

Elections Manual 2019-2020 Table of Contents

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2019-2020 ELECTIONS MANUAL

8/13/19

This Elections Manual constitutes the ongoing rules by which the elections described below are conducted. This Manual has been adopted by the UTLA Board of Directors and may only be modified by that Board in accordance with part XIII of this manual. Except as provided in Article II and Article III of this Manual, the Board of Directors of UTLA has the obligation to determine when to hold those elections that are required by the UTLA Constitution. This Manual does not supersede or modify the UTLA Constitution in any way. This Manual provides rules to implement the constitutionally mandated elections to ensure that those elections are conducted in a way that is fair and in accordance with rules that are known to all candidates and members.

I. Elections Covered

This Elections Manual is applicable to all UTLA elections for the offices of UTLA President, NEA Affiliate Vice President, AFT Affiliate Vice President, Elementary Vice President, Secondary Vice President, Secretary, Treasurer, and Board of Directors members representing UTLA Areas and Special Categories, and Area Chairpersons including filling vacancies, except for the Director representing UTLA-Retired.

II. Elections Committee

A. Composition, election and terms

1. The UTLA Elections Committee is a standing special committee of UTLA, elected by the House of Representatives in accordance with Article III section 4b of the UTLA Constitution.
2. The Committee shall have no fewer than 5 members and no more than 15 members
3. The House of Representatives shall elect 5 Elections Committee members to three-year terms no later than the end of May of each calendar year.
4. Committee members will begin their term July 1st in the calendar year in which they are elected and, per the UTLA Constitution, shall serve a term of three years. [(PROVISO: To establish the staggered terms the members elected at the May 8, 2019 HOR meeting shall be assigned to one year, two year, and three year terms by the drawing of lots.(This Proviso shall be deleted from this document three years after its adoption)]. Members may be elected to serve consecutive terms.

5. Any vacancies, for any reason, may be filled by election at any meeting of the House of Representatives.

6. The Chair or Co-Chairs of the Elections Committee shall be selected by the Committee during the first committee meeting of each school year.

B. Eligibility

1. Any member of UTLA may be elected to the Committee provided they have been a member for at least one year.

a. Article VII, section 1 of the Constitution shall not apply.

2. No Officer or Board Member may serve on the Elections Committee.

a. Article III section 5, parts a9, b4 of the Constitution shall not apply.

C. Meetings

1. Due to the sensitive nature of the committee's work, all meetings of the committee shall be conducted in executive session, except when the committee declares otherwise.

2. The committee shall meet at the call of the chair or co-chairs.

D. Members of the Elections Committee shall conduct themselves in a non-partisan fashion; keeping in mind at all times the best interests of UTLA and shall at all times endeavor to ensure that UTLA elections are conducted in a manner that provides no unfair advantage to any candidate and encourages the full participation of the membership in the election process.

1. No member of the Elections Committee shall be a candidate for office in the election that they are supervising nor, shall they be the spouse, partner, parent, child, or sibling (full or half) to any candidate for office.

2. The Elections Committee members shall not endorse, discuss, nor participate in any campaign or candidacy during the election process.

3. After the Board of Directors has determined the dates and offices of those elections that are required by the UTLA Constitution, the Elections Committee shall establish all other dates for the conduct of the election, including the deadline for the filing of Declaration of Candidacy forms, the date of mailing of ballots, and the date by which ballots must be returned. The Elections Committee shall work with UTLA staff to ensure that notice of these dates is provided to the membership no later than 45 calendar days after the start of the school year in which elections are to take place.

