

Nomination and Election Procedures

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The Bylaws (Article VIII § 1) provide for Presidential appointment, on or before the third Friday in January in each year, of a Nominating Committee that shall nominate officers, Regional Delegates and At-Large Delegates.

The Bylaws (Article VII § 4) also provide for election of nine (9) Executive Management Board (EMB) members by the House of Delegates (HOD).

The policy adopted by the HOD on May 21, 1980 and amended June 5, 1992 regarding the ABA House of Delegates provides for Presidential appointment of an ABA Delegate Nominating Committee that shall nominate Massachusetts attorneys to serve on the ABA House of Delegates.

These procedures shall govern the process of selecting the individuals for these offices and positions.

I. Procedure for Nominations of Officers, Regional and At-Large Delegates

The following procedures shall govern nominations pursuant to Article V § 2 and Article VIII § 1.

- (a) Intent to Seek Office. Article IV § 1 provides that any regular member of the Association shall be eligible to hold office in the Association. The Association shall seek from its members letters of intent to become an officer, Regional Delegate or At-Large Delegate by publishing a notice in the December, January and February issues of *Lawyers e-Journal* and by also posting during the months of December, January and February a notice on the Association's website, www.massbar.org.

Letters of intent to become an officer, Regional Delegate or At-Large Delegate must be filed with the Secretary by email or mail, time stamped or postmarked on or before the Friday of the third full week of February each year. All letters of intent time stamped or postmarked in advance of the deadline will be forwarded to the Nominating Committee for consideration.

The Nominating Committee may propose a nominee for an officer, Regional Delegate or At-Large Delegate.

- (b) Report of the Nominating Committee. On or before the Friday of the first full week of April each year, the Nominating Committee shall file with the Secretary the Report of the Nominating Committee, containing the nominees as set forth in Article VIII § 1. The report shall contain one (1) or more nominations for President-Elect, one (1) or more nominations for Vice President, one (1) or more nominations for Treasurer, one (1) or more nominations for Secretary, one (1) or more nominations for each Regional Delegate for the eighteen (18) Regional Delegates positions and seven (7) individuals as At-Large Delegates

The Report of the Nominating Committee, together with copies of both Bylaws Articles V and VIII and these Procedures, shall be posted on the Association's website, www.massbar.org, and published in the Lawyers *e-Journal* on or before the Friday of the second full week of April each year.

- (c) Petitions for Nomination. Other nominations by petition may be made for officers or Regional Delegates pursuant to Article VIII § 1. On or before the Friday of the second full week of April each year, petition forms shall be available upon request from the Secretary and available on the Association's website, www.massbar.org. Such petitions shall be filed with the Secretary on or before the Friday of the first full week of May each year. The Association will make available to candidates for officer or Regional Delegate its membership list, including mailing labels and e-mail addresses to the extent available, such lists to be used only for communications in connection with the then current election and for no other purpose.
- (d) Vacancies During the Association Year. If, for any reason, a position as an officer, Regional or At-Large delegate becomes vacant during the Association year, the President shall nominate a replacement as soon as practicable. The EMB, with a quorum present, shall vote on the President's nominee(s) for any vacant position(s) as soon as practicable. The vacant position shall be filled not later than thirty (30) days from the date of the vacancy.

If the Presidency becomes vacant, the President-Elect will immediately take on the duties of the President. Each officer shall immediately take on the duties of the office directly above their current position. The President shall then make a nomination for the role of Treasurer and submit that nominee to the EMB for consideration.

II. Procedure for Elections of Officers and Regional Delegates

1. Procedure for Uncontested Election of Officers and Regional Delegates

If the election is uncontested and there are no other nominations by petition pursuant to Article VIII, then those nominees as set forth in the Report of the Nominating Committee shall become the incoming Officers and Delegates after the Friday of the third full week of May. If the Report of the Nominating Committee contains more than one nominee for any Officer position, then the Procedure for Contested Election of Officers, as set forth below, shall apply.

2. Procedure for Contested Election of Officers and Region Delegates

The following procedures shall govern contested elections of officers and Regional Delegates.

- (a) Election Committee. In the event of a contested election for an officer or Regional Delegate, determination of the successful candidate(s) shall be made by an Election Committee appointed by the President. The Election Committee shall

have a minimum of three (3), and a maximum of five (5), members of the Association. The Election Committee shall designate one of its members to serve as Chair.

