

**UTLA**

**Election Manual**

**2022 - 2025**

# UTLA Election Manual

2022 – 2025

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# UTLA Election Manual

2022-2025 *(5-21-2025)*

This Election 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 Article 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 Election 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 Function Committee of UTLA, elected by the House of Representatives in accordance with Article VII Section 3. a.-d. 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. Interim vacancies are also filled at this meeting. People elected to fill vacancies complete the term that has been vacated.
4. Committee members will begin their term on July 1st in the calendar year in which they

are elected and, per the UTLA Constitution, shall serve a term of three years. Members may be elected to serve consecutive terms.

5. 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.
2. No Officer or Board Member may serve on the Elections Committee.

#### 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.

#### 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. After approval by the Board of Directors, the authority to retain an Election Services Company to provide and tabulate ballots in citywide elections.

3. The authority to retain an Election Services Company once the Board of Directors has declared a vacancy if a formal election is authorized by the UTLA President.
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 Article XI) 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 Article IV of this Manual and the UTLA Constitution.
9. The authority to determine candidate eligibility in accordance with Article V of this Manual and the UTLA Constitution.
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.

### III. Election Process

- A. 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 that ballots become available online, and the date by which ballots must be completed and counted. The Elections Committee shall work with UTLA staff to ensure that notice of these dates is

provided to the membership.

- B. Election ballots of any regular election shall be counted before the end of May.
- 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.
- E. 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.
- F. Contested elections:
  - 1. For the NEA Board of Directors Area election, the three (3) candidates receiving the highest number of votes shall be declared elected.
  - 2. For the AFT Board of Directors and special category Board of Directors, the candidate receiving the highest number of votes shall be declared elected.
  - 3. 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, in which case, the runoff will be among the top three candidates.
- G. 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.

#### IV. 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 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 first date of electronic voting. UTLA will provide, on the UTLA Website, a full explanation directed to members of their rights and obligations in this regard prior to the opening of nominations.
- C. UTLA will publicize the information about the election through UTLA print and electronic communications.

#### V. 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 they are running for an AFT or an NEA affiliate office.
  - 3. If a member was on a protected leave or was working as a substitute teacher during the previous twenty-four months and is missing dues because they did not get paid for one or more months, they will be notified that they are ineligible unless they pay dues for the months that are missing.
- B. Declaration of Candidacy
  - 1. Any eligible member may announce their intention to run for office at any time and may officially declare their candidacy as early as the first day of the Fall Semester, in the year preceding the general election. A candidate cannot officially declare until the declaration form is available and submitted.

2. After declaring their candidacy and being found eligible to run, the candidate will receive the Chapter Chair and Board of Directors' contact information pertinent to their election. UTLA will attempt to ensure that the contact information it provides is as complete, accurate and up to date as is reasonably possible, but cannot guarantee it.
3. The candidate's email address and website information will be posted on the Elections Committee website if the candidate provides that information on the Declaration of Candidacy form or later if, and when, the candidate submits that information.
4. For vacancy elections, eligible members may declare their candidacy as soon as a vacancy is declared by the BOD, the appropriate announcement is made at a regularly scheduled Area Meeting and the Declaration of Candidacy form has been posted on the UTLA Elections Website. UTLA will attempt to ensure that the contact information it provides is as complete, accurate and up to date as is reasonably possible, but cannot guarantee it.
5. Area Board of Director vacancies can be filled at an Area Meeting. The vacancy is announced at an Area Meeting after the Board of Directors declares a vacancy. The Elections Committee will send at least one representative to make the announcement and explain the rules and procedures including the option to hold a formal Area Election. The vote by secret ballot takes place at the following Area Meeting unless the formal process, as noted in the Constitution, is chosen. The voting process is managed by the Elections Committee. Candidates must fill out the online Declaration of Candidacy by the deadline. No nominations will be taken from the floor. (See Appendix II.)
6. Special Director vacancies require a citywide formal election involving only the members who qualify to vote for that office, per the Constitution. (See Appendix I and II.)

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 a 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. 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.