E. The Elections Committee (and not the Board of Directors—including the Officers) shall have the authority to supervise the conduct of the election in a manner that is consistent with this Manual and the UTLA Constitution. The authority of the Elections Committee shall include, but is not limited to, the following:

1. After the Board of Directors has determined the dates and offices of those elections that are required by the UTLA Constitution, the Elections Committee has the authority to determine all other dates and procedures pertaining to the election.
2. The authority to retain an election services company to print, mail and tabulate ballots in city-wide elections.
3. The authority to conduct an election for Board of Directors vacancies by printing, mailing and tabulating ballots by retaining an election services company only after the Board of Directors has declared a vacancy, when a written, mailed ballot is authorized.
4. The authority to review and resolve any challenges pertaining to the conduct of the election, including challenges regarding the intent of any ballot.
5. The authority to hear and decide any charges alleging violations of the UTLA Constitution or this Manual in the conduct of the election.
6. The authority to determine that an election must be rerun, in whole or in part, but only if the Committee has determined after a hearing (as provided below in section XII) that a violation of the UTLA Constitution or of this Manual may have affected the outcome of the election.
7. The authority to adopt procedures during an election to remedy unanticipated problems that arise during the election, provided that such remedies will be adopted only if there are no material disputed facts regarding that problem and the fairness of the election might be compromised if a remedy were not adopted. Furthermore, such remedies may be adopted only if approved by a majority vote of the Elections Committee when a quorum is present.
8. The authority to determine voter eligibility, in accordance with section V of this Manual and the UTLA Constitution.
9. The authority to determine candidate eligibility.
10. The authority to present a report to the Board of Directors regarding elections that are being challenged, or are in arbitration, so that candidates who have been elected may be seated, and the authority to present a report to the Board of Directors when elections have been completed so that candidates who have been elected can be certified and take the oath of office.

III. Time of Elections for UTLA Officers and members of the Board of Directors

- A. Election ballots of any regular election shall be counted before the end of May. The Elections Committee, in consultation with the election services company and UTLA staff, shall set the exact date.
- B. No later than 45 calendar days after the start of the school year in which elections are to take place, the Elections Committee shall establish all dates for the conduct of the election,

including the deadline for the filing of Declaration of Candidacy forms, the date of mailing of ballots, and the date by which ballots must be returned. The Elections Committee shall work with UTLA staff to ensure that notice of these dates is provided to the membership.

C. The Elections Committee shall set the date of Run-off elections or Rerun elections (that is, elections conducted after a determination by the Elections Committee or arbitrator that a violation of the applicable rules has invalidated an election).

D. The Elections Committee shall verify candidate eligibility within five (5) business days of the close of declarations. Candidates shall have five (5) business days to appeal the decision of the Elections Committee to the Elections Committee, or correct deficiencies in eligibility.

IV. Candidates elected

A. Uncontested elections.

1. In the event there are only three (3) NEA Board of Directors candidates in an area, they shall be declared winners by acclamation.

2. In the event there is only one (1) AFT Board of Director candidate in an area, they shall be declared the winner by acclamation.

3. In the event there is only one candidate in the special category Board of Directors, they shall be declared the winner by acclamation.

B. Contested elections:

1. For NEA Board of Directors Area election the three (3) candidates receiving the highest number of votes shall be declared elected.

For AFT Board of Directors and special category Board of Directors, the candidate receiving the highest number of votes shall be declared elected.

2. For officer elections, the candidate receiving the highest number of votes who has also received at least a majority of votes shall be declared elected. In the event that one officer candidate does not receive a majority of votes cast in the first balloting, a runoff election shall be held between the two candidates receiving the highest number of votes, unless there is a tie for the second highest, then the runoff will be the top three candidates.

C. Certification of Election.

1. The official Elections Report must be completed by the Chairperson of the Elections Committee and sent to the UTLA Board of Directors and the House of Representatives after each ballot round.

V. Voter eligibility

A. In order to be eligible to vote in any round (i.e. in the first round, runoff or rerun) of any election, voters must be active members of UTLA one month prior to distribution of the ballots in that round (i.e. first round, second round runoff, or rerun) of balloting.

B. Members not assigned to a single work site a majority of the time or whose cost center does not accurately reflect their work site(s) shall be assigned to a UTLA Area based on where they actually work, and the principles adopted by the House of Representatives. The member must submit the Itinerant Assignments Declaration Form informing UTLA of the Area in which they work the most. The notification must be received by UTLA Membership at least one month prior to the mailing of the ballots. Prior to the opening of nominations, UTLA will provide in the United Teacher and on the UTLA Website a full explanation directed to members of their rights and obligations in this regard.

