

ISBA Policy and Procedures on Association Elections

Revised and approved by the Assembly, effective June 19, 2020

SECTION 1 Preamble

Para. 1.1. Purpose of Rules. It is the policy of the Illinois State Bar Association to encourage its members to conduct themselves with the highest degree of personal and professional conduct. The election process for ISBA office should be no exception to this policy. It is, therefore, the goal of ISBA to conduct its elections with procedures and rules that are:

- (a) Fair to all candidates.
- (b) Clear and concise.
- (c) Intended to encourage the discussion of important issues and disseminate information to allow members to exercise informed judgment in voting for ISBA candidates.
- (d) Intended to make efficient use of ISBA funds and staff time in the conduct of elections.
- (e) Intended to impress upon each candidate the responsibility of ascertaining and following all rules and meeting all deadlines, and to realize that it is the responsibility of each candidate to submit all required filings and materials in a timely, complete and presentable fashion.

SECTION 2 Bar Elections Supervision Committee - Authority

Para. 2.1. Committee Structure. There shall be a Bar Elections Supervision Committee consisting of five members of the Assembly who are not members of the Board of Governors, all of whom shall be appointed by the President, with two from Cook County, two from outside Cook County, and the chair to be chosen from that portion of the state from which the Third Vice-President is not being chosen, all to be selected no later than September 1 of the year prior to the election.

Para. 2.2. Committee Authority. In consultation with the Executive Director, the Bar Elections Supervision Committee shall have general independent authority to supervise the conduct of ISBA elections. Nothing herein is intended to limit this general independent authority on matters relevant to this "Policy and Procedures on Association Elections."

Para. 2.3. Committee Responsibility. The Bar Elections Supervision Committee shall:

- (a) Review and approve or reject candidate photographs and biographical information that are to be included with ISBA ballots as provided in Para. 3.12. of this “Policy and Procedures on Association Elections”;
- (b) Review and approve or reject candidate photographs, biographical information, and issue statements to be published as provided in Para. 5.1 and 6.1. of this “Policy and Procedures on Association Elections”;
- (c) Review and approve or reject all campaign advertising and promotional materials in support of a candidate or candidacy that are requested to be published in any available electronic or print ISBA media;
- (d) Review all written complaints and election challenges as provided in Section 8 of this “Policy and Procedures on Association Elections.”

Para. 2.4. Review of Materials. When reviewing the materials referenced above in Para. 2.3 (a) through (c) the Bar Elections Supervision Committee shall at its sole discretion reject any photograph, biographical information, issue statement, campaign advertising or promotional materials in support of a candidate or candidacy that does not comply with this, or any other, ISBA Bylaw, policy or procedure or is otherwise deemed by the Committee to be inconsistent with the purposes and good image of the ISBA. The Committee shall not substitute its judgment for that of a candidate when reviewing a candidate’s substantive issue statement. The Committee shall timely notify a candidate or other person of the rejection or approval of any submitted campaign advertising or promotional materials.

Para. 2.5. Advisory Opinions. The Bar Elections Supervision Committee may issue advisory opinions on the interpretation of the ISBA Policy and Procedures on Association Elections upon written request from any ISBA member. Any written request for an advisory opinion under this paragraph shall be made to the Executive Director at the Illinois Bar Center in Springfield. A record of any such issued advisory opinions shall be accessible to members on an appropriate portion of the ISBA website.

Para. 2.6. Committee Determinations. All rulings, actions or judgments of the Bar Elections Supervision Committee shall be considered final determinations and there shall be no appeal.

SECTION 3 Nominations, Ballots and Voting

Para. 3.1. Open Nominations. There shall be open nominations for all ISBA offices.

Para. 3.2. Candidate Eligibility and Nominating Petitions. All candidates for ISBA office must be ISBA members eligible to vote at the close of business on March 1 preceding the expiration of the nomination period. ISBA members eligible to vote may nominate a candidate to run in any election for any office that is open to candidates. The nomination must be in writing and substantially in the following form:

NOMINATING PETITION

We, members of the Illinois State Bar Association eligible to vote, nominate (name of candidate) for (description of office, Board or Assembly membership) for the term beginning at the 20__ Annual Meeting:

(Signature)

(Address)

(Printed Name)

Additional spaces may be added.