## VI. 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 except as specifically noted in the access strategies below. 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 candidate 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. Access Strategies

1. As set forth in V.B.3 above, after filing a Declaration of Candidacy, UTLA will provide candidates with contact information for the work sites, Chapter Chairs, and Area Directors that pertain to their candidacy after they have been vetted and found to be eligible.
2. No member lists, emails, telephone numbers, etc. will be provided directly to candidates except the Chapter Chair and Area Director contact list.
3. Candidates may use the Chapter Chair and Area Director list to communicate with Chapter Chairs and, when appropriate, the Area Directors about their campaign, request that the Chapter Chair forward their flyers to their members and request a time to speak at their UTLA meeting. This contact information can only be used to support the candidate in this election and may not be used for any other political, personal, or commercial purposes. The Election Committee will encourage Chapter Chairs to honor

requests for distribution of materials.

4. All candidates may campaign at work sites with the prior approval of the Chapter Chair. Such approval should be granted by a Chapter Chair unless the work schedule issues would make it impossible or disruptive for the candidate to campaign at that school on that particular day. The Election Committee will encourage Chapter Chairs to grant approval for candidates to campaign at work sites.
5. UTLA will post a candidate flyer on the website and distribute a flyer to Chapter Chairs. Deadlines for candidates to submit each of these flyers will be posted on the timeline. Candidates may use the established third-party vendor at their own expense to mail flyers and they may distribute flyers outside of the room where UTLA meetings take place or directly to Chapter Chairs. Candidates may use the same flyer each time or create different flyers. Flyers submitted by the candidate may be for the individual candidate, a slate of candidates, or otherwise endorse other candidates. (Refer to VI. Campaign Materials, B and C.)
  - a. At no charge to the candidate, UTLA will post to the UTLA Elections website one PDF document (flyer) per candidate no larger than 8-1/2 by 11 inches equivalent to one side of a letter-size page, in PDF format in a designated area, accessible to members. The candidate's flyer must be uploaded to the UTLA Elections Website.
  - b. At UTLA's expense a candidate flyer will be mailed to all Chapter Chairs. Candidates who wish to update their flyer for this mailing may upload a new PDF to the UTLA Elections website by the date determined by the Elections Committee and follow the directions listed on the UTLA Elections Website. If no new flyer is submitted by the deadline, the original flyer provided for the website will be used. Candidates may submit a slate flyer or an individual flyer but not both. Please follow all the directions on the UTLA Elections website.
  - c. UTLA will establish a contract with a third-party vendor for the purpose of providing written communications to constituents from candidates. Various constituency lists will be provided to the mailing house by UTLA, and Candidates may, at their own expense, have the third-party vendor mail campaign materials to their constituents.
6. UTLA shall provide at least four email blasts to all members during the course of the election cycle that will notify candidates' constituents 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.

7. Candidates may create social media or other webpages or online campaign material. UTLA is not responsible for the content of any such material, or for monitoring or policing it.
8. The UTLA Elections Website will alert users when they leave the UTLA Elections Committee website with the following message. “Before redirecting you to an external link, please know you are leaving the UTLA Elections website. We do not endorse content on third party sites. The information on a candidate’s website or social media posts represents the views and opinions of the candidate and does not necessarily represent or reflect the opinions of UTLA.”
9. UTLA will publish candidate statements and photos using UTLA print and electronic communications.
  - a. 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 and photo for the Election Supplement, which shall be published indicating each candidate and the position they are seeking, provided that the following conditions are met:
    - 1) Candidates must upload their statement to the UTLA Elections Website and provide an electronic signature, following the directions on the UTLA Elections Website.
    - 2) Each statement will be printed in black and white and must fit in the space allocated following the directions on the UTLA Elections Website. The candidate is responsible for editing their statement.
    - 4) If a candidate wishes to have a photograph as part of their statement, they must upload an electronic copy (jpg.) of the photo to the UTLA Elections Website. The photograph must only be of the candidate.
    - 5) The statement and photograph must be received no later than 5:00 p.m. on the date specified by the Elections Committee.
    - 6) The Election Supplement, in a format determined by the Elections Committee, shall be mailed to the member’s home address that UTLA has on file. Candidate statements and photos will be accessible on the UTLA Elections

Website and on the Election Services Company website when the member logs in to vote.

- b. UTLA shall create a video of the city-wide office candidates, including special director candidates, whether contested or not. The Elections Committee shall determine the time, format, etc. for 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. If the Elections Committee determines that a video violates UTLA's guiding principles, candidates will be given one opportunity to redo their video.

