

ALABAMA STATE BAR RULES GOVERNING ELECTION AND SELECTION OF PRESIDENT-ELECT AND MEMBERS OF THE BOARD OF COMMISSIONERS

INTRODUCTION

One of the highest honors a member of the Alabama State Bar can receive is election as the President-Elect of the Bar or a member of the Board of Bar Commissioners. Accordingly, persons who offer themselves as candidates for these offices should be highly qualified and able to demonstrate exceptional service to our Bar, our profession and our system of justice.

In addition, the Bar expects that persons who voluntarily seek the responsibility and authority to govern and administer the Alabama State Bar through service as an officer of the Bar or a member of the Board of Bar Commissioners will maintain the highest standards of professionalism as they campaign and will urge their supporters to do the same.

These rules are adopted to govern election of the President-Elect and Commissioners of the Alabama State Bar, pursuant to §§ 34-3-16 and 34-3-40 through 43, *Code of Alabama* (1975). In adopting these rules, the Board of Commissioners of the Alabama State Bar expresses its intent to supersede all previous rules and policies relating to election of the President-Elect and members of the Board of Bar Commissioners.

ESTABLISHMENT OF BEST PRACTICES FOR ELECTIONS

The Alabama State Bar believes that it is appropriate to establish some best practices for candidates for the offices of President-Elect and members of the Board of Bar Commissioners and to set out a process for facilitating each candidate's voluntary compliance with those best practices.

These best practices are established to keep the process for election to the office of President-Elect of the Alabama State Bar and member of the Board of Commissioners of the Alabama State Bar open to as many members as practicable. The rules are intended to discourage the outlay of considerable amounts of time and money that may tend to limit candidates to wealthy candidates, members of large firms, or members of organized groups.

All candidates who seek office should aspire to conduct their campaigns and encourage their friends and supporters to campaign on their behalf, in the spirit of these best practices and in keeping with the dignity of these offices.

BEST PRACTICES FOR ELECTIONS

- 1) Candidates should exhibit the highest degree of professionalism during their campaigns and encourage their supporters do the same.
- 2) Candidates should avoid impropriety and the appearance of impropriety in all aspects of their campaign.
- 3) Candidates should present only fair, relevant and truthful information in their campaign communications.
- 4) Candidates should refrain from sending negative or false or misleading communications of any kind.
- 5) Candidates who hold a leadership position within the Bar or who are serve on a Bar committee or task force should not send a communication which includes both bar matters. and election related matters.
- 6) Candidates should seek to voluntarily limit the number of mass communications sent to Bar members.

ELECTIONS COMMITTEE

The president of the Alabama State Bar shall appoint five (5) Alabama State Bar members in good standing to serve as the Elections Committee. The Elections Committee shall observe the conduct of candidates for the office of President-Elect and the Board of Bar Commissioners and is authorized to provide guidance on the Best Practices for Elections.

Consideration in the appointment process should be given to include at least one (1) member who has had a contested election and one current member of the Board of Bar Commissioners. Members shall be appointed to serve one-year terms from September 1 to July 30. Members of the committee will remain neutral and shall not support a particular candidate.

ELECTION OF THE PRESIDENT-ELECT

The President-Elect of the Alabama State Bar is chosen annually and takes office as President-Elect at the end of the annual meeting held during the year of such election.

I. Qualifications of candidates

Candidates for the office of President-Elect shall be members in good standing of the Alabama State Bar as of February 1 of the year of the election. They shall possess a current privilege license or special membership.

II. Nominations

Candidates must be nominated by petition of at least twenty-five (25) Alabama State Bar members in good standing. Such petitions shall be on a form prescribed by the Alabama State Bar, and are to be filed with the secretary of the Alabama State Bar (hereinafter “secretary”) on or before February 1 preceding the election. Petitions filed after 5:00 p.m. on February 1 shall not be accepted and the member will not be qualified as a candidate for the office of President-Elect. Nominating petitions may be hand-delivered, submitted by mail, or transmitted by e-mail, and it shall be the responsibility of the candidate to confirm receipt by the secretary. A nominating petition for a candidate for President-Elect shall be certified as being sufficient if the number of valid signatures on the petition is at least equal to twenty-five (25), at which time no further verification is required on such petition.

