

NEWPORT-MESA

**FEDERATION OF
TEACHERS**

LOCAL 1794

ELECTIONS MANUAL

**(April 16, 2008)
(Revised March 21, 2018)
(Revised January 13, 2019)**

STATEMENT OF PURPOSE

This document, to be referred to as the ***NMFT Elections Guidelines***, serves as a supplement to the Federation's Constitution and By-Laws. The policies and procedures within these guidelines are subject to review and ratification by the Representative Assembly.

N-MFT Elections fall into two broad categories:

General Elections for:

Executive Board Officers

Convention Delegates

Recall of Officer(s)

Constitution and Constitutional Amendments (Initiatives)

Contract Ratification

By-Laws (Referenda) – ***Voting by Representative Assembly only***

Special Elections

Site-Specific Elections for:

N-MFT Representative Assembly Member(s)

JCCR Waiver (Article 3.2.3.1)

Role and Recompense Committee (Article 12.12.3)

Section A. Voting Rights

1. Only full members as defined in Article IV of the NMFT Constitution have the right to vote in all elections.
2. Should questions arise as to the eligibility of an individual voter, the Federation Treasurer is the official arbitrator.

Section B. Elections Committee

1. There shall be an Elections Committee for all general membership elections composed of the chair and four members as defined in Section A of the Elections Manual.
2. Interested volunteers for the position of Election Chair shall be recommended by the executive board. The chair and four members of the Elections Committee shall be elected every two years by the Representative Assembly.
3. Members of the Elections Committee shall not hold, or seek office on the Executive Board.
4. Members of the Election Committee may be site representatives.

Section C. Executive Board Election

Declaration of Candidacy

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 every member has an opportunity to file a declaration of candidacy. Nominations for office shall be made as follows:
 - a. Any active member, at his/her request, shall have his/her name placed upon the ballot for an office of the Federation.
 - b. The name of any active member may be placed in nomination by any other member, with the consent of the nominee.
3. The deadline for declaration of candidacy (time, date and place) will be publicized to all members.
4. Privileges extended to one candidate shall be extended to all candidates.
5. Each candidate shall receive a copy of the election timeline, procedures and Election Manual.

Candidate Guidelines

1. Each candidate shall have the right to request access to a list containing the last known contact information of all members.
 - a. This information will be limited to mailing address and email addresses. This information shall be used for current election only and cannot be used or shared in any other way.
 - b. Any requests must be received in writing by the Election Committee and copied to the NMFT office staff.
 - c. NMFT staff will provide last known contact information within 72 hours of request.
2. Monies received through dues, assessment or similar levy shall not be used to promote any candidate.
3. All costs and labor for individual campaign materials are the responsibility of the candidate. There is no right to use Federation assets, facilities, staff, equipment, mailings, good will and credit to produce and/or distribute individual campaign materials.
4. A candidate may not accept any outside direct contributions.

Election Timeline

1. Schools on alternative calendars shall be considered when setting election timelines.
2. There shall be at least a forty-five (45) calendar day period between notice of election and the actual voting.
3. The timeline for the election shall include dates for:
 - a. Date for acknowledgment of declarations from candidates.
 - b. Date for preparation of ballots.
 - c. Date on which ballots will be distributed.
 - d. Date(s) and method of voting.
 - e. Deadline date, time and place for return of ballots.
 - f. Date, time and place where ballots will be counted.
 - g. Date(s) that announcement of results will be made to leadership, candidates and members.
 - h. Dates and timelines for run-off election, if necessary.

- i. Deadline for filing of challenges.