Para. 3.3. Required Signatures for Nomination. Nominations for Third Vice-President shall be by not less than 350 ISBA members eligible to vote. Nomination for the Board of Governors shall be by not less than 50 ISBA members eligible to vote from the appropriate geographic area. Nominations for Assembly shall be by not less than 10 ISBA members eligible to vote from the appropriate geographic area.

Para. 3.4. Submission of Nominating Petition. Nominating petitions for all ISBA offices shall be submitted to the Executive Director at the Illinois Bar Center in Springfield or at the ISBA Chicago Regional Office, not earlier than January 2 and not later than January 31. If the January 31 date falls on a non-business day of the ISBA then nominating petitions received prior to the close of the next business day shall be accepted. Only original nominating petitions will be accepted for filing; facsimile or electronically transmitted petitions will not be deemed to meet the filing requirements of this section.

(a) If between January 24 and January 31 inclusive either the Illinois Bar Center or the ISBA Chicago Regional Office is closed for any period of time on a business day (Monday through Friday) due to inclement weather or other condition beyond the control of the ISBA, the Executive Director in his or her sole discretion may extend the period by which nominating petitions may be submitted, such extension being no more than the number of days either ISBA office was fully or partially closed.

(b) If at any time between October 1 and January 31 the collection of nominating petition signatures or the submittal of original nominating petitions becomes materially impacted because of public events beyond the candidates or the ISBA's control, the executive director with the approval of the Bar Elections Supervision Committee may take such reasonable action as is necessary to preserve and ensure a timely and bylaw compliant ISBA election. By way of example only, such reasonable action could include: waiving in whole or in part nominating petition signature requirements, permitting a declaration of intent to run in lieu of a nominating petition with signatures, reducing the number of required nominating petition signatures, or allowing the use and submittal of digital signatures on nominating petitions. Except as provided above in Para. 3.4(a), the final date for submittal of nominating petitions (or such other document as circumstances may require), must not be extended beyond January 31. In addition, under no

circumstances is the executive director or the Bar Elections Supervision Committee vested with authority to postpone or cancel any ISBA election.

Para. 3.5. Agreement to be Bound by Rules. By submitting a nominating petition to be placed on the ballot for any ISBA office, a candidate agrees to be bound by this “Policy and Procedures on Association Elections”.

Para. 3.6. Number of Candidates Nominated. If the number of candidates nominated for a particular ISBA office does not exceed the number to be elected to that office, the candidate or candidates are elected.

Para. 3.7. Withdrawal of Candidate. A candidate may withdraw from candidacy from the ISBA office for which a nominating petition has been submitted by notifying the Executive Director of such withdrawal in writing prior to the tally of the votes. In the event the withdrawal follows the tally, it shall be treated as a declination. All votes cast for a withdrawn candidate shall be null and void.

Para. 3.8. Vacancies. If no candidate is nominated for an ISBA office, or if there is no candidate by reason of death, declination, successive absences under Bylaw Section 4.7, or other cause, a vacancy exists. If a candidate in a contested election for a position to be filled dies or is unable to serve after nominations are closed, and a plurality of the votes are cast for that candidate, a vacancy exists.

(a) An ISBA member seeking to fill an Assembly vacancy (the “candidate”) shall submit in writing to the Executive Director a nominating petition substantially in the form set out in Paragraph 3.2 above signed by no less than 10 ISBA members eligible to vote from the appropriate geographic area. Within seven days of receipt, the Executive Director shall cause notice of the submittal to be sent via email to all eligible ISBA members in the appropriate geographical area. The email Notice shall provide 14 days for other eligible ISBA members to submit nominating petitions to fill the vacancy. If no other nominating petitions are submitted to the Executive Director within the 14 day period, the candidate is declared elected and shall serve for the remainder of the applicable term. If other nominating petitions are timely submitted, the vacancy shall be filled by the Board from the candidates submitting nominating petitions.

Para. 3.9. Election Tellers. On or before March 1 of the calendar year of the election, the President shall appoint three ISBA members as election tellers to conduct the election.

