

UNIVERSITY STAFF ASSOCIATION

ELECTIONS BOARD

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ELECTIONS PROCEDURES

Established and Passed by the USA ELECTIONS BOARD

February 23, 2013

in accordance with Article IX, Section C(2)(d) of the USA Constitution, which states:

“The Elections Board shall ... [e]nsure that all nominations and elections are conducted to provide the fullest possible participation by the members and enable members to choose freely the leadership of the Union; therefore, the Board shall ... [e]stablish and maintain nomination and election procedures.”

Bold Type (with citation) = Policies and Procedures set in the USA Constitution or MTA and NEA procedures

Regular Type (with occasional **bold** for emphasis) = Policies and Procedures established by the Elections Board

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Bold Type = Policies and Procedures set in the USA Constitution

Regular Type = Policies and Procedures established by the Elections Board

I. MEMBERSHIP OF THE ELECTIONS BOARD:

“The Elections Board shall be comprised of five members appointed by the Executive Board to serve a two year term. Members may be reappointed.”

(USA Constitution, Article IX, Section A)

“The Elections Board shall function separately and independently of any Union board council or committee. No member of or candidate for the Executive Board, Judiciary or Steward may serve on the Elections Board.”

(USA Constitution, Article IX, Section B)

“With the advice and consent of the Executive Board, {the President shall} ... appoint members to or fill vacancies of [the] Elections Board....”

(USA Constitution, Article VI, Section D(5)(a))

“The Elections Board shall elect one of its members to serve as chair.”

(USA Constitution, Article IX, Section C(1))

Should the Chairperson of the Elections Board resign from the Board for any reason, the remaining members shall elect a new Chairperson.

When one or more vacancies occur on the Elections Board, the Chairperson of the Elections Board shall request the President of the USA to fill the vacancy or vacancies.

The members of the Elections Board shall be neutral and non-partisan at all times.

II. OVERVIEW

“The Elections Board shall ... conduct secret balloting on all matters provided for in the USA Constitution (i.e. election of officers and members at large, stewards, special elections to fill vacancies, recalls, referenda, initiative petitions, annual dues rate changes and constitutional amendments). The Election Board shall determine the nature of the balloting....”

(USA Constitution, Art. IX, Section C(2)(i))

“{c}onduct ratification balloting in accordance with the provisions of Chapter 150E of the Massachusetts General Laws....”

(USA Constitution, Art. IX, Section C(2)(j))

“The Elections Board shall ... [e]nsure that all nominations and elections are conducted to provide the fullest possible participation by the members and enable members to choose freely the leadership of the Union...”

(USA Constitution, Article IX, Section C(2))

Open nominations must be available to all active local association members.... Secret ballot elections must be employed ... in the election process.

(MTA Delegate Election procedures, Part IV #2, 4)

The Elections board conducts nominations and secret ballot elections for the following:

- A. Executive Board (*USA Constitution, Art. IX, Section C(2)(i)*)
- B. Stewards Council (*USA Constitution, Art. VII, Section A(1); Art. IX, Section C(2)(i)*)
- C. Delegates to the MTA Annual Meeting and Delegates to the NEA Representative Assembly (*USA Constitution, Art. IX, Section C(2)(s)*)
- D. Amendments to the Constitution (*USA Constitution, Art. IX, Section C(2)(i); Art. XIII, Section B(1)(c) and B(2)(c)*)
- E. Local Dues Increase (*USA Constitution, Art. IX, Section C(2)(i); Art. IV, Section D*)
- F. Initiative Petition or referendum (*USA Constitution, Art. IX, Section C(2)(i) ; Art. XI, Section D(3)*)
- G. Vacancy on the Executive Board (*USA Constitution, Art. VI, Section C(6); Art. IX, Section C(2)(i)*)
- H. Recall of an elected official (*USA Constitution, Art. IX, Section C(2)(i); Art. XI, Section B(1)*)
- I. Referendum Appeal of a Negative Finding by the Judiciary (*USA Constitution, Art. VIII, Section C(5)*)
- J. Contract Ratification (*USA Constitution, Art. IX, Section C(2)(k)*)
- K. Run-off elections (*USA Constitution, Art. IX, Section C(2)(m)*)
- L. Special elections (*USA Constitution, Art. IX, Section C(2)(n)*)

Elections (except for contract ratification votes) shall be open to all active members in good standing, both for nomination, candidacy and voting. See *USA Constitution, Art. III, Section C(2)*. Agency fee unit members and members not in good standing may only vote in contract ratification elections. See *USA Constitution, Art. V, Section A*.

USA Elections are conducted by **Secret Ballot**. See *USA Constitution, Art. IX, Section C(2)(i)*.

USA Elections are **one person, one vote** (as per MTA Requirements and Guidelines for the NEA Representative Assembly, Section O)

A. Executive Board (*USA Constitution, Art. IX, Section C(2)(i)*)

“The elected Executive Board shall consist of a President, Vice-President, Treasurer, General Secretary, Membership Secretary, Parliamentarian, Grievance Officer, and four (4) Members at Large.”

In addition, the Executive Board shall also include USA members serving as MTA or NEA elected Board members.

(USA Constitution, Article VI, Section A(1) and (2))

These positions are NOT filled through elections conducted by the USA Elections Board.

“The Executive Board shall be elected in the regular biennial election to a two year term.”

“Regular elections of the Executive Board shall be held in February of odd-numbered years.”

“Terms of regularly elected officers and members at large shall begin with the first regularly scheduled Executive Board meeting after the annual membership meeting [in March—see USA Constitution Art. XII, Sect. B(1)].”

“Terms of officers and members at large elected in a special election to fill vacancies on the Executive Board shall commence at the next regularly scheduled Executive Board meeting and shall extend only for the duration of the unexpired term.”

(USA Constitution, Article VI, Section L (1)-(4))

B. Stewards Council *(USA Constitution, Art. VII, Section A(1); Art. IX, Section C(2)(i))*

“Members in good standing shall be elected as Stewards by the members of the district in which they are candidates in regular biennial elections to a two year term in February of even-numbered years and shall take office, upon certification of the election results by the Elections Board, at the first regularly scheduled Executive Board meeting in March.”

“A candidate need not be located in the district for which he/she is running.”

“Vacancies may be filled by appointment [i.e., not through elections conducted by the Elections Board].”

(USA Constitution, Article VII, Section A(1)-(3))

C. Delegates to the MTA Annual Meeting and Delegates to the NEA Representative Assembly *(USA Constitution, Art. IX, Section C(2)(s))*

The Elections Board shall... [c]onduct elections for delegates to the MTA Annual Meeting and the NEA Representative Assembly in accordance with their requirements.

(USA Constitution, Art. VII, Sect. C(2)(s))

These elections are held annually. The MTA and NEA **delegate allotments** are determined by the NEA and MTA, who inform the USA President who then notifies the Elections Board. The formulas used are as follows, based on existing USA membership records received by NEA on January 15: For MTA: total membership divided by 50. For NEA: total membership minus 75 divided by 150.

The election procedure for MTA and NEA delegates is nearly identical to that for Executive Board Members and Stewards except they occur every year. Typically a unified election for all positions up for election will be held.

MTA and NEA delegates are elected for a full one-year term. That is, the delegates will also attend the reconvened session. If a delegate cannot attend, the next successor would be awarded that delegate seat. NEA provides for 1, 2, or 3 year terms for their delegates, but the USA Constitution currently does not allow for this (*MTA Delegate Election Procedures*)

D. Amendments to the Constitution *(USA Constitution, Art. IX, Section C(2)(i); Art. XIII, Section B(1)(c) and B(2)(c))*

“The Constitution of this Union may be amended by addition, deletion or substitution.”

