

# **2011 – 2012 ESEA ELECTION POLICIES AND PROCEDURES**

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## **I. NOMINATIONS**

### **A. Nomination of Candidates**

Nominations will open November 9, 2011 and close at the December 14, 2011 Representative Council Meeting. Any member may submit a nomination form for themselves to the Chair of the Elections Committee, at the ESEA office prior to the close of nominations during the December 14, 2011 Representative Council Meeting. At the December 14, 2011 Representative Council Meeting, additional nominations will be accepted from the floor. To run for ESEA officer or Board seats position, the member must be present at the November 9, 2011 or December 14, 2011 Representative Council Meeting to accept the nomination.

### **B. Nomination Speeches by Candidates**

The candidates for the ESEA Officers, ESEA Board of Directors, and NSEA Board of Directors shall be allowed three (3) minutes for candidate speeches at the December 14, 2011 Representative Council Meeting.

### **C. Procedure for Withdrawal**

Any candidate wishing to withdraw from a race must do so in writing to the Election Committee, prior to the final copy of the ballot being initialed by the Chairperson of the Election Committee, on Friday, December 16, 2011.

### **D. Election Procedures**

An outline of the Election procedures will be available beginning Wednesday, November 9, 2011. Site Representatives may request copies of the Election Procedures to post at their work site. Copies will also be posted at the ESEA office and on the ESEA web site at [www.esea-nv.org](http://www.esea-nv.org).

### **E. Notice of Vacancies**

Notice of the positions for which members may be elected will be available at the ESEA Office, 3505 E. Flamingo Road, Las Vegas, Nevada 89121 and on the ESEA web site at [www.esea-nv.org](http://www.esea-nv.org).

### **F. Notice of Contested Election**

All candidates shall be informed of the names of any other candidates who are in the same contest by the Election Committee within 30 days after the close of nominations for ESEA Officers, ESEA Board of Directors and NSEA Board of Directors vacancies.

### **G. Elected by Acclamation**

If the number of candidates equals the number of vacancies for the same office, the candidates shall be declared elected after nominations are closed in accordance with NSEA and NEA Bylaws.

**II. VACANCIES**

**A. Limitations**

Candidates will be subject to the following limitations:

- One (1) ESEA Officer or one (1) ESEA Directors Position. Candidates may not run for more than one board position.
- One (1) NSEA Board of Directors position. Candidates may not run for more than one Board of Directors position

**B. ESEA Officers (2-year term)**

The composition and terms of the ESEA officers are stated in the ESEA Bylaws: Article V, Section 1. The positions open for the 2012 Election are the following:

President (2012-2014)

Active membership must be held for at least two consecutive (2) years immediately preceding the nomination to qualify for office of President, Vice-President and Secretary/Treasurer. (Article V, Section 2, Bylaws).

Election as an ESEA Officer includes being elected as a delegate to NSEA Delegate Assembly and NEA Representative Assembly. (Article V, Section 7, Bylaws).

**C. ESEA Board of Directors (2-year term)**

The composition and terms of the ESEA Board of Directors are stated in the ESEA Bylaws: Article VI, Section 1. The positions open for the 2012 Election are the following:

Skilled Trades Director 2012-2014  
Technical Director 2012 – 2014  
Transportation Director 2012 – 2014

Active membership must be held for at least two (2) years immediately preceding the nomination to qualify for Board of Directors. (Article VI, Section 2, Bylaws)

**D. NSEA Board of Directors (3-year term)**

The composition of the NSEA Board of Directors is stated in the NSEA Bylaws: Article VI, Section 1. The positions open for the 2012 Election are:

Seat # 4            2012-2015  
Seat # 5            2012-2015  
Seat # 6            2012-2015

Only individuals who became ESEA members prior to December 31, 2011, are eligible to run for these positions.

**E. ESEA Delegates to NSEA Delegate Assembly (2-year term)**

The composition of the Delegate Assembly is based on the membership of each local affiliate. ESEA is entitled to one (1) delegate per each seventy (70) members, or major fraction thereof. Delegates elected in 2011 will serve the second year of their term in 2012. All remaining delegate seats will be filled in the 2012 Election.

Sitting NSEA State Board of Directors are automatic Delegates to Delegate Assembly and their names should not appear on the ballot.