III. Candidate Page

In order to allow candidates for the office of President-Elect to better inform the members of the Bar about their qualifications, the Alabama State Bar will provide each candidate for President-Elect a page on the Alabama State Bar website. The candidate page will contain the candidate’s biography, candidate message and photo. The Alabama State Bar will provide each candidate an electronic form for submission of their biography and message. This candidate page shall be included on the Alabama State Bar website beginning no later than March 1, and continuing through the close of the election.

IV. Campaign Communications

The State Bar will distribute one email to all active members of the bar containing a link to the candidate page on the State Bar website. The State Bar shall not provide a list of members or information related to a member to any candidate for President-Elect or anyone acting on the candidate’s behalf.

Candidates for the office of President-Elect may send two emails to State Bar members through the Alabama State Bar email system.

Candidates may send emails on their own but may not use any email list of any kind from the Alabama State Bar.

V. Election procedures

A. The secretary shall announce the election by publication in the January and March issues of *The Alabama Lawyer* each year and on the Alabama State Bar website. In

the March issue of *The Alabama Lawyer*, biographical and professional data and photographs of each candidate for President-Elect shall be published.

- B.** The secretary shall see that an electronic and paper ballot is prepared and that the ballots contain the name of each qualified candidate for the office of President-Elect.
- C.** The election for President-Elect shall open on the third Monday in May each year. On this day, every Alabama State Bar member in good standing, who is not excluded by paragraph D of this section, shall be notified by e-mail with a link to the electronic ballot. The Alabama State Bar shall select and engage a vendor to develop and administer a secure ballot delivery system, which shall, at least, contain appropriate means for authenticating the voting member and preventing the voting member from casting multiple ballots while preserving the anonymity of the voting member.
- D.** Appropriate provisions shall be made to accommodate members in good standing who wish to cast their vote by paper ballot. In such instance and upon written request received on or before the first Friday in May, a printed paper ballot, privacy envelope and return envelope with space for a signature shall be mailed by U.S. mail to the member requesting a paper ballot. A member who has requested a paper ballot shall not receive access to the electronic ballot and shall not be allowed to cast an electronic ballot.

Each paper ballot shall be marked by the recipient member, placed in the privacy envelope provided and both shall be placed in the return envelope provided. The return envelope shall be signed by the member, in the space provided, certifying it as the member's vote for the office of President-Elect and certifying that the member is qualified to vote, (i.e., is a member in good standing with the Alabama State Bar). Only one ballot may be returned in each certification envelope.

- E.** All ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in May immediately following the Monday on which the election opens. Any ballot received after the deadline in this paragraph shall be null and void.
- F.** A Bar Election Certification Committee (“Certification Committee”) composed of at least two bar commissioners appointed by the president, and the secretary, or designee, shall certify the results of the balloting as soon as practicable after the deadline for the receipt of ballots.
- G.** In the event more than two candidates qualify for the position of President-Elect and

no candidate receives a majority of the votes (50% + one vote), then the names of the two candidates with the highest vote totals shall appear on a run-off election ballot. The run-off election shall open, and run-off ballots shall be made available on the first Monday in June. All run-off ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in June immediately following the Monday on which the run-off election opens. Run-off ballots received after the deadline in this paragraph shall be null and void.

- H. If a run-off election for President-Elect results in a tie between the two candidates, the run-off election shall be decided by lot by the Elections Committee in the presence of the candidates.

VI. Assumption of office, duties

The successful candidate for President-Elect shall assume office at the conclusion of the annual meeting following the election and shall serve as a member of the executive council of the Board of Commissioners.

ELECTION OF COMMISSIONERS AND SELECTION PROCESS FOR AT LARGE COMMISSIONERS

The Board of Commissioners of the Alabama State Bar is composed of at least one member from each judicial circuit, a member from that part of the Tenth Judicial Circuit known as the "Bessemer Cut-off" electoral district, and one additional commissioner for each 300 members of the state bar who maintain their principal office in a circuit as of March 1 of each year, up to ten commissioners per circuit.

In addition, pursuant to amendments to §§ 34-3-40 and 34-3-41 of the *Code of Alabama* ("the governing statute"), the Board of Bar Commissioners ("Board") shall be responsible for the selection of nine at-large members to the existing Board and shall, to the extent possible, select candidates who reflect the racial, ethnic, gender and age diversity, as well as the geographical diversity, of the members of the Alabama State Bar.

