



ORANGE COUNTY CTA DELEGATE NOMINATIONS AND ELECTIONS CAMPAIGN GUIDELINES 2021 ELECTION CYCLE

The CTA Elections Committee is announcing Nominations and Elections for State and Local Delegates to the National Education Association Representative Assembly and the Florida Education Association Delegate Assembly. The Committee has developed Election and Campaign Guidelines. The purpose of these guidelines is to encourage member candidacy for office, to assure fair and equitable treatment of all candidates, and to provide an orderly and fair procedure for the resolution of elections-related conflicts and problems. These guidelines are intended to comply with the standards for elections developed under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). To the extent that they do not, the LMRDA standards will prevail.

<https://www.dol.gov/olms/regs/compliance/localelec.htm>

I. Candidate Eligibility

- A. All eligible candidates must be members in good standing in accordance with the CTA Bylaws.
- B. Delegates to meetings, conventions, and assemblies of affiliate organizations must be members in good standing of CTA for at least two (2) years prior to being elected.
- C. The Elections Committee will review the Orange County CTA membership records to determine the eligibility of all nominees. Ineligible nominees will be advised of the reason(s) they are not eligible to run for a position.
- D. Candidates are permitted to simultaneously run for multiple positions.
- E. No write-in candidate will be permitted after the close of nominations.

II. Meeting with Candidates

- A. The Elections Committee and/or its designee(s) will meet with all Candidates, or the Candidate's designated representative, for a virtual orientation meeting to discuss election procedures, distribution of campaign literature, and other campaign guidelines.
- B. At this meeting, a drawing will be held to determine the Candidate's position on the ballot. If a candidate is absent or does not have a designated representative at the meeting, a member of the Elections Committee will represent the candidate in the drawing.
- C. At this meeting, Candidates will also be advised of the balloting procedures for this election.
- D. In the event that NEA candidates are elected by acclamation, State Delegates will be determined by drawing lots during this candidate meeting.
- E. In the event that FEA candidates are elected by acclamation, association days will be determined by drawing lots during this candidate meeting.

III. Withdrawal/Ineligibility of Candidates after Close of Nominations

- A. If a properly nominated candidate withdraws from a race or becomes ineligible subsequent to the close of the nomination period, but before the printing of the ballots, this candidate's name will not be placed on the official ballot.
- B. If a candidate withdraws from a race or becomes ineligible after the printing of ballots, the CTA Elections Committee will notify members of such. When votes are tabulated, only votes for the remaining candidates will be counted. If only one candidate remains in the race in this circumstance, that candidate will be deemed to have been elected to the position.

IV. Voter Eligibility and Balloting Procedures

- A. Orange CTA will make every effort to ensure that the database is up to date and will provide a current membership list to the Elections Committee.
- B. In order to vote in a CTA election, an individual must be a dues-paying member in good standing for sixty (60) days prior to the election. Current dues-paying members who are on sick leave or are other non-working members in good standing, shall be included in balloting.

- C. A ballot will be prepared for each dues-paying member of the Association whose membership is verified by the Committee from official membership records as stated in Section IV B. of these guidelines.
- D. Members will be provided instructions for balloting. The instructions shall indicate the timeline for voting. Members will also be given necessary information to report any difficulties with the voting procedures.

V. Ballot Count

- A. For the 2021 elections, ballots will be tabulated by a third-party vendor who will present an official report of election results to the Elections Committee to certify and to the Candidates and the CTA Board of Directors.
- B. Election results will be published on the CTA Website within (two) 2 working days of the election results.

VI. Observers

- A. Candidates are entitled to view the tally of ballots or they may designate an observer to be present on their behalf. A candidate shall provide the Committee with the name of his/her designated observer at least two (2) days prior to the scheduled date of the vote tally.