Para. 3.10. Ballot Printing. When an election for an ISBA office is contested, the Executive Director shall cause paper ballots to be printed, and electronic ballots to be created, appropriate to each district, area, or circuit. Each ballot shall be labeled “Official Ballot”, or some such other identifiable title, and list under each office only the contesting candidates appropriate to the district, area, circuit, or law school for which the ballot is prepared.

(a) Ballots shall be printed and/or electronically created substantially as follows: The names of all candidates to be voted for in each election contest shall be printed on one ballot; the names of

candidates shall be printed in capital letters of not less than 9 point type and at the beginning of each line in which the name of a candidate is printed, a square shall be printed, the sides of which shall be not less than 3/16th of an inch in length; in the designation of the name of a candidate on the ballot, the candidate's given name or names, initial or initials, a nickname by which the candidate is commonly known, or a combination thereof, may be used in addition to the candidate's surname; and no other designation such as a title or degree or professional status or similar information may be used in connection with the candidate's surname.

Para. 3.11. Ballot Mailing. Printed ballots and electronic ballot notification, instructions, and links, shall be mailed no earlier than March 25 and no later than April 1 to each voting ISBA member residing in a district, area, or circuit from which contesting candidates are to be elected, and to the entire voting ISBA membership if contesting candidates are to be elected at large. A printed ballot shall be directed to the ISBA member's address appearing on the ISBA records in accordance with Section 1.11 of the Association Bylaws. Each paper ballot shall be accompanied by a return envelope appropriately addressed to ensure proper return to the Association or its designated election services provider. Electronic ballot notification, instructions, and links shall be directed to the ISBA member's e-mail address appearing on the records of the Association.

- (a) Consistent with the time frames identified above, the Association or its designated election services provider shall cause to be mailed printed ballots to those members entitled to vote for whom the Association does not have a valid, functioning email address. The printed ballots shall be accompanied by instructions on how to vote by the printed ballot but also how to vote electronically.
- (b) On the same date as the printed ballots are mailed, the Association or its designated election services provider shall cause to be emailed the necessary information and instruction on how to vote in the election electronically to all members entitled to vote for whom the Association has a valid functioning email address. This information and instruction shall include how the member can obtain a printed ballot if the member would prefer not to vote electronically. Such requests must be made no later than April 15 of the applicable election year to ensure proper processing and mailing. The Association or its designated election services provider shall cause to be mailed printed ballots to all members for whom the initial email is returned as undeliverable within seven days of receiving the undeliverable notification.
- (c) Should any member eligible to vote fail to receive a ballot or email regarding voting, or receive an improper ballot, the member may obtain the proper ballot by furnishing to the Executive Director proof of such member's eligibility to receive the same, and upon returning the improper ballot, if any. Such requests must be made no later than April 15 of the applicable election year to ensure proper processing and mailing.

Para. 3.12. Biographical Material with Ballots. Photographs and biographical material of Third Vice-Presidential and Board of Governors candidates in contested elections shall be dispatched with the ballots. Biographical material, excluding photographs, of Assembly candidates in contested elections shall be dispatched with the ballots. Third Vice-Presidential and Board of Governor candidate biographies shall be limited to 300 words. Assembly

candidate biographies shall be limited to 100 words. In electronic voting, it shall be sufficient for the ballot to provide an electronic link or similar access to candidate biographical material.

Para. 3.13. Submitting Biographical Material. The Executive Director shall establish a date by which photographs and biographical material must be submitted by the candidates to ensure inclusion with the ballots. All photographs and biographical material should be submitted to the ISBA in an electronic format prescribed by the Executive Director. ISBA staff shall not be charged with the responsibility of editing materials for content, grammar, or spelling. The staff shall have the discretion to edit such material to conform to word count.

Para. 3.14. Ballot Completion for Voting. To vote by printed ballot, ISBA members shall mark their printed ballot in accordance with the directions on the ballot, enclose it in the postage prepaid envelope provided with the ballot marked “Election Ballot Envelope” or other similar designation, seal the envelope, and mail or otherwise deliver it to the address on the envelope. If more than one ballot for a particular race is enclosed in a single “Election Ballot Envelope” envelope, none of the ballots for the same race shall be counted. A ballot not enclosed in an appropriately designated envelope shall be counted provided that the other requirements of this paragraph are met. Votes cast via printed ballot shall be verified and securely stored by the Association or its designated election services provider.

