



2023
ESEA ELECTION POLICIES
AND PROCEDURES

Revised 4/3/2023

I. CANDIDATE NOMINATIONS

A. Nomination

Nominations will open upon receipt of notice of nominations meeting and close at the end of the nominations meeting at the April 12, 2023 Representative Council meeting. All nominees must submit a statement to the Election Committee before the Monday after the Nominations meeting indicating their acceptance of the nomination and at that time the candidate will be emailed the candidate's election timeline.

B. Speeches by Candidates

All Candidates will be allowed to produce their own 2 minute video, which may be recorded and posted to YouTube upon acceptance of nomination.

C. Procedure for Withdrawal

Any candidate wishing to withdraw from the election contest must do so in writing to the Election Committee, at least one week before the start of balloting.

D. Election Procedures

Election procedures, once approved by the ESEA Board of Directors, will be mailed to all ESEA members at their last known address. -Copies of election procedures will also be made available at the ESEA office.

E. Notice of Positions for Election

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 mailed to all ESEA members.

F. Election by Acclamation

If the number of candidates for an office equals the number of vacancies for the same office or is fewer than the number of persons to be elected to such 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:

1. One (1) ESEA Officer or one (1) ESEA Board of Director Position. Candidates may not stand for election to more than one ESEA Board position.
2. One (1) NSEA Board of Directors position. Candidates may not stand for election to more than one NSEA Board of Directors position.
3. ESEA Board of Director candidates are permitted to stand for election to one (1) NSEA Board of Directors seat.

B. ESEA Officers (3-year term)

The composition and terms of the ESEA officers are stated in Article V, Section 1 of the ESEA Bylaws. The positions available for election for the 2023 Election are the following with the corresponding term in parentheses:

Vice President (2023-2026)
Secretary/Treasurer (2023-2026)

To stand for election to these positions, a member must hold active membership for at least the two consecutive (2) years immediately preceding the date of their acceptance of candidacy to qualify for the office of Vice-President or Secretary/Treasurer (ESEA Bylaws, Article V, Section 2, Bylaws).

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

C. ESEA Board of Directors Positions (3-year term)

The composition and terms of the ESEA Board of Directors are stated in Article VI, Section V of the ESEA Bylaws. The Board of Direction positions open for election during the 2023 Election are the following with their corresponding terms in parentheses:

Clerical Director (2023-2026)
Food Service Director (2023-2026)
Paraprofessional Director (2023-2026)

To stand for election to these positions, a member must hold active membership for at least two (2) years immediately preceding the date of their acceptance of candidacy to qualify for election to the ESEA Board of Directors. (ESEA Bylaws, Article VI, Section 2)

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

The composition of the NSEA Board of Directors is stated in Article VI, Section VII of the NSEA Bylaws. The positions open for election during the 2023 Election with their terms in parentheses are:

Seat #1 (2023-2026)

***Seat availability is subject to total ESEA Membership as of January 15, 2023**

Only individuals who became ESEA members prior to December 1, 2020, are eligible to stand for election to this position.

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

The composition of the Delegate Assembly is based on the membership of each local union affiliate of the NSEA. ESEA is entitled to one (1) Delegate per every seventy (70) members, or major fraction thereof. Delegates elected in 2022 will serve the second year of their term in 2023. All remaining Delegate seats will be filled in the 2023 Election.

Members currently sitting on the NSEA State Board of Directors are automatically Delegates to the NSEA Delegate Assembly and their names will not appear on the ballot.

Only individuals who became ESEA members prior to December 1, 2020, are eligible to stand for election to these positions.

F. Alternate Delegates to the NSEA Delegate Assembly

1. Alternate Delegates to fill possible vacancies shall be elected at the same time Delegates to the NSEA Delegate Assembly are elected. After the number of Delegate positions for the NSEA Delegate Assembly are filled during the 2023 Election, candidates who were nominated prior to the close of nominations at the April 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 Assembly 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 Assembly positions are filled for that meeting of the Delegate Assembly.
3. If a Delegate is unable to attend a meeting of the NSEA Delegate Assembly because of circumstances out of the Delegate's control (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, the individual's name must appear on that year's election ballot.

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

NSEA will fund elected state Delegates based on percentage of membership. NSEA will determine the number of Delegates who will be funded. Delegates will be ranked by highest to lowest votes received for purposes of receiving funding for NEA Representative Assembly attendance. Delegates will be funded for the first (1st) year and second (2nd) year of their two (2) year terms, should funds permit.