Only individuals who became ESEA members prior to December 31, 2011, are eligible to run for this position.

**F. Alternate Delegates to the NSEA Delegate Assembly**

1. Alternate Delegates to fill possible vacancies shall be elected at the same time delegates are elected. After the number of delegate positions for NSEA Delegate Assembly are filled from the 2012 Election, candidates who filed a nomination form or who were nominated prior to the close of nomination at the December 14, 2011 Representative Council Meeting will be ranked from the greatest number of votes to the least number of votes. The candidate receiving the greatest number of votes shall be the first (1st) alternate, the candidate receiving the second (2nd) greatest number of votes shall be the second (2nd) alternate, and so forth, until all alternate delegate seats are filled.
2. When a delegate is unable to attend a meeting of the NSEA Delegate Assembly, the first (1st) alternate shall attend, if the first (1st) alternate is unable to attend, the second (2nd) alternate shall attend and so forth until all delegate positions are filled.
3. If the delegate is unable to attend a meeting of the NSEA Delegate Assembly by reason of uncontrollable circumstances (as determined by the NSEA Board of Directors) the delegate may resume service in the term of office to which the delegate was elected, commencing at the next meeting of the NSEA Delegate Assembly.
4. In order to attend the NSEA Delegate Assembly as an alternate, your name must appear on that year's ballot.

**G. NSEA Delegates to NEA Representative Assembly (2-year term)**

NSEA funds six (6) elected state delegates. There are two (2) NSEA delegates who will be serving the second (2nd) year of their two (2) year term. In addition, the four (4) top vote getters will be funded as well.

Only individuals who became ESEA members prior to December 31, 2011, are eligible to run for this position.

**H. ESEA Delegates to the NEA Representative Assembly (2-year term).**

**The composition of the Representative Assembly is based on the membership of each local affiliate. The ESEA is entitled to one (1) delegate per each 150 NEA Active members, or major fraction thereof. ESEA will fund the President, Vice-President, and Secretary/Treasurer as delegates to the NEA-RA. ESEA will fund additional elected delegates for the 2012 NEA-RA term. The next top vote getters, (after those elected as state delegates from the 2011 Election) shall be funded as Local Delegates to the 2012 Representative Assembly. All other delegates who have been duly elected may attend the Representative Assembly on a self-funded basis. NEA-RA will be held in Washington, DC, in 2012.**

Only individuals who became ESEA members prior to December 31, 2011, are eligible to run for this position.

**I. Alternate Delegates to the NEA Representative Assembly**

1. Alternate Delegates to fill possible vacancies shall be elected at the same time delegates are elected. After the number of delegate positions for NEA Representative Assembly are filled for the 2012 Election, candidates who filed a nomination form or who were nominated prior to the close of nomination at the December 14, 2011 Representative Council Meeting will be ranked from the greatest number of votes to the least number of votes. The candidate receiving the greatest number of votes shall be the first (1st) alternate, the candidate receiving the second (2nd) greatest number of votes shall be the second (2nd) alternate, and so forth, until all alternate delegate seats are filled.
2. When a delegate is unable to attend a meeting of the NEA Representative Assembly, the first (1st) alternate shall attend, if the first (1st) alternate is unable to attend, the second (2nd) alternate shall attend and so forth until all delegate positions are filled.
3. If the delegate is unable to attend a meeting of the NEA Representative Assembly by reason of uncontrollable circumstances (as determined by the NEA Credentials Committee) the delegate may resume service in the term of office to which the delegate was elected, commencing at the next meeting of the NEA Representative Assembly.
4. In order to attend the NEA Representative Assembly as an alternate, your name must appear on that year's ballot.

**J. ESEA Representative to the Clark County NSEA Together In Politics Coordinating Council (2-Year Term)**

CC-NSEA TIP Coordinating Council is a joint organization of ESEA and CCEA, in cooperation with NSEA, with the goal of supporting friends of education for elective office. ESEA is entitled to two representatives on the Coordinating Council.

### **III. ELIGIBILITY**

**To be eligible to vote, you must be a member on or before the close of the December 14, 2011 Representative Council Meeting.** All ESEA active full-time and half-time members are eligible to vote.

### **IV. GENERAL CAMPAIGN REQUIREMENTS**

- A) Candidates are responsible for seeing that all campaign workers are aware of and abide by these rules and regulations.
- B) Each candidate will sign a Campaign Affidavit.

