

ELECTION PROCEDURES FOR TVEA ELECTIONS

The right and responsibility of electing leadership and representation are the very cornerstone of a democratic society. Election processes must be conducted in such a manner that voters and candidates alike can be assured that reasonable rules of ethical conduct and procedures have been adopted, and are followed both in spirit and in practice.

Election guidelines are necessary for fair campaign and election practices. Although no set of guidelines can anticipate every situation or serve perfectly in every crisis, both voters and candidates have serious responsibilities to make the democratic process work.

Each voter has the responsibility to become informed about candidates' experience, goals, and stands on issues, as well as exercise wisdom in voting for the best-qualified candidate.

The election procedures and processes addressed are presented with the intent to meet the highest standards for fair campaign and election practices with the Temecula Valley Educators Association.

I. Nominations for TVEA offices

A. Open Nominations

Nominations for TVEA offices shall be conducted according to the open nomination procedure. This procedure holds that every eligible TVEA member shall have the opportunity to nominate the TVEA member who meets the qualifications for office.

1. The Chair of the Elections Committee shall announce the names of all candidates who have filed declarations of candidacy to any TVEA office.
2. Any person wishing to nominate a qualified member (who may be him/herself) shall do so by presenting in writing the name of the nominee to the Chair of the Elections Committee who shall then announce the name of the nominee to the unit members, provided that prior written consent of the nominee has been obtained.
3. The President or designee shall close nominations for each open office position.

II. Campaigning

- A. All TVEA members and/or others involved in a campaign must follow the ethical conduct and rules for election campaigning. (Appendix A).
- B. It shall be the responsibility of the candidate to contact the Chair of the Elections Committee to request time on the Agenda to address the Representative Council during a scheduled monthly meeting.
- C. All campaign flyers/materials must include a disclaimer stating that the views and opinions expressed are those of the candidate and not necessarily those of TVEA.
- D. The use of the Association logo shall not be allowed on campaign material.
- E. The Association will not disperse or pay for campaign materials. Each candidate shall provide for his/her costs for campaign materials and their dispersal.
- F. All candidates shall have the same opportunity to place campaign materials in teachers boxes at each site.

- G. All material designed to support a candidate must be signed by the candidate.
- H. Each candidate may provide a written statement of 50 words or less to accompany the announcement of candidacy by the Elections Chair.
- I. TVEA may offer to include additional candidate statements in its monthly newsletter as long as each candidate has equal opportunity to respond.

III. Voting Procedures for TVEA offices

- A. Polling Time
 - 1. The polling dates, hours and location shall be announced by the Chair of the Elections Committee at the beginning of balloting.
 - 2. Polling shall take place at each school/district site. In addition, polling may also take place at the TVEA office.
 - 3. All ballots to be considered for counting must be turned in to the site reps by the stated deadline. The site rep has until 4:00 P.M. on the last day of balloting to return ballots to the Association office.
 - 4. No ballots will be accepted or counted if turned in at the TVEA office after the 4:00 P.M. deadline on the last day of voting.
- B. Printing of Ballots
 - 1. The names of candidates on the ballot shall be listed according to the CTA alphabet selected for the year.
 - 2. TVEA shall be responsible for printing ballots.
 - 3. Instruction sheets for site reps shall accompany ballots giving specific instructions on how to conduct the balloting at the site.
 - 4. Space shall be provided for write-in candidates.
- C. Eligibility of Voters.
 - 1. Members of TVEA are eligible to vote in all local elections.
 - 2. Non-members (fee payers) are not eligible to vote in local elections.
- D. Observers
 - 1. Each candidate may designate one representative to observe the counting of the ballots.
 - 2. The name of the observer shall be submitted in writing to the Chair of the Elections Committee prior to the counting of ballots.
- E. Voting
 - 1. Campaign material is not permitted in the polling place.
 - 2. Each voter must print and sign the voter roster after his/her name before receiving a ballot.
 - 3. A ballot marked in error shall be returned and marked "void."
 - 4. Every effort shall be made to insure that the voter is able to mark his/her ballot in secrecy.
 - 5. The voter shall place his/her marked ballot in the ballot bag provided by the site rep.
- F. Vote Requirements
 - 1. A majority vote of the ballots cast shall be required to win an election.
 - 2. In the event that no candidate receives a majority of votes in the election, a run-off election shall be held.
 - 3. The candidates in a run-off election shall be the candidates receiving the two (2) highest numbers of votes in the election.
 - 4. When there are only two (2) candidates for an office, the candidate receiving the higher number of votes cast (majority) shall be declared elected.

