

Section 3: Holding Elections

- Hold annual election of officers, building/faculty/association representatives, and other committee members or chairpersons, as required by your local's Constitution and Bylaws and in accordance with OEA elections procedures. Report election results to your Labor Relations Consultant no later than June 30.
- Hold an annual election for delegates to OEA & OEA District Representative Assemblies by October 10 and report results to OEA no later than October 15.
- Hold annual elections for local and at-large delegates to the NEA Representative Assembly.

Election Overview

Ensuring Your Voice

As a local leader, you have an opportunity to ensure your members' voices are represented as critical decisions are made regarding the governance of their union.

OEA Representative Assembly (RA)

According to the OEA Constitution (Article IV, Section 3) the Representative Assembly is the “supreme governing body of the Association.” Delegates to the Representative Assembly elect OEA officers and other statewide leaders, vote on changes to the Constitution and Bylaws, establish the OEA budget, determine OEA’s legislative policies, identify OEA’s core beliefs through the adoption of Resolutions, and act on business items that affect the priorities, policies and practices of our union.

The Representative Assembly meets twice per year. The fall RA is traditionally held the first Saturday in December, and the spring RA is held over two days (Friday-Saturday) in early- to mid-May.

Each local association is entitled to at least one delegate to the Representative Assembly and receives additional delegate positions based on a formula of one delegate per 50 members or major fraction thereof. In order to ensure that your members are represented at the Representative Assembly, you must conduct an election. Details on deadlines and election procedures follow in this section.

NEA Representative Assembly (RA)

Likewise, the NEA Representative Assembly is the highest governing body of our national union. Delegates to the Representative Assembly elect NEA officers and other national leaders, vote on changes to the Constitution and Bylaws, establish the NEA budget, determine NEA’s legislative policies, identify NEA’s core beliefs through the adoption of Resolutions, and act on business items that affect the priorities, policies and practices of our union. (Endorsement of candidates for President of the United States also are decided by the NEA RA.)

The Representative Assembly meets once per year, in conjunction with its annual meeting, typically during the first week of July. Locations vary from year to year. (Recent NEA Representative Assemblies have been held in Houston, Minneapolis, Boston, Washington DC, and Denver.) Ohio is represented by 250-350 delegates at each RA.

Members have two primary options for running for and being elected as delegates to the NEA Representative Assembly. The first is by serving as a state delegate. State delegates are elected by OEA electoral units through elections held in the spring and are funded to attend the Representative Assembly by OEA. Local delegates are elected within each local association, with locals receiving one delegate for every 150 members or major fraction thereof. (Locals with 75 or fewer members may “cluster” with other locals to elect delegates in a similar fashion.) Local delegates are typically funded to attend the Representative Assembly by the local association. Local election results are due by April 10.

Your District Representative Assembly (RA)

Each of OEA’s ten districts also holds at least one Representative Assembly per year. Most districts hold an RA in the fall, sometime during the month of November, and all districts hold one in the spring, sometime in the weeks leading up to the OEA RA. Delegates to district RAs elect district leaders and unit representatives to the OEA Board of Directors, vote on endorsements for statewide candidates, adopt district budgets and dues rates, and conduct other business related to the policies and priorities of the districts.

All members elected as delegates to the OEA Representative Assembly are automatically elected as delegates to their respective District RAs. Some districts allow for additional members to serve as district-only delegates. Contact your district office for further details.

Watch your mail and/or email. You will receive notice regarding specific dates and responsibilities at the beginning of each year.

OEA and NEA Election Deadlines

October 10: OEA Bylaw 4-9d requires that all local associations must complete election of Local Association Delegates to OEA Representative Assemblies by October 10. OEA local delegate allocation is based upon an allocation of one delegate per fifty members (1/50) or major fraction thereof.

October 15: Deadline for receipt of official election report form listing names of all local association delegates and alternates to the OEA Representative Assemblies.

OEA Bylaw 4-9d states in part, “no later than October 15 of each year, the president of each affiliated local association shall certify to the OEA Secretary-Treasurer, on a form provided, the eligibility of each delegate and alternate.”

(OEA At-Large Delegate elections for the OEA Representative Assemblies will be held in electoral units where the total number of delegates allocated in the entire electoral unit is less than the number of delegates required in the electoral unit to provide for proportionate representation. You will be notified if this affects you.)

On or about November 1: Bylaw 2-5d requires that, “Thirty (30) days prior to the December OEA Representative Assembly adjustments directly proportionate to the dues transmitted shall be made in the number of delegates to the Representative Assembly for failure to meet the provisions of contracted transmittal schedules.” (Following your dues transmittal agreement will ensure this isn’t a problem for you.)

Mid-January through Mid-February (specific dates announced each year): **OEA Unit Board of Directors Candidate and Statewide Candidate Filing Deadlines:** Candidates for OEA Unit Board of Directors seats must file a Declaration of Candidacy form with the office of the OEA Secretary-Treasurer, at least seventy-five (75) days prior to the date of the District Representative Assembly in the electoral unit in which election will be held. Declaration of Candidacy forms for statewide offices (President, Vice President, Secretary-Treasurer, NEA Directors, OEA Board of Directors At-Large) are due seventy-five (75) days prior to the date of the spring OEA Representative Assembly.