Ballot

1. The ballot shall be prepared and distributed by the staff of the Federation Office and will state the name of the office, the term, and the names of the candidates.
2. The names of the candidates shall appear on the ballot in alphabetical order by last name.
3. The ballot shall include space for a write-in candidate, except in run-off elections.
4. Along with the ballot, the Federation Office will provide the opportunity for candidates to include a candidate statement.
 - a. Candidate statements may include a paragraph of no more than 200 words.
 - b. Candidate statements may include one photo or graphic.
 - c. Candidate statements must be received one week prior to distribution of ballots.
 - d. The Federation Office has the right to resize and reformat font and graphic of candidate provided material to fit on document.
 - e. Other than the above described, no other candidate provided materials shall be included or distributed with the ballot.
5. Each candidate shall be treated in a fair and equitable manner in the appearance and distribution of campaign statements.

Distribution of Ballots and Voting

1. The voting methods (e.g. US mail, Federation Office, sites, electronic) shall be determined by the Elections Committee.
2. The Federation Office shall distribute ballots to each unit member as defined in Article IV of the NMFT Constitution utilizing the last known contact information on record.
3. A majority is defined as fifty percent of certified ballots plus one ballot.

Observers

1. Each candidate has the right to appoint one independent observer at the vote counting site and shall give the name of the observer to the Elections Committee seven days 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.

3. An appointed, independent observer is prohibited from having an electronic device(s) in the counting area where ballots are present. The observer must leave electronic device(s) outside of the counting area.

Challenge Procedure

1. Any member who had the right to vote in the election has standing to challenge the election results.
2. Once the results of the elections have been certified and published, a challenge may be initiated.
3. The challenging party (ies) must notify the unit president of a challenge in writing within ten (10) days after the announcement of the results of the election.

The notification must:

- a. Specify which section or article of the Elections Manual has not been upheld.
- b. Include evidence, insofar as possible.
- c. List names and addresses of parties who can give evidence.
4. Within seven (7) calendar days after receipt of the challenge, the Elections Committee shall, in accordance with the Federation's by-laws, conduct an investigation of the challenged election for the purpose of ascertaining the facts.
5. Following the investigation to ascertain the facts, the Elections Committee will reach resolution and issue a decision regarding the validity of the challenge based on whether the alleged violation may have affected the outcome of the election. A copy of the decision will be sent to the Executive Board.
6. If an individual wishes to appeal the decision of the Elections Committee, or if the unit Elections Committee fails to act, he/she may file an appeal within seven (7) calendar days from the date of the filing of the challenge by contacting the California Federation of Teachers' area Field Representative.

Section D: Convention Delegates

1. Executive Board will determine the number of funded delegates to be sent to each convention.
2. The date and time of the conventions shall be publicized in a manner that every member has an opportunity to express interest in becoming a nominee. Nominations for delegate shall be made as follows:

- a. Any active member, at his/her request, shall have his/her name placed upon the ballot for delegate status.
 - b. The name of any active member may be placed in nomination by any other member, with the consent of the nominee.
3. The timeline and manner of voting for convention delegates will be determined by the Election Committee and will coincide with the general election whenever possible.

Section E: Recall of Officer (s)

1. The active membership shall have the authority to recall from office any person or persons having been elected by the Federation's membership.
2. A member shall file a notice of the intent to circulate a petition to recall with the Federation 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 Federation president or designee shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member (s) filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 45 school days shall be permitted to obtain the signatures of at least twenty percent (20%) or more of the active unit members.
5. The circulators shall present to the Federation president the petition(s) containing original signatures.
6. The Federation president shall have 5 school days in which to verify the status of the signers of the petition. Non-members' signatures shall be invalid.
7. If there are insufficient signatures, the petition circulator shall be notified by mail of the failure to qualify the petition.
8. The Federation president shall cause a ballot to be furnished to the members no less than 10 school days after verification of signatures.
9. The voting procedures (e.g. mail, N-MFT Office, site) shall be determined by the Elections Committee in consultation with the Executive Board and Representative Assembly.
10. The recall shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

Section F: Constitution or Constitutional Amendments (Initiative Procedures)