G. Counting of Ballots

1. The Elections Committee shall count the ballots in an undisturbed room.
 - a. Three (3) of the five (5) Elections Committee members must be present to count ballots.
 - b. If a majority of the Elections Committee is not present, ballots shall not be counted and shall remain sealed until a majority of the committee can count the ballots.
2. Blank and/or illegal ballots shall be set aside. Examples include the following:
 - a. More ballots than signatures;
 - b. Ballot(s) submitted after deadline;
 - c. Member not listed on the voter roster;
 - d. Voter's intent unclear;
 - e. Votes cast for more than number allowed;
 - f. Votes cast on unofficial ballot (probably reproduced); and,
3. The Elections Committee should categorize each illegal ballot, make a determination on whether the vote(s) in that category should be counted separately, and make a note of the decision. The ballots should remain separate.
4. If the illegal vote(s) affect the outcome, the chairperson of the Elections Committee should report this to the President so that the Executive Board can decide how the ballots should be recorded.
5. The Chair of the Elections Committee shall prepare a report, which is signed by the members of the Elections Committee.
6. The results shall be given to the President to announce to TVEA members.
7. Election results shall be posted at each work site as soon as possible following the election.
8. The TVEA office shall retain the ballots and voter rosters for a period not less than one (1) year.

IV. Procedures for TVEA Election Completion By Mail Ballot

- A. Unit members who are or on a dues paying leave shall be notified by mail of an election, receive all election correspondence, including candidate statements in order to provide them with an opportunity and right to vote.

Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:

1. The Elections Committee shall handle all ballot-by-mail procedures.
2. Only those unit members who are active members shall be eligible to vote.
3. The Elections Committee shall prepare ballots as well as two return envelopes and mail them to the last known home address of the unit member.
 - a. The outside envelope shall contain prepaid postage, along with the name and address of the representative and a place for verification signature of the representative.
 - b. The inside envelope shall contain no markings.
4. In the letter of instructions to those who are to vote in the election, the Elections Committee shall specify the final date for receipt of the ballot by the TVEA office.

5. The Elections Committee shall make provisions for a representative to request and receive a replacement ballot if that representative does not receive his/her original ballot by a specific date.
6. The ballots shall be returned to the TVEA mailbox or a different designated address such as the local CTA office, 29377 Rancho California Rd. – Suite 206, Temecula, CA 92591
7. At an announced time, subsequent to the time designated for final receipt of the ballots, the Elections Committee will conduct the vote count.
 - a. The Elections Committee will determine validity of the ballot by checking each outer envelope against the official list of representatives eligible to vote.
 - b. Once eligibility has been verified, the Committee will open each outer envelope and remove its inner envelope and mix all inner envelopes.
 - c. The Elections Committee will then open all inner envelopes and count the ballots.
 - d. Following the count, the Elections shall transmit the final results to the President.
 - e. The Association shall retain the ballots for one (1) year.