- (b) Eligibility of Petition Candidates. On or before the Friday of the third full week of May, the Election Committee shall determine each petitioner's eligibility to be placed on the election ballot based on the sufficiency of valid signatures on the petition and will notify each such petitioner.
- (c) Candidates. On or before the Friday of the first full week of June, candidates may submit biographical information and a photograph to the Secretary for publication on the ballot, in e-Journal and on the association's website.
- (d) Ballots for Election. On or before the Friday of the third full week of June, the Secretary shall either mail printed ballots or create an electronic ballot containing the names of all candidates to all members of the Association with online technology that allows for the authentic and anonymous voting of every member. For those members that have opted-in to receive ballots in the mail, printed ballots containing the names of all candidates shall be mailed to all members of the Association with such return envelope as will enable the Secretary to authenticate each ballot without disclosing how the member of the Association voted and with such information concerning each of the candidates as the Election Committee may determine.

Only electronic votes dated or paper ballots that are received by the Secretary in official return envelopes postmarked on or before the Friday of the third full week of July or valid electronic votes made on or before the Friday of the third full week of July shall be opened and counted by the Committee. Written ballots or electronic votes dated or postmarked after the Friday of the third full week of July will not be counted. All ballots will be held by the Secretary.

- (e) Replacement Ballots. Requests for ballots not received by members shall be made directly to the Chair of the Election Committee who shall notify each member of the Committee of the need for a replacement ballot. The Chair of the Election Committee shall oversee the distribution of replacement ballots with full disclosure to the members of the Election Committee and candidates of the number of ballots replaced.

III. Procedure for Election of Nine (9) EMB Members

The following procedures shall govern implementation of Article VII § 4.

- (a) Eligibility. The nine (9) EMB members elected by the HOD must be Regional or At-Large Delegates. EMB members must have served at least one year as a Regional or At-Large Delegate.
- (b) Intent to Seek Election. The HOD shall seek from its delegates letters of intent to become an EMB member for the three (3) year terms established by Article VII § 4 by publishing a notice in the April *Lawyers e-Journal* and by posting during

the month of April a notice conspicuously on the Association's website, www.massbar.org. Letters of intent to become an EMB member must be filed with the Secretary on or before 3:00 p.m. of the Friday before the last meeting of the HOD in the Association's year. The names of all eligible delegates who timely submit letters of intent in advance of the deadline shall be placed on a slate of candidates.

- (c) Procedures for Election. At the last HOD meeting in that Association's year, the President shall submit the names of all eligible delegates who seek election as a member of the EMB. The HOD members shall vote on the candidates for election of nine (9) members of the EMB. If nine (9) or fewer members are submitted as candidates, the vote shall be taken by hand count. If more than nine (9) members are submitted as candidates the vote shall be taken by ballot. The first Association year following the members approval of the revised ByLaws adopted by the HOD on May 19, 2010, three (3) members shall be appointed for a one (1) year term, three (3) members shall be appointed for a two (2) year term, and three (3) members shall be appointed a three (3) year term. In subsequent Association years, three (3) members of the EMB shall be appointed for three (3) year terms.
- (d) Retention of Ballots. Ballots shall be retained by the Secretary until the start of the following Association year.

IV. Procedure for Nomination and Election of ABA Delegates

The following procedures shall govern the selection of the Association's ABA Delegates.

- (a) Each Association year, no later than January 1, the President shall appoint an ABA Delegate Nominating Committee consisting of five (5) members of the Association who are also ABA members in good standing with the ABA. The ABA Delegate Nominating Committee shall be chaired by the ABA's State Delegate from Massachusetts.
- (b) The ABA Delegate Nominating Committee shall nominate a number of eligible members, consistent with relevant ABA criteria, and shall file with the Secretary the ABA Nominating Committee Report, setting forth the slate of nominees no later than March 1. The ABA Delegate Nominating committee may not nominate one of its own members to serve as an ABA delegate and may not nominate a person who has served as an ABA Delegate for more than three (3) consecutive two (2) year terms, unless the HOD by two-thirds (2/3) vote waives this requirement. The ABA Delegate Nominations Committee must nominate at least one (1) candidate who is not a HOD delegate at the time of the election.

- (c) Upon receipt, the Secretary shall cause the names of nominees to be published in the next issue of *Lawyers e-Journal* on the Association's website, www.massbar.org, with the HOD's policy and a copy of these procedures.
- (d) At the next scheduled HOD meeting, the HOD shall vote, from those nominees Massachusetts representatives to the ABA. If there are three (3) or fewer candidates, the vote shall be taken by hand. If there are more than three (3) candidates, the vote shall be taken by ballot. The Secretary shall retain any ballots until the start of the following Association year.

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