(USA Constitution, Art. XIII, Section A)

“The process of amendment may be accomplished by one of two procedures[.]”

1. By Initiative Petition:

“One-fifth (1/5) of the total membership may submit consistently worded petitions which specify the particular section(s) to be deleted and/or contains the detailed addition(s) and/or substitution(s). Said petition(s) shall be submitted to the Membership Secretary.”

“The Membership Secretary shall review said petition(s) for the required number of members' signatures within ten (10) days.”

“When the Membership Secretary certifies that the signatures on said petition(s) satisfy the constitutional requirement, he/she shall notify the Executive Board and the Elections Board in writing. The Elections Board shall conduct an election for the purpose of amending the Constitution within thirty (30) days of receiving the aforesaid notification.”

“The Constitution shall be amended if three-fifths (3/5) of the ballots cast favor the proposed change.”

“In the event that the Membership Secretary is unable to discharge his/her duties as set forth in Article [XIII] of [the USA] Constitution, the General Secretary shall assume responsibility for carrying out said duties.”

(USA Constitution, Art. XIII, Section B,(1)(a)-(e))

"Consistently worded" petitions need not be identically worded , so long as the essential meaning of the petitions are the same.

2. By recommendation of the Executive Board

“The Executive Board, whenever two-thirds (2/3) of its members deem it necessary, shall propose amendments to [the USA] Constitution.”

“The proposed amendment(s) shall be submitted in writing to the Elections Board.”

“The Elections Board shall conduct an election for the purpose of amending the Constitution within thirty (30) days of receiving the proposed amendment(s).”

“The Constitution shall be amended if three-fifths (3/5) of the ballots cast favor the proposed change.”

(USA Constitution, Art. XIII, Section B(2)(a)-(d))

The Elections Board shall ... Publish proposed initiative petitions, referenda and constitutional amendments for distribution to the membership prior to the balloting period.

(USA Constitution, Art. IX, Sect. C:2, Item v)

Procedures for putting constitutional amendments on the ballot are described in Section VII, below. Balloting and other procedures are similar to those used in other special elections. Constitutional amendment ballot items may be **combined into** the regular annual election ballot if the timelines allow.

E. Local Dues Increase *(USA Constitution, Art. IX, Section C(2)(i); Art. IV, Section D)*

“Adjustment of the University Staff Association dues rate shall be the exclusive right of the membership.”

(USA Constitution, Article IV, Section C)

“The procedure to adjust the local dues rate shall be:

1. Within 45 days after the Annual Meeting, the Executive Board may call a special Membership Meeting to discuss and vote on a proposed dues increase and any other important issues. If 2/3 of the members attending the meeting vote in favor of a change in dues, it will take effect immediately.” (USA Constitution, Article IV, Section B)

1. Proposals for **Dues Increases** shall be submitted to the Elections Board by the Executive Board, and an election shall commence following receipt of the submission from the Executive Board, following the same procedures as those for initiative petitions or referenda.
2. The announcement and balloting procedures for Local **Dues Increase**, elections shall be conducted according to the same procedures as elections on proposed Constitutional Amendments.
3. A dues increase may be **combined** into the regular annual election ballot if timelines allow.
4. A dues increase shall be deemed adopted if a 2/3 majority of those members voting cast ballots in favor.

F. Initiative Petition and referendum (USA Constitution, Art. IX, Section C(2)(i)) ; Art. XI, Section D(3)

“Any member of the Union may submit an initiative petition or referendum.”

“Upon submission of consistently worded petitions by at least ten percent (10%) of the total membership, the Membership Secretary shall review said petition for the required number of members' signatures and report the receipt of said petition to the Election Board.”

1. "Consistently worded" petitions need not be identically worded, so long as the essential meaning of the petitions are the same.

“The Elections Board shall conduct an Initiative Petition or Referendum within thirty (30) working days of receipt of the aforesaid notification.”

“In the event that the Membership Secretary is unable to discharge his/her duty as directed under this article, the General Secretary shall assume said duties.”

“An Initiative Petition or Referendum shall be deemed adopted if a majority of those members voting cast ballots in its favor.”

(USA Constitution, Article XI, Section D(1)-(5))

2. The announcement and balloting procedures for **Initiative Petition and Referendum** elections shall be conducted according to the same procedures as elections on proposed Constitutional Amendments, as outlined below in Section C.
3. These types of ballot items may be **combined** into the regular annual election ballot if timelines allow.
4. An initiative petition or referendum, shall be deemed adopted if a majority of those USA members casting ballots vote in favor.

G. Vacancy on the Executive Board (USA Constitution, Art. VI, Section C(6);Art. IX, Section C(2)(i))

“The Executive Board shall ... have the authority to declare a vacancy on the Executive Board and direct the Elections Board to conduct an election to fill said vacancy so long as one of the following criteria have been met....”

“Two-thirds of the Executive Board must determine that there is a vacancy due to an Executive Board member's:

“resignation,

“incapacitation, which shall be defined as the inability of the Executive Board member to perform the responsibilities of his/her position on a consistent basis for the duration of his/her term,

“loss of status as a member in good standing, []

“three unexcused absences of a member from executive board meetings [,] or

“After a Judicial determination of gross negligence...[G[ross negligence shall be defined as the failure of the Executive Board member to carry out his/her prescribed constitutional duties after two written warnings to do so shall have been approved by a majority of the Executive Board.”

(USA Constitution, Article VI, Section C(6)(a) and (b))

“Terms of officers and members at large elected in a special election to fill vacancies on the Executive Board shall commence at the next regularly scheduled Executive Board meeting and shall extend only for the duration of the unexpired term.”

(USA Constitution, Article VI, Section L)

When the Presidency becomes vacant prior to the regular elections, the Vice President becomes the President without an election. See USA Constitution, Article VI, Section E(2).

H. Recall of an elected official *(USA Constitution, Art. IX, Section C(2)(i); Art. XI, Section B(1))*

“Any elected Union official may be subject to a recall election if one-fifth (1/5) of the membership in his/her district in the case of a steward, or one-fifth (1/5) of the total membership in the case of any other elected official, submits consistently worded petitions to the Membership Secretary for the purpose of recalling an official.”

“The Membership Secretary shall certify that the number of members' signatures on said petitions satisfy the Constitutional requirement. He/she shall then notify in writing the Executive Board, the affected official and the Elections Board. The Elections Board shall conduct a recall election in a timely manner.”

“In the event that a petition is submitted to recall the Membership Secretary, the General Secretary shall assume the responsibility for receiving and certifying said petition.”

“An official shall be deemed recalled if two-thirds (2/3) of the ballots cast favor removal.”

(USA Constitution, Article XI, Sections A-C)

“Election in a timely manner” In order to do the recall election in a timely manner, the Election Board concludes that a recall election should, whenever possible, use the same timelines and schedules as for a referendum or initiative petition election, and shall commence within ten days of the certification of said petition.

I. Referendum Appeal of a Negative Finding by the Judiciary (*USA Constitution, Art. VIII, Section C(5)*)

“A negative finding and/or penalty may be appealed within ten (10) working days of the receipt by the respondent of the certified judiciary verdict.... Such an appeal shall take the form of a referendum directly to the membership who will be asked to vote for either upholding or overturning the verdict/penalty. Upon receipt by the Executive Board of a written appeal from the respondent, the Executive Board shall notify the Elections Board of the appeal, and the Elections Board shall conduct a referendum. The complainant and defendant shall both have the opportunity to present their cases in writing, which will be provided to the membership along with the written Judiciary decision and the announcement of the referendum election. The membership will be asked to either uphold or overturn the Judiciary decision as written. An appellant must be given the opportunity to present his/her case to the membership in a Union publication prior to the referendum election. If a member exercises the right of appeal, a stay of penalty shall take effect automatically and continue until the appeal process has been completed. If the finding and/or penalty is upheld by the membership, said penalty shall take effect upon declaration of the referendum vote by the Elections Board.”

