

2019 ESEA ELECTION POLICIES AND PROCEDURES

12/28/2018

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I. DECLARATIONS OF CANDIDACY

A. Declaration of candidate

Declaration of candidacy will open during the January Representative Council meeting. To run for ESEA Officer or Board seat position, the member must be present at the January Representative Council meeting.

All declarations will be closed at the end of the January Representative Council Meeting and will not be re-opened.

B. Speeches by Candidates

The candidates for the ESEA Officers, ESEA Board of Directors, and NSEA Board of Directors shall be allowed two (2) minutes for candidate speeches at the **January 9, 2019** 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, January 18, 2019**.

D. Election Procedures

Election procedures, once approved by the ESEA Board of Directors, will be posted on the website for review to be adopted at the December Representative Council Meeting. Copies will also be available at the ESEA office.

E. Notice of Vacancies

Notice of the positions for which members may be elected will be available at the ESEA Office, 3511 E. Harmon Ave, Las Vegas, Nevada 89121 and on the ESEA website at www.esea-nv.org.

F. Elected by Acclamation

If the number of candidates equals the number of vacancies for the same office, the candidates shall be declared elected after declarations are verified 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 ESEA board position.

-One (1) NSEA Board of Directors position. Candidates may not run for more than one NSEA Board of Directors position. ESEA Board of Director Candidates may run for one (1) NSEA Board of Director seat.

B. ESEA Officers (3-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 **2019** Election are the following:

President (2019-2022)

Active membership must be held for at least two consecutive (2) years immediately preceding the declaration 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 (3-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 2019 Election are the following:

Operations Director (2019-2022)
Skilled Trades Director (2019-2022)
Technical Director (2019-2022)
Transportation Director (2019-2022)
Health Occupations/Security Director (2019-2022)

Active membership must be held for at least two (2) years immediately preceding the declaration 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 2019 Election are:

Seat #2 (2019-2022)
Seat #3 (2019-2022)

Only individuals who became ESEA members prior to December 1, 2016, 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 2018 will serve the second year of their term in 2019. All remaining delegate seats will be filled in the 2019 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 1, 2016, 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 2019 Election, candidates who filled a declaration form prior to the close of declaration at the January 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 because 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. 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 elected state delegates based on percentage of membership. There are two (2) NSEA delegates who will be serving the second (2nd) year of their two (2) year term. In addition, based on percentage of membership the top vote getters of 2019 will also be funded.

Only individuals who became ESEA members prior to December 1, 2016, 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 may fund additional elected local delegates for the 2019 NEA-RA term. All other delegates who have been duly elected may attend the Representative Assembly on a self-funded basis. NEA-RA will be held in Houston, TX. Only individuals who became ESEA members prior to December 31, 2016 are eligible to run for this position.

I. Alternate Delegates to the NEA Representative Assembly

Local Delegates and State Delegate are elected separately and as such, alternates from each delegation shall fill vacancies accordingly.

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 2019 Election, candidates who filed a declaration form prior to the close of declaration at the January 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. These alternate positions are based on State Delegate and Local Delegate.
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 because 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. To attend the NEA Representative Assembly as an alternate, your name must appear on that year's ballot.
5. Delegates to the NEA Representative Assembly for the state and local level will each appear in their own area on the ballot and each category will have its own alternate delegate.
6. ESEA may provide funding for three (3) officers and highest vote getting local delegates based on available monies. NSEA may provide funding for highest vote getting State Delegates.

J. ESEA Representative to the Clark County NSEA Together in Politics (TIP) Coordinating Council (3-year term)

CC-NSEA TIP Coordinating Council is a joint organization of ESEA and NEA-SN, in cooperation with NSEA, with the goal of supporting friends of education for elective office. ESEA is entitled to three (3) representatives on the Coordinating TIP Council.

