

## CTA Elections Guidelines

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1. Inspecting the Membership List
  - a. The right to inspect the membership list is limited to one time any time prior to 30 days before electronic voting begins.
  - b. The Association must allow a bona fide candidate who is seeking to be nominated to run for office the opportunity to inspect the membership list once within 30 days before the election.
  - c. The Association is required to maintain the membership list at its principal office but is not required to provide for inspection at other places, such as a satellite Association office or work locations of members, nor through e-mail.
  - d. Candidates do not have the right to copy the membership list, **only the right to inspect and/or compare it with a personal list of members.**
  - e. If a candidate is permitted to use the membership list for any purpose other than inspection (such as copying), the Association must inform all candidates of the availability of the list for that other purpose and give the same privilege to all candidates who request it. Should a candidate want a copy of the membership list, a request shall be made in writing to the CTA Executive Director.
2. Union and Employer Funds
  - a. The Association or employer may not contribute money or anything of value (such as the use of facilities, equipment, or supplies) to promote the candidacy of any individual in the Association.
  - b. The restriction on the use of Association funds applies to all moneys received by the Association by way of dues, assessment, or similar levy.
3. The prohibition against the use of Association and employer funds applies to the Association and any employer, not just the Association conducting the election or an employer of the Association's members. For example, it is improper for a candidate to have campaign literature duplicated free of charge on a copy machine at a small business owned by a relative or friend of the candidate.
4. Any expenditure of Association or employer funds on behalf of a candidate, even if the amount is small, is a violation of federal law.
5. The use of Association/employer funds or facilities is a violation of federal law even if the Association officials or the employer do not know about or approve of the use.
6. The prohibition against the use of Association and employer funds applies to direct expenditures from the Association or employer as well as indirect expenditures including:
  - a. campaigning on time paid for by the Association or employer
  - b. use of Association/employer owned or leased equipment such as telephones, fax machines, computers, printers, and copy machines
  - c. use of Association/employer supplies such as stamps, paper, and envelopes
  - d. use of Association employees to prepare campaign literature while on Association time
  - e. use of the Association letterhead
  - f. use of Association/employer property or facilities

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- g. printing articles which support or criticize an individual's candidacy in the Association newspaper or other publication
  - h. giving free services or special discounts to a candidate customer such as printing, photocopying, etc.
- 7. Campaign funds from any person who is not a member of the CTA shall not be permitted.
- 8. Certain uses of Association and employer funds which do not support one person's candidacy over another are acceptable, such as providing the use of equipment, facilities, or publications to all candidates on an equal basis after giving them notice of this opportunity.
- 9. Campaigning by the Association officials, which is "incidental" to Association business is not a violation of federal law. For example, any campaigning by Association officials, which occurs as a consequence of conducting legitimate Association business, such as shaking hands with members while visiting work sites on official business, is permissible.
  - a. Campaign contributions from any one individual shall be limited to \$200.
  - b. A campaign shall keep a list of all campaign contributors, with a list of all individuals who contribute \$100 dollars or more, given to the CTA Elections Committee Chairperson.
- 10. Distributing Campaign Literature
- 11. The Association must comply with all reasonable requests by a candidate for distribution of campaign literature at the candidate's expense.
- 12. Each candidate must be treated equally with respect to the cost of distributing campaign literature. There is no requirement that the Association distribute literature free of charge. However, if the Association distributes any candidate's literature without charge, all other candidates should be notified that they are also entitled to have their literature distributed without charge.
- 13. The Association should inform all candidates of the procedures for distributing literature in advance of the campaign period.
- 14. A person need not be formally nominated to be entitled to distribute campaign literature. The Association must distribute campaign literature for a bona fide candidate seeking to be nominated who makes a request, even if the Association rule prohibits campaign mailings prior to nominations.
- 15. The Association may not regulate the contents of campaign literature it is asked to distribute and may not require that it be permitted to read the literature before distribution. The Association may not censor campaign literature in any way, even if the literature includes derogatory remarks about other candidates. The Association's contention that mailing certain campaign literature may constitute libel does not justify a refusal to distribute the literature since the Association is under a legal duty to distribute the material. If a lawsuit arises, any claims will be the obligation of the candidate, not the Association.
- 16. The Association must honor requests for distribution of literature to all members in good standing and must also honor requests for distribution to only a portion of the membership if such distribution is feasible.