C. Upon publication of the election rules in the United Teacher or on the UTLA website, there will be communication to certificated employees who are eligible to join UTLA notifying them of how to confirm and/or correct their member status, including special category and UTLA Area. Changes must be submitted at least one month prior to the first mailing of the election ballots.

VI. Candidate eligibility

A. Membership in good standing.

1. Any person who has been an active member in good standing for at least twenty-four months immediately preceding the last date for filing a Declaration of Candidacy form shall be eligible to run for office.

2. Each candidate for Area Director and NEA and AFT Vice President must identify whether running for an AFT or a NEA affiliate office.

B. Declaration of Intent to Run.

1. Any eligible member wishing to run for office must file the Declaration of Candidacy form with the Elections Committee at the 10th floor office no later than 5:00 p.m. on the date established by the Elections Committee.

2. Any eligible member may declare their candidacy as early as the first day of the Fall Semester, in the year preceding the general election, A candidate cannot declare until the declaration form is available.

3. For Vacancy Elections, eligible members may declare their candidacy as soon as a Vacancy is declared.

C. Place of principal employment and category requirements.

1. A member must be qualified to hold the office by location, and/or category for which that person is running.
2. Area Board of Directors candidates shall be principally employed (at least 50% of the time or the largest percentage of hours in a multi area assignment) at any site or sites in the area in which they are seeking election, as consistent with the principles of Area assignment as adopted by the Board of Directors and the House of Representatives.
3. Special Directors are qualified through their job assignment and/or credential or professional license.

D. One office only:

1. With the exception of Board of Directors Candidates who are also filing for Area Chairperson, a member shall file for no more than one office.

VII. Campaign Materials

A. All candidates have the right to distribute campaign materials to UTLA members at any location (including school sites and in school mailboxes), subject to the restrictions provided in this Manual or restrictions imposed by the employer. The cost of distribution of those materials shall be borne by the candidate. Campaign materials shall be deemed to be distributed by a candidate if those materials are distributed: (1) by the candidate; (2) by a slate of candidates that the candidate has joined; and/or (3) at the request of a designee.

B. All campaign literature distributed by, or for, a candidate shall include the following statement: "The information herein represents the views and opinions of the candidates-and does not necessarily represent or reflect the opinions of UTLA."

C. Campaign materials distributed by the candidate, or by anyone else, shall not have printed upon them, the UTLA, CTA/NEA, CFT/AFT, or AFL-CIO logo. Exempt from this requirement are signs, pins, stickers, buttons, pictures, t-shirts, hats and other materials worn by individuals, which appear in photographs.

D. Distribution of campaign literature by UTLA

1. At no charge to the candidate, UTLA will post to the UTLA website one "flyer" no larger than 8-1/2 by 11 inches equivalent to one side of a letter size page, in PDF form per candidate, in a designated area, accessible to members. Candidate's flyer should, preferably, be submitted as a pdf file but may be mailed, emailed or delivered in person.
2. A flyer submitted by a candidate may be a flyer for a slate of candidates or otherwise endorse other candidates.

E. Access Strategy

1. No member lists, emails, telephone numbers, etc., will be provided directly to candidates.

2. UTLA will establish a contract with a 3rd party vendor for the purpose of providing communications for candidates. Various constituency lists will be provided to the mailing house by UTLA and Candidates may, at their own expense, have the 3rd party vendor send campaign materials to their constituents.
3. Candidates may, at UTLA expense, have the 3rd party vendor provide one all-chapter mailing of flyers.
4. UTLA shall provide free of charge, four joint email blasts that will notify candidates' constituents, during the course of the election cycle, where they will find flyers, statements, and other relevant information about the election that will help voters learn about candidates and encourage engagement in the election process.
5. After filing a Declaration of Candidacy UTLA, upon request, will provide candidates with contact information for the work sites, chapter chairs, and area directors that pertain to their candidacy. Such requests shall be approved or denied for cause, within 10 working days
6. A candidate may not use union resources to access member contact information for the purposes of campaigning.