I. Qualifications of candidates and members

- A. Each candidate for commissioner shall be a member in good standing of the Alabama State Bar and maintain his or her principal office in the circuit he or she seeks to represent.

- B. Each commissioner shall maintain his or her principal office in the circuit represented. Should an incumbent commissioner's principal office be removed from the circuit represented, the position of commissioner shall be declared vacant and the unexpired term shall be filled in accordance with Section 34-3-43(a)(8) *Code of Alabama* (1975).

II. Nominations of Commissioners to be elected

- A. One or more candidates may be nominated on one petition. Each petition must be signed by at least five (5) members in good standing maintaining their principal offices in the circuits where the nominees maintain their principal offices. A nominating petition for candidates for commissioner shall be certified as being sufficient if the number of valid signatures on the petition is at least equal to five (5), at which time no further verification is required on such petition.
- B. A member in good standing may become a candidate from the circuit of his or her principal office by filing a written declaration of candidacy.
- C. Each candidate must be nominated or declare for a designated position; however, all elections in multi-commissioner circuits shall be at-large elections.
- D. Either nominating petitions or declarations of candidacy shall be filed with the secretary of the Alabama State Bar no later than 5:00 p.m. of the last Friday in April of the election year and shall be null and void after that date. Nominating petitions and declarations of candidacy may be hand-delivered, submitted by mail, or transmitted by e-mail, and it shall be the responsibility of the candidate to confirm receipt by the secretary.
- E. A candidate may submit to the secretary a high-resolution color photograph of the candidate, and biographical and professional data of no more than one 8 ½ x 11 page and no smaller than 12-point type by the last Friday in April for posting on the Alabama State Bar website. These items shall be submitted electronically. Any item received after the last Friday in April shall not be posted.

III. Election procedures

- A. By March 15 of each year, the secretary shall certify to the board the number of members in good standing maintaining their principal office in each circuit and in the "Bessemer Cut-off" electoral district. In order to be a qualified elector in the election of commissioners, a member must provide the physical address of the member's principal office. A home address shall be used only when the member in

good standing maintains no office. The circuit in which a member is qualified to vote will be determined by the member's physical address as of 5:00 p.m. on the last Friday in April of any given election year. Each candidate for the Board of Bar Commissioners may receive from the State Bar, free of charge, a list of those persons qualified to vote in his or her circuit. Additional lists shall be provided at reasonable cost.

B. Places and Terms

1. Based on the census, the secretary shall certify to the board the number of commissioners to which each circuit is entitled.
2. If a circuit is entitled to fewer commissioners than it had the previous year, the most recently created place will be eliminated as of June 30 of the census year.
3. If a circuit is entitled to more commissioners than it had the previous year, one or more places shall be created and a commissioner or commissioners shall be elected for a three-year term.
4. Beginning in 1987, places will be designated "Place Number 1" (the present commissioner position), "Place Number 2" (the next commissioner position), and so on. All elections in multi-commissioner circuits shall be at-large elections; however, each candidate must be nominated or declare for a designated position.
5. Terms of incumbent commissioners are hereby retained. Terms of commissioners for a particular circuit should not expire simultaneously; therefore, for the 1987 election only, commissioners elected to the following places shall be elected for the terms specified. Regardless of the length of the initial term, subsequent terms shall be three years.

Place Number	Term
2	1 year
3	2 years
4	3 years
5	1 year
6	2 years
7	3 years
8	1 year
9	2 years
10	3 years

C. Notice of election

In the January and March issues of *The Alabama Lawyer* each year, the secretary shall give notice of the circuits due to elect commissioners that year, with a disclaimer that some places might change as a result of the annual March 1 census.