Only individuals who became ESEA members prior to December 1, 2020, are eligible to stand for election to 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 union affiliate. The ESEA is entitled to one (1) Delegate per every 150 NEA Active members, or major fraction thereof. ESEA will fund the President, Vice-President, and Secretary/Treasurer as delegates to the NEA Representative Assembly. ESEA may fund additional elected local delegates for the 2023 NEA-

Representative Assembly term at the ESEA's discretion. All other Delegates who have been duly elected may attend the Representative Assembly on a self-funded basis. The NEA Representative Assembly will be held in Orlando, Florida. Only individuals who became ESEA members prior to December 31, 2020 are eligible to stand for election to this position.

I. Alternate Delegates to the NEA Representative Assembly

Local Delegates and State Delegates are elected separately and as such, alternates from each delegation shall fill vacancies as follows:

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 2023 Election, candidates who were nominated prior to the close of nominations at the April 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 because of circumstances beyond the Delegate's control (as determined by the NEA Credentials Committee) the Delegate may resume service during 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.

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

***All TIP seats are subject to ESEAs continued participation.**

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. The positions available for election for the 2023 Election are as follows with their term in parentheses:

TIP #1 (2023-2026)

III. ELIGIBILITY

- A. To be eligible to vote in the Election, a member must be a dues paying member in good standing on or before the close of the April 12, 2023 Representative Council Meeting. All ESEA active full-time and half-time members are eligible to vote, so long as they are dues paying and in good standing.
- B. To be an NSEA/ESEA funded Delegate to the NEA Representative Assembly, a candidate must be active in ESEA.

IV. GENERAL CAMPAIGN REQUIREMENTS

Each candidate is responsible for ensuring that all of their campaign workers, supporters or volunteers are aware of and abide by all portions of these 2023 ESEA Election Policies and Procedures.

A. Campaign Revenues and Expenditures

- i. Campaign revenues shall be defined as financial contributions and goods and/or services provided in-kind to any candidate for an ESEA Officer position, ESEA Executive Board Member, NSEA Board of Director Member, NSEA Delegate Assembly Member, or NEA Representative Assembly Member by groups and/or individuals within and outside Nevada.
- ii. Campaign expenditures shall include costs connected with printing material that directly advances the position of any candidate on issues pertaining to the office or position being sought by the candidate; mailing of said material; social events; 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 similar items.
- iii. No union resources or assets (including but not limited to collected dues money and any portion thereof) whether at the local, state or national levels, shall be used to promote the candidacy of any individual for an ESEA Officer position, ESEA Executive Board Member, NSEA Board of Director Member, NSEA Delegate Assembly Member, or NEA Representative Assembly Member, nor should any union resources or assets be provided to a candidate.
- iv. Any candidate for an ESEA Officer Position, ESEA Executive Board Member, NSEA Board of Director Member, NSEA Delegate Assembly Member, or NEA Representative Assembly Member position shall not solicit or accept contributions for their campaign from any employer. Contributions include direct cash or monetary contributions and the contribution of items in kind in support of a person's candidacy.

B. 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 the candidate seeks. Accordingly, money spent to promote, implement, or publicize any of these activities must be reported as a campaign expenditure. Expenditure reports are due by the second Friday of August (8/11/23).

C. Campaign Materials

Acceptable 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 union staff or printed by or at the union's offices. No candidate may use materials generated by or at the Candidate Forums sponsored by ESEA to further their campaign.

No candidate is permitted to use the ESEA logo or brand on any of their campaign materials in order to avoid the risk that the union itself is supporting a specific candidate.

D. Role of Elected Leaders in Candidate Elections Campaign

1. 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 from 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 or their employer.
2. 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.
3. Candidates that are committee members, organizers, volunteers and stewards retain their member rights to participate in the affairs of the Association, 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 from 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.

The established membership list for the Election cycle, including each member's last known address, will be available for inspection by all candidates at least 30 days prior to the beginning of the election voting period. This membership list is available for inspection by any candidate between 8 am and 5 pm at the Association's office.

a. ESEA Election Announcements

- i. The ESEA Notice of Election will be mailed to all members at their last known home address at least twenty-one (21) days before the start of the voting period.
- ii. All candidate election messages will be emailed, as they are received, to the membership using the approved Election Membership Email Distribution List.
- iii. The candidate may submit a photo and 100-word summary of qualifications to which the two-minute YouTube video will be linked.
- iv. Any candidate requests to have communications mailed to membership will be conducted as requested and described herein.