1. The active membership shall have the authority to make decisions on any matters affecting the Federation or its activities through the initiative process.
2. A member shall file a notice of the intent to circulate a petition with the Federation 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 Federation 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 45 school days shall be permitted to obtain the signatures of at least twenty percent (20%) or more of the active unit members. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the Federation president the petition(s) containing original signatures.
6. The Federation president shall have 10 calendar days in which to verify the membership of the signers of the petition. Non-members' signatures will be invalidated.
7. If there are insufficient signatures, the petition circulator shall be notified by mail of the failure to qualify the petition.
8. The Federation president shall cause a ballot to be furnished to the members no less than 10 school days after verification of membership status.
9. The voting procedures (e.g. mail, N-MFT Office, site) shall be determined by the Elections Committee in consultation with the Executive Board and Representative Assembly.
10. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

Section G: Contract Ratification

1. Schools on alternative calendars shall be considered when setting any ratification timelines.
2. There shall be at least a fifteen (15) day period between a call for contract

ratification and the actual voting.

The timeline for the ratification vote shall include dates for:

- a. Date for preparation of ballots.
 - b. Date on which ballots will be distributed.
 - c. Date(s) and method of voting.
 - d. Deadline date, time and place for return of ballots.
 - e. Date, time and place where ballots will be counted.
 - f. Date(s) that announcement of results will be made to leadership and members.
 - g. Deadline for filing of challenges.
3. The voting method (e.g. mail, N-MFT Office, site, electronic) shall be determined by the Elections Committee in consultation with the Executive Board and Representative Assembly.

Section H: By-Laws and Election Guidelines (Referendum Procedures)

1. Any action or proposed actions of the Executive Board or Representative Assembly shall be referred to a vote of the said Representative Assembly at any valid meeting.
2. The referendum action shall prescribe the exact wording of the question to be posed to the elected site representatives.
3. The Federation president shall call for a vote on the question no later than the next regularly scheduled Representative Assembly meeting.
4. A quorum of Site Representatives, defined as fifty percent of the total number of elected site representatives plus one, must be present to conduct a referendum vote.
5. The proposal at question must receive a simple majority, plus one to pass.
6. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

Section I: General Voting Procedures

Method for Elections Conducted By Mail

1. Special care should be taken in all phases of handling of ballots to ensure the

accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:

- a. A list of current official members shall be prepared compiled from last known contact list of all eligible voting members, which includes the following: name, school and home address.
- b. Each voter shall be provided with written instructions on voting procedures, necessary voting materials or supplies and deadline date for receipt of the voted ballot at the Federation office.
- c. A double envelope method shall be considered the preferred method for casting of mailed ballots. Both returned envelopes must meet stated criteria to be eligible for counting.
- d. The Federation will make every reasonable effort to re-direct any returned ballots due to address changes.
- e. A primary ballot that is declared as lost or damaged beyond use in a written statement from the member and personally delivered to Federation office, shall be replaced with a second ballot.
- f. The Elections Committee shall determine the site (e.g. Federation office, USPS mail box) for receipt of mailed ballots.
- g. The Chair of the Elections Committee, may request the assistance of a non-partisan third party agency (e.g. League of Women Voters, PSTA, etc.) to be present during the vote counting.

2. Collection and Counting of Mailed Ballots:

- a. The Elections Committee will determine the location for receipt of mailed ballots.
- b. Ballots mailed to a USPS mailbox will be collected by two members of the Elections Committee on the day ballots are to be counted.
- c. The Elections Committee shall count the ballots in a secure area with only the Elections Committee members and selected designees and/or observers present.
 - i. At the time of counting, all outer envelopes will have the name verified against the official list of teachers who are eligible to vote.
 - ii. The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
 - iii. All inner envelopes will be examined and shall be placed in a separate receptacle.
 - iv. Accepted inner envelopes shall be slit and the ballots removed from

the envelopes, stacked, and then counted.

