

**OCSEA, AFSCME Local 11**

**Election Procedures Manual**

For

**Chapters, District Councils  
and Assemblies**

A guide to conducting subordinate body elections

Revised February 2011  
By Judicial and Internal Affairs Committee

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# ELECTION PROCEDURES CHECKLIST

Can Your Subordinate Body Answer “Yes” To All Questions?

YES NO

- \_\_\_ \_\_\_ Are elections held within the three year limit prescribed by the Constitution?
- \_\_\_ \_\_\_ Are election notices mailed to members at least 15 days before election?
- \_\_\_ \_\_\_ Do members receive reasonable information for nomination, including notice of the:
- \_\_\_ \_\_\_           A. Offices to be filled;
- \_\_\_ \_\_\_           B. Time for submitted nominations;
- \_\_\_ \_\_\_           C. Place for submitting nominations.
- \_\_\_ \_\_\_ Do members have a reasonable amount of time to nominate candidates?
- \_\_\_ \_\_\_ Do all members in good standing have an opportunity to be nominated?
- \_\_\_ \_\_\_ Are rules governing eligibility for nomination fair, reasonable and uniformly imposed?
- \_\_\_ \_\_\_ Do all candidates have equal opportunity to distribute literature and campaign for office?
- \_\_\_ \_\_\_ Are no funds received from dues used to promote the candidacy of any person?
- \_\_\_ \_\_\_ Are all officers and all delegates elected by secret ballot?
- \_\_\_ \_\_\_ Do all members in good standing have an opportunity to vote?
- \_\_\_ \_\_\_ Are candidates given the opportunity to have observers at each polling Place and at each place where the ballots are counted?
- \_\_\_ \_\_\_ Can members support candidates of their choice without being subject to penalty, discipline, improper interference, or reprisal of any kind?
- \_\_\_ \_\_\_ Do election procedures conform to the Constitution and By-laws?
- \_\_\_ \_\_\_ Are ballots and other election records preserved for at least 1 year?

**If You Answered No To Any Question – Read On!**

# OCSEA SUBORDINATE BODY ELECTION MANUAL

## When are Elections Due?

Under OCSEA's Subordinate Body Constitution, elections must be held every three (3) years. Elections **must** be held in the regularly scheduled month, even if the previous election and/or installation of officers was delayed. Such a delay might have come about because of a run-off election, a valid protest, which resulted in a re-run of the election, or perhaps because of an "Act of God," such as a snowstorm or a flood, which made it impossible to conduct the previous election on the scheduled date.

Per Article IV, §1 and 2 of the OCSEA Subordinate Body Constitution, the minimum positions for a subordinate body are a President, Vice President, Secretary and/or Treasurer and at least three Executive Board Members. However, a subordinate body may have additional officers such as first and second vice presidents, financial secretary, sergeant-at-arms, etc. The most common action of this type is combining the secretary and treasurer positions. If a body desires to create such positions (or uncreate them), this should be done by a motion and vote at a general body meeting prior to sending out the notice of upcoming elections. All such changes shall be made part of the minutes.

Delay of an election, for any reason, does not extend the term of office for the incumbents. Consequently, no subordinate body business is in order other than to make arrangements for the election. Subordinate body officers who are beyond their term of office shall not be entitled to any "ex-officio" benefits. No funds may be expended other than those directly related to election preparations.

Failure to hold elections in a timely manner may result in any or all of the following: seizure of all assets by the Comptroller's Office; imposition of trusteeship; filing of charges against the entire executive board, etc. When an election is held late, the term of office shall still run from the expiration of the last term. That means that any incoming officers may not have the benefit of a full three year term.

## Notice of Nominations

The first step in the election process is holding nominations. The first step is to alert the membership that nominations are to take place. The International Constitution is quite specific as to how this is to be done:

"Not less than fifteen days prior to the holding of nominations for local union [subordinate body] officers, a notice of the nominations and elections shall be mailed to each member at the member's last known address." (AFSCME International

Constitution Appendix D, Section 2, Sub-Section D) Posting on the bulletin board or hand delivery alone is not sufficient. OCSEA maintains a mailing list for this purpose.

The notice shall indicate what offices, including delegates to the District Council and any Assembly, are to be filled, and state the date, time and place of both the nominations meeting and the voting. If a chapter participates with the local AFL-CIO Central Body, delegates and alternates must also be elected. (Nominations and voting can, from a legal standpoint, take place at the same meeting, though this is not practical for most subordinate bodies or encouraged.) Having nominations and elections on different days allows the election committee to confirm the eligibility of any candidate. Special consideration must be made for 24/7 facilities. (See Board Policy #46) No quorum is required for a nominations meeting.

It may also be practical to include information indicating when, if necessary, a run-off would occur and to set a time. Place and location for presentation of the election report to the body. The presentation should occur within five (5) days of the election.

The form of the notice is less important than is the timing. The information may be included as a part of a regular meeting notice. It may be given by printing the notice in a newsletter or other publication that is mailed to the membership, provided it is prominently displayed and not buried in the middle of an article on some other subject. Notice may also, of course, be given in a special letter/postcard addressed to each member. Notice may also be published in the Public Employee Quarterly (PEQ). A schedule of deadlines is available from the OCSEA Communications Department. Notices may also be submitted through the on-line meeting notice system.

The important thing is that the notice must be mailed to all members at least 15 days before the meeting at which nominations are to be made. Members must be given a reasonable opportunity to nominate. Therefore, e-mail or phone contacts may be used in addition to the meeting.

Because no mailing list is ever 100 percent accurate, it is usually wise to post notices concerning the nominations and elections on bulletin boards in addition to the mailed notice.

Per OCSEA Subordinate Body Constitution Article IV, §8, all election notices must include the following language: “Circumstances such as receipt of workers’ compensation benefits, disability benefits, assignment to project staff, etc. may affect your eligibility to run for office in this election. If you are considering running for any office, executive board, or a delegate position, please contact OCSEA Central Office prior to the nomination date.”

These are situations where dues may not have been deducted properly. Members are responsible for making sure that all dues have been paid properly for the last two years prior to the election. Failure to do so will result in disqualification for candidacy.

Additionally, all nomination and election mailings made by OCSEA for chapters must have the following language included with the offices to be elected: "Delegates/alternates to the District Council; appropriate Assembly(s), if any, and local AFL-CIO Labor Council, if the chapter is active therein."

### **Making Nominations**

When the time for nominations arrives, the chairperson announces, "Nominations are now open for the office of president." While it is not legally required, it is customary for the president to relinquish the chair to someone who is not going to be a candidate to conduct the nominations. The chairperson should also indicate the "official" clock or timekeeper for the nominations. Any member may then rise and, when recognized by the chairperson, say "I nominate Joe Smith for president." That is all that is required; no second is necessary. A member may also place his/her own name in nomination. A member need not be present to be nominated. All nominations should be recorded by a member of the election committee.

The chairperson should then announce, "Joe Smith has been nominated. Are there any other nominations for president?" This procedure should be continued until three consecutive calls for "other nominations" go unanswered. The chairperson should then declare the nominations for that office closed and proceed to the next office. No motion is needed, under such a circumstance, to close the nominations, and a motion to close nominations is always out of order if another member is seeking the floor for the purpose of making a nomination.

If a member of the election committee is nominated for an elected position, he/she must either immediately decline the nomination or be discharged from the election committee. Another member may be appointed to fill the vacancy.

Nominations, which have a time certain, must not be closed early. If notice of the nominations stated that nominations were open from 10 a.m. until 2 p.m., early closure may result in the elections being overturned. Nominations which are listed as open "until closed" may be closed after the three consecutive calls for "other nominations" go unanswered. However, it is preferable to have a set closing time.

Where a time certain has been set for nomination, additional nominations must be taken throughout the entire time period. Within the final minutes prior to the closing time, the chairperson shall call for final nominations for every office. At the

closing time, the chairperson should announce “nominations are now closed” or something similar.

After nominations are closed for each office, in any case where there is only one nominee and where that nominee has indicated that the nomination will be accepted, the unopposed candidate should be declared elected. This should be done by the chairperson and does not require a motion or a vote. A member elected by acclamation is no longer a candidate. If all candidates are unopposed, there is no need for an election.

### **Acceptance of Nominations**

The International Constitution, Appendix D, Section 2, subsection E, provides: “Those nominated shall be afforded the opportunity to decline. The name of any nominee who declines shall not appear on the ballot.”

Note that it is “the opportunity to decline,” not “the opportunity to accept” that is guaranteed. If a nominee is eligible for the office and if the nominee does not take the positive action of declining, that nominee’s name must go on the ballot.

