

# Lake Elsinore Teachers Association Elections Standing Rules

## I. NOMINATIONS AND ELECTIONS

### A. Election Requirements

1. The chapter shall ensure that an open nomination procedure is in place (i.e., any member may nominate any member, including himself or herself). The only qualification for office shall be Active membership in the chapter.
2. Every Active member shall be assured of voting by secret ballot.
3. There shall be at least a fifteen (15) day period between notice of election and the actual voting.
4. There shall be an all Active member vote. A member who is off-track shall be sent election information by mail to his/her last known residence.
5. A chapter shall provide means for all Active members to vote (including vote by mail), and it shall be the responsibility of the member to notify the chapter if s/he desires a ballot at a site other than the regularly scheduled voting place.
6. An Active member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope when returning the voted ballot.

### B. Announcement

1. The announcement of election shall include the offices, length of terms, and the election timeline.
2. The announcement shall be publicized in a manner that ensures every member has an opportunity to file a declaration of candidacy.

### C. Timeline

1. Schools on alternative calendars shall be considered when setting election timelines.
2. The timeline for the election shall include dates for the following.
  - a. Time, date, and place where declarations of candidacy are to be received. Literature shall include information that date is receipt date and not postmark date.
  - b. Date for acknowledgment of declarations from candidates.
  - c. Date for preparation of ballots.
  - d. Date for Rep Council Meeting Candidate Forum. Each candidate will be allotted 3 minutes to address Rep. Council upon notification to LETA President prior to meeting.
  - e. Date on which ballots will be distributed.
  - f. Date(s) when voting will take place.
  - g. Deadline date, time and place for return of ballots (date received, not post-mark date).
  - h. Date, time and place where ballots will be counted.
  - i. Date(s) that announcement of results will be made to leadership, candidates and members.
  - j. Dates and timelines for run-off election, if necessary.
  - k. Deadline for filing of challenges (date received, not post-mark date).

#### D. Finances and Use of Unit Resources

1. Chapter monies received through dues, assessment or similar levy shall not be used to promote any candidate.
2. A candidate may not accept direct contributions from a chapter's treasury or indirect contributions in the form of use of a chapter's assets, facilities, staff, equipment, mailings, good will and credit.
3. A unit may not state or indicate its preference for a candidate in the unit's publications.
4. The official logo of the unit or official Association title may not be used in a way that suggests that the candidate has the support of the unit, CTA, or any of its affiliates.

#### E. Candidate's Rights

1. Privileges extended to one candidate shall be extended to all candidates.
2. Each candidate shall receive a copy of the election timeline, procedures and guidelines.
3. Each candidate shall have the right to a list of the name and address of school sites and the number of Active members at each site for the purposes of campaigning.

#### F. Ballot

1. The names of the candidates shall be printed on the ballot in CTA alphabetical order. The name of each candidate shall be as printed on the declaration of candidacy. When a candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot.
2. The ballot shall state the name of the office, the term, and the names of the candidates.
3. The ballot shall include space for a write-in candidate, except in run-off elections.

#### G. Distribution of Ballots and Method of Voting

1. Each member shall receive a ballot.
2. Voting shall be by one or a combination of the following methods.
  - a. Voting At School Site(s)/Specified Voting Site
    1. Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot and a return envelope.
    2. The marked ballot must be returned to a designated site representative or ballot box.
    3. Site representatives must return all voter roster/sign-up sheets and ballots to the Elections Committee by the designated date and time.
    4. Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.
  - b. Voting At School Site(s)/Specified Voting Site Using Envelopes  
When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows.
    1. A list of current Active members shall be prepared, which includes each member's name and school address.
    2. The voter shall be provided with the following.
      - a) A ballot.
      - b) Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the outer envelope; and deadline date for receipt of the voted ballot at the chapter office.