(USA Constitution, Article VIII, Section C(5))

Such referendum will follow the same process as that of other referenda or initiative petitions.

J. Contract Ratification (*USA Constitution, Art. IX, Section C(2)(k)*)

“The Bargaining Team [, which is composed of members of the Negotiations Committee,] shall prepare and submit its reports and recommendations to the membership at a ratification meeting upon reaching a tentative [collective bargaining] agreement [with the employer] on all matters under negotiation. Procedures for ratification shall be in accordance with the provisions of Chapter 150E of the Massachusetts General Laws.”

(USA Constitution, Article X, Section G(2))

Within ten (10) days of receipt of the proposed Agreement, the Elections Board will commence a Ratification Vote, following the procedures outlined in Section VIII.

“The Elections Board shall.. Conduct run-off elections if necessary” (*USA Constitution, IX, Section C(2)(m)*)

1. If two or more candidates are tied for a particular position, the elections board shall first contact the candidates and see whether the candidates wish to drop out or run in a run-off. This includes tied votes for alternate delegate seats.
2. If step 2 fails to break the tie due to drop-outs, then a run-off election will be held between the remaining tied candidates, according to the same procedures used for the initial election.
3. In the case of a tie for MTA or NEA delegate seats, the election board can shorten timelines as needed to ensure that winners are determined within the MTA and NEA deadlines.

K. Run-off Election (*USA Constitution, Art. IX, Section C(2)(m)*)

“The Elections Board shall... Conduct run-off elections as needed” (*USA Constitution, IX, Section C(2)(m)*)

1. Procedures for a run-off election shall be the same as for a regular election of that type, except only the tied individuals will be running in the election. No nominations will be needed. The Elections Board chair may call the tied candidates and ask each if s/he wishes to run in the run-off election. (sometimes tied individuals winning a small number of write-in votes are not interested.)

L. Special Elections (*USA Constitution, Art. IX, Section C(2)(n)*)

“The Elections Board shall... Be responsible for Conducting special elections”

(USA Constitution, IX, Section C(2)(n))

1. Procedures for special elections will be determined based on the nature of the election.

III. ANNOUNCEMENT/NOMINATION PROCEDURE

This section applies to **Executive Board, Steward, Delegate, initiative petition, referenda, recall, and referendum appeal of a negative judiciary finding** elections. It does not apply to Constitutional Amendment elections or Contract Ratification Votes.

“The Elections Board shall ... [c]onduct all elections in February where not otherwise provided.”

(USA Constitution, Art. IX Section C(2)(l))

Elections for **Executive Board** are held in February of odd-numbered years; for **Stewards** in February of even-numbered years; and in February each year for MTA and NEA delegates.

“The Elections Board shall ... [b]e responsible for conducting special elections.”

(USA Constitution, Art. IX, Section C(2)(n))

“The Elections Board shall ... [e]stablish and maintain nomination and election procedures.”

(USA Constitution, Art. IX, Section C(2) (d))

Special elections can be conducted for recall, initiative petitions, constitutional amendments, and to fill vacancies on the Executive Board. The Elections Board will commence special elections within 10 days of receiving appropriate notice from the Executive Board or upon certification of petition signatures for an initiative petition. For elections on proposed Constitutional Changes, the election shall commence within 30 days of submission of the proposed changes from the Executive Board to the Elections Board. The Executive Board shall direct the Elections Board when to conduct contract ratification votes.

A. Announcement of Election/Call for Nominations

“The Elections Board shall ... [i]ssue a call for nominations in a Union publication at least ten (10) working days prior to the nomination deadline.”

(USA Constitution, Art. IX, Section C(2)(a))

“The Elections Board shall ... [o]pen nominations at a general membership meeting whenever possible.”

(USA Constitution, Art. IX, Section C(2)(b))

The governing body of the local association, county or state affiliate should disseminate in writing the ground rules for the nomination and election process to its entire membership prior to the beginning of the process.

(MTA Delegate Election Procedures, Part IV, # 1)

“The Elections Board shall ... [e]nsure that the nomination period is open for not fewer than ten (10) working days.”

(USA Constitution, Art. IX, Section C(2)(c))

1. The Elections Board will confirm the positions to be elected, set dates for the nomination period, and lay out a tentative timeline including dates for the nomination period, the preparation of ballots, the balloting period (or election date for in-person voting) and the ballot counting date.
2. An election shall be initiated through an **Election Announcement** that shall appear in the next issue of the electronic USA Voice and also be sent to all members via the usa-voice listserv. If this election involves elected positions, then this Announcement shall also be a **Call for Nominations**. Elections may also be announced, and calls for nominations issued, at a USA membership Meeting. Nominations may be taken at the membership meeting. The Election Board chair should have the draft announcement proofread before distribution.
3. The Election Announcement will announce all positions that are up for election (if any), plus all petition questions, referenda, recall elections, constitutional amendments, etc. that are also up for a vote. The announcement will also explain how to nominate an individual and describe campaigning procedures. If this is a Special Election, the announcement will so state. It will also state the beginning and ending dates and times of the nominations period, where applicable, the anticipated dates for balloting, and (during general elections) the estimated number of delegate seats allotted to USA for MTA annual meeting and the NEA Representative Assembly.
4. If time permits, and/or at the discretion of the Elections Board, nominations may be officially opened at a USA General Membership Meeting, provided that a meeting takes place within the appropriate timelines for conducting a timely election. Nominations may be made at such a meeting.
5. Nominations may be made by calling or emailing the USA Office or by calling or emailing a member of the Elections Board. If nominations are officially opened at a USA General Membership Meeting, nominations may be made at that meeting. It is allowable for a USA member to nominate him/herself.
6. The **Nominations period** must be for at least ten (10) working days. This can be satisfied by having the call for nominations disseminated electronically to all members at least ten days before the end of the nomination period.

B. Forms of Balloting

Contract ratification votes must be held via in-person voting at polling stations as per MTA contract ratification procedures (see below). All other elections may be by mail ballots or in-person voting, as determined by the elections board. For all elections, ballots will be mailed to all off-campus voters.

C. Acceptance of Nominations

1. Upon completion of the Nominations Period, the Elections Board shall **inform nominees** via memorandum or email (a) which positions they have been nominated for, (2) the dates, location and expenses/stipend info for MTA and NEA delegate positions, (3) an opportunity to submit a 50-word candidate statement, (4) opportunity to identify him/herself as a minority candidate, (5) information about campaigning procedures, including how to request mailing labels (see below), and (6) a deadline for accepting the nomination and submitting a statement [or identification as a minority candidate]. The email and memorandum will ask if they accept or decline the nomination, and if nominated for more than one position on the Executive Board, which nomination they wish to accept. If the candidate is running for a delegate position, s/he will be sent the text of the USA/MTA policy on stipends and delegate responsibilities.

- 2 **Confirmation** of nomination may commence before the end of the Nominations Period; however, Nominees shall be given the option of withholding a decision until the end of the nominations period. If a person is nominated for a position after accepting a nomination, that person should be so informed and be given the opportunity of accepting the later nomination. The Elections Board will follow up via telephone with candidates who have not responded in a timely manner. Any candidate who cannot be contacted by the deadline will be considered to have declined the nomination and not be included on the ballot.
- 3 **Candidate Statements.** The Elections Board may include candidate statements with the ballots. If this is done, the candidates will be offered the opportunity to submit a 75-100 word candidate statement. Statements received will be arranged on a sheet showing positions running for and this will be sent with the ballots. Deadline for submitting candidate statements will be at least two working days after the end of the nomination period.
- 5 **Campaign Literature.** Nominees who accept a nomination will be sent a copy of the text of the Elections Procedures section regarding campaign literature.