F. Special Election Supplement of the United Teacher - Election Supplement

1. UTLA shall publish an Election Supplement of the United Teacher.
2. Candidates for UTLA President, NEA Affiliate Vice President, AFT Affiliate Vice President, Elementary Vice President, Secondary Vice President, Secretary, Treasurer, and Board of Directors may submit a statement for the Election Supplement which shall be published indicating each candidate and the position they are seeking, provided that the following conditions are met:
 - a. Candidates must either submit their statement from the email address on file from their Declaration of Candidacy form, sign the paper statement they submit or provide an electronic signature.
 - b. Each statement will be printed in black and must fit in the space allocated. Candidate statements may be submitted via email, US Mail or delivered in person following the directions on the UTLA Election Website. The candidate is responsible for editing their statement.
 - c. If a candidate wishes to have a photograph as part of their statement, they must provide a glossy print photograph or an electronic copy (jpg.) of the photo via email. The photograph must only be of the candidate and it shall not be returned to the candidate.
 - d. The statement and photograph must be received by the UTLA office—on the 10th floor no later than 5:00 p.m. on the date specified by the Elections Committee.

- e. The Election Supplement, in a format determined by the Elections Committee, shall also be mailed to all voters with their ballot.

VIII. Ballots

A. When an independent elections services company is contracted, it shall be responsible for the printing, mailing and tabulating of the ballots, subject to supervision by the UTLA Elections Committee.

B. Candidates' names shall be listed on the ballot in a random order determined by drawing lots. If a run-off election is held, the order of the names of the candidates shall not be changed.

IX. Procedures pertaining to the mailing and counting of ballots

A. Election Company will mail out ballots to eligible voters at the home address UTLA has on file.

B. Re-mails and/or spoiled ballots

Any eligible UTLA member may request a replacement ballot for any reason. Replacement ballots will be available from the election services company only. Requests for replacement ballots are to be made in a manner established by the Elections Committee. Replacements for any reason will be sent in an entire package. Replacement envelopes will be a different color. Replacements will be mailed within 24 hours of the request. Requests for replacements will be accepted no later than a date established by the Elections Committee. The replacement ballot will include the same voter ID# and instructions for electronic voting that were included in the original ballot.

C. At no time will UTLA have any unmarked original or replacement ballots in its possession. Ballots that are returned to a location other than the assigned P.O. Box (e.g. to UTLA offices) will remain unopened and will not be counted.

D. Ballots with incorrect addresses will be returned to the election services company. UTLA will be provided with information about the undelivered ballots. The election services company will re-mail ballots if, and when, corrected addresses become available and if the information is received within the election timeline limits.

E. Voting may be done by paper ballot or electronically. The paper ballot also includes the required voter ID# and instructions for how to vote electronically.

F. Ballot pickup and transfer and observation procedures

1. Ballots will be retrieved from the designated Post Office on a date to be established by the Elections Committee in the presence of at least one member of the Elections Committee.
2. Observers may be present at the time that the ballots are retrieved.

3. Only ballots that have arrived in the official P.O. Box by the time of pickup will be picked up. Electronic ballots must be received by 8:00am the same day the paper ballots are retrieved.

4. Paper ballots will be transported to the ballot counting room in the presence of at least one member of the Elections Committee.

5. Observers may be present during the time that the ballots are transported to the ballot counting room, although observers will not be permitted to be in the same vehicle as the ballots. Observers are responsible for their own transportation.

6. Ballots will be counted at UTLA.

7. Observers may be present throughout the counting process, provided, however, those observers shall be required to observe all rules of decorum and procedure that may be established by the Elections Committee.

a. The names of all election day observers, and the names of candidates for whom they are acting as observers, must be provided to an individual designated by the Elections Committee no later than the time established by the Elections Committee or they will not be permitted to act as observers.

b. The Elections Committee may limit the number of observers if there are more designated observers and candidates than space permits.

c. No photography, video or audio recording of these proceedings are permitted

8. Eligibility for voting was determined prior to mailing out the ballots. Ballots arriving in an official return envelope are presumed to have been returned by eligible voters. Challenges to voter eligibility must be presented prior to opening the envelopes.