- c) A small envelope (inner envelope) in which to place the voted ballot.
  - d) A larger envelope (outer envelope) addressed to the chapter, on which the voter prints and signs his/her name.
3. At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.
  4. The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.
  5. All inner envelopes shall be placed in a separate receptacle.
  6. The inner envelopes shall be slit and the ballots removed from the envelopes, stacked and then counted.
  7. Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.
- c. By Mail
- Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote. Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. When the voting is conducted by mail, the procedure shall be as follows.
1. A list of current Active members shall be prepared, which includes the following: name, school and home address.
  2. The mailing list shall exactly correspond to the current official roll of voting members.
  3. Each voter shall be provided with the following.
    - a) A ballot
    - b) Instructions on:
      - (1) Folding and placing of the ballot in the unsigned inner envelope
      - (2) Placing of the unsigned inner envelope into the outer envelope
      - (3) Signature and school on the outer envelope addressed to the chapter
      - (4) Deadline date for receipt of the voted ballot at the chapter office
    - c) Inner envelope
    - d) Outer return envelope, addressed to the chapter
    - e) The ballot shall be date stamped when it is received in the chapter office and then put in a safe place until the votes are to be counted.
    - f) At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members.
    - g) The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
    - h) All inner envelopes shall be placed in a separate receptacle.
    - i) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.
- d. Electronic voting
1. Electronic/online voting shall not create a situation where an eligible member is denied a means to vote in the election. The Association shall ensure that there is an alternative ballot procedure for those members who:
    - a) can not access and use an electronic/online environment.
    - b) who do not have the equipment necessary for electronic/online activities.
    - c) do not wish to vote electronically/online.
  2. The alternative ballot procedure shall comply with one of the methods as identified in this Article XIX-G Distribution of Ballots and Method of Voting.
  3. Unit members are not to utilize the school district's Internet system, lines, and equipment for electronic/online voting.

4. Chapter election instructions for both electronic/online and paper ballot shall be distributed to the chapter voting members using both electronic/online and paper communication.
5. All records involved with any electronic/online vote conducted by the Chapter shall be maintained in a hard copy as well as electronically, and should be retained by the local for one year after the election, in order that any challenge filed to an election which is conducted in an electronic/online environment can be properly processed in accordance with CTA Elections Challenge Procedures.

## H. Vote Requirement

All vote requirements shall be established in accordance with CTA guidelines. Unless otherwise specified, all elections shall be decided by majority vote. Write-in votes are valid and must be counted.

1. A majority vote means more than fifty percent (50%) of the legal votes cast.
2. A plurality vote means the largest number of votes to be given any candidate or issue.
3. A two-thirds (2/3) vote means at least two thirds (2/3) of the legal votes cast.
4. For unit officers, the election will be by majority.
5. For State Council the following shall be true.
  - a. If a unit is a single electoral district or a multiple unit electoral district, the election for State Council Representative will be by majority vote.
  - b. If the unit is within a multiple unit electoral district, results must be sent to the Service Center Council Elections Committee to determine if a candidate has received a majority vote.
6. If a candidate does not receive a majority vote, a run-off election shall be conducted among the candidates receiving the highest number of votes. The names on the ballot will be one (1) more than the number of vacancies to be filled. When there are only two candidates for an office, the candidate receiving the higher number of legal votes cast shall be declared elected. There shall be no provisions for write-in candidates in run-off elections.
7. For NEA Local Delegates, the election will be by plurality vote. Results must be sent to the CTA Governance Support Department and to the Service Center Council.
8. An election for NEA Delegates may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing this provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.
9. For NEA State Delegates, the election will be by plurality vote. Successor delegates (alternates) are ranked in the order of votes received. Results must be sent to the Service Center Council, which will forward the results to CTA.
10. For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

## I. Counting of Ballots

1. Upon receipt of ballots, tally sheets and signature sheets, the Elections Committee shall count the ballots in a secure area with only the Elections Committee members and observers present.
2. The Elections Committee shall count valid ballots and set aside any ballot(s) on which there is a question, such as the following.
  - a. Blank ballot.
  - b. More ballots than signatures.
  - c. Ballot submitted after deadline.