“The Elections Board shall ... [e]nsure that no member is a nominee for more than one office in any local election;”

“Ensure that no nominee for an Executive Board position holds a position on the Executive Board at the time of election, except during the regular general election of officers and members at large.”

(USA Constitution, Art. IX, Section C(2)(f) and (g))

2. No member may run for more than one Executive Board position at the same time. Executive Board members and Stewards may run for NEA and MTA delegate positions. No current member of the Executive Board may run for a seat on the Executive Board in a special election to fill a vacancy on the board.

“The Elections Board shall ... be responsible for verifying said nominees are members in good standing.”

(USA Constitution, Art. IX, Section C(2)(e))

3. After all nominees have accepted or declined nominations, the Membership Secretary will verify that nominees are members in good standing.

“The Elections Board shall ... [p]ublish the names of and information about each candidate for elective office prior to the balloting period. Candidates for the Executive Board shall be given the opportunity to speak at a meeting of the general membership.”

(USA Constitution, Art. IX, Section C(2)(h).)

4. After all nominees' membership in good standing has been verified, the Elections Board shall obtain from the Membership Secretary the department and full name for each nominee. Job title and seniority date may also be requested at the discretion of the Elections Board. This information will be printed on the ballot guide, along with voting instructions. The Elections Board may request that candidates be allowed to speak at the next General Membership Meeting, if it falls within the appropriate time frame.
5. A **Special Membership Meeting**, or **Candidate's Forum**, may be called by the Elections Board so nominees may address the membership before the balloting period.

IV. BALLOTING PROCEDURES

A. Preparation of Balloting Materials

1. **Finalized Ballots** will be drawn up. Candidates will be placed at random in the respective sections of the ballots. There will be space for write-in candidates. For MTA and NEA delegate positions, members will be instructed to vote not more than the number of seats that USA has been allotted. Candidates should be instructed circle the number next to the candidates or positions they vote for.
2. If the election includes a **recall petition**, both the officeholder and the petitioner(s) may submit a statement. If a referendum is an appeal of a judiciary decision against a member, both the complainant and the appellant may provide a written statement defending their side of the case, and the written judiciary decision will be included with the balloting materials.
3. Members may **identify** themselves as members of **ethnic minority groups**. If they wish, this information will be printed with the rest of the candidate information on the ballot and on the candidate information list.
4. The Elections Board will have a member of the Elections Board and/or the UniServ Representative, and/or the USA Office Manager **proofread** the draft balloting materials.
5. When the candidate list is finalized and candidate statements have been submitted, the Office Manager or Membership Secretary will **print up a membership list** and a set of mailing labels of all USA members eligible to vote in this particular election. Note that the list will include districts for Stewards Elections. For contract ratification votes only, the entire membership of the bargaining unit including members and agency fee payers will be included on the list and mailing labels.
6. Once the balloting materials have been proofread, the Elections Board or Office Manager will **print up and collate** balloting materials and label mailing envelopes. The Elections Board will then **stuff, seal, and mail** the envelopes.
7. **Reissued ballots:** The Elections Board shall establish a "Reissue List". If a member in good standing notifies the Elections Board that she/he did not receive a ballot, the Board will issue that person a new ballot packet (with ballot envelopes marked as "reissued ballot"), and record that person's name onto the "Reissue List".

B. Election Timelines

“The Elections Board shall ... [e]nsure that the balloting period is no less than ten (10) working days....”

“The Elections Board shall ... [e]nsure that the nomination and balloting period is no longer than thirty (30) working days for walk-in voting and forty (40) days for mail balloting.

(USA Constitution, Art. IX, Section C(2)(o) and (p)).

1. **Timelines:** Both the nomination period and the balloting period must each be at least ten working days in duration, and the entire election should be conducted within thirty (30) working days for walk-in voting and forty (40) working days for mail balloting. to the Elections Board recommends starting the nomination period for regular elections in the last week of January and then allow for at least two weeks to receive acceptances and candidate statements, prepare and proof balloting materials, print ballots, and stuff/mail envelopes.
2. Regular elections should be finished by the last week of March. The USA needs to inform MTA and NEA of delegate names by April 10.

C. Campaign Literature and Mailing Labels

A. Production

1. Candidate(s) are responsible for designing and printing their campaign literature.
2. The literature must indicate the name of the funding source and the responsible person (author).
3. The Elections Board will not edit or require changes to be made to the contents of the flyer, outside of the provision of funding source and responsible person (author).
4. Responsibility and liability for the content of all candidate's campaign literature belongs solely with the person(s) responsible for the flyer. The author should take this into consideration when composing the material.
5. Flyers can be requested and sent before and during the nominating and balloting periods.

B. Distribution

1. University Staff Association dues-paying members may request mailing service be provided by paying \$3.00 for a set of mailing labels (cash or check made out to "University Staff Association") at the USA Office. NO Union money may be spent on campaign expenses. There are approximately 850 voting members in the USA.
2. The USA Office may take up to 48 hours to print the labels. Candidates should plan accordingly.
3. Design, funding and printing of flyers is the responsibility of the requestor.
4. Campaign literature must include a clearly legible statement naming the person(s) funding the literature as well as the person(s) responsible for the content of the literature.
5. Candidate must present a draft of their literature to a member of the Elections Board for verification of the funding source and responsible person(s). This may be done via email, campus mail, US mail or in person.
6. Once the funding source and authorship disclosure language has been confirmed on the flyer, the Elections Board will notify the USA Office to make the labels available to the requestor and notify the requestor that the labels may be picked up at the USA Office, or (upon request) mailed to the requestor via Campus or US Mail. The requestor must pay for postage if they want to have the labels mailed to them at an off campus location.
7. Labeling and mailing of the campaign literature is the responsibility of the requestor. Campaign literature may be sent by campus mail, except for the approx. 20 off-campus members whose literature can only be sent by US mail. Requestor is responsible for providing envelopes and postage for the off-campus addresses.
8. Campaign literature and discussion may not be sent to the official USA Listservs ("usa-voice" and "usa-membersonly") as per MTA and NEA policy (forbidding the use of union resources in election campaigns), and currently may not be sent to the usa-unitmem discussion listserv (per that listserv's policy not allowing solicitation, of which campaigning is determined to be such). Candidates may send campaign literature and discussion via personal emails. OIT policy allows members to campaign via the University email system. The USA Elections Board allows all forms of campaigning that are in conformity with the Law and University policies and regulations.

C. Disclaimer

During the campaign season, the USA Elections Board will send a disclaimer message to the "usa-membersonly" email list (all dues paying members) that states the following:

"The content of campaign literature is solely the responsibility of the candidate(s) or

group(s) funding the literature. The USA Elections board does not verify the accuracy of, nor endorse the content of, any USA election literature. Caucuses, coalitions, and other types of informal groups are NOT official agencies of the University Staff Association, and any opinions expressed by such groups are those of their members and not the Union or its official agencies.”

D. Posting flyers on the USA Website

The Elections Board will discuss the possibility of allowing campaign flyers to be posted to the USA website during the campaign. This procedure would not negate candidates’ ability to request labels for mailed flyers. They would be able to do both. The Elections Board would send a message to the “usa-membersonly” listserv announcing the posting of each flyer with a direct link to the flyer.