(a) To vote electronically, ISBA members shall mark their electronic ballot in accordance with the directions provided with the electronic ballot notification, instructions and links. Votes cast via electronic voting shall be verified and securely stored by the vendor.

Para. 3.15. Validity of Ballot Votes. The Association or its designated election services provider shall record and count the votes. The number of votes cast for individual candidates shall remain secure and confidential until such time as the election results are transmitted to the Executive Director at the conclusion of the voting period in accordance with Para. 3.15(c). Any irregularities, questions, or concerns arising from the receipt of any ballot or vote identified by the Association or its designated election services provider shall be promptly referred to the election tellers for resolution consistent with Association bylaws, policies, and procedures.

(a) No paper ballot shall be counted unless it is received on or before April 30. No electronic ballot shall be counted unless it is received before 4:30 p.m. (CST) on April 30. If April 30 falls on a non-business day of the ISBA, the ballots received prior to the close of the last preceding business day shall be counted. Only one vote shall be counted from any member who inadvertently votes by both paper ballot and electronic means. The vote(s) appearing on the ballot first received will be counted.

(b) No ballots other than the official printed and/or electronic ballots and no write-in votes will be counted.

(c) No later than the third business day of May of the applicable election year, the Association or its designated election services provider shall transmit the number of votes cast for each candidate to the Executive Director. The Executive Director shall promptly provide this

information to the election tellers along with a statement of any ballot or voting irregularities, concerns or issues affecting the validity of the votes cast.

(d) No later than the fifth business day of May of the applicable election year, the election tellers shall file a report with the Executive Director setting forth the names of all candidates, the number of votes received by each, and a statement that the election was conducted in compliance with Association bylaws, policies, and procedures. A plurality of the votes cast for any office elects the candidate(s) receiving them. When two or more candidates receive an equally high number of votes, the winner shall be determined by lot under the supervision of the election tellers. The Executive Director shall forthwith announce the results of the election. The election tellers report shall also be presented at the ISBA's Annual Meeting.

SECTION 4 **General**

The following apply to all ISBA elections:

Para. 4.1. Locations of Candidates. Election to ISBA office shall be by members at-large in appropriate geographic areas.

Para. 4.2. Notice of Election. Notice of elections in appropriate form shall appear in ISBA electronic or print media deemed appropriate by ISBA's Bar Elections Supervision Committee.

Para. 4.3 Formal Announcement of Candidacy. Neither candidates, nor persons working on behalf of or to the benefit of the candidates, shall circulate nominating petitions, present written formal announcements of candidacy, engage in advertising, send out mailings or engage in organization of a candidate's campaign committee or list of supporters prior to October 1 of the year preceding election. Candidates may attend ISBA, local, or specialized bar association meetings and indicate their intention to become a candidate for ISBA office prior to October 1 of the year preceding the year of election.

Para. 4.4. Advertising and Promotional Materials – Generally. No campaign advertising or promotional materials in support of a candidate or candidacy shall be false, misleading or deceptive. No such advertising or material shall contain the name or likeness of any individual or organization without the written authorization from such individual or organization.

Para. 4.5. Use of ISBA Media. Except as provided in Paragraphs 5.1, 6.1, and 7.1 of this "ISBA Policy and Procedures on Association Elections, the *Illinois Bar Journal* and other ISBA electronic or print media shall not be used by candidates or other persons as vehicles for campaigning for ISBA office. Publication in the *Illinois Bar Journal* and other ISBA electronic or print media of news stories identifying candidates who announce for ISBA office is not to be considered campaigning by the candidates per se.

- (a) Notwithstanding the prohibition on the use of the *Illinois Bar Journal* and other ISBA electronic or print media stated above, candidates for ISBA office may advertise their candidacy in the March and April editions of the *Illinois Bar Journal* (if available).
- (b) All expenditures for campaign advertising in the *Illinois Bar Journal* shall be included in the aggregate spending limitations imposed by the Policy in paragraph 4.14.
- (c) Notwithstanding the prohibition on the use of ISBA electronic or print media stated above, candidates for ISBA office may participate in CLE Committee approved ISBA CLE programs as a program presenter, moderator, or discussion panel member. A participating candidate, and any other program participant, must not use participation as a vehicle for campaigning. Prohibited activities include, but are not limited to: stating or referencing the fact that a participant is a candidate for ISBA office, referencing any campaign materials (including print or web materials); or displaying any indicia of candidacy (such as campaign buttons or other signage).