b. The Association shall comply with all reasonable requests of any candidate to distribute by mail, via a union mail house, at the candidate's expense, campaign literature in aid of that person's candidacy. The Association will designate a mail house that will allow candidates to have their literature distributed to members at the candidate's expense. Requests to have literature mailed should be directed to the Election Committee. Candidates may choose to have literature mailed to all or a portion of the Association membership by following the procedures outlined herein.

c. Email Distribution List

- i. A member list containing only the Member Name, Job Family, and email address will be distributed to any candidate upon their request. However, under Section VI, Subsection F, Paragraph 2, materials may be emailed to the Election Committee to be forwarded to the membership using the established and approved election membership email distribution list.

VI. ELECTION PROCEDURES

A. Conduct of Elections

The conduct of all elections for offices available for election at this time 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 a complainant through email to eseavote@gmail.com: Attention Elections Chairperson, the complaint must be signed, and dated with accompanying documentation, if any available, before investigation of the same is undertaken by the Election Committee. Such complaints must be submitted no later than five (5) working days after the alleged misconduct was observed and/or reported. Any challenge to the election is at the expense of the complainant. ESEA has the right to recover ESEA's legal fees if the challenge is deemed to be unfounded.

B. Questions

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

C. Preparation of Voting

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:

- i. The names of all candidates shall appear on the ballot in alphabetical order by last name.
- ii. The ballot 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.
- iii. The final copy of the candidate list shall be proofread and initialed by the Chairperson of the Election Committee or his/her designee.
- iv. The voting site will not contain any campaign materials.
- v. 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 excluding the ability to serve as a ballot validator.

D. Secret Balloting

- i. Members shall be elected by secret vote for each individual office.
- ii. Voting 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

- i. Nominations will open upon receipt of the Notification of Nominations Meeting by the membership and close at the end of the Nominations Meeting during the April 12th Representative Council meeting. Each Nominee will submit to the Elections committee a written acceptance of nomination not later than the end of the business day the Monday following the April Representative Council meeting.
- ii. Voting will be held in person and through USPS mail and will commence on May 6, 2023. Ballots will be mailed to each member.
- iii. Election results will be calculated no later than May 12, 2023 by the Merriman River Group. The results will be displayed at the ESEA office, and on the ESEA website at www.esea-nv.org.
- iv. Voting for election runoff will be held as soon as possible and will commence not later than in June 2023, if required
- v. Election runoff results will be calculated on the last day of voting in June 2023 at the ESEA office. The results will be displayed at the ESEA office, and on the ESEA website 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 votes 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:

- i. On Tuesday, June 6, 2023 at 5:00 pm PST, 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.
 - ii. 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 of the ESEA Officer(s), ESEA Board of Director(s) and NSEA Board of Director(s) will be notified by phone/text and/or email. 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 June Representative Council meeting.

VIII. ENFORCEMENT PROCEDURES

- A. 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.
- B. 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 Elections Committee.
- C. Any reports of campaign/election irregularities must be presented in writing by a complainant via email to eseavote@gmail.com attention Elections Chairperson. Any complaint must be signed and dated with accompanying documentation, if any available, no later than five (5) working days after the alleged misconduct has been observed and/or reported.
- D. A challenge to the election shall be filed in writing by complainant to the Chairperson of the Election Committee by email to eseavote@gmail.com. , All complaints must be signed and dated with accompanying documentation, if any available, no later than ten (10) calendar days after the counting of the ballots. All challenges are undertaken at the expense of the candidate challenging the election. ESEA has the right to recover ESEA's legal fees if the challenge is unfounded.
- 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 consider the request for disqualification before the Election Committee may can consider the substance of the challenge.

- F. The Election Committee shall take such steps, as it deems appropriate, to prepare a written report of the relevant facts regarding any challenge or any report of election/campaign irregularities for the ESEA Board of Directors. Consequences for any confirmed irregularities may include:
 - 1. Censure of a member for wrongful election practices;
 - 2. Complete rejection of any and/or all charges and/or challenges;
 - 3. Any other action that the Elections Committee deems appropriate.
- G. Such written report regarding election challenges and/or election/campaign irregularities shall be remanded to the ESEA Board of Directors who may refer to ESEA legal counsel for a legal opinion provided in writing to the Elections Committee and the ESEA Board of Directors.
- H. Pursuant to the Elections Committee's investigation and review of the legal opinion, the Election Committee shall render a written decision to the ESEA Board of Directors, which is final and binding in the matter.

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>