- ❖ If the nominee declines, that nominee is not a candidate.
- ❖ If the nominee accepts, that nominee is a candidate.
- ❖ If the nominee does neither, that nominee is assumed to be a candidate.

Ordinarily, the nominee is offered the opportunity to decline at the same meeting at which nominations are taken. If the nominee is present at the meeting the chairperson simply asks, “Do you accept the nomination?” and the answer is entered in the minutes of the meeting. If the nominee is not present, the election committee should attempt to contact the nominee later to ask the nominee to indicate his/her acceptance or declination to the election committee. However, if the nominee cannot be contacted or fails to respond when contacted, the nominee is still assumed to have accepted the nomination and his/her name remains on the ballot.

No member may be a candidate for more than one union office at the same time, however, a member may be a candidate for a union office and for delegate to a convention, the central labor union, Assembly and/or District Council on the same ballot. If a member is nominated for two or more subordinate body offices in the same election, the member must decline all except one nomination. If the member is unavailable or fails to indicate which office the member wishes to seek, the election committee should assume that member is running for the first office for which that member was nominated and has declined all other nominations.

Some subordinate bodies have attempted to permit running for more than one office in the same election by holding the nominations and the election for a single office at one time, then moving to the next office, and continuing the procedure until all offices have been filled. While such a procedure is legal — if spelled out in the Subordinate Body’s By-Laws — it is awkward and cumbersome and is not recommended.

### Eligibility for Office

There are only two absolute requirements for eligibility for union office spelled out in the International Constitution:

1. The candidate “must be a member in good standing”; and
2. “No member whose eligibility for membership is based upon employment in a position for which another organization is the exclusive representative with regard to wages, hours or other terms and conditions of employment, shall be eligible to seek or hold office at any level of the union”

Under the OCSEA Constitution, in order to be eligible for office, a member, including permanent part-time bargaining unit members, must be in good standing for two continuous years immediately preceding the election. Good standing requires timely payment of all dues. Offices include delegates and alternates to assemblies, district councils, conventions and the local AFL-CIO. There are only four (4) exceptions to the “Good Standing” requirement.

1. Pursuant to OCSEA Constitution Article XII, §2(A), a member who has been terminated, laid off or suspended **and** has a grievance or other legal action pending on this job action, or who is on a sanctioned strike or is locked out shall not be required to make dues payments in order to remain in active pay status.
2. Pursuant to OCSEA Constitution Article XII, §2(B), a member whose dues were not deducted while on workers’ compensation or unpaid disability leave shall maintain good standing for the first thirteen (13) pay periods of such interruption. However, beginning the fourteenth (14<sup>TH</sup>) pay period, dues must be paid at the amount currently set for members-at-large of AFSCME International for the remainder of the period of the interruption of dues deduction.
3. Pursuant to Article IV, §3(A), of the Subordinate Body Constitution, in the initial elections held to establish a newly chartered chapter, district council or assembly, the requirement for two (2) continuous years of membership is waived. Therefore, in this situation, a delinquency in payment of dues prior

to coming under the jurisdiction of the newly chartered entity would not result in ineligibility for office. However, this exception would not apply to any other subordinate body position.

4. Members who are on military leave remain active members throughout the duration of their leave.

Where dues have not been properly withheld or paid, the following rules apply:

1. A member who holds no elected office will return to good standing upon the payment of all arrearages or upon payment of a reinstatement fee equal to two months' dues, not to exceed \$25.00
2. A member who holds an office at any level of the union must make payment of all arrearages. Notice of the delinquency will be made by letter from the OCSEA Secretary-Treasurer. The officer has fourteen (14) calendar days from the notice to make payment. Failure of an officer to make payment shall result in automatic removal

In order to maintain good standing, dues must be paid by payroll deduction or cash by the fourteenth (4<sup>TH</sup>) day following the end of the payroll period for which payment is due. (OCSEA Constitution Article XII, §1(B)) However, although an officer may regain good standing in order to fulfill their term of office by payment of arrearages after notice, the payment of any arrearage outside the fourteen (14) days following the associated payroll period shall constitute a break in eligibility for future candidacy.

A member who does not have two continuous years in good standing shall not be eligible to be a candidate for office. Members are responsible for ensuring that dues are timely transmitted to OCSEA.

Subordinate bodies may not establish additional eligibility requirements, which include:

1. Attendance at some minimum number of membership meetings during the preceding year.
2. Physical presence or written notice of acceptance of a nomination at the nomination meeting.
3. A requirement that a candidate has previously served as a steward or in some other capacity.

4. A prohibition against re-election or a limit on the number of consecutive terms to which a member may be elected.

### **Break in Candidacy Eligibility**

Dues are electronically transmitted to OCSEA after the end of each pay period. (Local government entities may transmit dues differently.) Consequently, payments are posted to the member's records during the following pay period. Additionally, pursuant to Article XII, §1(B) of the OCSEA State Constitution, a member has fourteen (14) days following the end of the pay period for which payment is due in order to make the payment. A dues payment received within fourteen (14) days of the end of the associated pay period will not count as a break in eligibility.

Where an arrearage results in a break in eligibility, the member must accrue two continuous years of payments before regaining eligibility. You may contact OCSEA Central Office to obtain your date of eligibility reinstatement. Recognize that subsequent breaks, which do not qualify for an exception, will cause a change in the reinstatement date.

### **The Election Committee**

The election committee, like any other union committee, is ordinarily appointed by the subordinate body president. However, the president may not serve as a member of an election committee in any election where the president is a candidate; nor may any other candidate serve on the election committee. Because of this restriction, it is generally best to wait until after the nominations have been completed before appointing the full election committee. A small committee may be appointed to handle nominations with more members added as needed. One member should be appointed chairperson of the committee. However, remember a member who has been elected by acclamation is not a candidate.

The election committee has, in the words of the International Constitution, "general responsibility for the conduct of the election in accordance with the constitution." This may involve some minor rule-making regarding such matters as hours of voting, unless those matters are either covered in the Subordinate Body By-Laws or have already been decided by membership vote. Aside from such matters, the election committee must be prepared to handle nine basic duties:

1. To make sure that each nominee has been offered the opportunity to decline the nomination.
2. To hear and decide, subject to membership approval, any challenge that may be made concerning the eligibility of any nominee.

3. To make sure that proper notice of the election is given. (If the nomination notice included the date, starting and ending times and place for the election, no further notice is required.)
4. To prepare or supervise the preparation of the ballots.
5. To supervise the issuance and return of the ballots. This usually means setting up one or more polling places where members may receive their ballots, mark them in secret, and deposit them in a ballot box.
6. Counting the ballots and certifying the results of the election.
7. Hearing and deciding, subject to membership approval, any protests that may be filed concerning the conduct of the election.
8. Presenting all decisions made on any protests, subject to membership acceptance.
9. Making an informational report to the membership concerning the results of the election.

An election committee is not bound to the polling hours, locations or practices of previous committees or administrations. This is especially important where protests were filed by members alleging that they were denied an opportunity to vote. A practice which disenfranchises members is not a good practice. Be particularly sensitive where office closures and member relocations have occurred after the last election.

### **Challenges**

A “challenge” is a formal objection to someone’s right to run for office. It must be raised by a member before the election is actually held.

A challenge must be based on some provision of the OCSEA or AFSCME constitutions or of the Subordinate Body By-Laws. Examples of valid bases for challenges are:

1. The nominee has not been a member of the subordinate body for the length of time required by the constitution;
2. The nominee has a break in eligibility due to a dues arrearage.
3. The nominee is a retiree or life member and is nominated for either president or vice president of the subordinate body;

4. The nominee has been declared ineligible for a time period, which includes the date of the election, as a result of charges upheld by JIAC and/or the Judicial Panel;
5. The nominee is ineligible because the nominee is employed in a position for which another labor organization is the exclusive representative with regard to wages, hours or other terms and conditions of employment.

Any challenge that is raised must be referred immediately to the election committee. The committee should meet as quickly as possible, offering both the challenged nominee and the member making the challenge the opportunity to be heard. The committee may also wish to examine official records affecting the challenge, and it has an absolute right to do so.

The committee must then decide the matter and report its decision to the membership before the election takes place. The committee's decision is subject to acceptance or rejection by the membership. Action on a challenge may later be appealed to JIAC. The filing of such an appeal, however, should not be used as a basis for delaying the election.