Para 4.6. Use of non-ISBA Media. Candidates may use non-ISBA electronic or print media to campaign for ISBA office including electronic mail, digital communications and/or other electronic messaging if that non-ISBA electronic or print media can be immediately identified as ISBA campaign materials. Candidates who choose to use non-ISBA electronic or print media to campaign for ISBA office must label the communication “ISBA campaign materials.”

Para. 4.7. Advertising and Promotional Materials – Requirements. Candidates and persons supporting or endorsing candidates shall not use ISBA, local, or specialized bar association titles in any campaign advertising or promotional materials in support of a candidate or candidacy developed by, or at the specific request of, a candidate. This prohibition also precludes the identification of, or references to, the affiliation, firm name, office, or title (including Honorable, Judge, or Past President and similar titles) of the persons appearing on such candidate’s committee or list of supporters. Any campaign advertising or promotional material in support of a candidate or candidacy that includes the names of persons appearing on a candidate’s committee or list of supporters may only include the city of that person’s principal business office. Persons supporting or endorsing candidates may use their regular firm or organization electronic or print stationery in promotional materials. The prohibitions of this Paragraph do not prohibit a candidate from identifying current or past ISBA, local, or specialized bar association positions held by the candidate as part of biographical information included in campaign advertising or promotional materials in support of a candidate or candidacy.

Para. 4.8. Prohibited Endorsements. Published endorsements by members of the Board of Governors or ISBA officers shall not be made in elections for officers or Board of Governors. This prohibition includes past presidents for the year served as Immediate Past President on the Board of Governors.

Para. 4.9. Use of ISBA Mailing List. One list of ISBA members shall be provided electronically in Excel, or other substantially similar, format upon request to candidates upon reimbursement to ISBA for the cost of preparation. Only ISBA members’ names and mailing

addresses will be provided. ISBA member email addresses will not be provided to candidates. Additional copies shall be available at the usual and customary charge.

Para. 4.10. Candidate's Committees or Supporters. In all ISBA elections there shall be a limit of no more than 100 person's names on any candidate's committee or list of supporters. Candidates shall use the names of the same 100 persons on the candidate's committee or list of supporters for all campaign advertising or promotional materials in support of a candidate or candidacy for all offices in a single election to which the candidate is seeking election. The affiliation, firm name, office, or title (including Honorable, Judge or Past President and similar titles) of the persons appearing on the candidate's committee or list of supporters shall not be listed or referenced in any campaign advertising or promotional materials in support of a candidate or candidacy. Any campaign advertising or promotional materials in support of a candidate or candidacy that includes the names of persons appearing on a candidate's committee or list of supporters may only include the city of that person's principal business office. Names of persons appearing on a candidate's committee or list of supporters shall not be configured in any manner to call attention to specific names, and shall only be configured alphabetically or grouped by city of the principal business office of such persons. For purposes of these rules, a candidate's committee or list of supporters are deemed to be the same.

Para. 4.11. Notification to Candidate Committees or Supporters. Each candidate shall notify the persons whose names appear on the candidate's committee or list of supporters of the "ISBA Policy and Procedures on Association Elections," and advise those persons that they must comply with that Policy.

Para. 4.12. ISBA Candidate Kit. The Executive Director shall timely cause to be made available on the ISBA website a candidate's kit that shall include this "Policy and Procedures on Association Elections." Additional material that may be helpful to candidates may also be made available at the Executive Director's discretion. Each candidate shall promptly acknowledge on a form or other means provided, review of the "ISBA Policy and Procedures on Association Elections"; that they have read and understand the Policy; and agree to be bound by it.

Para. 4.13. Acknowledgment of Receipt of Candidate Kit. Each candidate shall on or before May 1 of the year of the election, acknowledge in writing, on a form prescribed by the Executive Director, compliance with this "Policy and Procedures on Association Elections", including but not limited to the campaign spending limitations of Paragraph 4.14. The original form signed by the candidate shall be delivered to the Executive Director at the Illinois Bar Center in Springfield.