G. Policies regarding ballots received and final processing

1. Retrieved ballots will be sorted. Ballots returned in the distinct replacement envelopes will be segregated. After resolving any voter eligibility challenges, the return envelopes will be opened, and the contents removed. The secrecy envelopes will be opened, and the ballots removed and inspected. That same morning, the Election Company team members will receive the results of the electronic ballots from the Election Company office.

2. A search of the returned envelopes (by voter ID#) will be conducted to assure that a replacement ballot is not a duplicate vote. Should two (2) return envelopes be found from the same voter (an original and a replacement), the ballot in the original envelope will be counted. There will also be a search comparing the electronic ballots and the paper ballots (comparing voter ID#) to make sure a member has not voted twice by submitting both a paper and an electronic ballot. If a member has submitted both a written and an electronic ballot, the paper ballot will be counted.

3. Unless otherwise provided by these Rules or by determination of the Elections Committee, all ballots will be counted where the intent of the voter can be ascertained. Any issues regarding the intent of the voter shall be resolved by the Elections Committee.

a. Ballots returned to a location other than assigned P.O. Boxes (e.g. UTLA offices) will not be opened or counted. UTLA Offices will not accept ballots.

b. If a ballot contains votes for more candidates for an office than there are positions to be filled by election, the ballot for that office will not be counted.

c. If more than one (1) ballot is returned in the same return envelope, even in separate secrecy envelopes, no ballots in that envelope will be counted.

d. Return envelopes that contain a voted ballot without a secrecy envelope will be counted.

e. If no voting boxes on a ballot are marked but are underlined or circled, and if the Elections Committee determines that member/voter intent is apparent, the ballot will be counted.

f. Ballots that are not machine readable or are damaged (e.g. torn, eaten, etc.) will be repaired or duplicated in the presence of the Elections Committee. If the Elections Committee determines that member/voter intent is apparent, the ballot will be counted.

4. The interpretation and application of these rules, and any other issues pertaining to counting ballots or election procedures shall be made by the Elections Committee only.

H. Accuracy certification

Before any ballots are counted, the elections services company will test the ballot counting system for accuracy. If the test properly demonstrates the accuracy and program logic of the system, the elections services company will certify the system ready for ballot tabulation. This accuracy and logic test will be conducted in the presence of UTLA Elections Committee Representatives and official observers. The same test will be conducted following the tabulation of the Official Ballots and the results of the two tests will be compared.

I. Ballot Tabulation

1. After accuracy certification, the elections services company will tabulate the ballots. The tabulation process involves four steps.

a. Scanning the ballot

b. Reading the ballot image

c. Reviewing and tallying any other ballots in question, including write in ballots

d. Tabulation of results

2. Following the completion of the post-count accuracy and logic testing, the official results including the ballot inventory will be given to the Elections Committee which shall certify the results. The elections services company will certify as to performance in

accordance with the foregoing procedures and as to the accuracy of the tabulated results, it being understood that the elections services company cannot certify the eligibility of any candidate or member to whom ballots were issued.

J. Packaging and sealing

The ballots, which have been tabulated, will be placed in special containers and sealed with a permanent storage seal bearing the signatures of UTLA Elections Committee Representatives and the election services company representative who tabulated the ballots. The unused/spoiled ballots will be packed in cartons with the eligibility lists used for ballot verification, the empty return envelopes, undeliverable envelopes, invalid or challenged ballots not counted, a copy of the results, and the original of each of the forms and certificates used.

K. Storage

Storage of the ballot materials shall be the responsibility of the election services company. At the completion of the tabulation process, all materials will be boxed and sealed and will be transported and stored at the facilities of the election services company. Ballots shall be stored for three years.