### **Election Campaigning**

There are general provisions on the rights and the restrictions on campaigning for office. Basically, these provisions are as follows:

1. No union funds can be spent in campaigning for union office.
2. No publication of any kind, which is sponsored by or supported by the union, can make any endorsement or otherwise support any candidate for union office. This prohibition includes posting any campaign literature on the union bulletin boards.
3. Any member who has been nominated for office or who announces an intention to run for office has the right to pay for a mailing to the membership made through the union central office before the election. This mailing is not to be made at the Union's or subordinate body's expense.

It is probably this third provision that is the most misunderstood. Note that the right is "the right to mail," not "the right to print." The candidate must prepare the materials to be mailed, furnish the envelopes, do the stuffing and sealing, and put on the stamps or furnish the money to pay for the mailing meter charge. The candidate must, in effect, furnish everything but the names and addresses. All the union is required to do is address and mail the material. Even here, if there is

expense connected with the addressing, it must be borne by the candidate or the candidate's supporters. Interested parties should contact OCSEA Central Office for costs and procedures.

**Note also that a candidate is not entitled to obtain or use an OCSEA mailing list for campaign purposes.**

No campaign signs or leaflets may be displayed at the polling place itself. Election committees may, of course, make additional rules on such matters as how far from the polling place campaigning can take place. The major tests of any additional rules the subordinate body or election committee may adopt are:

1. Are the rules reasonable?
2. Are the rules uniformly applied to all candidates and at all polling places, if more than one location is used?

### **Notice of Election**

If the original notice sent out announcing the nominations included announcement of the date, offices, starting and ending times and place of the election, no additional election notice is required. If the nomination notice did not include the election information, an additional notice must be mailed.

This notice must be mailed by OCSEA to each member at the member's last known address at least fifteen (15) days before the election date. It should state the date, starting and ending times and place of the voting and should, in addition, indicate which offices, including delegates, are to be voted on and may, if available, list the candidates. If there may be more than two candidates for a single office, it is wise to include the date, starting and ending times and place for any run-off election that might be necessary, otherwise, the subordinate body will be required to mail a separate notice for a run-off election, if one is required. It is also helpful to include the time, place and date for the election committee report.

### **Preparation of the Ballots**

The ballot can be titled "Official Ballot," followed by the name and number of the subordinate body and the date of the election.

The ballot should also include detailed instructions: "Mark an X in the squares next to the names of those for whom you wish to vote," or some similar simply worded directions. It is also advisable to add "Do not sign your name" and "Do not make any other marks on this ballot." (If the voting is to be done by mail, the instructions must be more complicated. See the instructions on "[Voting by mail.](#)")

The various offices to be voted on should be listed one at a time and after the designation of each office, the words “Vote for One” or “Vote for Three” or “Vote for No More than Three” or whatever is appropriate should appear. This should be followed by a listing of the candidates, with a box or circle next to each name.

**DO NOT** list on the ballot any office for which there was only one candidate. That candidate has already been declared elected, and placing that office on the ballot can only lead to confusion.

**DO NOT** print anything on the ballot to indicate which candidates are the incumbents.

**DO NOT** print anything on the ballot to indicate a candidate’s job title, work location, etc., unless this information is necessary for the voter to know or required by the constitution or by-laws. If, for example, in the election of three executive board members, the Subordinate Body By-Laws require that at least one must be a clerical employee and at least one a custodial employee, it may be necessary to add the word “clerical” or “custodial” in parentheses after the name. Absent such a requirement, any such identification may be construed as a use of the ballot itself for campaign purposes.

The election committee is responsible for seeing that all names are correctly spelled on the ballot. The surest way to do this is by contacting the candidate personally and asking the candidate to indicate, preferably in writing, how the candidate’s name is to be placed on the ballot.

William Stuyvesant Jones may want to be listed on the ballot as William Stuyvesant Jones, William S. Jones, W. Stuyvesant Jones, W. S. Jones, or Bill Jones, and the candidate should be given the opportunity to make that decision as well as giving the accurate spelling of the candidate’s name. That also includes being listed under a nickname – such as Bill “Bubba” Jones or whatever name by which the candidate is known.

Conglomerate chapters contain members from more than one agency. For each agency represented which has an assembly, the chapter is entitled to send delegates employed by that agency to each.

The president may only be an automatic delegate to the assembly which represents the agency by which he/she is employed. However, in the case of any other assemblies whose members are represented by the chapter, the president is entitled to send a designee. The chapter may then elect a delegate (and alternate) to every other assembly.

For example, Chapter 1234 has members from ODOT, ODJFS, APA, PUCO and Adjutant General. If the president is from ODOT, he/she is an automatic delegate to the ODOT Assembly. The chapter would then elect another delegate to ODOT and two delegates each to ODJFS and DR&C (APA). If the president came from PUCO, he/she would not have an assembly and two ODOT delegates would also need to be elected.

The election committee may need to create separate ballots for each agency involved. Using different color paper would be helpful or the committee could group candidates from each agency and place a warning on the ballot that votes in more than one agency would be invalidated. Only members employed by the associated agency may vote for those assembly delegates.

The next question is, “In what order will names appear on the ballot?”

Most subordinate bodies print the names of the ballot in the order in which the candidates were nominated, and this practice is perfectly proper. Some subordinate bodies list the candidates in alphabetical order, and this practice is also perfectly proper. Some subordinate bodies determine the order of names by drawing lots, and this practice is also perfectly proper. It is also advisable to review the chapter’s by-laws to see if any specific order is mandated.

What is not proper is to change from the method used previously to a new method after the nominations have taken place. If a change from one method to another is desirable, the new procedure should be approved by membership vote (or announced by the election committee) before the nominations begin.

The final step in preparing the ballots is the actual printing. This may be done by a commercial printer, on an office copying machine or printer, or in any other manner that will produce easily readable ballots. The number to be printed should substantially exceed the number actually needed, to take into account the possibility of spoilage during the election itself.

If ballots are printed, the election committee should:

1. Determine how many are to be printed.
2. Make sure that the exact number is, in fact, printed.
3. Take charge of the ballots immediately upon completion of the printing, safeguarding them until the election is completed. All election materials must be retained for one year after the election. These materials include voter eligibility lists, sign-in registers, tally sheets, unopened challenged ballots, the outer envelope(s) of any opened challenged ballots, observer sign-in sheets,

and any other documents or records used in the nominations and elections. Your state board member may take possession of the package or it may be mailed or delivered to OCSEA, Attn: State Secretary-Treasurer. Be sure to attach a cover letter which includes the date of the elections.

4. Where the subordinate body election involves a small number of offices and/or eligible voters, it may be possible to allow voters to hand write their selection on a designated piece of paper. In this instance, the paper utilized as a ballot should be uniform and controlled by the committee.

### **Election Procedures**

The two basic requirements for the actual conduct of the election are:

1. Election shall be by secret ballot.
2. All subordinate body union members shall be afforded a reasonable opportunity to vote, where eligible\*.

\*In the case of Assemblies and District Councils, although any eligible member may run, only delegates are eligible to vote for officers and executive board members.

Some subordinate bodies use elaborate voting booths or even curtained voting machines to ensure secrecy of the ballot. Others provide seating space at isolated tables. Others use even less complicated methods. Almost any method which affords the voter the opportunity to mark the ballot without any other person observing how the voter marks it is acceptable. After the voter marks the ballot, the voter deposits it in a ballot box or other container where it is mixed with the ballots cast by others so the voter's right to secrecy is preserved.

The election committee should post and enforce a "No Loitering" rule. Only election officials, voters and observers should be allowed in the polling area. Designate an exit to be used by members after voting. There should be enough election officials to ensure that the polling place is free of any controversy.

How the second requirement is met will depend on a subordinate body's size, whether its members work on more than one shift or in more than one location, as well as a number of other factors. For comparatively small subordinate bodies where everybody works a day shift, it is a common and completely acceptable practice to conduct the election during a membership meeting. For larger subordinate bodies this system may not work.

While it is possible to hold an election during a meeting in a subordinate body of 20 people, all of whom know each other, it is quite something else to try to do the same

thing in a meeting attended by several hundred members. In the case of these larger subordinate bodies, it is necessary to set up specified hours of voting and function on a basis similar to the holding of an election for public office. It is essential, of course, that a record be kept of which members voted — both to avoid having someone vote twice and to avoid giving ballots to nonmembers. To avoid these problems, it is necessary to work from an up-to-date membership listing and require each voter to (1) provide identification and (2) sign for the ballot. A voter list may be obtained from the OCSEA IT Department.