Para. 4.14. Campaign Expenditures. Campaign expenditures by each candidate for Third Vice-President shall not exceed ten thousand dollars (\$10,000) per candidate. Campaign expenditures by each candidate for Board of Governors shall not exceed five thousand dollars (\$5,000) per candidate. Campaign expenditures by each candidate for Assembly shall not exceed two thousand dollars (\$2,000) per candidate. The expenditure limitations shall apply per candidate regardless of whether a candidate seeks one or more than one office in a single election. The total expenditures includes expenditures by a candidate's law firm and others at the

specific request of the candidate. Travel costs and local and specialized bar association meeting expenses are excluded from this monetary limitation.

Para. 4.15. Voter Eligibility. Persons who are currently listed as ISBA members and have paid their dues in full, on or before the close of business on March 1 of the year of such election, shall be eligible to vote.

Para. 4.16. Conflict in Policies. In case of a conflict, the specific policies with regard to the Third Vice-President, Board of Governors or Assembly candidates shall govern over these general policies of this Section 4.

Para. 4.17. Electronic Elections. Any election for ISBA office may be conducted via paper ballot and/or via a secure electronic voting system.

SECTION 5 **Third Vice-President Election**

In addition to the other generally applicable requirements of this “Policy and Procedures on Association Elections,” the following policies shall be applicable to elections for the office of ISBA Third Vice-President.

Para. 5.1. ISBA Advertisement. One-third of a page, or its equivalent, in an election section of the *Illinois Bar Journal* or other ISBA print or electronic publication devoted to the applicable election and distributed to the entire membership eligible to vote shall be provided free to each Third Vice-Presidential candidate which shall contain biographical information and a photograph (of a size consistent with other candidate’s photographs for the same office) and may contain issue oriented statements. The names of persons appearing on a candidate’s committee or list of supporters shall not be included in this one-third page free campaign advertisement. In accordance with Para. 2.4, the material to be included in the one-third page free campaign advertisement shall be reviewed and approved by the Bar Election Supervision Committee in advance of publication.

Para. 5.2. Ballot Order. Ballots for Third Vice-President shall list each candidate as follows:

- (a) All candidates shall be listed in the order in which they file their nominating petitions.
- (b) In the event nominating petitions are received by the ISBA at the Illinois Bar Center in Springfield or at the ISBA Chicago Regional Office, from more than one candidate on any single day, the order for such candidates shall be by lot.

Para. 5.3. ISBA Webpage. For purposes of campaign advertising, the ISBA shall host on its website a webpage, or portion thereof, for each Third Vice-President candidate requesting such a webpage.

- (a) The cost of the ISBA hosted candidate webpage shall be borne by the ISBA and not be included in the aggregate spending limitations imposed by Para. 4.14 of this Election Policy.
- (b) The ISBA hosted candidate webpage(s) shall be uniform in design and color and match the design and color of the ISBA website. The webpage(s) shall contain a notice that the information included is provided by the candidate and that it is not an ISBA endorsement. The candidate webpage(s) shall include only the following candidate information and features: a biography, a photograph of the candidate, issue statements, a list of campaign supporters in compliance with Para. 4.10 of this Election Policy, a link to a candidate video, and an email address for the candidate. It is solely within the discretion of the candidate as to which of the above information and features are to be included on that candidate's ISBA hosted webpage.
- (c) Subject to a schedule to be determined by the Executive Director, the ISBA hosted candidate webpage(s) shall be accessible by the membership within a reasonable time after the publication of the Candidates Report. The schedule shall include deadlines by which candidates must submit the information and features they wish to include on the ISBA hosted candidate webpage.
- (d) All ISBA hosted candidate webpages for the same office shall be made accessible to the membership at the same time.
- (e) Should a candidate no longer be a candidate for Third Vice-President, their candidate webpage shall immediately be removed from the ISBA website. In addition, the Executive Director shall have the discretion to remove a candidate's webpage for other good cause.

SECTION 6

Board of Governors Elections

In addition to the other generally applicable requirements of this Policy, the following policies shall apply to ISBA elections for the Board of Governors.

