

BYLAWS OF THE CRIMINAL LAW SECTION OF THE SOUTH CAROLINA BAR

ARTICLE I

Name and Purpose

Section 1. This Section is known as the Criminal Law Section of the South Carolina Bar.

Section 2. The purpose of this Section shall be to promote the objects of the South Carolina Bar within the fields of Criminal Law; and, to that end, to further the study of Criminal Law, to cooperate in obtaining uniformity with respect to both legislation and administration in all matters concerning criminal law and to simplify and improve application of justice in Criminal Law.

ARTICLE II

Membership and Privileges

Section 1. Each member of the Section shall pay to the South Carolina Bar annual Section dues of \$10.00. The Council, at any regular meeting, may change the Section dues to the extent necessary; provided that any such change in Section dues, after approval by the Board of Governors or the House of Delegates of the South Carolina Bar, shall be published in as early an issue of The South Carolina Bar News as shall be practicable. Any member of the South Carolina Bar upon request and payment of dues for the current year shall be enrolled as a member of this Section. Thereafter, said dues shall be paid in advance each year, beginning on January 1st next succeeding each enrollment. Any member of this Section whose annual dues shall be more than six (6) months past due shall thereupon cease to be a member of this Section. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Anyone becoming a new member after November 1st of any year shall upon payment of one full year's dues, be credited as paid through December 31st of the following year.

Section 2. Voting privileges of the floor at any meeting of the Section shall be limited to Section members in good standing as of thirty (30) days prior to the opening of that meeting, as determined by the official membership list, as certified to the Section Secretary, by the Executive Director, such official list to be open for inspection at any meeting for which it is certified.

ARTICLE III

Officers and Council

Section 1. The officers of this Section shall be a Chairperson, a Chairperson-Elect, a Vice-Chairperson, and a Secretary.

Section 2. There shall be a Council, the active voting membership of which shall consist of the Chairperson, Chairperson-Elect, Vice-Chairperson, Secretary, the Immediate Past Chairperson, and the Section Delegate, together with six (6) "general members" to be elected by the Section as hereinafter provided. Nonvoting membership of Council shall consist of the presidents of the South Carolina Solicitors' Association and the South Carolina Public Defenders Association.

Section 3. The Chairperson-Elect, Vice-Chairperson, and Secretary shall be nominated and selected, in manner hereinafter provided, at each annual meeting of this Section, to hold office for the term beginning at the close of the annual meeting at which they shall have been elected, and ending at the close of the next succeeding annual meeting of the Section, and until their successors shall have been elected and qualified. The Secretary shall hold office for not more than four (4) successive one-year terms.

Section 4. At the first annual meeting six Council members will be elected, two for a three-year term, two for a two-year term, and two for an one-year term by express designation upon nomination. Thereafter two general members of the Council shall be nominated and elected as herein provided at each annual meeting for terms of office to begin immediately at the end of the meeting at which they were elected and to continue for three years.

Section 5. Any vacancy existing in membership on the Council shall be filled by the Council until the next annual meeting at which time the membership shall elect a replacement member. Such replacement shall serve only to the end of the term for which his/her predecessor was elected.

Section 6. No person shall be eligible for election as a general member of the Council if he/she is then a general member of the Council and has been such member continuously for a period of two years or more.

Section 7. If any elected member of the Council shall fail to attend three successive meetings of the Council, and such failure has not been excused for cause by the Chairperson or the majority vote of the Council, the Chairperson will by letter to all Council members declare such member to have automatically resigned and he/she shall be replaced for his/her unexpired term as provided in Section 4 of this Article.

Section 8. The Chairperson-Elect shall at the end of the next annual meeting automatically assume the office of Chairperson, and thereupon the Immediately Retiring Chairperson shall become and remain a member of the Council for the ensuing year.

Section 9. Past Chairpersons of the Section continuing as members of the Section in good standing, upon retirement from active membership on the Council, shall become honorary members of the Council without vote. They shall not be counted in the number of members of the Council to be elected by the Section.

ARTICLE IV

Nomination and Election

Section 1. The steering committee appointed to create this Section shall prepare a slate of officers and Council members to serve on an interim basis from the 1978 midyear meeting to the Annual Meeting in May of that year. This prepared slate shall be presented to an announced meeting of those bar members indicating an interest in the formation of this Section at the 1978 mid-year meeting. Additional nominations may be made from the floor. Upon approval the elected officers and Council members shall serve on an interim basis until the end of the 1978 annual meeting in accordance with the terms of these Bylaws.

Section 2. Not later than November 15th of each year, the Council shall meet and nominate such Officers, Council Members and Section Delegates as are scheduled to be elected by the members at the next annual meeting. The nominations proposed shall

be by the concurring vote of not less than a majority of the members of the Council, and shall be published not later than the December issue of the South Carolina Bar News, or otherwise mailed to the membership in December and shall be notice of the membership of the Section of such nomination.

Section 3. The Immediate Past Chairperson shall, during the year after serving as past Chairperson, serve as Section Delegate for a one (1) year term.