- d. Voter not an Active member.
  - e. Voter's intent unclear.
  - f. Votes cast for more than number allowed.
  - g. Vote cast on unofficial ballot.
  - h. Vote cast for ineligible candidate.
3. The Elections Committee shall make a determination on whether the vote(s) in each category should be counted, and make a note of the decision. Each category of ballot shall be kept separate.
  4. The Elections Committee shall prepare the Final Report, recording the following information.
    - a. Total number of ballots cast.
    - b. The number of set aside ballots with an explanation for each category of ballot not counted.
    - c. The number needed to win or pass.
    - d. The number of votes received by each candidate or issue.
    - e. A notation whether the set aside votes would affect the outcome.
    - f. Signature of each Elections Committee member present during the preparation of the report.
  5. The Elections Chair shall submit the Final Report to the President or designee who shall inform all candidates of the results.
  6. The President shall announce the results as prescribed by the timelines.
  7. If the votes set aside could affect the outcome of the election, the President and the Executive Board shall decide one of the following actions.
    - a. To count the votes which have been set aside.
    - b. Not to count the votes which have been set aside.
    - c. To conduct the election again.
  8. Any candidate who may be affected by the vote shall not be allowed to take part in the decision-making process.
  9. The ballots and voter sign-up sheets shall be retained for one year after the election.
- J. Observers
1. Each candidate shall be allowed to have an observer(s) (put appropriate number if more than one) at the vote counting site and shall give the name(s) of the observer to the Elections Committee before counting.
  2. An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results.
- K. Challenge Procedure
1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
  2. The challenging party(ies) must notify the unit president of a challenge in writing within ten (10) calendar days after the announcement of the results of the election.  
The notification must include the following.
    - a. Specify which requirement has been violated.

- b. Include evidence, insofar as possible.
  - c. List names and addresses of parties who can give evidence.
3. Within ten (10) work days after receipt of the challenge, the unit Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation and determine one or more of the following findings is true.
    - a. The challenge alleges a violation of the unit's elections requirement.
    - b. The challenge is supported by appropriate documentation.
    - c. More information is needed, in which case, the information will be obtained via the most feasible method.
    - d. The alleged violation may have affected the outcome of the election.
  4. The Elections Committee shall submit a report including issues and recommendations to the Chapter President and the Executive Board. The Executive Board shall act on the report immediately at its first opportunity.
    - a. The result of any election challenge by a candidate with evidence of District interference in the internal union election process sufficient to file an unfair labor charge, shall be that the specific race for office is declared invalid by the Executive Board, and the election process for that office shall be repeated within thirty days of the declaration.
  5. If an individual wishes to appeal the decision of the Executive Board, or if the Executive Board fails to act, he/she may file an appeal within ten (10) calendar days from the date of the filing of the challenge by writing to the CTA President.
  6. The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly is outlined in the CTA Elections Manual.

#### L. Initiative Procedures

1. The Active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.
2. An Active member shall file a notice of the intent to circulate a petition with the President by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.
3. The President shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of forty-five school days shall be permitted to obtain the signatures of at least twenty percent (20%) or more of the Active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the President the petition(s) containing original signatures.
6. The President shall have five school days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator shall be notified by mail of the number of signatures needed to qualify the petition. The petition circulator shall have an additional seven school days in which to gather and submit the necessary signatures. The President shall have three school days in which to verify the membership of the additional signers.

8. The President shall cause a ballot to be furnished to the members no less than fifteen school days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed, including voting times.
10. The proposal shall take effect immediately upon receipt of a majority of affirmative votes.

