association on August 31, 2022, with a vote of:

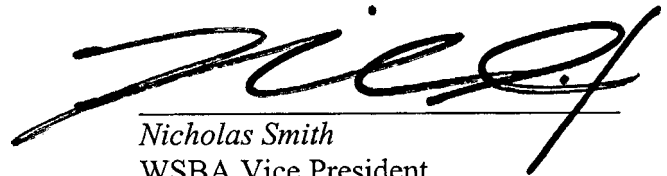
Ayes: 11

Nays: 0

Abstentions: 0



Audriana Berry Dunn
WSBA President



Nicholas Smith
WSBA Vice President

An Act to Amend WSBA Bylaw 103

BE IT ENACTED BY THE GOVERNING BODY OF THE
WASHBURN STUDENT BAR ASSOCIATION

Author(s): Nicholas Smith, Vice President

Sponsor(s): Nicholas Smith, Vice President; Audriana Berry Dunn, President

AN ACT

Section 1. The Washburn Student Bar Association shall hereby amend Bylaw 103 of the Washburn Student Bar Association in accordance and conformity with the amendments made in the Appendix, where language having a strikethrough is deleted and language underlined is added.

Section 2. The WSBA shall hereby adopt the amendments to Bylaw 103 as written in the Appendix and as amended in Section 1 of this Act, subject to a two-thirds affirmative vote by the WSBA Governing Body.

Section 3. Any WSBA Bylaw, legislation, policy, procedure, rule, or regulation, in whole or in part, in conflict with this Act shall be hereby repealed by a two-thirds affirmative vote of the WSBA Governing Body.

Section 4. This Act shall become effective immediately upon passage.

APPENDIX

Bylaw 103

Section 1. General Election

Section 1.1. Procedures.

a. ~~Under Article IV of the WSBA Constitution,~~ General Elections shall be held twice a year with one (1) taking place during the fall semester and one (1) taking place during the spring semester.

b. Each semester the General Election shall be held within ~~four (4) weeks~~ thirty days of the first day of regular classes for the respective semester.

c. Elections shall be held using an electronic voting system. ~~that will allow all eligible students to vote in any election regardless of whether they are physically on campus during the voting period.~~

d. The voting period for all elections shall be a minimum of forty-eight (48) consecutive hours and shall be no longer than seventy-two (72) consecutive hours. ~~may extend up to a maximum of five (5) days (120 consecutive hours) that includes a minimum of one (1) weekday. The voting period shall not occur during weekends, orientation, university holidays, reading days, final exam periods, or semester breaks. Elections shall not be held during official law school breaks, reading days, or during the final exam period.~~

e. Ranked Choice Voting, or instant runoff voting, may be used in an election if approved by a majority vote of the Governing Body ~~General Council~~ prior to ~~before~~ the start of the voting period.

a. ~~Write-in candidates shall be allowed in all general elections. Run-off elections will be limited to only those candidates tied from the general election. Qualification requirements of candidates also apply to write-in candidates as defined in Bylaw 103(II).~~

bf. Election results of all positions shall be emailed or and conspicuously posted for the student body to view in a timely manner after the certification of the election. ~~The Executive Council may vote to approve an extended deadline.~~

e. ~~Prior to notification of the student body, the Election Committee chair shall notify each candidate regarding the result of his race.~~

d. ~~The Election Committee chair is empowered to take any action necessary to ensure fair and impartial election, subject to review by the Executive Council and faculty advisor of WSBA.~~

e. ~~A vacancy in office, except that of the President, due to resignation, forfeiture or other such causes shall be filled by an appointment by the WSBA President, subject to the plurality vote of the WSBA executive council. In the event the President is unable to fulfill her/his term of office, the Vice President shall fill the vacancy of the unexpired term and a vacancy shall be declared in the office of Vice President. In the event a WSBA President has to fill a vacancy by appointment, they shall send an email to the entirety of the eligible WSBA members with an application to be submitted. Out of the pool of applicants for the vacancy, the WSBA President shall choose whom they will appoint and then present said applicant to the Executive Council for a plurality vote. If said appointee is not voted in to the position by the Executive Council, the WSBA President shall choose another person from the applicant pool and have the Executive Council vote on the new appointee. This process shall repeat until any and all vacancies are filled.~~