X. Other Campaign Rules

A. The Elections Manual shall be made available through the United Teacher and the UTLA Website to all UTLA members and upon request.

B. The United Teacher, prior to any Declaration of Candidacy, shall publish election procedures, rules, forms and the calendar. The election timeline shall be published in each issue and on the UTLA Website until the close of the election.

C. Local, state, and/or national affiliate organizations shall not endorse, permit the provision of, or provide facilities or services to, financially contribute to, or be materially involved in any way with the campaign of any candidate. The UTLA President shall request affiliates to honor this election rule.

D. UTLA staff and employees shall not be involved in any candidate's campaign except as specifically provided for in this manual and the constitution.

E. UTLA offices, materials, or other resources of UTLA shall not be used to support candidates. These resources include, but are not limited to UTLA copiers, telephones, computer systems, UTLA sponsored/affiliated websites (except as otherwise provided for in these rules). However, this shall not preclude the utilization of UTLA meeting rooms, to the extent that they are made equally available to all candidates.

F. UTLA shall create a video of the city-wide office candidates, whether contested or not. The Elections Committee shall determine the time, format, etc. with regard to the preparation and

distribution of the video, in consultation with the UTLA Director of Communications. Video content shall not include language or references that are racist, sexist, homophobic, or otherwise offensive or contrary to UTLA guiding principles, as determined by the Elections Committee. Candidates shall have the opportunity to edit the video accordingly.

G. UTLA committees shall not endorse any candidates during the election process.

H. Candidates shall not seek or receive local, state or national affiliate financial support or any other form of support for his or her candidacy from vendors, UTLA staff, politicians or outside organizations and persons who stand to benefit financially or otherwise from their relationship with UTLA.

1. Candidate literature will not appear on any official UTLA publication, except the Special Edition of the United Teacher and the approved flyer on the UTLA website.

J. Campaigning at work sites

All candidates may campaign at work sites with the prior approval of the chapter chair. Such approval shall not be unreasonably denied by a chapter chair. Examples of unreasonable denial of approval would be because the chapter chair does not support the candidate or a denial of approval because the chapter chair does not like the candidate. Examples of a reasonable denial of approval would be because another candidate had already been granted approval on that day, or because the work schedule issues would make it impossible or disruptive for the candidate to campaign at that school on that particular day. Candidates are not permitted to combine campaign visits with official UTLA business.

K. Financial Reports

Candidates for all offices, and political committees formed by candidates or in which candidates are active participants, shall, at the conclusion of the election, file one financial report with the Elections Committee on a form approved by the Committee. The report shall detail all expenditures, income and sources of income for a specific balloting in the election. That report shall be due on or before 5:00 p.m. the day upon which the ballots are counted.

Each candidate must sign the following affirmation "I affirm that all of the information provided by me in this form is correct to the best of my knowledge." Financial reports pertaining to subsequent balloting shall be on file on or before 5:00 p.m. the day upon which the ballots are counted. The financial statements of candidates and committees shall be printed in summary form in the next United Teacher issue after their due date, with a notice that originals are on file for inspection. A candidate who has not filed a financial report shall not be permitted to assume the office to which that candidate has been elected unless and until the report is filed.

XI. Elections of Area Chairs

A. If all candidates for the office of Area Chair who have filed a declaration form have been elected by acclamation, then the Area Chair election will be held in the first round of balloting. In the event all four (4) Directors in an area are elected on the first, citywide ballot, the Area Chairperson election for that area shall be conducted in the second round of balloting, if contested. In the event there is a runoff for a Board of Directors seat, any election for Area Chair shall be conducted in a third round of balloting.

B. Area Chairpersons shall be elected from among the four (4) Board of Directors Members, newly elected to each UTLA area. The candidates for Area Chairperson in each area shall be those newly elected Board of Directors members who have also filed as candidates for Area Chairperson. In the event no newly elected Board of Directors member has filed as a candidate for Area Chairperson, all four (4) newly elected Board of Directors names shall appear on the ballot for the office of Area Chairperson and shall be candidates for that office. If only one of four elected persons files, that person shall be declared the winner without balloting.