D. Balloting

1. The secretary shall see that an electronic and paper ballot is prepared for each circuit election.
2. The election for commissioners shall open on the third Monday in May each year. On this day, each Alabama State Bar member in good standing, whose principal office is in the circuit where the election is occurring, and who is not precluded by paragraph 3 of this section, shall be notified by e-mail with a link to the electronic ballot. The Alabama State Bar shall select and engage a vendor to develop and administer a secure ballot delivery system, which shall, at least, contain appropriate means of authenticating the voting member while preserving the anonymity of the voting member and preventing the voting member from casting multiple electronic ballots.
3. Appropriate provisions shall be made to accommodate members in good standing who wish to cast their vote by paper ballot. In such instance and upon written request received on or before the first Friday in May, a printed paper ballot, privacy envelope and return envelope with space for a signature shall be mailed by U.S. mail to the member requesting a paper ballot. A member who has requested a paper ballot shall not receive access to the electronic ballot and shall not be allowed to cast an electronic ballot.

Each paper ballot shall be marked by the recipient member and placed in the privacy envelope. Both shall be placed in the return envelope and it shall be signed in the space provided, certifying it as the member's vote for a commissioner or commissioners, and certifying that the member is qualified to vote (i.e., is a member in good standing with the bar and maintains his or her principal office in the circuit where the election is occurring). Only one ballot may be returned in each certification envelope.

4. All ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in May immediately following the Monday on which the election opens. Any ballot received after the deadline in this paragraph shall be null and void.

5. The Bar Election Certification Committee appointed to certify President-Elect ballots shall certify the results for the commissioners' elections as soon as practicable after the deadline for receipt of ballots.
6. In the event more than two candidates qualify for the position of commissioner and no candidate receives a majority of the votes (50% + one vote), then the names of the two candidates with the highest vote totals shall appear on a run-off election ballot. The run-off election shall open, and run-off ballots shall be made available on the first Monday in June. All run-off ballots (paper and electronic) must be cast and received in the office of the Alabama State Bar by 5:00 p.m. on the Friday in June immediately following the Monday on which the run-off election opens.
7. In a run-off election for commissioner where there is a tie between the two candidates, the run-off election shall be decided by lot by the Elections Committee in the presence of the candidates.

IV. Assumption of office, duties

Successful candidates for commissioner shall assume office on July 1 following the election and shall carry out those duties specified in Section 34-3-43, *Code of Alabama* (1975).

V. Nominations of At-Large Members

A. Notice

The Board shall, by March 1 of each year, send a letter to all known minority bar associations, all sections of the Alabama State Bar, and the committee charged with the responsibility of overseeing the Alabama State Bar's leadership program, and to each Bar Commissioner seeking a nominee for one of the at-large commissioner positions.

B. Application

A nominee's application outlining, among other things, the nominee's bar service and other related activities must be received by the Executive Committee of the Alabama State Bar by no later than April 1 of the selection year.

C. Applicants Recommended by Executive Committee

The Executive Committee of the Alabama State Bar shall review all timely

submitted applications. From those applications, the Executive Committee shall recommend to the Board a name for each of the nine at-large places as described in VI (A) below. In carrying out this charge, the Executive Committee shall, to the extent possible, recommend candidates who reflect the racial, ethnic, gender and age diversity, as well as the geographical diversity, of the members of the Alabama State Bar.

VI. At-Large Selection Process

A. Initial Terms

Pursuant to § 34-3-41(5), the initial terms of nine at-large members shall be staggered as follows: three at-large members shall be selected for terms of one (1) year each, three at-large members shall be selected for terms of two (2) years each, and three at-large members shall be selected for terms of three years each. The Executive Committee will divide the positions by place and initial terms, and will recommend a candidate for each place and initial term (“Recommended Name”) from the applications.

B. Board Consideration of Applicants

The Recommended Name, along with the remaining applicants, shall be divided and identified by diversity category and forwarded to the Board of Bar Commissioners in advance of its May meeting in which those names will be considered by the Board. Names may also be nominated from the floor for any of the at-large positions, but any name so nominated for an at-large position must come from the existing applicants with all Commissioners being required to take into account the goals of the governing statute.

C. Majority Vote

Each Recommended or Nominated Name receiving a majority vote of the members of the Board of Bar Commissioners present and voting at the meeting shall be elected to an at-large position.

D. Assumption of Office

The terms of the at-large board members shall correspond with the elected members of the Board.

Approved December 5, 1986
Amended December 3, 1999
Amended December 3, 2004
Amended October 30, 2009
Amended September 24, 2010
Amended October 30, 2015
Amended October 28, 2016
Amended March 19, 2021