

Proposed Amendments to the Bylaws of the Virginia State Bar and Council Governing Election of the President-elect

This proposal seeks VSB Council authorization to conform Paragraph 4 of the Rules of Court and the Bylaws governing the VSB to modern voting practices. The Supreme Court of Virginia must be petitioned to approve the proposed changes to Paragraph 4 of the Rules of Court. Proposed deletions are denoted by strikethroughs and additions by underlining.

4. Officers—

The officers of the Virginia State Bar shall be a President, a President-elect, an Immediate Past President and a Secretary-Treasurer. The President-elect shall be elected annually for a term to commence on July 1~~immediately upon the adjournment of the Annual Meeting of the Virginia State Bar~~ and to continue until the next president-elect assumes the presidency or the president-elect otherwise vacates office~~adjournment of the next Annual Meeting of the Virginia State Bar, at which time he or she shall take office as President. The former President shall continue in office until adjournment of the next Annual Meeting, at which time he or she then shall become the Immediate Past-President until the following July 1 adjournment of the following Annual Meeting.~~

To be eligible for nomination as President-elect, the candidate must, at the time of nomination, have been an active member of the Virginia State Bar for a period of seven years and must have served on the Council for a minimum of two years within the five-year period next preceding his or her election.

The method of election of the President-elect shall be in the manner prescribed by the Bylaws of the Council.

If the President were unable to complete his or her term of office, the President-elect shall become President. Should a vacancy occur in the President-elect position, for whatever reason, an election shall be held as soon as possible to fill the vacancy pursuant to the election procedures set forth in the bylaws. Vacancies in the office of President or President-elect shall be filled by the Council. Should a vacancy occur in the Immediate Past President position, the vacancy will remain until a new President qualifies as Immediate Past President.

The President, the President-elect and the Immediate Past President shall be ex officio members of the Council; the President shall preside over the Council. In the absence of the President, the President-elect shall preside.

Sec. 3. Method of Election. In the event only one nominating petition is received by the executive director on or before ~~March 15~~October 1 of any year, the election for the office of president-elect shall be held at the next annual meeting in accordance with the provisions of Article IV, below.

In the event two or more nominating petitions are received by the executive director on or before ~~March 15~~October 1 of any year, the election of the president-elect will be in accordance with the provisions of Sections 4 and 5, below.

Sec. 4. Ballots. In the event nominating petitions for two or more candidates are received by the executive director, then:

(a) The executive director shall prepare a ballot which shall list in alphabetical order the names of those persons nominated to the office of president-elect.

(b) ~~The president-elect~~ ballot shall be distributed ~~by mail or made available by~~ electronic means to all members on or before ~~April 15~~November 5. The form of the ballot and the procedure for distribution, collection and tabulation of ballots shall be determined by the executive director.

~~(c) If any member fails to receive a ballot within ten (10) days of distribution, or by November 15, whichever is later, the intended recipient shall be given a replacement ballot upon executing an affidavit, in a form to be prescribed by the Executive Committee, averring (i) that no ballot has been received and (ii) that in the event the original ballot is subsequently received, it will promptly be returned unmarked to the executive director. The affidavit and request for a replacement ballot must be received by the executive director not later than November 22, and the replacement ballot must be returned to the executive director by December 1.~~

~~(d) If any member receives more than one ballot, he or she shall return the excess ballot or ballots, unmarked, to the executive director in the same envelope provided for return of his or her marked ballot.~~

Sec. 5. Ballot Elections. The ballots shall be collected and counted in a manner which assures the confidentiality of the members' votes. A plurality of the votes cast by all members shall elect. No ballot received by the executive director after ~~May 1~~December 4 shall be counted. Write-in votes shall be permitted, but the executive director may exclude illegible write-in votes and shall exclude write-in votes for any candidate ineligible to serve pursuant to these bylaws, if elected.

Sec. 6. General Provisions. The following provisions shall be applicable to any election of the president-elect under this Article III.

(a) For purposes of these provisions, a "member" is an active member in good standing of the Virginia State Bar. Only such person may nominate, be nominated, vote or be elected in any election for the office of president-elect.

(b) Records maintained by the executive director as to membership and good-standing status shall be controlling.

(c) The failure to comply with the dates designated for the occurrence or completion of certain acts shall not invalidate any election, unless substantial prejudice can be shown to have resulted therefrom.

(d) For purposes of determining voter and candidate eligibility, the membership list maintained by the executive director as of March 15~~October 4~~ shall be controlling. Except to correct clerical errors in records maintained as of that date, no revisions or additions to the membership list for purposes of the election shall be made after March 15~~October 4~~.

(e) The executive director shall announce to the bar the results of the election for the office of president-elect.

(f) Any responsibility assigned herein to be discharged by the executive director may be assumed and discharged by the Executive Committee, at its discretion.

(g) Any challenge to an election shall be resolved by a committee which shall be chaired by the president and shall include the president-elect, the immediate past president and two members of Council appointed by the president who shall not be current members of the Executive Committee.

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