Para. 6.1. ISBA Advertisement. One-eighth of a page, or its equivalent, in an election section of the *Illinois Bar Journal* or other ISBA print or electronic publication devoted to the applicable election and distributed to the entire membership eligible to vote shall be provided free to each candidate, which shall contain biographical information and may contain a photograph (of size consistent with others) and issue-oriented statements. The names of persons appearing on a candidate's committee or list of supporters shall not be included in this one-eighth page free campaign advertisement. In accordance with Para. 2.4, the material to be included in the one-eighth page free campaign advertisement shall be reviewed and approved by the Bar Elections Supervision Committee in advance of publication.

Para. 6.2. Ballot Order. Ballots for the Board of Governors election shall list each candidate as follows:

- (a) All candidates shall be listed in the order in which they file their nominating petitions.

(b) In the event nominating petitions are received at the Illinois Bar Center in Springfield or at the ISBA Chicago Office, from more than one candidate on any single day, the order for such candidates shall be by lot.

Para. 6.3 ISBA Webpage. For purposes of campaign advertising, the ISBA shall host on its website a webpage, or portion thereof, for each Board of Governor candidate requesting such a webpage.

(a) The cost of the ISBA hosted candidate webpage shall be borne by the ISBA and not be included in the aggregate spending limitations imposed by Para. 4.14 of this Election Policy.

(b) The ISBA hosted candidate webpage(s) shall be uniform in design and color and match the design and color of the ISBA website. The webpage(s) shall contain a notice that the information included is provided by the candidate and that it is not an ISBA endorsement. The candidate webpage(s) shall include only the following candidate information and features: a biography, a photograph of the candidate, issue statements, a list of campaign supporters in compliance with Para. 4.10 of this Election Policy, a link to a candidate video, and an email address for the candidate. It is solely within the discretion of the candidate as to which of the above information and features are to be included on that candidate's ISBA hosted webpage.

(c) Subject to a schedule to be determined by the Executive Director, the ISBA hosted candidate webpage(s) shall be accessible by the membership within a reasonable time after the publication of the Candidates Report. The schedule shall include deadlines by which candidates must submit the information and features they wish to include on the ISBA hosted candidate webpage.

(d) All ISBA hosted candidate webpages for the same office shall be made accessible to the membership at the same time.

(e) Should a candidate no longer be a candidate for the Board of Governors, their candidate webpage shall immediately be removed from the ISBA website. In addition, the Executive Director shall have the discretion to remove a candidate's webpage for other good cause.

Section 7 **Assembly Elections**

In addition to the other generally applicable requirements of this Policy, the following policies shall apply with regard to Assembly elections:

Para. 7.1. ISBA Advertisement. There shall be a single alphabetical listing of Assembly candidates in an election section of the *Illinois Bar Journal* or other ISBA print or electronic publication devoted to the applicable election and distributed to the entire membership eligible to vote by area of election.

Para 7.2. Ballot Order. Ballot position shall be determined as follows:

- (a) All candidates shall be listed in the order in which they file their nominating petitions.
- (b) In the event nominating petitions are received at the Illinois Bar Center in Springfield or at the ISBA Chicago Regional Office, from more than one candidate on any single day, the order for such candidates shall be by lot.

Section 8

Complaints and Election Challenges – Procedure

Para. 8.1. Written Complaints – Generally. Any ISBA member may submit a written complaint concerning compliance with, or a possible violation of, any provision of this “Policy and Procedure on Association Elections” to the Executive Director at the Illinois Bar Center in Springfield.

Para. 8.2. Written Complaints – Refusal of Nominating Petition. Any person who has filed a nominating petition and has had it refused for lack of sufficient signatures of ISBA members eligible to vote, or for any other reason, may submit a complaint concerning the refusal in writing to the Executive Director at the Illinois Bar Center in Springfield no later than five days after the close of the nominating period.

Para. 8.3. Referral of Complaints to Committee. When a written complaint is received by the Executive Director, it shall be promptly referred to the Bar Elections Supervision Committee. The Committee may request the party who is the subject of the complaint to provide the Committee with a written response within 48 hours of such request. After the Committee has reviewed the written complaint and response, if any, thereto, the Committee shall make findings and rulings on the complaint. Those findings and rulings shall be recorded in the Committee meeting minutes. Committee minutes shall be made available and accessible to ISBA members on an appropriate portion of the ISBA website.