E. Timing of campaign literature.

There is no time limit for when campaign literature may be distributed. It may be distributed before the end of the nomination period. Candidates should be aware that most members will vote within 2-3 days of receiving their ballots, so literature is most effective when it arrives as close as possible to the time members receive their ballots. Campaigns should plan accordingly and try to avoid doing things at the last minute.

D. Balloting Procedure: Mail Ballots

1. Balloting Materials

The Elections Board shall prepare **Ballot Packages** which will be mailed to all USA members. Each package will contain:

- a. A Balloting Guide, which will include voting instructions; text of any initiative petitions, ballot questions, referenda, or constitutional amendments, etc., candidate information, as detailed earlier in these procedures, and the balloting deadline.
- b. (If candidates are running for positions) a sheet with all submitted candidate statements. Also, a candidate information sheet listing candidate’s names, department, position title and seniority date, and any submitted minority candidate information.
- c. Statements from involved parties for referenda and initiative petitions as described above. Proposed constitutional amendments (if line item election), and Judiciary decisions with statements from affected parties as permitted.
- d. One ballot, which will list all positions and candidates up for election and any other items up for vote.
- e. A ballot envelope (size 6.75), a signature envelope (size 9), and a Reply envelope (Size 10).

2. Reduced-paperwork alternative voting procedure:

At the Election Board’s discretion, the ballot envelopes may be dispensed with and voters instructed to place their ballots in the Signature envelope. Currently this is not allowed for elections involving election of MTA and NEA delegates due to MTA/NEA delegate voting procedures, which require an unsigned ballot envelope.

3. Checking of Ballots

- a. The USA Office Manager will take **incoming ballots** (both those received by mail and walked-in to office) and place them in the small ballot box each day. S/he will record the date, number of ballots and initials on the “incoming ballot log sheet”.

- b. One or more members of the Elections Board will **check signatures** several times during the balloting period. The mailing envelopes will be opened and discarded, and the signature envelopes will be checked for signature, with the name on the voter list being marked off with a highlighter. Processed signature envelopes and the voting list will be kept under lock in the large ballot box.
- c. The Elections Board will **determine the validity** of each signature envelope. If a signature envelope is deemed "invalid", it will be marked as such, and set aside. Reasons for invalidity include 1) Ballot mailed to USA Office in signature envelope, 2) no name or illegible name on signature envelope, 3) no signature envelope, 4) name of a non-member, member not in good standing, or agency fee member on the signature envelope, 4) Voter already marked off on voter list.
- d. If a **"reissued" ballot** is received for someone who is already marked off on the voting list, it will be accepted, and the voter's initial signature envelope will be invalidated. All reissued ballots received will be marked off on the "reissue list".
- e. All ballots **must be received by** 5:00 p.m. on the last date of the balloting period (or on the balloting day in the case of walk-in votes) in order to be considered valid. Any ballot arriving after that time will be kept and marked as "invalid" with the date/time of receipt noted.

4. Keeping of Ballots

Ballots will be kept in the large **Ballot box** under combination lock (with combination known only to the Election Board members and the USA Office Manager) in the USA Office during the balloting period. This box shall be accessible at all times to members of the Elections Board.

E. Balloting Procedure: In-Person Voting

1. When nominations have been accepted/declined, or following the timelines for other matters to come before the Elections Board (where the election does not involve electing Stewards or Officers), the Elections Board will mail or email to the USA membership¹ an **Election Balloting Guide**. Currently, all members in good standing have an email address registered on the "usa-membersonly" listserv. The following materials will be included in the Balloting Guide:
 - a. A Balloting Guide, which will include voting instructions; text of any initiative petitions, ballot questions, referenda, or constitutional amendments, etc.; and candidate information, as detailed earlier in these procedures.
 - b. A sheet with all submitted candidate statements.
 - c. As appropriate: (a) Statements from involved parties for referenda and initiative petitions as described above. (b) Proposed constitutional changes with rationales and (c) Appeals of Judiciary decisions with statements from affected parties as required.
 - d. Date and times of balloting and location of the polling station.
 - e. Procedures for requesting an **absentee ballot**.
2. The Membership Secretary will print and deliver to the Elections Board a **voter list** showing all members in good standing with the name, address, membership status, and if needed, district, at the same time as the printing of labels for the Balloting Guide.

¹ Balloting guides and voting rights only go to all bargaining unit members (as opposed to members in good standing) in the case of a contract ratification vote.

3. **Absentee Ballots:** Balloting Guides, balloting envelopes and ballots will be mailed to all off-campus USA members according to the procedures listed above (section D for mail balloting). Members may request absentee ballots by contacting the USA Office. People requesting absentee ballots will be added to an "absentee ballot request list".
4. Election board members will **collect** the absentee/off campus ballots on the day before the in-person voting and mark members off on the voting list, highlighting their name and marking "absentee ballot" next to their name. Absentee/off campus ballots must be received at the USA Office by 5:00PM on the day of in-person voting.
4. Balloting will be conducted via **ballot box** at designated **polling stations** at the UMass Amherst campus. The Elections Board will endeavor to establish two stations, in the north and south portions of campus. If this is not possible, a single polling station will be established at a central location. The balloting will commence at 9:00 AM and close at 5:00 PM. Individual Union members and candidates will be allowed to observe the balloting procedures so long as they do not disrupt voters or the election process.
5. At least two member of the Elections Board will be present at the polling station, and may be assisted by volunteers who are members in good standing. The balloting room will contain a monitored reception desk with a complete membership list and absentee/off campus voter list at one end of the room where voters will enter. The monitored ballot box will be near the other end of the room, where voters will exit. It is preferable to have a room with two doors. At least three sample ballots, candidate information sheets and statements (if necessary), and voting instruction sheets will be posted prominently in the balloting room. Referenda, petition language, constitutional changes, dues proposals, etc. will be available for voter perusal.
6. Voters will show their photo ID to the Elections Board member at the reception desk who will mark their name off the membership list (after checking for them on the absentee/off campus list). The voter will be given a ballot (for stewards elections, they will be given the appropriate ballot for their district). Pens will be available upon request.
7. At close of the election, the ballot box will be locked and **returned to the union office** for ballot counting.

V. BALLOT COUNTING PROCESS

A. Counting of Ballots

“The Elections Board shall ... [c]ount ballots within two working days after the balloting deadline.”
(USA Constitution, Art. IX, Section B(2)(q)).

1. Ballots will be counted, and an election report completed and certified by the Elections Board **within two working days** of the end of the balloting period unless lack of volunteer ballot counters forces a delay. The report will show the number of votes received by each candidate and indicate the winners and alternates. The winning candidates will then be notified of their wins. Should the top vote getter for a delegate seat decline their position, the next highest vote getter will be offered that position. All available delegate seats should be accepted before the MTA and NEA reporting deadlines. No candidate for a USA office with fewer than two votes can be elected to a position (See USA Constitution, Art IX, Section B(2)(t)
2. The Elections Board may ask Union members and the USA Office Manager to **assist with the counting** of ballots by serving as **tellers**, or act as observers. At least two election board members and the membership secretary should be at the counting. The board shall endeavor to build a pool of at least 8 volunteers, but can

proceed with fewer if necessary. Such invitation may take the form of an announcement in the USA Voice or to the USA Listserv in addition to personal invitations. All candidates will be invited.