In the case of subordinate bodies that have members working around the clock (hospital, correctional or other institutional subordinate bodies), the problem is still greater. In those situations, the voting hours must be of sufficient length to allow members on all shifts “a reasonable opportunity to vote.” (Again, See the 24/7 Board Policy #46 for more information)

If more than one voting location is to be used, great care must be taken to see that each member votes in only one location. This may mean breaking the membership list down by job location. It may also mean frequent telephone contacts between one location and another or to the chairperson of the election committee for the purpose of updating a master list. Transportation of the ballot box between locations should be done carefully to ensure that the integrity of the ballots inside is maintained. The election committee should oversee the sealing of the box opening with paper and tape and sign the paper in such a manner that would leave evidence of any tampering. If possible, unmarked ballots and the ballot box should be transported separately. The sealing and unsealing of the ballot box should be done in the presence of the election committee and any observers.

If a ballot box must be retained overnight in order to complete the election, the details of the process should be agreed upon prior to the beginning of the voting.

These problems for large subordinate bodies and for shift-work subordinate bodies can be solved. Three kinds of “solutions” that are occasionally attempted, however, are prohibited:

1. There can be no proxy voting. No member can cast a vote for another member.
2. Mail ballots cannot be used separately for those who are on duty during voting hours. Balloting by mail must be done by all members or by none.
3. There can be no “absentee” voting.

Occasionally a problem will arise concerning a person who attempts to vote and there is doubt as to the person’s eligibility. Challenges can be raised concerning the

eligibility of a prospective voter either by a member of the election committee who is present or by an observer representing one of the candidates. It is up to the election committee to resolve the matter.

The prospective voter, for instance may, not be listed on the membership roster (or be listed as fairshare) and yet still claim to be a member. If the person can produce evidence of dues payment — an earnings statement showing dues, or a receipt for current dues paid, for example — the matter can probably be settled on the spot and a ballot issued. A member of the election committee may be able to vouch for the member's identity, absent a challenge. If the issue is fairshare status and the person completes a new membership card, a challenge ballot is no longer necessary. The signing of the membership card makes him/her an immediate member. If it is a matter requiring further investigation or additional evidence, which cannot be produced immediately, the person should be permitted to vote a challenged ballot. This envelope should then be placed in the ballot box or in a separate container until the challenge is resolved.

At the time of the closing of the polls, anyone standing in line to vote should be permitted to do so. Often an election official stands at the end of the line to make sure everyone is aware of the last person in line. Anyone arriving after that time will have lost the opportunity to vote.

### **Guidelines for Challenged Ballots**

The term “challenged ballot” refers to a ballot cast by a person whose eligibility to vote has been questioned by election officials, candidate observers, or members. Unfortunately, the term conveys a negative image and seems to imply that the voter is somehow at fault. Most questions concerning eligibility to vote, however, are the result of misunderstandings, administrative errors, or the failure to prepare an accurate voter eligibility list.

In many cases, voter eligibility questions occur in the midst of the voting and cannot be immediately answered since the records and information necessary to resolve them are not available at the polls. Trying to obtain the information will result in delays or disruptions at the polls and may lead to possible confrontations with impatient members waiting to vote. Usually, the best way to handle any voter eligibility question is to have the person whose eligibility is in question vote a challenged ballot.

By using a double envelope challenged ballot system, the voter whose eligibility is in question can cast a secret ballot and election officials can later review necessary records and resolve the eligibility question. This insures that the union will be in a position to count only those ballots which are cast by eligible members. A ballot can be “challenged” for any of several reasons:

- ❖ Individuals appearing at the polls to vote may be new employees, transferred members from another chapter, or discharged or laid-off members whose names are not on the union's voter eligibility list;
- ❖ A member's payment of dues may be in dispute;
- ❖ A member may have been scheduled to vote at another polling site and therefore his/her name is not on the eligibility list at the site where the member appears to vote;
- ❖ A member's name may not be on the voter eligibility list due to human or computer error or some other administrative oversight;
- ❖ A member who is unknown to the election officials may not have brought appropriate identification to the polls.

If a member's name appears on the union's voter eligibility list, he/she should be presumed to be eligible to vote in the election. Therefore, if such a member's eligibility is questioned, the person making the challenge must give a specific reason why the member is not eligible to vote. However, if a person's name is not on the official voter eligibility list, election officials must insist that he/she vote a challenged ballot. Election officials should remember that no matter what the situation, it is always better to have a person vote a challenged ballot (which will not be counted if the voter is later determined to be ineligible) than to risk denying an eligible member (whose name was improperly omitted from the eligibility list) the right to vote.

### **Challenged Ballot Voting Procedures**

Election officials should anticipate the need to use challenged ballots at the polling site and should prepare in advance the two types of envelopes to be used: (1) a secret ballot envelope; and (2) an outer envelope. Prior to the opening of the polls, election officials should thoroughly review the challenged ballot rules and procedure to be followed, including proper use of the double envelope system. After the polls open, if the eligibility of a voter cannot be resolved immediately at the registration table, officials should "challenge" the ballot. The following procedures should be used for all challenged ballots:

- ❖ After moving to a less busy place in the polling area, an election official should explain to the voter (1) why a challenged ballot must be cast; (2) the procedures for casting a challenged ballot using a double envelope system; and (3) that ballot secrecy will be maintained and the challenged ballot will be counted if the eligibility of the voter is later verified.

- ❖ The challenged voter should be furnished a blank ballot, a small “secret ballot envelope,” and a larger outer “challenged ballot envelope”.
- ❖ An election official should record on the larger challenged ballot envelope the voter’s name, other identification information, the reason for the challenge, the name of the person(s) who raised the challenge.
- ❖ Election officials should create a separate voter list containing the same information recorded on the outside of the larger challenged ballot envelope. (This will allow officials to attempt to resolve the challenges before the ballot tally begins even though the envelopes with the necessary information have been deposited in the ballot box and are not available.)
- ❖ Election officials should place a “c” next to the challenged voter’s name on the eligibility list to indicate that the person voted a challenged ballot. If the person’s name is not on the list, his/her name should be added to the bottom of the eligibility list and a “c” placed next to the name.
- ❖ The voter should be directed to a voting booth or private voting area and instructed to mark the ballot, place it in the secret ballot envelope, seal it, put the sealed envelope in the larger challenged ballot envelope and return it unsealed to an election official.
- ❖ Within sight of any observers, the election official should insure that the challenged ballot envelope contains the sealed secret ballot envelope. The voter should then seal the challenged ballot envelope and place it in the ballot box.

Election officials should insure that members and candidate observers understand the challenged ballot voting rules and that all procedures are properly implemented to insure ballot secrecy and allow for resolution of challenged ballots.

### **Use of Challenged Ballots at Multiple Polling Sites**

If a member scheduled to vote at a certain polling site appears at the wrong site (when multiple polling sites are used), election officials should have the member vote a challenged ballot. In order to insure that a person does not vote more than once, all ballots challenged for this reason must be later cross-checked at the ballot tally against the voter eligibility lists for all polling sites before the challenged ballots are opened and counted.

## **Challenged Ballots for Voters without Identification**

If a member is unable to present identification and cannot be identified by union officials, he/she should be requested to return to the polls after obtaining identification. However, the polls' closing time cannot be extended for this purpose. Challenged ballots based on voter identification should be avoided to the extent possible since it is not usually feasible to later resolve the challenge unless the individual whose identity is in doubt returns to the polls or the tally with acceptable identification.

### **Resolution of Challenged Ballots**

If possible, election officials should not wait until the conclusion of the voting to begin resolving challenged ballots and should start obtaining eligibility information while the election is still in progress. By maintaining a separate challenged voter list containing the same information which was written on the outer envelopes, election officials may be able to resolve some or all of the challenges before the ballot box is opened at the conclusion of the voting. Although preliminary decisions about a challenged voter's eligibility can be made by election officials while the election is still in progress, a formal announcement regarding the resolution of any challenged ballots should wait until the start of the ballot tally to allow all observers to be present. To the extent possible, challenged ballots should be resolved prior to the conduct of the tally to help preserve secrecy.

At the start of the tally of ballots, decisions about the counting of each challenged ballot should be announced to those in attendance and the reason for each decision should be explained to observers. Election officials should record the decision as to whether to count the ballot on the front of the challenged ballot envelope (such as "eligible" or "not eligible") and initial and date it. If challenged ballots are resolved as eligible, election officials should remove (but not open) the secret ballot envelopes from the outer envelopes and mix them together. In order to preserve secrecy, the secret ballot envelopes should then be opened and the ballots removed and mixed in with other uncounted ballots.

Envelopes containing ballots resolved as not eligible should be left unopened and marked "void."

