



Federal Bar Association

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

Date Approved: November 20, 1992

Date Effective: January 6, 1993

Policy:

No candidate for contested position of Officer, Director, or Vice President may publicly proclaim that they have 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 their 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, they may not identify themselves 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. However, leaders of chapters, sections, divisions, and vice presidents for the circuits are encouraged to communicate with their constituencies about the importance of voting. Such communication shall be approved by the Executive Director to ensure that the messaging complies with prohibitions against campaigning.

Electronic and Postal Mail Campaigning

Candidates may send up to two (2) e-mails and one (1) postal mass mailing promoting their candidacies for office. No lists of e-mail addresses shall be provided to any candidate. FBA national staff shall supply a list of mailing addresses to candidates upon request. The list shall be provided within seven (7) business days of the request and shall exclude honorary judicial members. The limitations on the frequency of communications shall not apply to supporters of candidates and their communication with FBA members; however, supporters must comply with FBA policies, such as Policy 1-13 Standards of Professional Ethics and Conduct and Policy 5-1 Social Media.

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 Committee finds that the candidate participated, directly, or indirectly, in any violation of the endorsement rule, that candidate may be provided a warning or directed to publish a written correction, at their own expense, to 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 Committee finds that the candidate participated, directly, or indirectly in any additional violation of the endorsement after receiving a previous warning, a sanction may be imposed up to and including disqualification from assuming or holding office.

(B) If the Committee finds that any FBA institution, without the direct or indirect involvement of the candidate, issues an institutional endorsement, that institution, at its expense, may be provided a warning or directed to publish a written correction to the same audience that received (or reasonably may have received) the nonconforming communication. Any such correction shall expressly and unambiguously state that the institution does not endorse any candidate because, under the rules of the FBA, institutions may not endorse any candidate. If the institution does not comply with the Committee's remedial directive, the Association will publish the written correction and deduct the cost of such from the institution's funds.

(C) If the Committee finds that any individual current office holder of the FBA issues a written endorsement referencing their current position, such individual may be provided a warning or directed to publish a written correction, at their own expense, to the same audience that received (or reasonably may have received) the nonconforming communication. Any such 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 the Committee's remedial directive, then they may be disqualified from holding the office that they then hold.

Disqualification Appeal

If a candidate or current office holder is disqualified from office, the individual may appeal that decision to the Board of Directors within 10 days from the disqualification. To appeal, the individual shall send the President at the National Headquarters a letter so indicating and may send a written statement for consideration by the Board of Directors and a notice of intent to appear before the Board of Directors. The appeal will be considered by the Board of Directors at a special meeting called for that purpose. The Board of Directors shall give notice to the individual of the time and place of that meeting. The Board of Directors shall affirm the decision of the Committee unless overruled by two-thirds vote of those present and voting.

Purpose:

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

Change Notice:

Amended 11/17/2021 (campaign limits to place all candidates on equal footing, and sanctions and appeal process for policy violations); 6/24/2011; 9/22/1999; 10/8/1994.