VII. Elections Determined by Plurality

- A. NEA Delegates
- B. FEA Delegates

VIII. Distribution of Campaign Literature

- A. Campaign materials shall contain proper identification of the candidate and the source of the sponsorship, i.e. "Paid for by the Campaign to Elect ____." In some cases, however, carrying such identification would be impossible, e.g., where the item is too small, such as a small piece of candy. In such cases, the items in question must be distributed from a table or booth, or placed in some type of container, which clearly indicates that the campaign is their source of sponsorship.
- B. Upon nomination and certification of eligibility, a member shall be considered a candidate. Candidates will be sent an electronic list of Orange CTA members organized by worksite. The list shall be generated from an official list provided by OCPS to CTA.
- C. Campaign flyers may not simulate the CTA logo or logo of its affiliates.
- D. A candidate and/or supporters(s) is prohibited from using OCPS computers or the OCPS e-mail system to create and/or distribute any campaign material.
- E. Distribution of campaign materials on school campuses shall be in accordance with provisions of the negotiated contract between CTA and OCPS.
- F. Upon request by a candidate, the Association Representative will deliver no more than one (1) piece of campaign literature provided by the candidate, to each member's mailbox at their school, upon receipt.
- G. Campaign Flyer Distribution via OCPS Courier Service
 - 1. Each candidate may distribute campaign materials through the OCPS courier service from the CTA office.
 - 2. Candidates are responsible for providing campaign materials sufficiently in advance of the scheduled courier pickup
- H. There shall be no distribution of flyers of any campaign material during CTA meetings.

IX. Election Records

- A. The Committee will maintain all election records for at least one year after the election, as required by federal law.

X. Election Complaints/Challenges

- A. Any violation or improprieties during the course of the election should be referred to the Committee. The Committee will make an investigation and decide on the appropriate actions, if any, to be taken.
- B. Challenges and objections to the election must be submitted in writing, citing specific violations, with a statement of supporting reasons that includes specific facts as well as any documentation, to the Elections Committee within two (2) workdays of the count. The Elections Committee shall issue its written opinion directly to the complainant and the Board of Directors

regarding the objections no later than ten (10) days after the receipt of all relevant documents regarding such objections. That decision may then be appealed to the FEA Credentials and Elections Committee within two business days after the decision was issued. The FEA Elections Committee shall be the final determiner of all disputes regarding the conduct of this election.

XI. Campaign Restrictions

- A. CTA staff shall not campaign or express support for a candidate in any manner.
- B. Candidates may ONLY accept monetary donations from CTA members. If any violation of this prohibition is reported to the Committee, the candidate will be notified of this impropriety and necessary action will be taken.
- C. Candidates will follow the requirements described in Conducting Local Union Officer Elections Guide published by Office of Labor-Management Standards. Applicable excerpt from Chapter 8: Union and Employer Funds has been inserted for easy reference.
<https://www.dol.gov/olms/regs/compliance/localelec/localelec.htm#ch8>

Requirements

- A union or employer may not contribute money or anything of value (such as use of facilities, equipment, or supplies) to promote candidacy of any individual in a union election.
- The restriction on the use of union funds applies to all moneys received by the union by way of dues, assessment, or similar levy.
- The prohibition against the use of union and employer funds applies to any union and any employer, not just the union conducting the election or an employer of the union's members. For example, it is improper for a candidate to have campaign literature duplicated free of charge on a copy machine at a small business owned by a relative of the candidate.
- Any expenditure of union or employer funds on behalf of a candidate, even if the amount is small, is a violation of federal law.
- The use of union/employer funds or facilities is a violation of federal law even if the union officials or the employer do not know about or approve of the use.
- The prohibition against the use of union and employer funds applies to direct expenditures from the union or employer as well as indirect expenditures including:
 - Campaigning on time paid for by the union or employer
 - Use of union/employer owned or leased equipment such as telephones, fax machines, and copy machines
 - Use of union/employer supplies such as stamps, paper, and envelopes
 - Use of union employees to prepare campaign literature while on union time
 - Use of union letterhead
 - Use of union/employer property or facilities
 - Printing articles which support or criticize an individual's candidacy in a union newspaper or other publication
 - Giving free services or special discounts to a candidate customer such as printing, photocopying, etc.
- A union may adopt additional rules governing contribution to campaign funds such as prohibiting contributions from any person who is not a member of the union.
- Certain uses of union and employer funds which do not support one person's candidacy over another is acceptable, such as providing the use of equipment, facilities, or publications to all candidates on an equal basis after giving them notice of this opportunity.
- Campaigning by union officials which is "incidental" to union business is not a violation of federal law. For example, any campaigning by union officials which occurs as a consequence of conducting legitimate union business, such as shaking hands with members while visiting work sites on official business, is permissible.

NOTE: The above rules and guidelines are not all inclusive, Additional rules, guidelines, and clarification may be issued by the Committee during the course of the election.