#### M. Referendum Procedures

1. Any action or proposed action of the Representative Council or the Executive Board shall be referred to a vote of the Active membership upon two-thirds vote of the Representative Council at any valid meeting.
2. The referendum action shall prescribe the exact wording of the question to be posed to the Active membership on the ballot.
3. The President shall cause a ballot to be furnished to the Active members no less than fifteen school days after action by the Representative Council or Executive Board, provided that the period that school is officially not in session shall not be included in this count.
4. Regular election procedures (e.g., election of officers) shall be followed, including voting times.
5. The proposal shall take effect immediately upon receipt of a majority of affirmative votes.

#### N. Recall Procedures

1. The Active membership shall have the authority to recall from office any person or persons having been elected thereto by the chapter's Active members.
2. An Active member shall file a notice of the intent to circulate a petition to recall with the President by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed recall and responsible for its circulation. If the proposed recall is for the person holding the office of president, the request shall be made to the First Vice President.
3. The President (or if appropriate, the First Vice President) shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of sixty school days shall be permitted to obtain the signatures of at least twenty-five percent (25%) or more of the Active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the President (or if appropriate, to the First Vice President) the petition(s) containing original signatures.
6. The President (or if appropriate, the First Vice President) shall have ten school days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator shall be notified by mail of the number of signatures needed to qualify the petition. The petition circulator shall have an additional fifteen school days in which to gather and submit the necessary signatures. The President (or if appropriate, the First Vice President) shall have five school days in which to verify the membership of the additional signers.
8. The President (or if appropriate, the First Vice President) shall cause a ballot to be furnished to the Active members no less than twenty school days after verification of membership. The period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed, including voting times. The recall shall take effect immediately upon receipt of a majority of affirmative votes.
10. Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted by the Executive Board and published within the same publications and by the same manner as are prescribed for other elections within the Association.

#### O. Contract Ratification

1. The Executive Board and the Representative Council shall approve a tentative agreement for a new contractual agreement before a contract ratification election is implemented.
2. The contract ratification election will be conducted according to the election process outlined above. Ratification will be approved upon receipt of a majority of affirmative votes.
3. Association members, and Agency Fee Payers, will be given an outline of the proposed changes to the contract at least five (5) days before a contract ratification election takes place.
4. Ratification of a tentative collective bargaining agreement will be by a simple majority of the ballots cast by the Association members and Agency Fee Payers of the Association.
5. In the event of time limitations due to the approaching end of the school year, the five (5) day period of notification may be shortened with the approval of the Executive Board, and if Site meetings are held at each site to make the Association members aware of the measures for vote.

P. Site Elections for Bell Schedule Modifications

1. Site elections for site bell schedule modifications shall be facilitated collaboratively by the Site Representatives at a site and shall require a two-thirds majority to be approved.
2. The Executive Board shall approve all site ballots for site bell schedule modifications.
3. The President, with the approval of the Executive Board, may appoint an Association representative to facilitate the election for a bell schedule at a site.

Q. Campaign Materials

1. If a candidate submits a written statement, it must be delivered by e-mail in an attached Word document prior to the announced deadline. Candidates also shall submit a printed copy of their statement, with their signed Declaration of Candidacy form prior to the deadline to the LETA Office. Candidate statements shall be limited to fifty (50) words, not including the candidate's name and the office sought. All candidate statements shall utilize 12 point Times New Roman font, single spaced.
2. Candidate statements shall be printed as submitted and included as supplemental documentation with each ballot with the exception of reformatting by Elections Committee to keep continuity to all candidate statements. No edit to content unless 50 words are exceeded, all content after 50<sup>th</sup> word will be cut.
3. The production and distribution of any campaign materials shall be the responsibility of the candidate.
4. All campaign flyers/materials **MUST** include the following disclaimer, which must be stated verbatim: "The views and opinions expressed are those of the candidate and not necessarily those of the unit, CTA, NEA or any of its affiliates."
5. A candidate shall not utilize the District e-mail system for campaign purposes.

Amended 1/27/15