If any challenged ballots cannot be resolved by the end of the tally, election officials should determine whether the number of unresolved challenged ballots could affect the outcome of any race. If not, they should not be opened but maintained with other election records at the end of the tally if the number of challenged ballots not yet resolved could affect the outcome of any race, a second attempt to resolve them must be made at a later date when more eligibility information becomes available and a final decision can be made as to whether to count each ballot.

Every effort must be made to preserve the secrecy of challenged ballots which have been resolved as eligible. However, in the rare instance where this is not possible (such as in an election where only one challenged ballot is cast and that voter has been determined to be eligible after all other ballots have been counted), it is more important to count a ballot than to preserve secrecy if the ballot could affect the outcome of any race.

All envelopes used in the challenged ballot process, all unopened “voided” challenged ballots, and the challenged voter list should be maintained for at least one year after the ballot tally with other election records.

### **Observers**

The International Constitution, Appendix D, Section 2, subsection I, provides:

“Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate’s own choosing, who must be a member of the Federation, in all places where ballots bearing the candidate’s name are to be cast or counted.” (Emphasis Added)

Each candidate may designate his/her own observer. A member may serve as an observer for more than one candidate. A candidate may not serve as an observer (even for another candidate) during the period when voting is actually taking place. The observers are there to observe; they may not assist in the actual conduct of the election. They may not, while so serving, engage in any kind of campaigning. They may not wear buttons or badges in support of a candidate, pass out leaflets, or attempt to discuss the election with those who come to vote. (These restrictions on campaigning also apply, of course, to the members of the election committee who are conducting the election.)

A candidate may have more than one observer through the election process. Where voting hours are long or may cover more than one shift, an observer may relieve another observer. A different observer may be used at voting than at the count. Where more than one polling place is open simultaneously, a candidate is entitled to use more than one observer to cover.

Observers have, however, some absolute rights. These include the right to inspect the ballot box at any time up to the moment the election is to start; the right to be present in the room where the election is taking place throughout the hours set for the voting; the right to challenge any voter whom they think is not eligible to cast a vote; the right to take such notes as they choose to, including making their own list

of who has voted; the right to call to the attention of the election committee members present any violation of proper procedure, which they may observe; the right to remain after the polls have closed and to keep the ballot box under observation until it is opened; the right to observe the actual counting of the ballots, including the right to examine any suspect ballot; and the right to maintain their own tabulation as the election committee counts the ballots. The polling place and the location where the ballots are counted must be set up in a manner that will allow the observers to carry out their responsibilities.

### **Counting the Votes**

In counting the votes, it is best to have two committee members examining the ballots themselves, with one of them calling off the names of those who receive votes on the particular ballot, and with two others keeping a record of the votes by making a mark after each name that is called on a “tally sheet.” Periodic checks should be made by these two tally clerks to make sure that their counts agree.

A number of questions are frequently raised as the ballots are being counted, concerning the validity of particular ballots. The following points should be kept in mind:

1. Deviations from the instructions on the ballot such as making a check mark instead of an “X” should not serve to void a ballot. **If the intention of the voter is clear, count the vote.**
2. If a voter has signed or written the voter’s name on the ballot, void the entire ballot.
3. If a ballot is partly spoiled, that does not void the entire ballot. For example, if a voter has voted for two candidates for president, the ballot is void **for that office**. But if the same voter has voted for only one candidate for recording secretary, count the vote for that office.
4. Write-in votes are not counted. Treat them as if they were blank for each office for which a write-in appears.
5. Keep a record of the number of totally void or totally blank ballots.

Another problem that frequently causes confusion is the practice of so-called “bullet voting.” Let us look at a typical example.

Five candidates are listed on the ballot for executive board member. Three are to be elected. A ballot is cast on which the voter has marked only one candidate for executive board member. Should the ballot be counted or voided? It should be counted. A vote cast for one or two in a situation where the voter could have voted

for three is no different than a situation where the voter voted for a candidate for president but chose not to vote for anyone for secretary-treasurer. The vote must be counted.

When the tabulation has been completed, the committee should turn its attention to any remaining challenge ballots. If the number of challenge ballots is not large enough to change the outcome of any of the contests, the committee is free to refuse to decide the challenges. In that case, they remain in the sealed envelopes but are retained with the rest of the ballots and the election records. For example: there are three challenge ballots. If the difference between a winning candidate and a losing candidate is three or less, they must be decided.

If the number is great enough that it might affect the outcome of one or more races, the committee must then take up each challenge separately and, without opening the envelope, make a decision as to whether or not the ballot should be counted. In those cases where the committee decides to count the ballot, the envelope should be opened and the ballot deposited, unexamined, in the now-empty ballot box. When all challenges have been disposed of, the ballots in the box should be counted and added to the previous tally. A record should be maintained of the names of those whose ballots were challenged and of the disposition of each.

The final results should then be placed in written form and signed by the members of the election committee. The committee may wish to ask the observers to sign the report also, but this is not essential and the observers are free to refuse to sign.

### **Run-off Elections**

The candidate who has the greatest number of votes – even if it's only by one vote – should be declared the winner. Subordinate body elections do not require a majority of votes in order to decide a winner. A run-off election is only necessary in the case of a tie. The ballot for the run-off election will contain at least two names for each office to be filled. For a single-post office, such as president, this simply means listing the candidates who tied in the original election. In a multi-post office, the situation may be somewhat different. If, for example, nine candidates are running for three executive board positions and only one received a higher number of votes and all others tied, the ballot for the run-off would list the eight remaining candidates for the two remaining seats.

Should the second ballot result in another tie for any office or position, the executive board shall declare the election closed and appoint one of the tied candidates to the position in question. This decision may be done by the flip of a coin or other similar act.

When can a run-off be held? If the election was held at a meeting and the meeting is still in process when the ballots are counted and the results reported, it can be held immediately. Otherwise, the 15-day notice requirements comes into play — unless, of course, the subordinate body has, as part of the original notice informed the membership that a run-off, if one is needed, will be held on a particular day, time and place. In that case, the original notice will suffice.

In any case, the run-off should be held as quickly as possible and under the same general rules as were applied during the original election.

### **Protests**

A protest is not the same as a challenge. A challenge questions a nominee's right to run for office. A protest questions the actual conduct of the election itself. A protest may be filed immediately upon completion of the election or within 10 days thereafter. It should be filed in writing, with the election committee chairperson. For this reason, the election committee must remain empowered for at least 10 days after the election or until any election protests are decided. In the event of a timely protest, the committee retains jurisdiction until the matter is presented to the body.

Protests should be heard by the election committee. However, there still may be instances where a protest is filed outside the ten (10) day window. In this case, the protest would probably be untimely. However, either the president or secretary should present the protest to the body for a decision which will then be included in the minutes. In any event, the final decision should be made by the membership and it must be decided within 30 days after the protest is filed.

If the membership decides that there were violations of such a nature that they may have affected the outcome of the election, they may order the entire election, or any part of it, set aside and a new election held.

Appeals on protests (or on challenges) may be made to JIAC (1) within 10 days following the decision of the subordinate body, or (2) within 40 days after the protest was filed, if no decision has been reached by the subordinate body within 30 days after the protest (or challenge) is filed with the subordinate body.

There is a tendency on the part of some members to file formal protests based on the most minute and technical of violations. This is, of course, the right of any member. The election committee — or JIAC — is bound to investigate the matter and rule on it.

However, when the matter is investigated by JIAC, they tend to take a somewhat practical position. If a violation is found that is of a purely technical nature, they then ask the inevitable question: "Did the violation or could the violation have

affected the outcome of the election?” If the answer is “No,” they will not set aside the election.

On the other hand, if the violations were of such a nature and scope that they might have affected the result, JIAC will declare the election, or some part of it, void and order a new election. An election under protest is assumed to be valid if or until it is reversed or modified. In that case, the officers currently in place will be ordered to conduct a new election.

### **Installation of Officers**

The election committee should make a general report to the membership, immediately following the tally. This report should include the results of any challenges prior to the election and the disposition of any challenged ballots. These rulings are subject to acceptance by the body. However, the final election committee report is for informational purposes only and is not subject to the vote of the body. The report should be made part of the minutes.

### **When Do the Newly Elected Officers Take Office?**

“Those elected shall be installed in office immediately. . .” (International Constitution, Appendix D, Section 2, sub-section J)

Some Subordinate Bodies have By-Laws or traditions that would seem to provide for a delay of anywhere from a few days to a couple of months between completion of the election and the installation of the new officers. No such provision is valid. Those elected must be installed immediately. However, in some instances the election is held earlier than the actual end of the term of office to allow for an orderly transition. In these cases, the term of office will begin in its regular month.