One (1) TIP SEATS IN 2019-2022

TIP #3

III. ELIGIBILITY

- A. To be eligible to vote, you must be a member on or before the close of the **January 9, 2019** Representative Council Meeting. All ESEA active full-time and half-time members are eligible to vote.
- B. To be an NSEA/ESEA funded delegate for NEA Representative Assembly the candidates must be active in ESEA (Association Representative meetings, member of a committee, Union Steward, organizers)

IV. GENERAL CAMPAIGN REQUIREMENTS

1. Each candidate **MUST** sign and submit a Campaign Affidavit at the January Representative Council Meeting. If a Campaign Affidavit is not submitted, you will not be eligible for election.
2. Candidates are responsible for seeing that all campaign workers are aware of and abide by these rules and regulations.

A. Campaign Period

For ESEA Officers, ESEA Executive Board Members, NSEA Board of Directors, TIP Coordinating Council, NSEA Delegate Assembly Delegates, and NEA Representative Assembly Delegates, the campaign period begins no earlier than six (6) months prior to the end of the term of the respective position and terminates on the day and time ballots are due.

B. Campaign Revenues and Expenditures

1. Campaign revenues shall be defined as 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 report is due by **the second Friday of April.**

D. Campaign Materials

Campaign materials shall include social media, posters, brochures, biographical sketches, position papers, 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 or at the Association. No candidate may use materials generated by or at the Candidate Forums sponsored by ESEA to further their campaign.

No usage of the ESEA logo or brand is permitted on any campaign materials. Usage of ESEA logo will forfeit the right to have your materials posted anywhere.

No campaign materials are to be displayed or distributed during any ESEA meetings. However, campaign materials may be distributed after ESEA meetings. Campaign material may be posted on the election Bulletin Board at ESEA by the Election Committee only.

E. Campaign Material Identification

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

6. Role of Elected Leaders in Candidate Elections Campaign

- a. Elected officers, Directors, and/or Executive Board members at local, state and national levels retain their rights as members to participate in the affairs of the organization, including supporting and working on behalf of candidates for office. Campaign activities may not occur during official Association functions and may not involve the expenditure of Association funds at any level – local, state or national. Officers, Directors, and/or Executive Board members may not campaign on time that is paid for by the Association.
- b. An ESEA elected officer in his or her official capacity shall not carry any reference of an election for an ESEA office unless the reference is a notice of the elections or a report on an item of business at a meeting of the Association Representative Council, Executive Board, or other official ESEA meetings.
- c. Candidates that are committee members, organizers, volunteers and Stewards retain their member rights to participate in the affairs of the organization, including supporting and working on behalf of candidates for office. Campaign activities may not occur during official Association functions and may not involve the expenditure of Association funds at any level – local, state or national. Candidates may not campaign on time that is paid for by the Association.

V. ASSOCIATION RESOURCES AVAILABLE TO CANDIDATES

NOTE: While ESEA makes every effort to have the most up-to-date membership address information on record; the candidate understands that the post office may return mail to ESEA's mailing address and that neither ESEA nor the ESEA Elections Committee bears any responsibility for such returned items.

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 or e-mail addresses of ESEA members.

The Association will provide mailing labels as stated above at the candidate's cost. 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. All requests of a candidate for ESEA member or Site Representative mailing labels shall be submitted to the Staff Liaison.

4. ESEA will not provide work site mailings for candidates.

B. ESEA Election Announcements

Announcement in the ESEA Election via website and posted at the ESEA office. Candidates who have filled a Declaration Form to run for ESEA Officer, ESEA Board of Directors and NSEA Board of Directors may submit a photograph and typed campaign statement and the Candidate Affidavit. 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 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 Friday, **January 18, 2019**. Any campaign statement or photograph received after 5:00 p.m. on **January 18, 2019**, will not be posted. Paid advertisements for political campaigns shall not be accepted by the ESEA. No flyers or statements will be posted until the candidate has complied with the Election Policies and Procedures.

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 by complainant in person** to the Elections Chairperson, signed, and dated with accompanying **documentation** (photos, signed witness statements with last 4 of their social) 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 of a candidate. A challenge is at the expense of the complainant. ESEA has the right to recover ESEA's legal fees if the challenge is unfounded.

B. Questions

All questions pertaining to the policies and procedures of the election must be submitted in writing to the election committee or to the committee's e-mail address at: eseavote@gmail.com.

C. 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 candidates shall appear on the ballot in alphabetical order by last name.
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 serve on the elections committee.