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17. The Association may not refuse to distribute literature because it has no staff or a small staff. If necessary, the Association should employ additional temporary staff, use a professional mailer, or have the election officials make the distribution in order to comply with any requests. Any costs (for producing address labels, hiring temporary employees, etc.) can be passed on to each candidate requesting a distribution of literature.
18. The Association may not limit the number of mailings which a candidate is permitted to make. However the use of the OCPS courier will be limited to \_\_\_\_\_.
19. The Association may require candidates to pay in advance for campaign literature distributions, if such a requirement is applied uniformly to all candidates.
  - a. A candidate may use DPS school mail to send campaign materials. AR's may distribute campaign materials as a courtesy to candidates. Therefore, if requesting assistance from AR's, it is recommended that candidates contact the AR's personally and/or include a cover letter with clear directions.
  - b. Upon request, CTA will provide a complete set of labels for Association Representatives, at cost to the candidate.
20. Right to Vote
  - a. In order to vote in a CTA election, an individual must be an active, dues paying member, in good standing.
  - b. A member in good standing whose dues have been checked off by the employer may not be disqualified from voting because of any delay or failure by the employer to send the dues to the Association.
  - c. A member on dues check off who has no earnings from which dues can be withheld may be held responsible for paying dues directly to the Association in order to remain in good standing and be eligible to vote.
  - d. The Association may restrict the right to vote of unemployed members who go on withdrawal status and, as a result, do not pay dues. However, unemployed members actively seeking employment who do not go on withdrawal status and instead continue to pay dues may not be denied the right to vote.
  - e. Members who work only part time but pay the required dues may not be denied the right to vote.
21. Election Notice
  - a. A notice of election must be e-mailed or mailed to every member, including nonworking members, at his or her last known personal e-mail or home address, at least 15 days prior to the election.
  - b. The notice of election must specify the date and time of the election as well as the offices to be filled. However, if the notice states that the election is the regularly scheduled election of all officers, it is not necessary to list the offices to be filled in the election notice.
  - c. To determine the 15-day mailing period, do not count the day the notices are mailed but count the day of the election. For example, if the election is to be held on October 20, the election notice must be mailed no later than October 5.
  - d. In order to comply with the election notice requirement, the Association must make a reasonable effort to update its membership e-mail address list prior to the election.

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- e. An election notice conspicuously placed in the Association's newspaper which is mailed to each member's home address at least 15 days prior to the election satisfies the election notice requirement.
- f. If the original election notice contains the required information about a possible runoff election, a separate 15-day mail notice is not necessary for a runoff election. However, members must still be notified in some manner, such as posting at the work site(s), if it becomes necessary to conduct a runoff election for any office(s).

### 22. Ballots

- a. Instructions on the ballot should clearly state the manner in which members should mark their ballots; for example, "mark an X or checkmark in the box next to the name of the candidates of your choice." The ballot should also indicate the maximum number of votes allowed for each office; for example, "Trustee – vote for no more than three."
- b. Candidates shall be listed on the ballot randomly, according to the outcome of a drawing to determine placement.
- c. All used and unused ballots and other records pertaining to the election must be maintained for one year following the election, and then they will be destroyed. Election records include voter eligibility lists, and any other documents or records used in the nominations and election.