## VII. Ballots

- A. When an independent Election Services Company is contracted, it shall be responsible for emailing a PIN to all eligible members for whom UTLA has a valid non-LAUDS email address. The Election Services Company will also provide members with access to their PIN through Find My PIN. Subject to supervision by the UTLA Elections Committee, the Election Services Company will tabulate the ballots.
- 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.

## VIII. Procedures pertaining to ballots and the ballot count.

- A. The Election Services Company will email members their Voter ID, hereinafter referred to as a PIN (Personal Identification Number) to the email address UTLA has on file. Another option is available if UTLA does not have a voter's email address. (See VIII. A. 2.)
  1. Eligible voters who have provided a valid email address (not a District email address) will receive an email with their Personal Identification Number (PIN) and a link to the ballot.
  2. In addition, any eligible voters, including members who do not receive an email, can go to the Election Services Company website and use "Find My PIN," after providing identifying information, to access their PIN independently. After providing the required identification information, members can link to the electronic ballot and candidate

information. This option is available 24 hours a day seven days a week. If there are problems using Find My PIN, technical assistance will be provided.

- B. Members voting electronically will be shown their completed ballot before they submit it.
- C. If there is an error on a member's electronic ballot, they should not cast that ballot. This does not apply to the spelling of the candidate's name. Members should complete the Ballot Error form on the UTLA Elections Committee Website. The Elections Committee will confirm if the member should be eligible to vote in that race or if any other correction needs to be made. If a correction is needed it will be made within three (3) working days and the voter will be notified by email that their electronic ballot has been corrected and they can proceed with the voting process.
- D. At no time will UTLA be involved in giving members their PIN.
- E. Voting will be done electronically online.
  - 1. Electronic ballots must be received by 8:00 a.m. on the day determined by the Elections Committee.
  - 2. Eligibility for voting will be determined prior to opening online voting access. Challenges to voter eligibility must be presented prior to tabulating electronic votes.
  - 3. Observers may observe virtually at UTLA when the Elections Committee is communicating with the Election Company representative(s) after voting has closed. However, those observers shall be required to follow all rules of decorum and procedure that may be established by the Elections Committee. The results will be announced to those attending by a member of the Elections Committee after the results are received via email from the Election Company. The results will be announced to observers and will be posted that day on the UTLA and UTLA Elections websites.
    - a. The names of all election day observers, and the names of candidates for whom they are acting as observers, must be submitted on the form provided on the UTLA Elections website 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 is permitted.
- F. Policies regarding ballots received and final processing:

1. 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.
2. 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.
3. A record of the electronic votes shall be the responsibility of the Election Services Company. Electronic records shall be stored for three years.

#### IX. Other Campaign Rules

- A. The Elections Manual shall be made available on the website for all UTLA members. A postcard will be mailed to all eligible members to the home address UTLA has on file informing them that the Election Manual, Timeline, Itinerant Assignments Declaration Form and the Declaration of Candidacy form will be available on the UTLA Elections website.
- B. Prior to any candidate officially declaring their candidacy the upcoming election will be announced on the utla.net website with a link to the UTLA Election website. The Election Website will publish the Election Manual, the Itinerant Assignments Declaration Form, and the Timeline. A link to the UTLA Election website will be available from the utla.net homepage either as a standalone link, or under the “Members” drop-down menu. The Election Manual will remain available to members after the Election in case of vacancies.
- 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, and 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 committees shall not endorse any candidates during the election process. Candidates shall not identify those who endorse them by referencing their committee affiliation.
- G. Candidate literature will not appear on any official UTLA written or electronic communication except for those specifically designated for internal elections
- H. Candidates are not permitted to combine campaign visits with official UTLA business.

I. Campaign Contribution Rules

Candidates (including prospective candidates) shall not seek or receive financial support or any other form of support (including, without limitation, endorsements, services, or materials) for his or her candidacy from any labor organization or employer, regardless of the relationship between that labor organization or employer to UTLA. Candidates shall not seek or receive financial support, or any other direct or indirect support of any kind (except an individual's own volunteered personal time) from anyone who is not a member of UTLA, or a personal friend or family member of the candidate. Violation of this rule shall render a candidate ineligible to run for or hold office for a period of one year. This period of disqualification shall be remedial, not disciplinary. Candidates must report any and all financial or material support pursuant to Section J. of these rules ("Campaign Contribution Disclosure Reports").