The outgoing officers are obligated to turn over to their successors “all books, papers and other property” of the union within seven (7) days of the election and they remain under bond until they have done so.

### **Who Installs the New Officers?**

Usually it is a member of the state board of directors. However, any current officer who has an Oath of Office handy may give the Oath. They have, in fact, been the officers of the subordinate body from the moment the election committee’s report was presented and are legally bound by the “Obligations of an Officer” whether or not they have raised their hands and recited the words. OCSEA Central Office should be notified of the election results as soon as possible – whether or not the officers have been sworn in.

Forms which contain areas to record each officer's contact information and the Oath of Office are available on the OCSEA Website. Upon completion they should be faxed, scanned, e-mailed or mailed to the attention of the OCSEA Secretary-Treasurer within five (5) days of the election.

### **Issues Specific to Delegate Status**

Upon election, a chapter president is automatically a delegate to the appropriate district council. However, a member must also be an employee of the appropriate agency in order to claim automatic delegate status to an assembly. The exception to this rule would be the local government assembly wherein membership is based on the governmental entity by which the member is employed. In some cases, a new president may submit his/her name to each assembly to which the chapter is entitled to a delegate. Absent the proper agency employment, the president will be contacted to request appointment of a designee.

A designee stands in place of the president as his/her representative to an assembly or district council. A designee is appointed. Consequently, there is no limit as to when or how often a designee may be changed. However a designee's term may not run beyond a president's term. A change in president, prior to the end of his/her term, results in the end of a designee's term. However, this does not mean he/she cannot be re-appointed by the next president. The designation of an "acting" president for a chapter does not affect the designee's status. There is no limit on the number of terms a designee may serve. A designee must meet the same qualifications for office, i.e., good standing for two (2) continuous years immediately prior to election, as any other delegate or alternate. An alternate stands in the place of a delegate. Both a delegate and an alternate are elected at the same time as other officers.

Where a chapter is placed in trusteeship, the trustee holds the authority of the president as it relates to all appointed positions. Therefore, a chapter president who holds a delegate position in either a district council and/or assembly may be removed or retained by the trustee. Where there is no delegate or alternate, the trustee may appoint one for the term of the trusteeship. However, these positions must be filled by election at the conclusion of the trusteeship.

Each chapter is entitled to two votes at each assembly and district council to which it belongs. A conglomerate chapter is entitled to two votes in each assembly which represents members assigned to that chapter. Delegates should be elected at the same time as other officers are elected. Only members of the chapter who are employed by the agency that forms the assembly may vote for that delegate/alternate.

A chapter delegate or designee who is elected to an assembly and/or district office or executive board position obtains “dual delegate status”. However, no member may cast more than one vote. In this instance, the delegate and/or designee may resign from the chapter delegate position to allow his/her chapter to maximize their representation. However, this is not mandated.

Voting members of district councils and assemblies shall consist of the following: officers, including executive board members; board of directors members or state officers (whose chapters are assigned to the district council or who work in the agency/governmental entity represented by the assembly); chapter president or designee and chapter delegate or alternate. The combination of chapter president, designee, delegate and alternate shall not result in more than two (2) votes for the chapter. Any chapter member elected to office or executive board status shall not count toward the chapter’s votes.

The results of delegate/alternate elections or designee changes should be forwarded to OCSEA Central Office as soon as possible. Notification should include the full name of the member (not nicknames) plus the employee id. A short summary of the final figures and the effective date should be included.

### **Vacancies**

In the event a subordinate body president steps down or is removed from office, the vice president (or first vice president where there are multiples) automatically assumes the position of president. The change is immediate and affords no opportunity for rescission at a later time. The ascension of the vice president creates a vacancy in that position.

Vacancies are filled by action of the subordinate body, not by a new set of elections. Where no member runs for an elected position, it must be filled as a vacancy.

A vacancy in the office of vice president, secretary or treasurer is filled by voting on a recommendation from the executive board. The general body is limited to voting on the person(s) presented by the executive board and may not substitute another candidate for the position.

Should a vacancy occur which brings the number of executive board members below the constitutional minimum of three, the president of the subordinate board may appoint a member to fill it. This appointment is subject to the approval of the entire executive board, not the general body.

Where a delegate seat to either an assembly or district council is vacant, the seat shall be filled by recommendation of the chapter president and approval of the general body.

Notice of all changes should be forwarded to the OCSEA Secretary-Treasurer within five (5) days. Always include the date of the change as well as other identifying information. Any vacancy filled has the same expiration date as the elected officers.

### **Special Duties**

The duties of Chapter, District Council and Assembly Officers are listed in Article IX of the Subordinate Body Constitution. Of particular note are two duties of a chapter president: (1) to appoint representatives to the district grassroots committees; and (2) to appoint stewards.

District grassroots representatives participate in the District Grassroots Council (DGC). The DGC is responsible for recommending endorsements to OCSEA Central Office on political candidates and issues which often affect the day to day activities of our membership. The DGC representatives acquire in-depth knowledge of the people and issues which are a part of OCSEA's future.

Stewards are the champions of the collective bargaining agreement. Stewards are the first impressions of the union. The terms of stewards expire with the term of the president. Therefore, it is essential that chapter presidents notify both OCSEA and their agency counterparts, of who they have selected as stewards. Article V of the Subordinate Body Constitution details the process.

### **Voting by mail**

Elections conducted by mail are more complicated than those conducted in-person and, as a result, there is a greater chance of encountering problems that can adversely affect the election process. For example, mailing lists are frequently inaccurate, deliveries are sometimes slow, and elections of this type lend themselves to fraud and manipulation more easily than do other kinds of elections.

Nevertheless, there are some subordinate bodies with membership spread over such a large geographical area that mail votes are almost the only practical method of providing every member with "a reasonable opportunity to vote." Because of the complexity and potential for manipulation of mail ballot elections, it is extremely important that proper procedures, as spelled out in this section of the manual, are followed.

If elections are to be conducted by mail, the following procedures must be followed:

1. The mailing to each member should contain:
  - a. A ballot.
  - b. A plain envelope (or one with the word "ballot" printed on it).
  - c. A **stamped** envelope addressed to the point to which ballots are to be returned, with a place for the member to write the member's

- name on the outside (or, if possible, with the member's name already on it).
- d. A set of instructions, which may be printed on the ballot itself.
2. The member should be instructed to:
    - a. Mark the ballot.
    - b. Place it in the **plain** envelope (or the one marked "Ballot") and seal it.
    - c. Place the envelope in the other envelope, seal it, write the member's name on the outside, and mail it in time to be received no later than a specified date.
  3. The election committee should carefully supervise the mailing to the members. Official observers designated by the candidates are entitled to be present during the addressing, stuffing and mailing of the ballots.
  4. The return envelopes should be addressed to a neutral address, not to the union office or to someone's home. The best way is to have them returned to a Post Office Box requiring two keys to open. One of these keys should be retained by the chairperson of the election committee and the second by another committee member.
  5. The election committee should allow at least 20 days between the mailing of the ballots and the opening of the box. If this amount of time is allowed, it is not necessary to do a separate mailing of an "Election Notice" 15 days in advance; the ballot itself constitutes notice.
  6. The box should be opened on the specified date, with the observers invited to be present.
  7. The names on the envelopes should be checked against the membership list, and as each is verified, the envelope should be opened and the inner envelope containing the ballot should be dropped in a ballot box.
  8. When the verification process is completed, the plain envelopes should be opened, and the ballots removed.
  9. The ballots are then tabulated and the report made in the same manner as for any other kind of election.

There are at least two temptations that **must** be avoided:

1. The temptation to save money by not putting stamps or postage on the return envelopes. The subordinate body may not require a member to purchase a stamp and put it on the return envelope as the price for voting.
2. The temptation to save money by mailing only to those members located in outlying areas and requiring those working or living in nearby areas to vote at a polling place. **Everyone** votes by mail or **no one** votes by mail.

## REFERENCE MATERIALS

### SUBORDINATE BODY CONSTITUTION

#### **Article VI - Elections**

**Section 1.** All candidates for officer, executive board or delegate positions must meet the qualifications for nomination or election pursuant to Article IV of the Uniform Subordinate Body Constitution.

**Section 2.** All candidates for Officer, Executive Board or delegate in this Chapter, District Council, or Assembly shall be nominated from the floor at a regular or special meeting called for that purpose and only after having given at least fifteen (15) days notice to the membership of such Chapter, District Council, or Assembly prior to the nomination meeting.