3. The Elections Board shall determine and put in writing the **operational procedures** of the actual counting of the ballots in advance of the counting to the extent practicable to the extent they might differ from these policies.
4. The valid signature envelopes will be **counted**, as will the number of people highlighted on the membership list. Recounts will be performed as needed to account for **discrepancies**. Any unresolved discrepancies should be noted.
5. The ballot counters will **open signature envelopes** and set them aside (these will be kept afterwards; see below). If a signature envelope contains two or more ballot envelopes, both will be marked as “invalid”. If a ballot is in the signature envelope without a ballot envelope, it is still valid. The ballot counters will then open ballot envelopes and unfold and stack the ballots. The ballot envelopes will be discarded. If two or more ballots are in a single ballot envelope, both will be marked “invalid”.
6. An individual from the Elections Board shall serve as the **reader** -- Each candidate will have a tally sheet with their name for the specific position being counted. The reader cannot read for any portion of a ballot for which s/he is a candidate.
7. **Tally sheets** should be distributed evenly among the tellers in sequence by candidate number. Candidates who are helping to count ballots cannot tally votes for themselves. Typically, each section of the ballot will be counted and tallied separately, and the reader will read off the number of each candidate who received a vote (the tally sheets include a prominent candidate number in addition to the candidate name and other information.)
8. If a voter **over-votes** - votes for more than the maximum number allowed for a particular position, the affected section of the ballot will be considered invalid. If a write-in name is illegible, it will be invalidated. If a person votes for a person twice for the same position (once for an elected position and once as a write-in), the write-in vote will be invalidated. If the voter **under-votes**, it is counted as valid.
9. The reader will inform the Elections Board Chair (or designee) of any ballot that shows **irregularities** or defects of any kind. The Elections Board Chair (or designee) will determine if such ballot, or any portion thereof is to be declared invalid. Invalid ballots will be so labeled and saved with any invalid ballots that may have arrived before the balloting deadline.
10. One or more ballot counters will be designated to keep track of **write-in votes**. Write-in votes for USA members only will be recorded, those for agency fee members will be counted as invalid. The Membership Secretary shall determine the eligibility of all write-in candidates.
11. **Observers** may be allowed to observe both the reader and the ballot counters, their number and placement to be determined by the Elections Board. Any observer may issue a challenge to any portion of the election (a read or a tally, etc.) , but may not otherwise disrupt the proceedings or participate in any other way. The Elections Board Chair (or designee) shall determine if the challenge is to be considered valid.
12. Upon completion of the ballot counting, vote counters will **total up the votes** for each candidate and sign their tally sheets. The Elections Board Chair will double-check their totals.
13. At least two Elections Board members will independently transcribe the candidate totals onto a **draft Election Report** form. The two forms will be compared to ensure there is no discrepancy.

B. Determination of Winners

“The Elections Board shall ... [n]ot certify as elected any candidate who receives fewer than two (2) votes in any internal election.”
(USA Constitution, Art. IX, Sect C(2)(t))

“The Elections Board shall ... Ensure that voting procedures adhere to majority rulings except as provided for in Articles XI and XIII.”
(USA Constitution, Art IX, Sect. C(2)(u))

1. The USA abides by the principle of **one person, one vote**. For **Executive Board Officer** and **Steward** positions, the candidate getting a **plurality** of the votes is declared the winner. In the case of **Members-at-Large of the Executive Board**, the winners will be the **four candidates** receiving the most votes. There will be no runoff election unless there is a tie among potential winners.
2. For **delegate seats**, the top vote-getters (down to the number of seats allocated to USA by MTA and NEA) will be declared elected, with an equal number of the next highest vote-getters declared as **“successor delegates”** (i.e. alternates) -- (example: i.e. if NEA awards 6 seats to USA, we will elect 6 delegates and 6 successor delegates.) Delegate allotments vary from year to year and the USA President will be notified by MTA and NEA each year as to what those numbers will be.
2. Questions on **special elections** (Initiative Petitions, Referenda, and appeals of negative judiciary findings), will be considered passed if they receive a majority of the votes cast. **Constitutional amendments/revisions** will be considered passed if they receive a 60% (3/5) majority vote in favor. **Recall** of an elected official and adjustments to dues will be considered to be passed if a 66.67% (2/3) majority of the votes cast are in favor of the recall and/or adjustment to dues.
3. Any person **receiving less than two votes** for an Executive Board or Steward position cannot be declared elected. Such a position would then be declared vacant. This does not apply to external elections; that is, elections for delegates to the MTA Annual Meeting and the NEA Representative Assembly.
4. If any contested position has vote getters whose vote totals are within three votes of each other, the Elections Board will conduct an **“instant recount”** with counters recounting all ballots for just those candidates who are very close together in the count.
5. In the case of hotly disputed elections and at their own discretion, the Elections Board may institute **“double-counting”** for one or more contested races/ballot questions, which would allow for two people to be counting votes for the specific ballot items/elections, with the two counts being compared periodically throughout the counting to insure consistency.
6. The Elections Board may choose to do a systematic **“spot-check”** - checking the teller totals after a specified number of ballots have been read (i.e. after every 20 or 30 votes; tellers will mark on their tally sheet the exact spot where each spot check was done).

C. Recounts

1. If an **election challenge** questioning the ballot counting process is sustained, the Elections Board may hold a **recount**, utilizing the same procedures as in sections A-L. This is in addition to any “instant recount” that may have been conducted during the initial counting of ballots.
2. After the recount, another elections report will be compiled and distributed to membership. It will include both the initial results and the recount results.

D. Run-off Elections

“The Elections Board shall ... [c]onduct runoff elections if necessary.”

(USA Constitution, Art. X, sect. C(2) m))

If there is a tie for an elected position or for a yes/no vote, then a **run-off** election will be held. If for an elected position, only the tied top vote getters will be included on the ballot for the runoff election. Such election will be announced and ballots sent within ten days of the counting of ballots.

E. Re-votes and Re-Nominations

If an election challenge demanding a **re-vote** is sustained, or a misprint on the ballot is detected, which could affect the outcome of the election, then a new **balloting** will be held with the same ballot items as for the initial election. If an irregularity in the **announcement or nomination** procedure is upheld, then new nominations and balloting will be conducted.

Ballots will be labeled as “Corrected Ballots”, and an announcement of the re-vote will be sent to the membership prior to distribution of the corrected ballots, and indicate the revised balloting deadline. Ballots will preferably be printed in a different color, and the voting instructions will prominently indicate this is a RE-VOTE.

F. Balloting cancelled while in process

1. If a Re-Vote is determined to be necessary while the original vote is in process, an announcement will quickly be sent announcing cancellation of the original vote, alerting members to the color of the new ballots if the color is changed. Ballot Return Envelopes will be marked with a short yellow highlighter dash so the Elections Board can determine which ballot the envelope is for.
2. All returned ballots received up until the day the corrected ballots are sent out, will be bundled up, with the bundles labeled “invalid – canceled ballot due to re-vote” and stored in a secure location.
3. When opening up return envelopes to mark them off the membership list, any return envelopes that do not have the yellow slash (indicating re-vote), will be bundled together unopened, with the bundle marked “hold – to be checked during ballot counting”. The ones WITH the yellow slash will be opened, and the names marked off the membership list as per the usual procedures.
4. The counting process:

The purpose of these extra steps is to ensure that no valid vote is lost should a voter, who has kept both sets of voting materials, accidentally uses the wrong envelope.

- All of the validated signature envelopes (those with the yellow mark) will be opened as per usual procedure, followed by the opening of the ballot envelopes. Any ballot that is an original ballot will be marked as “invalid - cancelled ballot” and set aside. The valid ballots will be stacked in preparation for counting.
- Next, the return envelopes in the “Hold – to be counted during balloting” stack will be opened and the name checked against the voting list. During this process, one member of the Elections Board should be located in such a way they cannot see or hear what the name is on the signature envelope. If the person is already marked as voted, then this signature envelope will be marked “invalid – already voted”.
- If the person is NOT already marked as voted, then the separated Elections Board member will open up the ballot envelope and see if the ballot is original or corrected. If it is a corrected ballot, then the name will be

marked off on the voting list by the other Elections Board member. If it is an original ballot, then the ballot will be marked “invalid – cancelled ballot”, and the signature envelope will be discarded.