J. Campaign Contribution Disclosure Reports

1. In order to ensure compliance with Section I of these rules (Campaign Contribution Rules), 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 a Campaign Contribution Disclosure Report with the Elections Committee, in a form approved by the Committee.
2. The Report shall disclose all sources of donations to the campaign, expenditures by the campaign, and any remaining funds held and/or debts owed at the end of the election.
3. The Report shall be due to the Elections Committee by 5:00 p.m. on the day upon which the ballots are counted.
4. Each candidate must submit with the Report the following affirmation, "I affirm that all of the information provided by me in this report is correct to the best of my knowledge."
5. Originals of the Campaign Contribution Distribution Reports shall be retained for four years after the end of the election and shall be made available to any UTLA member for

review at UTLA's offices, upon request. The Campaign Contribution Disclosure Reports of candidates and committees shall be published in summary form on the UTLA Elections website.

6. A candidate shall not be eligible to assume the office to which that candidate has been elected until his or her Report is filed with the Elections Committee.
7. Candidates whose Reports include unresolved debt may submit a supplemental Report once that debt has been resolved, disclosing the source(s) of any and all funds used to pay the debt, and/or whether any of the debt was forgiven.

#### X. 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 unless only one of the four newly elected Directors chooses to run and the other three decline the nomination. In that case, that person shall be declared the winner without balloting. If only one of the elected four directors has declared for Area Chair in their original declaration, that person shall be declared the winner without balloting.

#### XI. Challenges to the Election

- A. Only candidates may file challenges, and only to the office in which they are running for the race in which that person was a candidate.
- B. If 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. The Elections Committee shall set a time and place for a fact-finding hearing no later than 10 working days after the final election results for the position for which the challenge has been filed. 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, as well any and all documentary and/or physical evidence that the challenger wishes to have the Elections Committee consider in support of their challenge, and the names of any and all witnesses whom the challenger believes can provide testimony in support of their challenge.
- 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 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 all or a part of the election if it determines there has been a violation of the UTLA Constitution and/or this Election Manual that likely affected the outcome of one or more races that election that were the subject of a challenge. In addition, if the Elections Committee finds a candidate knowingly violated Campaign Contribution Rules, Article IX. Section I., the Elections Committee may, as a remedial

measure, disqualify the candidate from eligibility to run in any rerun of the election in which they violated this rule, or to run in any election for a period of one year. This period of disqualification shall be remedial, not disciplinary. The Elections Committee may refer candidates for discipline, if appropriate. There shall be a rerun election among all other candidates for that position. If there is only one remaining candidate for that position for which the Elections Committee has determined that there must be a rerun, that candidate shall be declared elected without a rerun election. Any determination of disqualification may be appealed to arbitration in accordance with Section K. of this Article.

H. In any rerun/run-off election ordered by the Elections Committee 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 promptly 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. 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.

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 a 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. The notice of appeal must be accompanied by a non-refundable deposit of \$2,000 by cashier's check or money order.
3. The Elections Committee shall promptly request a list of names of neutral labor arbitrators in the Southern California area from the American Arbitration Association ("AAA") and the Elections Committee shall determine which arbitrators are available to hear the matter within three months from the date of the appeal to arbitration as required

in the Election Manual. An arbitrator shall not be considered eligible unless that arbitrator is available to hear the matter within three months from the date of the appeal to arbitration. If more than one arbitrator is available, the challenger will have the option to choose between the available arbitrators. If possible, the challenger(s) shall be offered at least three dates within those three months on which their challenge(s) may be heard by an arbitrator.

4. 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.
5. If there are multiple requests for arbitration, the Elections Committee has the discretion to determine that one or more of those arbitrations should be consolidated, bifurcated, or otherwise heard in a manner that will be efficient or will avoid duplicative and/or contradictory results.
6. The Elections Committee may, in its discretion, choose to participate in the arbitration as a full party. 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 candidate(s) who appealed to arbitration, and the candidate(s) who won the race(s) being challenged. Any candidate who ran and lost, but did not appeal to arbitration, shall not be a party to the arbitration.
7. The issues for the arbitrator shall be limited to the conduct of the election in the race in which the challenger was a candidate; specifically: (1) whether there was any violation of the UTLA Constitution or this Election Manual in the conduct of the race in which the challenger ran, (2) if so, whether any violation(s) likely affected the outcome of the race in which the challenger ran, and (3) if so, what the remedy should be. The challenger bears the burden of proof with respect to each of the issues, and the arbitrator shall have no authority to add to, delete, or modify any provision of the UTLA Constitution or this Election Manual.
8. There shall be no discovery.
9. The challenger shall not present any theories of violations that they did not present to the Elections Committee during its fact-finding hearing.
10. The Elections Committee shall determine the venue for the hearing (e.g., virtual or in

person). UTLA will provide, at its expense, a court reporter to transcribe the proceedings. Parties may, at their own expense, order copies of the transcript.