V Challenge Procedures for Local Elections

- A. Any irregularity observed during an election must be reported to the Chair of the Elections Committee and then to the Executive Board.
 1. Eligibility of Voters
 - a. Challenges to the eligibility of voters in TVEA elections must be filed in writing with the Chair of the Elections Committee no later than 60 minutes prior to the counting of ballots.
 - b. The Elections Committee shall conduct a fact-finding investigation to a challenge of eligibility and report its findings to the Executive Board. The Executive Board's decision as to acceptance of such challenge shall be final, prior to counting of ballots.
 - c. Ballots shall not be counted as long as there is a challenge to the eligibility of voters unresolved.
 2. Voting Procedures
 - a. Challenges to the voting procedure, counting, and tallying must be filed in writing with the Chair of the Elections Committee within one (1) hour after ballots are tallied.
 - b. The Chair of the Elections Committee shall inform the President of the filing of the challenge.
 - d. The President may request the Elections Committee to conduct an investigation and to report back within one (1) hour.
 - e. The President shall report to the Executive Board the nature of the challenge.
 - f. The Executive Board may either void the election and order another one, or may deny the challenge.
 3. Election Violations
 - a. Any alleged violation of the election process must be reported no later than ten (10) days after the close of the election.

- b. The challenge must be supported by prima facie evidence of a violation, i.e., evidence that is sufficient to support the fact until it is contradicted and overcome by other evidence.
- c. Names and addresses of parties who can give evidence shall be included with any challenge.
- d. Upon receipt of a challenge, the Executive Board shall determine whether:
 1. The challenge alleges a violation of an election requirement.
 2. The challenge is supported by appropriate documentation.
 3. The violation(s) may have affected the outcome of the election, and a recommendation to its disposition.
- e. The person or persons putting forth an election challenge shall receive a report from the Executive Board within forty-five (45) calendar days of receipt of the challenge.

In the event these election procedures are deficient in one or more areas, TVEA defers further processes to the CTA Guidelines for Chapter Election Procedures.

Appendix A – TVEA Rules and Ethical Conduct in Campaigning

To be meaningful, an election must be free and decided by informed voters. Freedom in election, however, necessarily includes freedom to destroy the process, the freedom to make irresponsible claims or promises or derogatory rewards, to advertise excessively, to try to win votes by any device or tactic; in short, to win without regard to the ability of the candidate or to the issues involved.

Although people accept control of tactics in other contests, controls in the election process are likely to be suspect, viewed as limits of freedom of election. To minimize this danger, the electorate should adopt a minimum of rules well thought through and as clear and specific as possible.

Every person in the electorate should have a keen sense of ethical conduct. Each candidate, supporter, or voter has a serious responsibility to make the democratic process work. The voter has an obligation to expose and reject any candidate who, or whose supporters, violates ethical conduct and in so doing damages the fragile ideal of a free election. Although the self-discipline needed to establish and maintain such a sense of conduct is difficult, discipline is preferable to detailed rules. In Simplicity, in understandability, and in adaptability, it is far superior.

Though lacking in specific rules, ethical conduct need not be a loose or vague concept. Clear, honest, conscientious answers to relevant questions should define ethical conduct in a wide variety of political situations, in which any set of specific rules is likely to be incomplete or cumbersome or both. Examples of such questions are the following: Is a certain statement relevant to the issues involved? True? Free of campaign designed to inform? Are campaign promises sincerely made and feasible? Can the candidate, when elected, reasonably expect to be able to fulfill campaign promises? Do the candidate and supporters avoid making irrelevant statements about opponents?

Rules and ethical conduct are particularly important to the State Council of Education. The State Council is not just another body. To it has been entrusted the formulation of policy leading ultimately to making teaching the pre-eminent profession. Its members, whether working on matters of public or self-interest, must work together. To perform its functions, the State Council must be made up of members who, though they may differ in point of view, respect and admire their colleagues, who rise above personal enmities and who, as a body, have a spirit of striving to achieve the goals of the profession. Since overzealous campaigning is likely to strain or damage these good relations, every person in the State Council or in a campaign should assiduously follow the dictates of ethical conduct and the rules for election campaigning.