~~f. Any current officer serving in the position of President, Vice President, Secretary, Treasurer, Assistant Treasurer, Assistant ABA representative, Barrister's Ball Chair, or Assistant Barrister's Ball Chair will not be eligible to resign from their current position and run for any other WSBA Executive Counsel position. This does not apply to appointments made by the President. This shall not apply to individuals withdrawing from Washburn School of Law and returning for a later semester.~~

Section 1.2. Appeals

a. Any student may appeal the election results by emailing the Election Committee Chair within twenty-four (24) hours from the announcement of the election results.

b. The Election Committee shall review the appeal and make a report of the findings and the committee's recommended remedy to the Governing Body General Council within one (1) week from ~~when~~ the time the appeal was made.

c. The Governing Body General Council shall hold a special meeting to resolve the matter within one (1) week from the time the Election Ceommittee's report is received.

Section 1.3. Ballots

a. All ballots shall include, at a minimum, the name and photo of each candidate. ~~Every position listed on the ballot must include a write-in option. A write-in option shall not be included on the ballot for run-off elections. All ballots positions on a ballot shall state the number of ~~candidates~~ positions available for such position. ~~to vote on for each position listed on the ballot.~~~~

b. Fall General Election ballots shall include the following positions:

i. 1A Class Representative

ii. 1B Class Representative

iii. 2L Class Representative (two positions)

iv. 3L Class Representative (two positions)

v. LLM/MSL Representative

vi. Half of the total number of Representative-at-Large positions

vii. Treasurer

viii. Communications Director

ix. Secretary

x. Events Director

xi. American Bar Association (ABA) Representative

~~i. All 1L, 2L, and 3L Class Representative positions ii. Half of the total number of At-Large Representative positions~~

c. Spring ballots shall include the following positions:

i. 1J Class Representative

ii. Half of the total number of Representative-at-Large ~~At-Large~~ Representative positions

iii. President-Elect

iv. Vice President-Elect

~~v. Assistant Treasurer~~

~~vi. Assistant Communications Liaison vii. Assistant Secretary Historian~~

~~viii. Assistant American Bar Association (ABA) Representative ix. Assistant Barristers' Ball Coordinator~~

Section 1.4. Voting

a. All student body members are eligible to vote in all WSBA elections, except as limited in this subsection.

i. Class representatives shall exclusively be elected by the members of their respective specific class.

ii. Elections for the William O. Douglas Awards shall be limited to members of the 3L class.

~~a. When class representative positions are further divided into specific class sections (A and B) only members of the respective class section shall vote for the respective class representative position.~~

b. Candidates must receive the highest number of votes to be elected to the position sought. Positions with multiple openings are filled by candidates receiving more votes than other candidates for the respective position until all open positions have been filled.

~~i. Write-in candidates must receive write-in votes that total the highest number of votes for the position to be elected.~~

Section 2. (reserved for Special Elections)

Section 3. (reserved for Recall Elections)

Section 4. Election Committee

a. An Election Committee shall consist of seven (7) members. The members shall consist of three (3) members from the WSBA Governing Body and four (4) non-Governing Body student members, one from each class and the J-section. one (1) non-voting committee chair from the WSBA Executive Council who will report to the WSBA President, two (2) other members from the WSBA Executive Council, and four (4) other students, comprised of a 1J, 1L, 2L, and a 3L, nominated by the Election Committee chair and approved by the WSBA Executive Council. The Election Committee Chair shall be appointed by the WSBA President and shall be non-voting on the Election Committee. The remaining members of the Election Committee are appointed by the Election Committee Chair. This The Election eCommittee will shall be responsible for overseeing the election process and certifying the election results. No member of ~~this the Election~~ Committee shall be eligible for election in the semester ~~he is~~ they are serving with on the Committee.

b. All elections shall be certified by a majority vote of the Election Committee. In the event there is not a majority of the Election Committee available, the Election Committee Chair shall have the power to appoint additional members from the student body to the Committee.

c. The members of this Committee shall not speak about the election results with anyone outside of the Election Committee ~~prior to~~ before the student body ~~being~~ is notified.