D. 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.

E. Polling Procedures

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

F. Voting

1. Declarations open and close **January 9, 2019**.
2. **January 18, 2019** is the deadline for written statements, photos and printed materials to be received in the ESEA Office no later than 5:00 PM, if running for positions of ESEA Officers, ESEA Board Directors and NSEA Board Directors. Each Candidate must sign the Campaign Affidavit and have their flyers approved, **NO EXCEPTIONS**.

VOTING PROCEDURE TO BE DETERMINED BY THE ELECTION COMMITTEE

3. Voting will be done electronically from **January 28 to Feb.4, 2019**.
4. Election results will be calculated in **February 2019** at the ESEA office. The results will be displayed at the ESEA office, and on the ESEA web site at www.esea-nv.org.
5. Voting for election runoff will be done electronically by the end of **February 2019, if required**.
6. Election runoff results will be calculated in **March 2019** at the ESEA office. The results will be displayed at the ESEA office, and on the ESEA web site at www.esea-nv.org.

VII. TABULATION OF ELECTION RESULTS

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 votes cast, another election shall be held, and the run-off election 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:

1. On **Friday, March 8, 2019 at 5:00 PM.**, 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.
2. 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. Officers and Board of Director winners will be notified by phone/text. 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 and the Representative Council during the April Representative Council meeting.

VIII. ENFORCEMENT PROCEDURES

A. Candidates who fail to comply with the election policy and procedure forfeit placement on the ballot.

B. If 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.

C. The Committee shall report to the ESEA Board of Directors, prior to any declarations or elections, whether any candidate has violated the election rules and regulations. Disputed elections shall be appealed to the ESEA Election Committee and may be referred by the Committee to the ESEA Legal Counsel.

D. Any reports of Campaign/election irregularities must be presented in writing by complainant in person to the Chairperson of the Election Committee assigned and dated with accompanying documentation (photos, signed witness statements with last 4 of social) no later than five (5) working days after the alleged misconduct has been observed and/or reported of a candidate.

E. A challenge to the election shall be filed in writing by complainant in person to the Chairperson of the Election Committee signed and dated with accompanying documentation (photos, signed witness statements with last 4 of social) no later than five (5) working days after the counting of the ballots. A challenge is at the expense of the candidate. ESEA has the right to recover ESEA's legal fees if the challenge is unfounded.

F. 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 consider the request for disqualification before the Election Committee may consider the substance of the challenge.

G. The Election Committee shall take such steps, as it deems appropriate 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.

1. Removal of candidate's/candidates' names from ballot
2. Censure of a member for wrongful election practices
3. Suspension of a member's right to seek or hold office for a specific length of time
4. Complete rejection of any and/or all charges and/or challenges
5. Any other action that the Election Committee deems appropriate
6. Denial of a candidate assuming an office or position for which they have won an election

H. Such written report regarding election challenges and/or election/campaign irregularities shall be remanded to the ESEA Board who may referred to the attorney for a legal opinion provided in writing to the Election Committee and the ESEA Board.

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, **which is final and binding.**

IX. 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 about 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;

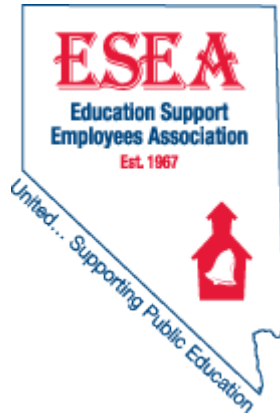
(e) Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or

(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>

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Campaign Affidavit

I _____, (print name) declare that I am a dues paying member in good standing for two (2) years. I further understand that no Education Support Employee Association dues or resources, including but not limited to, paper, printing devices, staff, mail, membership lists, e-mail addresses, social media, telephones, computers, fax machines, etc., can be used for the campaign purposes except for Section V of the ESEA Campaign Policies and Timeline document.

All candidates agree to abide by the ESEA 2019 “Election Policies and Procedures” document as put forth by the Election Committee and approved by the ESEA Board of Directors and Representative Council.

Print Full Name

Last 4 of social

Signature

Date

Email

Phone number (cell)