XII. Challenges to the Election

A. Only candidates may file challenges, and only to the office in which they are running.

B. In the event that any candidate claims any violation of any provision of this Manual or of the Constitution has taken place in connection with an election in which that person is a candidate, that candidate may request a hearing by the Elections Committee by filing a written challenge, using the form approved by the Elections Committee, no later than 5:00 p.m. on the fifth working day after election results are posted for the round of the election in which the candidate claims that there has been a violation, setting forth with reasonable certainty the nature of the alleged violation and the facts constituting the alleged violation including specific references to the UTLA Constitution and/or Elections Manual which are believed to have been violated.

C. No later than 10 working days after the final election results for the position for which the challenge has been filed, the Elections Committee shall set a time and place for a fact-finding hearing. That fact-finding hearing shall take place no more than 30 working days following the final election results. The fact-finding hearing shall not take place until after all run-off elections for the position for which the challenge has been filed.

D. The challenger shall submit to the Elections Committee, prior to, or at, the fact-finding hearing, the details of the alleged violation(s) and demonstrate how the alleged violation(s) would have changed the outcome of the election.

E. At least a majority of the Elections Committee must attend each day of the fact-finding hearing and only those members who attend each day of the fact-finding hearing may participate in the decision of the Elections Committee.

F. The Elections Committee shall function in a manner similar to a committee of a legislative body and therefore shall be entitled to consider all facts and witnesses that the Committee, in its discretion believes would inform it of those facts relevant to a decision, including facts and circumstances that it becomes aware of outside of the fact finding hearing itself.

G. The Elections Committee shall declare the election for any specific position void and shall direct and set procedures for the conduct of a rerun election if there has been a violation that may have affected the outcome of that election. In addition, if the Elections Committee finds by clear and convincing evidence that (a) a candidate had knowingly received financial support from a vendor or any other person or entity that the candidate knew stood to benefit financially from their relationship with UTLA or (b) knowingly accepted the endorsement of, or support of, any local, state or national affiliate organization, the Elections Committee shall disqualify the candidate and there shall be a rerun election among all other candidates for that position. If there is only one remaining candidate for that position, that candidate shall be declared elected without a rerun election. Any determination of disqualification may be appealed to arbitration in accordance with subparagraph I of this section.

H. In any rerun/run-off election ordered by the Elections Committee after a challenge, the election rules of this Manual shall be applicable.

I. As soon as a decision by the Committee is made regarding a challenge, the Elections Committee shall immediately inform all affected candidates of the decision. The Committee shall provide that notice by Certified Mail and by any other reasonable means that the Committee believes will ensure that the member has actual notice of the decision.

J. A candidate who has filed a claim of an election violation with the Elections Committee may withdraw that claim at any time before a decision by the Elections Committee.

K. Arbitration

1. If a candidate is dissatisfied with the decision of the Elections Committee, the candidate may appeal that decision to arbitration by filing notice of appeal with the Elections Committee.

2. That notice of appeal must be received at the UTLA offices no later than 10 working days after the date the Elections Committee decision is delivered to the member who has filed the charges and must be accompanied with a non-refundable deposit of \$2,000 by cashier's check or money order for those candidates who were seeking citywide officer

positions, and a non-refundable deposit of \$1,000 by cashier's check or money order for those candidates who were seeking Board of Directors positions.

3. If the decision is not hand delivered to the member who has filed the charges, it shall be presumed that the decision was received 3 days after the decision is mailed by registered or certified mail to the member.

4. The Elections Committee shall immediately request a list of names of neutral labor arbitrators in the Southern California area from the American Arbitration Association ("AAA").

5. The Elections Committee shall determine a neutral method of striking names from the list of arbitrators provided by AAA. An arbitrator shall not be considered eligible unless that arbitrator is available to hear the matter within three months from the date that the list of arbitrators was provided by the AAA.

