



Federal Bar Association

Policy No.1-4: Endorsement of Candidates for Contested FBA National Office

Approved By: Kent S. Hofmeister, Secretary

Date Approved: November 20, 1992

Date Effective: January 6, 1993

Policy:

No candidate for contested position of Officer, Director, Delegate, or Vice President may publicly proclaim that he/she has the endorsement of any other person or FBA institution.

Right of Individuals to Campaign and Promote Candidates

This Policy does not limit or restrict the right of any individual, or group of individuals, to promote or campaign for, in his/her own name, the election of any candidate by any means, including the distribution of any written materials.

If any such individual holds or has held an FBA office, he/she may not identify himself/herself by the title of such office in anyway including written materials promoting or campaigning for the election of a candidate.

Members of the Nominations and Elections Committee may not promote or campaign for any candidate.

Prohibition Against Institutional Campaigning

No institution of the FBA (e.g., FBA Section, FBA Division, FBA Chapter, FBA Committee) may promote or campaign for any candidate.

Enforcement; Sanctions

The Nominations and Elections Committee is authorized to investigate all claims of election irregularities and to conduct such proceedings that, in its discretion, it deems necessary to discharge this responsibility. The Committee will issue written findings and conclusions. Any party adversely affected shall have the right of appeal to the Board of Directors, with no further right of review allowed within the Federal Bar Association or any other forum, including a court of law.

Violation of this Policy shall result in the following sanctions:

(A) If the candidate is found to have participated, directly, or indirectly, in any violation of the endorsement rule, that candidate, upon pain of disqualification from holding office, shall publish a written correction, at his/her own expense, intended to reach the same audience that received (or reasonably may have received) the nonconforming communication, expressly and unambiguously stating that the endorsement was not in conformity with the FBA's endorsement rules. If the candidate does not comply with this remedial directive, he/she may be disqualified from assuming or holding office.

(B) If any FBA institution, without the direct or indirect involvement of the candidate, issues an institutional endorsement, that institution, at its expense, shall publish a written correction intended to reach the same audience that received (or reasonably may have received) the nonconforming communication. The correction shall expressly and unambiguously state that the institution does not endorse any candidate because, under the rule of the FBA, institutions may not endorse any candidate. If the institution does not comply with this remedial directive, the Association will publish the written correction, in the manner as stipulated above, and deduct the cost of such from the institution's funds.

(C) If any individual current office holder of the FBA issues a written endorsement, in which reference is made to his/her current position, such individual, upon pain of disqualification from continuing to hold office, shall publish a written correction, at his/her own expense, intended to reach the same audience that received (or reasonably may have received) the nonconforming communication. The correction shall expressly and unambiguously state that the FBA institution in which the person holds office does not endorse any candidate because, under the rules of the FBA, institutions may not endorse any candidate. If the individual does not comply with this remedial directive, then he/she may be disqualified from holding the office that he/she then holds.

Purpose:

To insure the fairness and the integrity of the election process.

Change Notice:

Amended 10/8/1994; 9/22/1999; 6/24/2011