#### **A. Campaign Period**

- 1. For ESEA Officers, ESEA Board of Directors, and NSEA Board of Directors, the campaign period begins one (1) year prior to the end of the term of the respective position and terminates upon the ratification of the election results by the ESEA Board of Directors.
- 2. For NSEA Delegate Assembly Delegates and NEA Representative Assembly Delegates the campaign period begins the January 1st prior to the end of the term of the respective position and terminates upon the ratification of the election results by the ESEA Board of Directors.

#### **B. Campaign Revenues and Expenditures**

- 1. Campaign revenues shall mean financial contributions and goods and/or services in-kind made available to the candidate by groups or individuals within and outside Nevada.
- 2. Campaign expenditures shall include costs connected with printing material that directly advance the position of the candidate on issues pertaining to the office being sought; mailing of said material; socials; expenditures of the official campaign committee (committee members and candidates), including travel, lodging and meals; and giveaways including, but not limited to, buttons; favors and so forth. No resource paid for by dues money and no portion of dues money collected at the local, state or national levels shall be used to promote the candidacy of any individual for an ESEA office.

#### **C. Campaign Activities**

Campaign activities shall include those activities (i.e., speeches, phone calls, receptions, personal visits, press interviews, and radio and TV appearances), which contribute to the candidate's attempt to persuade the voting membership of their merits in the pursuit of the office in question. Accordingly, money spent to promote, implement, or publicize any of these activities must be reported as a campaign expenditure. Expenditure due by April 10, 2012.

#### **D. Campaign Materials**

Campaign materials shall include posters, brochures, biographical sketches, position papers, buttons, or any objects or printed material bearing the name of the candidate

or promoting the candidacy of an individual for an ESEA office. Newspaper advertisements, billboards, radio and/or television interviews, or participation in talk shows, the tapes of which may be disseminated to advance the candidate's campaign, shall also fall into the classification of campaign materials. No candidate may have his/her materials prepared by Association staff or printed by the Association. No candidate may use materials generated by or at the Candidate Forums sponsored by ESEA to further their campaign.

**E. Campaign Material Identification**

All campaign materials must carry an identification of source and sponsorship.

**V. ASSOCIATION RESOURCES AVAILABLE TO CANDIDATES**

**A. Mailing Labels**

1. Upon request of any candidate the ESEA shall provide to the candidate mailing labels (at actual cost) of the ESEA members eligible to vote for the candidate's office. Labels must be affixed to the material at the ESEA office during the hours of 8:00 a.m. - 4:30 p.m., under ESEA supervision and mailed from that office at the candidate's expense. The candidate is not entitled to nor will be provided with the home or work phone numbers of ESEA members.

**The Association will provide mailing labels as stated above. The Association will not provide lists of ESEA members by name, worksite, job family or in any other form.**

2. A one (1) week written notice is necessary to provide any mailing labels.
3. Site Representatives at their work location have the responsibility to dispense campaign literature. There shall be no limit on the number of such materials.
4. All requests of a candidate for ESEA member or Site Representative mailing labels shall be submitted to the Election Committee Staff Liaison.
5. No campaign materials are to be displayed or distributed during any ESEA meetings. Campaign material may be posted on the election Bulletin Board at ESEA by the Election Committee only.
6. The ESEA will no longer provide one (1) work site mailing for candidates.

**B. ESEA Election Announcements**

1. Announcement in the ESEA Election via website and posted at the ESEA office. Candidates who have filed a Nomination Form to run for ESEA Officer, ESEA Board of Directors and NSEA Board of Directors may submit a photograph and typed campaign statement with the Nomination Form. The Election Committee shall publish the photograph and campaign statement on the website and will be posted at the ESEA office. Up to 100 words, excluding articles (a, an, the). All words exceeding the 100-word limit will be deleted. **ALL CAMPAIGN STATEMENTS SUBMITTED MUST BE**

**TYPED; NO HAND-WRITTEN STATEMENTS WILL BE ACCEPTED.** The campaign statement and photograph are due in the ESEA office no later than 5:00 p.m. on December 16, 2011. Any campaign statement or photograph not received by 5:00 p.m. on December 16, 2011, will not be posted. Paid advertisements for political campaigns shall not be accepted by the ESEA.