~~d. The only individuals allowed to be informed of the actual vote count are the members of the committee, the current President of WSBA, and the Faculty Advisor of WSBA.~~

Section 5. (reserved for Election Auditing, Certification, and Integrity)

Section 6. Qualifying for Election

a. Individuals seeking class-specific and section-specific positions shall be members of their respective class and section. If an individual files their candidacy for a class- or section-specific position for which they are not eligible, such individual shall not appear on the ballot nor campaign for such position. To be eligible to be considered a candidate for any representative-at-large, class-section position, or executive office, an individual must be a member of the section he wishes to represent. Any deviation from this requirement will automatically result in removal of invalid candidates from the ballot or forfeiture of improperly held office.

b. To be eligible to take office for the Junior Kansas Bar Association (KBA) or Junior American Bar Association (ABA) representative positions, an individual must be a member of the respective KBA or ABA, within seven (7) days of the certification of the election. The elected member must confirm with the Election Committee chair that he has completed the process of enrollment through proof of membership. Any deviation from this requirement will result in removal of the invalid representative from the improperly held office.

eb. To be placed on the ballot, candidates must satisfy candidacy requirements as described in these Bylaws laid out in Bylaw 103(III) and meet filing deadlines as announced. The Election Committee must confirm the candidacy of individuals who file to run for a position. give notice to potential candidates of their candidacy. The Any candidate may withdraw their his candidacy at any time if he so chooses by informing the Election Committee Chair via email.

de. A WSBA Governing Body member shall not hold any elected position concurrently. Any member of WSBA may be a candidate for any office on the Executive Council, except that no elected officer shall hold concurrent offices. No individual member of WSBA may run for more than one office in any given election. No individual member of WSBA shall be a candidate for an office a position the term of which would expire after his their graduation, except for class representative and representative-at-large positions. with the following exceptions:

1. Members of the 3L class may run for a 3L Class Section Representative position or a Fall Representative-at-Large position. Students who are graduating prior to the start of the upcoming fall semester shall be considered 3Ls for the purposes of office qualifications
2. Members of the 2L class may run for the KBA Junior Representative position. In the event a 3L holds the KBA Representative position, the KBA Junior Representative shall transition to the KBA Representative position upon the graduation of the Senior Representative.

Section 7. Campaigning

Section 7.1. Campaigning Generally

- a. Campaigning shall not begin until the filing period has closed.
- b. There shall be a minimum of seventy-two (72) consecutive hours two academic weeks available for campaigning between the filing period closing and the voting period opening. Campaigning can may continue during the voting period.
- c. Campaign materials may be placed in student folders and around the law school in accordance with the Facilities Bylaw.
- d. Any campaign materials in violation of the Facilities Bylaw will be reported to the Capital Improvement Committee Chair for removal without notice.

Section 7.2. Restrictions and Prohibitions

a. Candidates shall not spend more than \$50 one hundred dollars on anything related to their campaign. Candidates ~~may~~ shall not allocate their \$50 one hundred dollar campaign finance maximum to other candidates. Contributions or expenditures from sources other than the candidate are permitted but ~~will~~ shall count toward the candidate's \$50 one hundred dollar campaign finance limit.

b. Outside funds or expenditures shall not come from WSBA funds including funds allocated to Registered Student Organizations. Student organizations that use WSBA funds on campaign expenditures shall be subject to discipline by WSBA.