- The rest of the balloting process will take place per the regular procedures.
- The invalid ballots will be kept with all other invalid ballots.

VI. CERTIFICATION AND REPORTING OF RESULTS

The Elections Board shall ... Prepare a written report certifying the election results and the vote totals and forward it to the Executive Board and the Public Relations Committee, which shall publish said report for distribution to the membership no later than ten (10) working days following the counting of the ballots and certification of the election.

(USA Constitution, Art. IX, Sect. C:2, Item r)

- A. Once the draft election reports are **compared and verified**, the Elections Board Chair will declare the winners, and announce the full vote.
- B. The Chair of the Elections Board will prepare a **Preliminary Election report** and have it **proofread** and verified by the person who did the other initial draft report based on tally sheets. This report shall include all candidates for each position (including write-ins), and the number of votes they received, with the winners emphasized. All referenda, recall results, initiative petitions and constitutional amendment questions will be listed with the number of yes and no votes, requirements for passage and indication of whether they passed.
- C. Once the preliminary elections report is verified, the Elections Board will **submit** it to the Executive Board, the Chair of the Public Relations Committee and all candidates. The candidates will be reminded of their right (and deadline) to **challenge** the results of the election per the challenge procedure.
- D. The Elections Board will formally **notify winning candidates** of their victory and ask them to confirm their acceptance. Emails should be sent, followed by phone calls. The notification should reiterate date, time, place and stipends for MTA and NEA delegate positions. Ideally, these will be sent at the same time as the results.
- E. Should a winning candidate **decline office**, the next **successor delegate** should be offered the position, particularly if they received more than two votes. The Elections Board chair will adjust the election report as needed, and inform the USA President and USA Office Manager which candidates have accepted or declined. The Preliminary report will be sent to the Executive Board of the University Staff Association and the Chair of the Public Relations Committee, within ten (10) working days of the counting of ballots.
- F. Once the challenge deadline has passed (5 working days from the results being sent to all candidates), the Election Board Chair will **certify the results**, informing the executive board and USA Office Manager.
- G. The election results will then be **mailed** to all USA members, either in the next issue of the USA Voice, or as a separate mailing. They will also be posted to the USA Webpage.
- H. The USA President will report results of delegate and contract ratification elections to the appropriate entities. The deadline for USA to report MTA and NEA results to MTA is April 10.
- I. The ballots, membership list, and signature envelopes will be **kept** in the locked large ballot box for the term of office of the elected officers (2 years). The ballots, signature envelopes and membership list for initiative petition, recall elections, constitutional amendments/revisions, and contract ratification

elections will be kept for a period of one year from the Executive Board's acceptance of the Election Report.

VII. CONSTITUTIONAL AMENDMENTS/REVISIONS

1. Within thirty days of receipt of written notice of a 2/3 vote by the full Executive Board in favor of one or more proposed Constitutional Amendments, or upon certification by the Membership Secretary of an Initiative Petition for Constitutional Amendment, the Elections Board shall commence a **Constitutional Amendment/Revision Election**. The Executive Board will provide the Elections Board with a copy of the Minutes of the meeting at which such vote was taken, and the text of (and any rationales for/against) the proposed amendments/revision.
2. If proposed changes are numerous as defined by Roberts Rules of Order, then this will be considered a constitutional revision and the entire revised constitution will be voted on as a single item.
3. The Elections Board will receive the proposed constitutional **amendments/revision**, as well as any written **rationales** for and against, that are submitted to it by the Executive Board. Any USA member or group of members may submit their own rationales for or against to the Elections Board for consideration. These parties shall have fifteen (15) calendar days from the election board's receipt of the amendments/revision from the Executive Board, in which to submit their proposed arguments. The arguments will be edited by the Elections Board, for grammar, to reduce redundancy and insure completeness, and shall contain only objective statements, and may be combined as needed.
4. The Elections Board shall then email an **informational packet** to the USA membership in good standing (and send a copy by campus mail or regular mail to those without an email address or an off-campus address). The mailing/emailing of this packet will commence the Constitutional Amendment/Revision Election. This packet will contain:
 - a. An **announcement** of the Constitutional Amendment/Revision Election, the dates and times of the beginning and end of the balloting period (which shall not be less than ten working days), and the dates of all membership forums that have been scheduled for discussion of the proposed Constitutional Amendments.
 - b. **A copy of the existing constitution** with all changes, additions, and deletions clearly marked. The election announcement will also state that copies may be picked up at the USA office, or mailed to members upon request. This will also be posted on the USA Webpage.
 - c. **Summary of the proposed changes**: Each proposed amendment will appear in full, immediately followed by any existing constitutional language which would thereby be altered or deleted, and any submitted rationales for and rationales against that amendment. (This item will not be included for constitutional revisions as the entire constitutional revision will be voted on as a single ballot item.)
 - d. A clear explanation of any reorganization of text, or article renumbering that would result from the amendments.
5. The Elections Board shall hold at least one **public forum** prior to the start of the balloting period, to inform the Union membership about the Constitutional changes, allowing people to speak publicly both for and against the proposed amendments, and ask questions of parties both for and against the amendments. This forum may be part of a regular membership meeting. The forum shall be advertised both through an announcement mailed or emailed to all USA members, and via a notice in the USA Voice or the USA webpage.

6. The ballot for a Constitutional Amendment election shall have **line-item questions**, with a separate voting line for each proposed Amendment. For each proposed Amendment, the ballot will contain the same text, in full, as it appeared in the Election Information Packet (with the exception of the pro and con arguments) with the addition of a ballot line below the text containing spaces for "yes", "no", and "abstain" votes. The ballots for a Constitutional Revision election will contain a one-line item with spaces for "yes", "no", and "abstain" votes, and a reminder that the voter may request a copy of the entire constitution with (as included in the Announcement Package) to be mailed or emailed to them upon request (if they do not have the copy previously mailed/emailed to them). The Election Board may include the rationales for and against with the ballot and balloting instructions.
7. A proposed Constitutional Amendment/revision shall be deemed **ratified** if three fifths (3/5; 60%) of the USA members casting ballots vote in favor of it.
8. The balloting period will end within forty (40) working days of the election's announcement.

VIII. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT

Within ten (10) days of receipt of a proposed Collective Bargaining Agreement recommended by the Executive Board, the Elections Board shall commence a Contract Ratification Vote. Unlike other USA Elections, agency fee members may vote for contract ratification.

- A. An **announcement** of the vote shall be sent to the entire bargaining unit membership and posted on Union bulletin boards. This announcement shall comply with Massachusetts Public Employee Collective Bargaining laws and regulations and shall contain notice about time and place of the contract vote, required information regarding agency fees, and announcement of any membership forum(s) which have been scheduled to facilitate discussion of the proposed contract. It will also contain an accurate summary of all proposed changes to the existing contract.
- B. A **complete text** of the proposed contract, with all changes, additions and deletions clearly marked, shall be available for membership examination at the USA Office, and such text shall be mailed to any USA member upon request. A list of all bargaining unit members and mailing labels that include agency fee members will be prepared.
- C. Contract ratification votes shall be conducted **in concordance** with the Massachusetts Department of Labor Relations **Guidelines for Contract Ratification**. The ballot, announcement and information material should conform to MTA guidelines and styles. Literature will contain contract summaries as approved by the Negotiations Committee.
- D. Absentee ballot packages with envelopes, ballots and instructions will be mailed to all **off-campus bargaining unit members** and those bargaining unit members who request absentee ballots prior to the close of the election. Absentee ballots may be requested by contacting the Elections Board chair or the USA Office. These packages will also include the summary of the contract changes and instructions on how to request a complete copy of the proposed contract.
- E. It is expected that the Executive Board shall schedule at least two **membership forums** at which the proposed Contract will be discussed, and member viewpoints will be shared.
- F. The **time period** between the mailing of the Contract Vote Announcement and the actual day of balloting shall not be less than fifteen (15) working days.