6. The candidate filing the challenge must accept one or more of the arbitrator's available dates unless a mutually acceptable date is otherwise agreed to by the arbitrator, the candidate and the Elections Committee. If no date is accepted by the candidate filing the challenge, then the challenge shall be considered void and moot.

7. If there are multiple requests for arbitration, the Elections Committee has the discretion to determine that those arbitrations should be consolidated into one arbitration hearing and attempt to obtain the agreement of the candidates to such consolidation.

8. Where the Elections Committee determines that the arbitration involves a challenge to a policy, decision or action of the Elections Committee itself, the Elections Committee may participate in the arbitration as a full party.

9. Otherwise, the Elections Committee shall participate in the arbitration only to the extent necessary to ensure that UTLA interests are protected and, in such case, the full parties shall be the candidates involved in the challenge.

10. If the arbitrator upholds the challenge of a candidate in substantial part, the deposit provided by the candidate shall be returned to the candidate. The arbitrator shall determine whether such a refund is applicable.

11. A candidate who has appealed a decision of the Elections Committee to arbitration may withdraw that appeal at any time before the decision of the Arbitrator.

12. As soon as a decision by the Arbitrator is received by the Elections Committee, the Elections Committee shall immediately inform all affected candidates of the decision. The Committee shall provide that notice by Certified Mail and by any other reasonable means that the Committee believes will ensure that the member has actual notice of the decision.

13. Presumption of validity: Elections challenged by a member are presumed valid pending a decision of the Elections Committee or arbitrator. Until such time as either the Elections Committee or an arbitrator finds that the results of an election are not valid, those who have been elected shall take office and shall have the full authority of that office while any challenges are being considered.

XIII. Changes to the Election Manual

A. Amendments to this Manual may be made by a 2/3 vote of the Board of Directors at any time except between the date that Declaration of Candidacy forms are made available for the city-wide elections and the date of the announcement of the final election results, exclusive of challenges. During that period, any amendments made shall not take effect until after the completion of the election.

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Appendix Special Director Qualifications

All candidates must meet the same requirements as the voters; however, candidates must also meet the two-year membership requirement.

- 1. Health and Human Services Director:** Must be serving in a position that requires a service credential or professional license. (PT. OT. etc.) They may also hold a teaching credential, but their current position cannot be a teaching position.
- 2. Substitute Teachers Director:** Must be serving as a substitute teacher ETK-12.
- 3. Adult Education Director:** Must be serving in an adult education teaching position.
- 4. Early Childhood Education Director:** Must be serving under a children's center permit.
- 5. Special Education Director:** Must be serving in a position that requires a Special Education teaching credential. (Note: It is not relevant that LAUSD has grouped many service providers into the LAUSD "Special Education" Department).
- 6. Bilingual Education Director:** Must be serving in a teaching position and hold the BCLAD or equivalent bilingual certification. Candidates do not have to be currently teaching in a bilingual classroom or in a position that requires a bilingual authorization.
(One (1) director elected by bilingual education teachers. Any member holding a Bilingual Certificate of Competency (BCC or BCLAD or equivalent). (added December 4, 1985) (amended March 6, 2013).

Constitution

Section 1 - Composition:6 The Board of Directors shall consist of:

- d. One (1) director elected by Auxiliary Services. (School nurses; pupil services and attendance counselors; secondary counselors; librarians; school psychologists; and speech, language and hearing specialists.) (amended June 2, 1976)
- e. One (1) director elected by the substitute teachers.
- f. One (1) director elected by the Adult Education Division teachers.
- g. One (1) director elected by the children's center teachers (added February 19, 1975)
- h. One (1) director elected by the special education teachers (added December 5, 1979)
- i. To eliminate the Director elected by year round school teachers as of July 1, 2014 or earlier if the position becomes vacant.
(added February 22, 1984) (amended March 6, 2013)
- j. One (1) director elected by bilingual education teachers. Any member holding a Bilingual Certificate of Competency (BCC or BCLAD or equivalent). (added December 4, 1985) (amended March 6, 2013).