**Section 3.** All voting shall be by secret ballot. All active members shall be notified of the nominations and election by mail at least fifteen (15) days prior to the date of the nominations and election meeting(s). The notice shall include a set date, time, and location for any potential run-offs.

**Section 4.** An Election Committee shall be appointed by the Chapter, District Council, or Assembly president to receive nominations, ensure eligibility of nominees, prepare and issue the ballots, count the votes, and report the results of the election in writing to the Chapter, District Council or Assembly for approval. The appropriate president shall designate one member as chairperson. Upon approval, the report shall be made a permanent part of the Chapter, District Council, or Assembly's Minutes. No candidate for office may serve on the Election Committee.

**Section 5.** No write-in, proxy, or absentee voting shall be permitted.

**Section 6.** Voting by mail may be done pursuant to the OCSEA election guidelines. Balloting by mail must be done by all members or by none. A procedure which permits mail ballots, as well as personally cast ballots, is not acceptable.

**Section 7.** After nomination for an office is closed, and in the event only one candidate is nominated for that office, the election committee chairperson will then declare that candidate elected, provided that the candidate has accepted the nomination. No further motion is necessary and the elected candidate's name does not appear on the ballot.

**Section 8.** All election notices shall include the following language: "Circumstances such as receipt of workers' compensation benefits, disability benefits, and assignment to project staff, etc. may affect your eligibility to run for office in this election. If you are considering running for any office, executive board,

or a delegate position, please contact OCSEA Central Office prior to the nomination date.”

**Section 9.** The candidate(s) receiving the highest number of valid votes for their respective offices or positions shall be declared elected and sworn into office, using the approved oath of office, by a member of the Board of Directors. Candidates shall assume their duties upon acceptance of the election report by the Chapter, District Council, or Assembly.

**Section 10.** In the event of a tie vote, the Election Committee of the Chapter, District Council, or Assembly shall cause a new secret ballot to be taken. Should the second ballot result in a tie for any office or other position, the Executive Board of the Chapter, District Council, or Assembly shall declare the election closed and appoint one of the tied candidates to the position in question.

**Section 11.** Within five (5) days after the election, the results shall be reported by the Secretary or the State Board member, in writing, to the Executive Director of the Union, giving the name, social security number, the department where employed, the business and home address and telephone numbers and the office to which each was elected.

**Section 12.** Any candidate whose name appears on the ballot has the right to an observer of his/her choosing so long as that person is a member of OCSEA. In no case may a candidate be an observer for him/herself or any other candidate.

**Section 13.** The term of office for Chapter, District Council, or Assembly officers shall be three years. Any elected position may succeed itself.

**Section 14.** The Election Committee chairperson shall keep all ballots, tally sheets, and any unopened challenged ballots and copies of other election material sealed for one year in a safe place.

## SUBORDINATE BODY CONSTITUTION

### **Article VIII- Vacancies**

**Section 1.** In the case of a vacancy in the office of the President, the Vice President shall assume the office of President and the resulting vacancy of the office of Vice President shall be filled by action of the Body Executive Board and approved at a regular Chapter, District Council, or Assembly meeting.

**Section 2.** Should the office of Vice President, Secretary or Treasurer become vacant, the office shall be filled by action of the Body Executive Board and approved at a regular Chapter, District Council, or Assembly meeting.

**Section 3.** Should a vacancy occur on the Executive Board, the vacancy shall be filled by a member appointed by the President of this Chapter, District Council, or Assembly and approved by the Executive Board. Changes in the Executive Board shall be reported to the Executive Director of the Union within five (5) days giving the name of and the department of the replacement, together with the name, social security number, address and department of the person replaced.

**Section 4.** Vacancies filled pursuant to this Article shall be in force until the next general election.

**Section 5.** Should any elected person fail to attend two consecutive meetings of this Chapter, District Council, or Assembly without being excused by this Chapter, District Council, or Assembly, such position shall be deemed vacant. When an emergency precludes advance notification, the Chapter, District Council, or Assembly may retroactively grant an excused absence.

## SUBORDINATE BODY CONSTITUTION

### Article V – Stewards

**Section 1.** Qualifications for stewards are those described in Article IV, Section 6 (C) in the State By-Laws.

**Section 2.** Stewards may be organized by Chapter; as provided for in the By-Laws of a Chapter; by agency work site members within their geographic districts as defined by master contracts; in a multiple agency work site, within such work site by members.

**Section 3.** Depending on which basis stewards are organized, those stewards may decide on their own selection method of a Chief Steward.

**Section 4.** Stewards shall be appointed by the Chapter president. The Chapter president shall respond to requests for appointment, in writing, within fifteen (15) calendar days. A member may petition the Chapter executive board, in writing, within fifteen (15) calendar days, if not appointed. The executive board shall respond, in writing, to a petition from a member within fifteen (15) calendar days of receipt.

**Section 5.** The term of office for stewards shall run concurrently with the term of office of the appointing Chapter president. Stewards must be appointed or reappointed by each Chapter president at the beginning of his/her term.

**Section 6.** Stewards may be removed by written notice from the Chapter president. The removal may be appealed, in writing, to the Chapter executive board within fifteen (15) calendar days of receipt of the notice of removal.

**Section 7.** Appeals to the Chapter executive board shall be heard within sixty (60) days of receipt. Appeals shall be forwarded to the Chapter secretary.

**Section 8.** The decision of the executive board shall be forwarded to the member in writing and shall be final. No further appeal shall be made to OCSEA and/or AFSCME.

**Section 9.** The results of the appeal(s) shall be made part of the minutes of the executive board.

**Section 10.** All stewards shall comply with all provisions of the union's State Constitution, State By-Laws, the Uniform Subordinate Body Constitution and any By-Laws of the body. Stewards shall not violate, or willfully attempt to violate, the Union's State Constitution, State By-Laws, the Uniform Subordinate Body Constitution or any By-Laws of this Chapter, District Council, or Assembly.

**Section 11.** Affiliation with a competing labor organization by any steward after appointment shall be deemed an automatic resignation from the office. Affiliation of any steward with a non-competitive labor organization as a result of work other than public service shall not be deemed an automatic resignation.

## SUBORDINATE BODY CONSTITUTION

### Article IX - Duties

**Section 1.** The Chapter, District Council, or Assembly President shall:

(A) Preside over all meetings.

(B) Transfer to the succeeding officer within seven (7) days of election any and all records, books, and property of the office and/or Chapter including and not limited to the records of the Chapter's chief steward.

(C) Except as otherwise provided herein, the president shall appoint all committees needed to conduct this Chapter's, District Council's or Assembly's business. At least one Chapter, District Council, or Assembly executive board member other than the Chapter, District Council, or Assembly officers shall be appointed on each standing committee.

(D) Chapter president shall appoint representatives to the district grassroots committee. The District president shall appoint the district grassroots committee chairperson and vice-chairperson.

**Section 2.** The Vice President shall:

(A) Assist the President when called upon to do so and, in the case of absence or disability of the president, shall act as President.

(B) Transfer to the succeeding officer within seven (7) days of election all records, books, and property of the office.

**Section 3.** The Chapter, District Council, or Assembly Secretary shall:

(A) Keep

(1) All records in books or files; the location of which is known by the President at all times; and

(2) A copy of the State Constitutions and State By-Laws of the OCSEA, and By-Laws of the Chapter, District Council, or Assembly, if any, and the Board policies; and

(3) A current membership list of the Chapter, District Council, or Assembly; and

(4) A record of the minutes of all the meetings of the Chapter, District Council, or Assembly, its Executive Board and Committees after they have been approved; and

(5) All communications initiated by the Chapter, District Council, or Assembly.

(B) Transfer to the succeeding officer within seven (7) days all records and books of the office.

(C) Sign all certified copies of activities of the body, such as minutes, unless otherwise specified in the documents.

**Section 4.** The Chapter, District Council, or Assembly Treasurer shall:

(A) Receive and hold all monies, securities, vouchers and such other property of the Chapter, District Council, or Assembly as may pertain to the Treasurer's office.

(B) Keep an accurate account of all financial transactions of the Chapter, District Council, or Assembly.

(C) Report all financial transactions at each regular meeting of the Chapter, District Council, or Assembly and submit in writing to the Secretary. The report, including Board polls and Executive Board actions, shall be attached to the minutes after approval by the Chapter, District Council, or Assembly.

(D) Submit all necessary financial reports to the Comptroller, as required in the State Constitution Article XII, Sections 3 and 4.