## **VI. ELECTION PROCEDURES**

### **A. Conduct of Elections**

The conduct of all elections of the ESEA offices shall be the responsibility of the Elections Committee. All complaints about the conduct of candidates and/or their campaign workers during the campaign/election process must be submitted in writing to the Elections Chairperson, signed, and dated with accompanying documentation before any investigation of same is undertaken by the Election Committee. Such complaints must be submitted no later than five (5) working days after the alleged misconduct has been observed and/or reported to a candidate.

B. All questions pertaining to the policies and procedures of the election must be submitted in writing to the election committee.

### **C. Observers**

Each candidate will be permitted to attend or have an observer (must be an ESEA member) at the preparation and mailing of ballots and at the tabulations of the ballots. All observers must wear identification badges and sign a statement to remain for duration of process.

### **D. Preparation of Ballot**

The Election Committee shall prepare the ballots containing the names of all certified candidates. The following requirements shall be observed in the preparation of the ballot:

1. The names of all nominees shall appear on the ballot.
2. The ballots shall not identify the source of any nominators, indicate endorsing parties, or contain any information that might be construed as prejudicial; such as a candidate's capabilities, prior service, or present or previous office(s) held.
3. The final copy of the candidate list and ballot shall be proof read and initialed by the Chairperson of the Election Committee or his/her designee.
4. Ballots will not contain any campaign materials.

5. If a member's name appears on the ballot for ESEA officer, ESEA Board of Directors and/or NSEA Board of Directors, that member may not serve on the elections committee in any capacity.

**E. Secret Balloting**

1. Members shall be elected by secret ballot for each individual office.
2. Balloting procedures should be so devised that the person expressing a choice cannot be identified with the choice expressed.

**F. Polling Procedures**

All parties will comply with the provisions of NRS 293.740 (attached) as it pertains to conduct as the polling place.

**F. Voting**

1. December 14, 2011 - Nominations Close.
2. December 16, 2011 - Deadline for written Statements, photo's and printed materials to be in the ESEA Office no later than 5:00 PM, ESEA Officers, ESEA Board of Director and NSEA Board of Director. *Each Candidate will sign the Campaign Affidavit and have their flyers approved.*
3. Ballots will be mailed out January 7, 2012. Ballots must be returned by mail through the United States Postal Service and received by February 3, 2012 by 5:00pm. Election results will be counted on February 4, 2012 at 12:00pm at the ESEA office. The results will be displayed at the ESEA office, on the ESEA web site at [www.esea-nv.org](http://www.esea-nv.org) and will appear in the edition of the ESEA Informer following the election.
4. 2012-Election Runoff ballots will be mailed out February 18, 2012. Ballots must be returned by mail through the United States Postal Service and received by March 9, 2012 by 5:00pm.
5. Runoff election results will be counted on March 10, 2012 at the ESEA office. The results will be displayed at the ESEA office, on the ESEA web site at [www.esea-nv.org](http://www.esea-nv.org) and will appear in the edition of the ESEA Informer following the election.

**VII. TABULATION OF BALLOTS**

- A. Winners of positions for ESEA Officers, ESEA Board of Directors and NSEA Board of Directors will be determined by a majority (ex:  $10 \text{ votes} \div 2 = 5$ , therefore, 6 votes

would win;  $11 \text{ votes} \div 2 = 5\frac{1}{2}$ , therefore, 6 votes would win) of valid ballots cast. Winners of positions for ESEA Delegates to the NEA Representative Assembly, NSEA Delegates to the NEA Representative Assembly and ESEA Delegates to the NSEA Delegate Assembly will be determined by a plurality vote.

- B. Run-off elections for positions determined by majority vote shall be held as necessary. Run-off elections shall mean a voting procedure as follows: In an election, if a candidate has not achieved a majority of the valid ballots cast, another election shall be held and the run-off ballot shall contain a sufficient number of candidates to assure that one more candidate than the position allows are listed. The names will be selected by listing candidates arranged in decreasing order of votes cast in the previous election.
- C. A run-off election will occur if there is a tie for ESEA Officers, ESEA Board of Directors or NSEA Board of Directors. Standing election procedures will be followed.
- D. In the event of a tie(s) in delegate elections for NSEA-DA and NEA-RA, the results will be determined by the following procedures:

On Saturday, March 17, 2012 at 10:00a.m., the delegates and/or alternates involved will meet with the Elections Committee Chairperson and at least one (1) other Elections Committee member at the ESEA office. At that time, a lottery drawing will take place by those delegates and/or alternates involved to assign a binding numerical order of position.