- b. The Elections Committee shall count only valid ballots and set aside any envelopes or ballot(s) which are deemed questionable, such as:
 - i. Non-Federation supplied envelopes
 - ii. No return label or signature on exterior envelope
 - iii. Any marks or notations on the inner envelope
 - iv. Ballot submitted/postmarked after deadline
 - v. Voter not a member
 - vi. Voter's intent unclear
 - vii. Votes cast for more than number allowed
 - viii. More ballots than signatures
 - ix. Blank ballot or vote cast on unofficial ballot
 - x. Vote cast for ineligible candidate
- c. 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.
- d. A majority is defined as fifty percent of certified ballots plus one ballot.
- e. The Elections Committee shall prepare the Final Report, which will be stored at the Federation Office, recording the following information:
 - i. Total number of ballots cast.
 - ii. The number of set aside ballots with an explanation for each category of ballot not counted.
 - iii. The number of votes received by each candidate or issue.
 - iv. A notation regarding whether the set aside votes would affect the outcome.
 - v. Signature of each Elections Committee member present during the preparation of the report.
- f. The Elections Chair shall submit the Final Report to the President or designee who shall inform all candidates of the results.
- g. The President shall announce the results as prescribed by the timelines.

Method for Elections Conducted at Designated Sites

1. The Elections Committee may determine that a general membership voting be conducted at designated sites (i.e. Federation Office, school sites, public venue).
2. This method should be used for but is not limited to elections for site reps, waivers, and role and recompense.
3. The Elections Committee may be released from their instructional duties at the Federation's expense to oversee the voting sites.
4. All voting materials and voting procedures will be produced, verified and distributed from the Federation Office to Elections Committee members or designees only. Such materials shall include:
 - a. Official voting procedures to be used which will also be as posted at the designated voting site(s)
 - b. Lists of all eligible voters along with a line for their signature
 - c. Official ballots, a secured receptacle to receive cast ballots and all other voting materials
5. Voting at all sites will strictly adhere to the same time schedule and voting procedures. Any reported irregularities if found valid may result in a challenged election.
6. Counting Procedures-Designated Site Elections:
 - a. The Elections Committee shall count ballots in accordance with applicable procedures outlined in the **Mail Vote ballot** method.
 - b. The election results shall be published in the same manner as outlined in the **Mail Vote ballot** method.
 - c. A majority is defined as fifty percent of certified ballots plus one ballot.

Individual Site Elections (e.g. Site Representatives, Waivers, Role and Recompense, etc.)

1. The site representative(s) shall obtain a list of eligible voting members from the Federation Office.
2. The site representative(s) will determine the day and date of the site election and make this information known to voting members at least seven (7) calendar days before the election is to take place.
3. The site representative will prepare the official ballot and a secured receptacle for the ballots for the individual site election.

4. Voting may only take place during non-duty hours as stated in the NMFT/NMUSD Collective Bargaining Agreement Article 3.
 - a. Designated voting times are thirty minutes before the first class hour, all nutrition periods, lunches, and thirty minutes following the conclusion of the school day.
5. Blank and/or cast ballots along with the secured ballot receptacle must be in plain view in the presence of a non-partisan member, not on the ballot, at all times.
6. Counting of individual site ballots must follow the procedures outlined in the CBA (Trust Agreement, Appendix D).
 - a. Any site representative(s) running for re-election shall recuse themselves from the counting process for Site Representative Elections only.
7. The Site Representative(s) shall count only valid ballots and set aside any ballot(s) which they deemed as questionable. See **Mail Vote , Item #3**
8. The Site Representative(s) will be responsible for preparation of a final election report. See **Mail Vote, Item #5**
9. The Site Representative is responsible for posting the results of the vote on the site's NMFT Bulletin Board and reporting the final results to the Federation Office.

Section J: Other voting

1. NMFT, as the exclusive bargaining agent, reserves the right to oversee and conduct all voting involving its members whether a general or individual site election.
2. Procedures for the voting will follow those stipulated in the NMFT Elections Manual.