- G. Balloting will be conducted via **in-person voting** at a **single, central voting location** on the Amherst campus, or, if possible, at two locations on the Amherst campus. The balloting will commence at 9:00 AM and close at 5:00 PM. The MTA Uniserv Representative will be allowed to **observe** the elections and offer advice to the Election Board members regarding the proper conduct of the election. The ballot will consist of the following question: "Should the {start year} - {end year} University Staff Association labor contract, which contains an agency fee, be approved?" and the words "YES" and "NO", with boxes adjacent, one of which is to be checked by the voter. (text format required by Mass General Laws).
- H. At least **two members** of the Elections Board **shall be present in the balloting room** at all times during balloting. Other members may be asked to assist as volunteers. The balloting room will contain a monitored reception desk with a complete bargaining unit membership list at one end of the room where voters will enter. The monitored ballot box will be near the other end of the room, where voters will exit. It is preferable to have a room with two doors. The Elections Board may delegate individual Union members to assist with the voting procedure. At least three copies of the proposed Contract, sample ballots, and voting instruction sheets will be posted prominently in the balloting room, and available for member perusal prior to voting. Any member of the bargaining unit may monitor the election so long as they do not interfere with any bargaining unit member's voting nor disrupt the general flow of the election.
- I. Voters will show a **photo ID** to the Election Board monitor at the reception desk who will mark the voter's name off the bargaining unit membership list. The voter will be given a ballot. Pens will be available upon request.
- J. Mail ballots and other absentee ballots must be received by the Elections Board or Union Office by 5:00 PM on the day of the in-person voting.
- K. Ballots will be **counted** as per ballot counting procedures outlined in Section III of these Election Procedures.
- L. The Contract shall be deemed to be **approved** by the membership if a **majority** of valid votes are in the affirmative.
- M. The Elections Board shall provide an **election report** to the Public Relations Chair and the Executive Board within 24 hours of the counting of the ballots.
- N. Ballots will be **kept and secured** in the large ballot box for the duration of the contract.

IX. OTHER ELECTION CHANNELS FOR MTA AND NEA SEATS

- A. USA members may run as **Regional candidates** for delegate seats to MTA and NEA annual meetings, and as or **Minority** candidates for NEA delegate seats. They should contact the USA, MTA or NEA office for procedures (MTA Requirements and Procedures for the NEA Representative Assembly, Section K.). A member may run for a delegate seat both locally and regionally. Should the individual win in both elections, they would choose one of the seats (typically the regional seat, allowing a successor delegate to also represent USA).
- B. MTA members may also run for positions on the **MTA and NEA Executive Boards**. They should contact MTA or NEA offices for procedures. USA members serving in these capacities are automatically awarded delegate seats for the association they serve with. . This does not preclude them from running locally, but if they win, they typically decline their local seat.
- C. MTA and NEA have guidelines for **ethnic/minority representation** among delegates. If a local fails to achieve this representation, the MTA may impose specific procedures for ensuring such representation.

Currently, the University Staff Association achieves its representation and has no additional requirements imposed. The MTA does have a statewide plan (see paragraph 1 above - Minority candidates.)

X. ELECTION CHALLENGE PROCEDURE

- A. Any Union member may challenge the nomination, campaigning, balloting and ballot counting procedures. The Challenge must be made to the chair of the Elections Board or to the USA President (except in the case of MTA and NEA delegate elections. In those cases, challenges may be addressed either to the Elections Board chair, or the USA President.). The challenge must be made in writing, signed by a USA member, and addressed to the Chairperson of the Elections Board, and must be received by the Chairperson within five working days of the publication of the Election Report. The Elections Board may extend this deadline, if circumstances indicate the need to do so.
- A. The Challenge must **cite specific irregularities** showing the election **did not conform** to the USA elections procedure, the USA Constitution, the MTA Delegate election procedures or the NEA Delegate Election Requirements, **provide evidence** for such irregularities, and **request a remedy** which **does not conflict** with the abovementioned procedures. Any challenge based **non-specific allegations** such as rumors, hearsay, intuition, or vague generalities **will not be considered**, nor will any challenge be considered that has been made on behalf of another party. The Elections Board shall weigh the evidence, determine its validity, and issue a decision, and when required, instigate a remedial course of action, which may include a recount, a re-vote, disqualification of a candidate or other action.
- B. The Elections Board shall **prepare a report** on the Challenge and the Board's resulting decision, and provide that report to the Executive Board, the challenging party(ies), and any affected candidate(s) within ten (10) days of reaching this decision. The Challenge and the resolution **shall be reported** to the general membership, either in a special mailing, or published in the next issue of the USA/MTA Voice.
- C. If the challenge is **sustained**, then the Elections Board will take the steps necessary to provide the remedy the challenger has requested. If the challenge is **denied**, the election results stand, but the challenger may **appeal** the decision directly to the USA President.
- C. **Recount Procedure:** If the Board decides to conduct a recount, that recount shall be done within five (5) days of the resolution of the Election Challenge. The following procedure shall be followed:
1. The recount shall take place at a time and location determined by the Elections Board. At least two members of the Elections Board must be present at the recount, and the ballots at no time will be outside the custody of one or more members of the Elections Board. This recount session shall be open to any Union members who wish to attend and observe. All affected candidates shall be notified in advance of the recount and of their right to attend. The procedures for recount shall be determined by the Elections Board, and will adhere as closely as possible to the normal ballot counting procedures. Only Elections Board members may have access to the voter list.
 2. The recount shall only be taken for the particular position(s), delegate slate(s), question(s) or proposed constitutional amendment(s) for whom the vote is in question. The recounting shall be done only by members of the Election Board and their designees.
 3. The Elections Board shall prepare a **report of the Recount**, detailing the nature of the challenge, what steps and recount actions were taken, the results of any recount, and what candidates were affected by the recount results. The report will also include the full voting results from the original election, and the voting results from the recount, and a detailed description of any discrepancies that were found. If the recount results in any change in determination of victors in the election the recount results will stand and all affected parties will be notified in writing within five days. These

results shall be reported to the Executive Board, and published in the next issue of the USA/MTA Voice, the USA Webpage, and by a mailing from the Elections Board to the USA membership.

- D As per MTA and NEA delegate election guidelines, a person may issue an election challenge **directly to the USA President**. The USA President shall issue a decision within 5 days of receipt of the challenge. If the challenge is sustained, the Elections Board will take any corrective action ordered by the President.
- E. If a person wishes to challenge an **MTA delegate election**, they make their initial appeal directly to the USA president according to above procedures. The President will make a decision within five (5) working days. If the appeal is denied, they may file a written appeal to the MTA Balloting and Credentials Committee.
- F. If a person wishes to challenge an **NEA delegate election**, they make their initial appeal to the president of the USA according to the above procedures. The President will make a decision within five (5) working days. If the appeal is denied, they may file a written appeal to the president of the Massachusetts Teachers Association. The Massachusetts Teachers Association has its own procedures for the next steps. If the challenge is denied at the state level, the person may file a challenge with the NEA Credentials Committee, but must do so by June 1.