Para. 8.4. Rulings of Committee. Bar Elections Supervision Committee rulings in response to a written complaint may provide for sanctions or relief giving due consideration to the nature of any violation that is determined to have occurred. Committee rulings may include but are not limited to: (1) directing staff to communicate the Committee’s findings and rulings to the affected candidates; (2) the imposition of sanctions consisting of, but not limited to, (i) disqualification, (ii) public or private reprimands, (iii) reimbursement of reasonable costs incurred by the candidate(s) and ISBA in rectifying the violations and in connection with the conduct of any investigation and hearing if an adverse ruling results therefrom; (3) extension of the deadline for the dispatch of ballots by up to one week; (4) corrective action regarding a rule violation; and (5) the granting to other candidates additional rights as may be appropriate.

Para. 8.5. Challenges of Election Results – Generally. The results of an election may be challenged by any candidate whose name was on the ballot for that office or by any ISBA member who voted in that election.

Para 8.6. Challenge of Election Results – Procedures. An election challenge shall be initiated by submitting to the Executive Director, a verified petition signed by the person challenging the election. The verified petition must be submitted within 15 days of the date the election tellers have filed their report with the Executive Director (see Para. 3.15).

The Executive Director shall within 48 hours of receipt of the verified petition, mail by nationally recognized overnight commercial carrier or transmit by electronic mail (provided the recipient confirms receipt by a manually sent message), a copy of the verified petition to each candidate whose name was on the ballot for that office. The Executive Director shall also promptly provide a copy of the verified petition to each member of the Bar Elections Supervision Committee.

Para. 8.7. Contents of Election Challenge Petition. The verified petition shall substantially contain:

- (a) The results of the election for the office which is the subject of the challenge, as contained in the election tellers' report to the Executive Director;
- (b) A statement that the petitioner cast a ballot in the election contested or was a candidate whose name was on the ballot for the office which is the subject of the election contest;
- (c) A statement that the petitioner believes: (i) mistake or fraud has been committed in the casting, counting, return or canvass of the votes for the office involved; or
(ii) there was some other irregularity in the conduct of the contested election, or both;
- (d) A statement declaring with particularity the grounds relied upon by petitioner to challenge the election;
- (e) A statement declaring that, as a consequence of the mistake, fraud or irregularity alleged, the result of the election as announced by the Executive Director was incorrect;
- (f) A request that the Bar Elections Supervision Committee hear all the relevant evidence and decide the challenge.

Para. 8.8. Submission of Evidence. The petitioner shall submit all relevant evidence in support of the election challenge to the Executive Director not more than 10 days after the verified petition has been submitted. The Executive Director shall promptly provide copies of the petitioner's submittal to the Bar Elections Supervision Committee. Based upon the evidence submitted, the Committee shall either:

- (a) Find that the verified petition fails to state a *prima facie* case to support an election challenge and dismiss the petition; or
- (b) Find that a *prima facie* case in support of the election challenge has been stated, in which case the Committee may in its discretion take any or all of the following actions according to a schedule to be adopted by the Committee: (i) conduct a recount of the ballots for the challenged

election in the presence of at least one of the election tellers responsible for the tally of ballots for the challenged election; (ii) obtain and hear evidence from any other candidates in the challenged election; or (iii) obtain and hear evidence from any or all of the election tellers responsible for the tally of votes in the challenged election.

Para. 8.9. Committee Judgment. After reviewing the verified petition and taking any action identified above in Paragraph 8.8 that the Bar Elections Supervision Committee deems warranted, the Committee shall declare as elected the person who, in its judgment, shall appear to be duly elected.

- (a) If it appears to the Bar Elections Supervision Committee that two or more candidates have, or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the candidates receiving such votes shall decide by lot, in such manner as the Committee shall direct, which of them shall be declared duly elected.
- (b) When the candidate whose election is contested is found to have received the highest number of votes but the election is declared null by reason of disqualification on that candidate's part, or for other causes, the candidate receiving the next highest number of votes shall be declared duly elected.