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. If the arbitrator determines that as a result of the challenge, the election shall be re-run, the arbitrator may determine that the deposit provided by the candidate shall be returned to the challenger. The arbitrator shall determine whether a refund is applicable.
14. 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, and a completed re-run of the election yields a different result, those who have been elected shall take office and shall have the full authority of that office while any challenges are being considered.

## XII.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.
- B. During that period, any amendments made shall not take effect until after the completion of the election.

## *Appendix I*

### **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.

Constitution

Article IV, Section 1 - Composition:

D. Seven Directors from Special Categories

1. One (1) director elected by Health and Human Services
2. One (1) director elected by the Substitute Teachers
3. One (1) director elected by the Adult Education Division teachers
4. One (1) director elected by the Early Childhood Educators
5. One (1) director elected by Special Education Teachers
6. One (1) director holding a Bilingual Certificate of Competence, BCLAD or equivalent elected by bilingual education teachers
7. One (1) director elected by UTLA-R members

## *Appendix II*

### **Procedures for an Election for an interim Area Director**

1. If an Area Director is going to resign, they must inform the UTLA Secretary in writing. If the director is not able to do so because of health or other circumstances, one of the other directors from that Area should inform the UTLA Secretary in writing.
2. The BOD declares a vacancy at the next regularly scheduled BOD meeting and the secretary notifies the UTLA Elections Committee.
3. The Area Chair and directors work with the Elections Committee Co-Chairs to set up the announcement of the opening at the next regularly scheduled Area Meeting. Areas have generally chosen to fill the vacancy at the Area Meeting following the announcement. However, per the UTLA Constitution there is an option for a formal election:

*In the event vacancy occurs, the Area Assembly represented by the director to be replaced shall elect a successor who shall serve for the remainder of the unexpired term of the predecessor after one month has elapsed and after announcement of the election at a regular area meeting. However, if the Area Assembly votes to have a formal election by written ballot throughout the entire Area, an election shall be ordered by the UTLA President. If the Area Assembly does not so vote, but if one hundred (100) UTLA members from the Area present a petition to the UTLA President, requesting a formal election within fourteen (14) calendar days of the announcement at the Area Meeting, the UTLA President shall order the new election.*

4. An Elections Committee member will make the announcement, review the candidate qualifications and most relevant Manual rules, and describe the process and the timeline. No nominations will be taken from the floor at either meeting. All candidates must file a written declaration following the requirements for a general election and be verified as qualified to run by UTLA Membership.
5. All candidates must file a written declaration following the requirements for a general election.
6. The Elections Committee will post the declaration and the timeline on the [utlaelections.org](http://utlaelections.org) site.
7. The deadline for declarations will be the Friday preceding the next Area Meeting after the announcement. Ballot order will be based on the CTA Alpha order for that year.
8. A member of the Elections Committee will run the election. Voting will take place at a time

scheduled by the Area Directors. Any member who attends the Area meeting and who is on a site roster for that area or is a substitute or itinerant who is qualified with an itinerant form is eligible to vote. The deadline for submitting the itinerant form to qualify to vote in an Interim Area Election is the same as the deadline for that Area's Candidate Declaration form.

9. The winner is the candidate who receives the most votes.
10. Interim Elections are not governed by section XI of the Election Manual. If a candidate who lost the election believes that something may have unfairly affected the results, they can request an investigation. To do this, they must fill out a form found on the Elections Committee website. This request must be submitted within five working days after the election results are announced. The Elections Committee will then review the claims. If they find that the issue likely affected the outcome of the election, they may take appropriate action or offer a remedy.
11. The Elections Committee may not be able to announce the results at the Area Meeting because Membership may need to verify that all voters were qualified to vote. The results of the election will be announced on the [utlaelections.org](http://utlaelections.org) website.
12. The Elections Committee Co-Chairs will bring the request to certify the election to the next regularly scheduled Board of Directors meeting. After BOD approval, the winner of the election will officially take office.