c. Candidates must ~~inform~~ report any campaign expenses made by or on behalf of the candidate within twenty-four (24) hours to the Election Committee Chair of any expenditures made by, or on behalf of, the candidate within twenty-four (24) hours. Candidate reports shall include the total amount spent; the total quantity received of an item, if applicable; what is the funding source; and where the funding was expended. Such reports may be made public on the WSBA website.

d. Candidates shall not use any classes time to campaign. This prohibition shall apply within the confines of a physical or digital classroom and shall bar campaigning within the space ten minutes prior to the class start time and ten minutes after the class start time.

e. Actions by any student that could be reasonably perceived as pressuring or coercing students to vote in a certain way or for a certain candidate shall not be permitted. This includes monitoring or watching students while they are voting.

f. No candidate or student shall make gifts to any student that may be reasonably perceived as made in exchange for a vote. This shall not include minor nominally priced campaign paraphernalia and materials such as consumables, flyers, koozies, pens, buttons, and other similar campaign marketing materials.

g. No candidate or student shall directly or indirectly compensate any student in exchange for a vote.

Section 7.3. Enforcement

a. The Election Committee has authority ~~in consultation with the WSBA Faculty Advisor~~ to review violations of this ~~Bylaw~~ and determine appropriate consequences. Violation reviews made by the Election Committee shall be made in consultation with the WSBA Faculty Advisor. In consultation and with the approval of the WSBA Faculty Advisor, the Election Committee may recommend disqualification for election and recommend an Honor Code investigation of any candidate who may have violated this Bylaw.

b. Any review, investigation, or discipline recommendation made by the Election Committee under this Section shall require a written report and give reasonable time for the candidate who is the subject of the report to file a written response to be included with the report. This report shall be submitted to the Governing Body. Only the Governing Body shall have the authority to disqualify a candidate for election as a disciplinary remedy. Any disciplinary action against a candidate under this Section, including disqualification, shall occur by an affirmative two-thirds vote of the Governing Body.

~~b. The Election Committee shall provide a brief report of the violation and their recommendation for resolution of the matter to the General Council for consideration and any~~

~~action to be taken requires an affirmative vote of two-thirds of the voting members of the General Council.~~

Bylaw 103

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- b. Each semester the General Election shall be held within thirty days of the first day of regular classes for the respective semester.
- c. Elections shall be held using an electronic voting system.
- d. The voting period for all elections shall be a minimum of forty-eight (48) consecutive hours and shall be no longer than seventy-two (72) consecutive hours. The voting period shall not occur during weekends, orientation, university holidays, reading days, final exam periods, or semester breaks.
- e. Ranked Choice Voting, or instant runoff voting, may be used in an election if approved by a majority vote of the Governing Body before the start of the voting period.
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- a. Any student may appeal the election results by emailing the Election Committee Chair within twenty-four (24) hours from the announcement of the election results.
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 - vii. Treasurer
 - viii. Communications Director
 - ix. Secretary
 - x. Events Director
 - xi. American Bar Association (ABA) Representative
- c. Spring ballots shall include the following positions:
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- iii. President
- iv. Vice President

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- f. No candidate or student shall make gifts to any student that may be reasonably perceived as made in exchange for a vote. This shall not include minor nominally priced campaign paraphernalia and materials such as consumables, flyers, koozies, pens, buttons, and other similar campaign marketing materials.
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- a. The Election Committee has authority review violations of this Bylaw and determine appropriate consequences. Violation reviews made by the Election Committee shall be made in consultation with the WSBA Faculty Advisor. In consultation and with the approval of the

WSBA Faculty Advisor, the Election Committee may recommend disqualification for election and recommend an Honor Code investigation of any candidate who may have violated this Bylaw.

b. Any review, investigation, or discipline recommendation made by the Election Committee under this Section shall require a written report and give reasonable time for the candidate who is the subject of the report to file a written response to be included with the report. This report shall be submitted to the Governing Body. Only the Governing Body shall have the authority to disqualify a candidate for election as a disciplinary remedy. Any disciplinary action against a candidate under this Section, including disqualification, shall occur by an affirmative two-thirds vote of the Governing Body.