



SANTA CLARA COUNTY BAR ASSOCIATION

RULES FOR CONDUCTING PLEBISCITES

(2008 Edition)

- 1) Whenever a contested election is about to be held for any judge or judges of the Superior Court or other contested legal office, located in, the County of Santa Clara, the Board of Trustees may conduct a plebiscite of the membership of the Santa Clara County Bar Association, for the purpose of securing the election of competent and properly qualified candidates.
- 2) The Director shall cause the question to appear on the agenda for the regular December Meeting of the Board of Trustees during prior to each election year, where it appears that a contested judicial election/s or other contested legal office will occur. The Director shall then notify the candidates of the Board's decision to conduct a plebiscite.
- 3) The SCCBA Fair Election Practices Commission shall have the authority to set deadlines for candidates to sign the pledge agreeing to comply with the SCCBA Election Campaign Code of Ethics but in no event shall the pledge signing deadline be later than ten (10) calendar days subsequent to the deadline for persons to file their declarations of candidacy with the Registrar of Voters.
- 4) Upon the Board's decision to conduct a plebiscite, the Director shall obtain from the Registrar of Voters, upon the expiration of the time provided for filing, the names of those persons having filed their declarations of candidacy. The candidates shall be provided with a copy of these plebiscite rules and a biographical information sheet. The Candidates shall be requested to complete a one page biographical information sheet/candidate's statement and submit the information sheet to the Director within five (5) calendar days.
- 5) Within five (5) calendar days following receipt of the biographical information sheets, the Director shall send by U.S. mail or by electronic means, at the election of the Board, to each active member of the Association a secret ballot, a letter of instructions explaining said ballot and specifying the latest date at which it will be received by the Director as a valid vote, and a copy of each

biographical information statement received from the candidates. The plebiscite ballot shall identify any candidate who has not signed the SCCBA Judicial Election Campaign Code of Ethics.

- 6) The Board of Trustees may call a meeting of the full membership of this Association, prior to distributing the plebiscite ballots, for the purpose of a candidates' debate.
- 7) Not less than ten (10) and not more than twenty (20) calendar days following the date the plebiscite ballots are distributed, electronically or otherwise, to active members of this Association, those ballots received as valid, shall be counted by the staff of this Association.
- 8) Any candidate receiving a plurality of the plebiscite votes cast shall be endorsed by this Association. No candidate shall be endorsed by this Association unless the candidate has received at least forty percent (40%) of the plebiscite votes cast and agree to abide by the SCCBA Judicial Election Code of Ethics.
- 9) In the event that no candidate receives the necessary number of votes, a runoff plebiscite shall be held between the two (2) candidates receiving the most votes. In the event that a runoff plebiscite becomes necessary, within five (5) calendar days the Director shall send by mail, or through electronic means, to each active member of this Association a secret ballot, a letter of instructions explaining how to vote said ballot and specifying the latest date at which it will be received by the Director as a valid vote, and a copy of each biographical information sheet as originally received from the runoff candidates.
- 10) Not less than ten (10) and not more than twenty (20) calendar days following the date the runoff plebiscite ballots are mailed, or distributed by electronic means, to active members of this Association, those ballots received as valid, shall be counted by the staff of this Association. The runoff candidate receiving the greatest number of votes cast shall receive the endorsement of this Association.
- 11) Immediately following the counting of the ballots, the Director shall notify each of the Candidates by telephone as to the results of said vote.
- 12) Not earlier than twenty-four (24) hours and later than ninety-six (96) hours following the counting of the ballots, the President shall issue a press release in the name of this Association, for the purpose of announcing the results of the plebiscite, and recommending the candidate endorsed for each office (see attached), except when a recount is requested pursuant to Rule 17 herein.

- 13) In the event that no candidate is elected during the primary election and a runoff will be held at the general election, the Board of Trustees may conduct a further plebiscite after the primary if none of the candidates in the runoff election was endorsed by this Association. The Director shall cause the questions to appear on the agenda of the next regular Board of Trustees meeting immediately following the primary election.
- 14) In the event of a further plebiscite, the Director shall obtain from the Registrar of Voters, the names of those candidates who will appear on the general election ballot. The Director shall then notify the candidates of the Board's decision to conduct a further plebiscite.
- 15) Within five (5) calendar days following such notification of the candidates, the Director shall send by mail, or through electronic means, to each active member of the Association a secret ballot, a letter of instructions explaining how to vote said ballot and specifying the latest date at which it will be received by the Director as a valid vote, and a copy of each biographical information sheet as received from the candidates.
- 16) The further plebiscite shall be conducted in accordance with Rules 5 to 11 herein.
- 16) The Board of Trustees may cooperate with the appointing authority with respect to ascertaining the view of active members of this Association, under the guidelines of these plebiscite rules, regarding a judicial appointment. Further, the Board of Trustees may cooperate with the State Bar of California with respect to ascertaining the view of the active members of this Association, under the guidelines of these plebiscite rules, regarding nominations for the Supreme Court and Court of Appeal.
- 17) Any candidate may request a recount of the ballots within twenty-four (24) hours of being notified of the results. Said request must be in written form and delivered to the Director of this Association. The Ballots shall be recounted by those persons having initially counted them; however, any candidate (or his/her designated representative) may observe the recount. The recount shall take place not earlier than twenty-four (24) hours and not later than ninety-six (96) hours following receipt of said request. Within three (3) calendar days following the recount, the results of the plebiscite shall be announced pursuant to previously outlined procedures herein.

Adopted: February 26, 1986

Amended: January 10, 2006

Amended: January 31, 2008(amendments are made for 2008 election only)