Such lottery numbers will be drawn by delegates and/or alternates involved in alphabetical order, last name in odd-numbered years, and reverse alphabetical order, last name in even-numbered years. If someone is unable to attend the lottery drawing the Elections Committee Chairperson will draw in his/her stead.

- E. The Election Committee Chairperson and members will initial the election results.
- F. Winners will be notified by letter. The results of the elections and alternates will also be posted in the ESEA office.
- G. The election results will be presented to the Board of Directors for certification at its March meeting.
- H. If the number of candidates equals the number of vacancies for the same office, the candidates shall be declared elected after nominations are closed in accordance with NSEA and NEA Bylaws.

## **VIII. ENFORCEMENT PROCEDURES**

- A. Candidates who fail to comply with the election policy and procedure may forfeit placement on the ballot.
- B. In the event that the Election Committee finds that an alleged violation of a campaign regulation is in fact true, the Committee will direct immediate cessation of the irregular practice.

The Committee shall report to the ESEA Board of Directors, prior to any nominations or elections, whether any candidate has violated the election rules and regulations. Disputed elections shall be appealed to the ESEA Election Committee.

- C. Any reports of Campaign/election irregularities must be presented in writing to the Chairperson of the Election Committee no later than five (5) working days after the alleged misconduct has been observed and/or reported to a candidate.
- D. A challenge to the election shall be filed **in writing** with the chairperson of the Election Committee **no later than five (5) working days after the counting of the ballots**.
- E. If either the challenger or the challenged party believes that any member of the Election Committee should not be involved in the processing of the challenge because of a conflict of interest, he/she may file a written request for disqualification with the ESEA Board of Directors, indicating the nature of the alleged conflict. The ESEA Board of Directors shall deal with the request for disqualification before the Election Committee may deal with the substance of the challenge.
- F. The Election Committee shall take such steps, as it deems appropriate in order to prepare for the ESEA Board of Directors a written report of the relevant facts regarding any challenge or any report of election/campaign irregularities.
- G. Such written report regarding election challenges and/or election/campaign irregularities shall be remanded to the ESEA Board to be referred to the attorney for a legal opinion provided in writing to the Election Committee and the ESEA Board.
- H. Pursuant to the Election Committee investigation and review of the legal opinion, the Election Committee shall render a written decision to the ESEA board for certification.
- I. Pursuant to the Election Committee investigation and review of the legal opinion, the Election Committee shall render a written decision to the ESEA board for certification.

## NRS 293.740

### **NRS 293.740 Soliciting votes and electioneering inside polling place or within certain distance from polling place prohibited; penalty.**

1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking his ballot.

(b) For any person, including an election board officer, to do any electioneering on Election Day.

The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

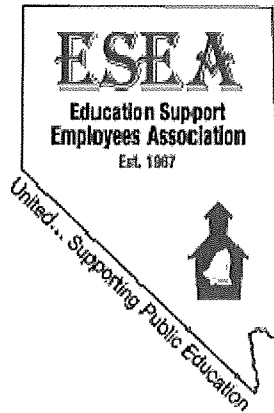
(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election;

(e) Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or

(f) Soliciting signatures to any kind of petition.

(Added to NRS by 1963, 1382; A 1967, 863; 1973, 872; 1977, 464; 1987, 1169; 1989, 2171; 1997, 80)

Reference: <http://www.leg.state.nv.us/NRS/NRS-293.html>



## Campaign Affidavit

I \_\_\_\_\_, ( print name)  
understand that no Education Support Employee Association dues or resources,  
including but not limited to, paper, printing devices, staff, mail, membership lists,  
telephones, computers, fax machines, etc., can be used for the campaign purposes  
with the exception of Section V of the ESEA Campaign Policies and Timeline  
document.

All candidates agree to abide by the ESEA 2010-2012 “Election Policies and  
Procedures” document as put forth by the Election Committee and approved by the  
ESEA Board of Directors.

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Signed

Date