### 23. Campaigning

- a. The first business day after nominations close, a meeting shall be held with the CTA Elections chairperson, for all candidates to review campaign election guidelines. This meeting shall be held at 4:30 p.m., at the CTA office.
- b. Two days after the close of nominations, candidates may begin to campaign.
- c. Although we cannot control the behavior of any candidate, we must encourage all candidates to behave in a responsible manner. Should any problems or complaints arise, please notify the CTA Elections chairperson immediately, so that elections officials have a chance to remedy the matter, or change election rules and procedures.

### 24. Alleged Violation of Campaign Rules

- 1. Alleged violations of these Campaign Rules may be submitted to the Elections Chairperson by any member at any time.
- 2. Upon receipt of an alleged violation, the Elections Chairperson will conduct an investigation and report to the Board of Directors his/her findings for action, up to and including disqualification of the candidate.
- 3. Steps for addressing any alleged violating of campaigning rules:
  - a. Prior to the start of official campaigning:
    - i. Level 1 – Simple error, not flagrant violation
      - a. The Elections Committee Chairperson will notify candidate to fix the problem.
    - ii. Level 2 – Flagrant/unethical violation
      - a. At the direction of the CTA Board of Directors, the Elections Committee Chairperson will warn/reprimand the candidate – further violation could lead to disqualification.
      - b. The candidate must fix the problem.

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- c. There will be an announcement from the podium of the AR meeting that the candidate has violated the campaigning rules.
  - iii. Level 3 – Continued Violation
    - a. Notification by the Elections Committee Chairperson:
    - b. The Board of Directors can determine to:
      - 1. Recommend to CTA Representative Council that the candidate be censured;
      - 2. Recommend to CTA Representative Council that the candidate be disqualified.
    - b. Upon the start of official campaigning:
      - i. Results of investigation by the Elections Committee Chairperson will be reported to the Board of Directors.
      - ii. The Board of Directors may:
        - 1. Censure;
        - 2. Declare the election null and void and call for a new election;
        - 3. Rule the position vacant, disqualify the member, and call for a new election.
25. At the February AR meeting,
- a. all candidates will be introduced and have the opportunity to address the Representative Council as follows:

I.	President/Secretary/Treasurer	President/Vice	
		3 minutes	
II.	Community Directors	At-Large/ Learning	
		1 minute	
III.		NEA Delegates	1
  - b. sentence introduction
  - b. If you are a candidate for more than one position, please include both offices in one statement.
  - c. The agenda for the AR meeting is extremely full. The entire report from the Election Committee is scheduled for only 20 minutes, so we will need to strictly adhere to the time limits.
26. Candidates for executive office may submit an article and photograph for publication in the February Advocate.
- a. 500 words for the president
  - b. 250 words for other executive offices
  - c. If possible, articles and photographs sent to Melanie Heath-Jolly at [Melanie.heath@foridaea.org](mailto:Melanie.heath@foridaea.org) .
27. Materials are due no later than 5:00 P.M., the Tuesday prior to the February AR meeting.
28. Elections Rules
29. Voting will be by electronic ballot.
30. Ballots will be distributed to each member via e-mail following the direction and timeline established by the Election Committee.

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31. The Elections Chairperson or CTA President will send the results via e-mail to all Association Representatives, or members, and have them posted on the CTA website, two business days after the results have been verified, and candidates have been notified by the Elections Chairperson.
32. The Charge of the Elections Committee Chairperson
  - a. Validate election results
  - b. Notify all of the candidates of the outcomes of their specific races.
  - c. The Elections Chairperson shall invite all of the winning candidates to the May AR meeting to be sworn into their respective offices.
  - d. The Elections Committee Chairperson shall prepare a written report to be presented to the CTA Board of Directors, sharing the elections results and the data related to the elections process. Further, the outcomes of the elections shall be printed in THE ADVOCATE.
33. Should an issue arise that is not addressed in this document, the matter shall be referred to the CTA Elections Committee. The Committee shall develop language that will be taken to the CTA Board of Directors for adoption.