(E) Shall pay out monies only after the Chapter, District Council, or Assembly or Executive Board has authorized payment or as the State By-Laws prescribe.

(F) Submit all financial records upon request of the Chapter, District Council, or Assembly's duly appointed and elected audit committee or the Comptroller.

(G) Not authorize any expenditures or incur any obligations for which funds are unavailable.

(H) Transfer to the succeeding officer within seven (7) days of election all monies, securities, vouchers and all other property.

(I) Sign as evidence of certification all financial transactions of the Chapter, District Council, or Assembly.

## **OCSEA CONSTITUTION**

### **Article IX – Delegates**

#### **Section 1. OCSEA Convention Delegates**

##### **(A) Delegates-At-Large**

###### **(1) Automatic**

All State Officers, members of the Board of Directors and Chapter, District Council, or Assembly presidents of this Union shall be delegates-at-large to all conventions. In the event that the Chapter, District Council, or Assembly president is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the vice president shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly vice president is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the secretary or secretary/treasurer shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly secretary or secretary/treasurer is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the treasurer shall be the delegate-at-large.

###### **(2) Succession**

If a Chapter, District Council, or Assembly President is a delegate-at-large by virtue of another elected position, the Chapter, District Council, or Assembly vice president shall be the delegate-at-large representing the Chapter, District Council or Assembly. If a Chapter, District Council, or Assembly vice-president is unable to attend the convention as the Chapter, District Council or Assembly's authorized delegate, the secretary or secretary/treasurer shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly

secretary or secretary/treasurer is unable to attend the convention as the Chapter, District Council or Assembly's authorized delegate, the treasurer shall be the delegate-at-large.

**(B) Other Convention Delegates**

Each Chapter shall be entitled to at least one delegate and one alternate to the OCSEA biennial convention or any OCSEA special conventions, in addition to the delegate-at-large provided in Section 1(A) of this Article. An elected delegate who is unable to attend shall be replaced by an alternate. If the Chapter has elected more than one alternate, the alternate shall be selected in order of the highest to the lowest number of votes received. In the event of a tie, the executive board of the affected Chapter, District Council, or Assembly shall select one of the tied alternates.

**(C) Additional Delegates and Alternates**

A Chapter shall be entitled to one (1) additional delegate and alternate for each one hundred (100) members. Membership for this purpose shall mean the number of active members listed as of 60 days preceding the opening date of any convention.

**(D) Delegate Qualifications**

All delegates and alternates must be active members of the Union for two (2) continuous years immediately prior to the election.

**(E) Election of Delegates**

Fifteen (15) days notice must be given prior to the election of delegates and alternates. The election shall be conducted in accordance with OCSEA's election procedure pursuant to the OCSEA Subordinate Body Constitution Article VI, Section 2 at least ten (10) days before but not more than 180 days prior to the start of a convention, and the credentials shall be forwarded immediately by the body's secretary to the Secretary-Treasurer of the Union.

**Section 2. Assembly Delegates**

(A) Voting delegates to an Assembly shall consist of each Chapter President (if the Chapter President is employed by the agency that forms the

Assembly), or his/her designee from the appropriate agency and one other delegate from the appropriate agency elected by the members of the Chapter who are employed by the agency that forms the Assembly.

(B) State Board of Directors members, including State Officers, who work in the agency represented by the Assembly shall be voting members of the Assembly.

(C) The term of office for an Assembly delegate shall be three (3) years. Delegates shall be elected in conjunction with the Chapter's election of officers and executive board members pursuant to Article VI of the Subordinate Body Constitution. A Chapter shall be entitled to elect delegates to every Assembly which represents agencies covered by its jurisdiction.

(D) Delegates to the Assembly may be removed by the Chapter from which they were elected for failure to attend two (2) consecutive meetings of the Assembly without being excused. When an emergency precludes advance notification, the body may retroactively grant an excused absence.

### **Section 3. District Council Delegates**

(A) Delegates to a council shall consist of each Chapter president or his/her designee and one other delegate elected by the Chapter.

(B) State Board of Directors members shall be voting delegates in the District Council from which they were elected. State Officers shall be voting delegates in the District Council to which their home chapter is assigned.

(C) The term of office for a District Council delegate shall be three (3) years. Delegates shall be elected in conjunction with the Chapter's election of officers and executive board pursuant to Article VI of the Subordinate Body Constitution.

(D) Delegates to the District Council may be removed by the Chapter from which they were elected for failure to attend two (2) consecutive meetings of the District Council without being excused. When an emergency precludes advance notification, the body may retroactively grant an excused absence.

#### **Section 4. International Convention Delegates**

(A) The State Board of Directors shall determine the number of delegates to represent the Union at the Biennial Convention or any special convention of the International Union. By virtue of election to their respective positions, the State President, State Vice President, State Secretary-Treasurer, State Board of Directors members and the President of each District Council shall be eligible to be delegates to the International Convention.

(B) In the event that the State Board of Directors determines that the number of delegates to attend the International Convention is less than the number delineated above, the State Board of Directors shall determine which individuals from those delineated above, shall attend using the following order of priority: State President, State Vice President, State Secretary-Treasurer, one (1) Board Member from each of the State Board of Directors Districts and Board members and District Council President, selected proportionately, according to the Union membership of their respective districts.

(C) Should the number of delegates authorized by the State Board of Directors to attend such International Convention exceed the number of State Officers, Board of Directors members and District Council Presidents attending such International Convention, additional delegates shall be elected from amongst the Districts on a pro-rata membership basis.

(D) If a District Council President is a member of the State Board of Directors, the International Convention delegate slot shall proceed through the levels of succession in that District as outlined in State Constitution Article IX, Section 1(A)(2).

**Board Policy  
As Adopted by the  
Board of Directors**

Policy Number: 46

Policy Name: 24/7 Operations – Nominations and Election Procedures

Effective Date: April 17, 2010

Background: In order to ensure a fair election where everyone has the opportunity to vote or to be nominated, these procedures were developed to help the 24/7 chapters. 24/7 means twenty-four hours a day seven days a week.

Election of all subordinate body officers, executive board, delegates to the OCSEA Convention, Assemblies and Districts Councils require a 15-day notice of nominations and elections. The notice should indicate what offices are to be filled, and should state the date, times and places of both the nominations meeting and election. Nominations and elections cannot take place at the same meeting in a 24/7 operation. This is to insure that every member has an equal opportunity to cast a ballot or make a nomination.

Procedure:

1. Notice

Nomination and election information may be included as part of a regular meeting notice. It may be given by printing the notice in a newsletter or any publication that is mailed to the entire membership, provided it is prominently displayed and not buried in the middle of an article or some other subject.

The important thing is that the notice be mailed to all members with sufficient time to be received at least 15 days before the meeting at which nominations are to be made. Because no mailing list is ever one hundred percent accurate, it is usually wise to post notices on bulletin boards concerning the nominations and election in addition to the mailed notice.

## 2. Term of Office

Elections must be held in the regularly scheduled month even though the previous election and/or installment of officers was delayed. Such a delay might have come about because of a run-off election, a valid protest that resulted in a re-run of the election or perhaps because of an “Act of God”. The three year term will start in the same specific month every third year.

## 3. Times and Locations for Holding Election

Nominations/Elections must be held at set times and locations in order to insure a fair chance for every member to make a nomination or vote.

Suggested hours: These are suggested hours only, each chapter should select hours that are most reasonable for their members and shift changes.

- a. 6:00 a.m. – 4:00 p.m. The purpose of this is to allow members of the third shift an opportunity to vote when getting off their shift. It also allows members of the first shift coming in an opportunity to vote and all members on staggered shifts to vote as well.
- b. 6:15 a.m. – 7:15 a.m. and 11:15 a.m. – 12:15 p.m. and 2:15 p.m. – 4:15 p.m. This makes the ballot box available during shift changes.

All provisions of the AFSCME Election Code (unless specifically modified by the OCSEA Constitution and By-laws) and the OCSEA Constitution, By-laws and Subordinate Body Constitution apply. The OCSEA Election Manual should be used as a resource.

# OATH OF OFFICE

## OCSEA SUBORDINATE BODY OFFICERS

Oath to new subordinate body officer(s):

I, (State Your Name) . . . do solemnly swear that I will support the constitution of the United States, the State of Ohio, and the Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO, and that I will bear true faith and allegiance to such constitutions including the constitution of this body.

I further swear that I will faithfully discharge the duties incumbent upon me by virtue of my office to the best of my ability, and that I take this obligation freely, without mental reservation or purpose of evasion, so help me God.