Section 4. No later than the February 15th preceding the Annual Meeting not less than ten members of the Section in good standing may file by registered mail with the Chairperson of the Section a nominating petition, which may be in parts, duly signed, with the signatures and printed names and addresses, making nominations for one or more of the offices of Chairperson-Elect, Vice-Chairperson, Secretary, and such Council members as are due to be elected, and, in even numbered years, the Section Delegate to the House of Delegates. All such petitions shall be accompanied with the written consent of any person so nominated. Nominations shall be considered closed on February 16th of each year.

Section 5. All elections shall be by written ballot unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held. Should there be more than two nominations for any one office, that candidate receiving the highest vote shall be declared elected. If two candidates receive an equal number of votes cast, the Council in office at the time of election shall, by majority vote, declare the winner.

ARTICLE V

Duties of Officers

Section 1. Chairperson. The Chairperson shall be the Chief Executive Officer of the Section during his/her term of office and, in the carrying out of his/her administrative duties, he/she shall make all such appointments to the general committees and be possessed of such authority as is customarily associated with such office. He/She shall perform such other duties and acts as usually pertain to his/her office. The Chairperson, or successively the Chairperson-Elect, or Vice-Chairperson, in the absence of the Chairperson, shall preside at all meetings of the Section and of the Council. He/She shall formulate and present at the business meeting of the Section at the Annual Meeting an analysis of the state of Section together with a message concerning the improvement of the work of the Section and the administration of justice in the field of law encompassed by the Section.

Section 2. Chairperson-Elect. Upon the death, resignation, or during the disability of the Chairperson, or upon his/her refusal to act, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term, except in case of the Chairperson's disability and only during so much of the term as the disability continues.

Section 3. Chairperson. Upon the death, resignation, or during the disability of the Chairperson and/or the Chairperson-Elect, or upon their refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson and/or Chairperson-Elect for the remainder of their term, except in case of disability of the Chairperson and/or Chairperson-Elect, and then only during so much of the term as the disability continues.

Section 4. Secretary. The Secretary shall be custodian of all books, papers, documents and other property of the Section except money. He/She shall keep a true

record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairperson, he/she shall prepare a summary or digest of the proceedings of the Section at its annual meeting. He/She, in conjunction with the Chairperson, as authorized by the Council, shall attend generally to the business of the Section and he/she shall keep an accurate record of all monies appropriated to and expended for the use of the Section.

Section 5. The Council may authorize such committees as it deems necessary or desirable to carry out the activities and work of the Section, and may terminate any such committees as circumstances warrant, and may appoint such special committees as herein provided.

ARTICLE VI

Duties and Powers of the Council

Section 1. The Council shall have the general supervision and control of the affairs of the Section subject to the provisions of the Constitution and Bylaws of the South Carolina Bar and the Bylaws of this Section. It shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all monies appropriated for the use and benefit of the Section. It shall not, however, authorize commitments or contracts which shall entail the payment of or expend any money during any fiscal year which shall exceed the estimated receipt from dues, sales of Section publications, and appropriations of the Section for such fiscal year; provided, however, that the balance of the reserve fund credited to the Section shall be available for use by Council action.

Section 2. A majority of the Council shall constitute a quorum for the transaction of all business.

Section 3. The Council may authorize the **Chairperson** to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Constitution and Bylaws of the South Carolina Bar.

Section 4. Any action required or permitted to be taken at any meeting of the Council may be taken without a meeting, if prior to such action, a written consent or consents thereto have been filed with the **Chairperson** and signed by a majority of the members of the Council and such consent or consents are filed by the Secretary with the proceeding of the Council.

Section 5. The Council shall fill interim vacancies in the office of the Chairperson, the Chairperson-Elect, the Vice-Chairperson, Secretary, Section Delegate and among their own members.

Section 6. The Council shall have complete authority to act on behalf of and to bind the Section on any and all matters arising between the annual meetings of the Section.

ARTICLE VII

Meetings

Section 1. The annual meeting of the Section shall be held during the Annual Meeting of the South Carolina Bar in the same city or place as such Annual meeting of the South Carolina Bar, with such program and order of business as may be arranged by the Council not inconsistent, or in conflict, with any program or directive of the South Carolina Bar.

Section 2. Special meetings of the Section may be called by the Chairperson, upon approval of the Council, at such time and place as the Council may determine.

Section 3. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. All binding actions of the Section shall be by a majority vote of the members present.

ARTICLE VIII

Miscellaneous Provisions

Section 1. The fiscal year of the Section shall be the same as that of the South Carolina Bar.

Section 2. All bills incurred by the Section before being forwarded to the Executive Director of the South Carolina Bar for payment, shall be approved by the Council or its designated representative.

Section 3. Any action by this Section pertaining to legislation, or South Carolina Bar policy, or public policy, must be approved by the Board of Governors of the South Carolina Bar before the same becomes effective as the action of the South Carolina Bar. Any resolution adopted or action taken by this Section may on request of the Section be reported by the Chairperson of the Section to the Annual Meeting of the South Carolina Bar for the Bar's action thereon.

Section 4. No person, except an invited speaker, shall speak during any meeting of the Section more than five minutes at a time nor more than twice on one motion or resolution.

ARTICLE IX

Amendments

These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall not be inconsistent with the Constitution and Bylaws of the South Carolina Bar. Such amendment, however, will not become effective until it has been approved and ratified by the House of Delegates of the South Carolina Bar.

Amended 1/2007