January 31: Deadline for receipt of Declaration of Candidacy forms for NEA RA State At-Large delegates. Forms are to be submitted to the attention of the OEA Secretary-Treasurer.

Mid- to Late-February: OEA Bylaw 5-2a requires that nominations for all OEA Statewide Offices shall be made by official Declaration form submitted to the office of the OEA Secretary-Treasurer at least seventy-five (75) days prior to the election.

March 15: NEA Bylaw 2-9b requires that, “A local shall transmit to a state affiliate and the state affiliate shall transmit to the Association at least forty percent (40%) of the Association dues receivable for the year by March 15, unless the dues transmittal agreement schedule stipulates otherwise.” (If you are following your dues transmittal agreement, this won’t be a problem.)

Mid- to Late March: All marked and unmarked ballots for election of State Electoral Unit At-Large Delegates to the NEA Representative Assembly must be returned to OEA, along with the final tally sheets on or about March 15. Local association presidents will be notified of the exact deadline date, which will depend upon the ballot mailing date.

Mid-March: Deadline for conducting local delegate elections to the NEA Representative Assembly.

April 10: Deadline for submitting election report forms for local delegate elections to the NEA Representative Assembly.

NOTE: The Landrum Griffin Act requires that OEA and NEA delegates and alternates be elected by secret ballot and that all ballots are retained by the local association for one year.

ALL CANDIDATES WHOSE NAMES APPEAR ON A BALLOT FOR OEA, NEA OR DISTRICT DELEGATE SEATS MUST BE MEMBERS OF THE LOCAL ASSOCIATION AND, WHERE ELIGIBLE, THE DISTRICT ASSOCIATION, OEA AND NEA. THIS REQUIREMENT ALSO APPLIES TO OEA LIFE MEMBERS REGARDLESS OF YEAR OF ENROLLMENT.

10 Steps to Conduct an Election

1 Establish an Election Committee

- Check your local Constitution and Bylaws to see what it says regarding an Election Committee. (Following the requirements of the OEA Elections Manual is a requirement for local constitutions and bylaws to be in compliance with affiliation standards.)
- Purpose is to protect the integrity of an election or vote and ensure that an election is conducted in accordance with the local, state, and national association constitutions.
- Usually 3-5 members.
- Ordinarily appointed by the local association president with the approval of the local association executive board.
- Any candidate running for office cannot be on the Election Committee including the local president, vice president, etc.

There are nine basic duties of the Election Committee

1. To make sure that each nominee has been offered the opportunity to decline the nomination.
2. To hear and decide any challenge which may be made concerning the eligibility of any nominee.
3. To make sure that proper notice of the election is given.
4. To prepare or supervise the preparation of the ballots.
5. To supervise the issuance and return of the ballots.
6. To count the ballots and certify the results of the election.
7. To hear and decide any protests which may be filed concerning the conduct of the election.
8. To make a report to the membership concerning the results of the election and, subject to membership acceptance, the decisions made on any protests.
9. To maintain order and decorum during the ballot counting process.

2 Identify What Offices Are Up for Election

- President, Co-Presidents, Vice President, Treasurer, Secretary, Building Reps, etc.
- OEA RA Delegates, NEA RA Delegates

3 Verify Terms of Office

- Check your local Constitution and Bylaws to see what it says regarding terms of office, co-presidents, or any other co-officer position.
- Filling a vacancy?
- Special Election?

4 Determine Who Is Eligible to Run

- Check your local Constitution and Bylaws to see who is eligible to run.
- Non-members are **NOT** eligible to hold office or vote!

5 Establish When/Where to Have the Election

- Check your local Constitution and Bylaws to see if it states when/where to conduct your elections.
 - Election by mailing?
 - Election in each building?
 - Election at general membership meeting?

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Notice of Nominations

- Check your local Constitution and Bylaws to see what it says regarding Notice of Nominations.
- Every member must have reasonable opportunity to nominate for or seek office.
- Must indicate what offices need to be filled.
- Spell out the process by which nominations can be made.
 - General membership Meeting
 - Form-Declaration of Candidacy Form
- Notice of Nominations can be made by:
 - Posting on bulletin board
 - Individual Mailing
 - Newsletter
 - Combined with Notice of Election

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Notice of Election

Members must be notified in a manner reasonably calculated to reach all members in sufficient time to execute their voice.

- Notice of Elections must include:
 - Time
 - Date
 - Location
 - The offices to be voted on
 - If possible the list of candidates running for offices
- Notice can be made by:
 - Posting
 - School Mail—NOT email
 - Newsletter/Letter
- OEA and NEA Representative Assembly Delegates:
 - Landrum-Griffin Act Requirements
 - Notice of Election must be mailed to each member at the member’s last known home address at least fifteen (15) days before the election.

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Preparations of Ballots

- Check your local Constitution and Bylaws regarding ballots.
- Make sure instructions are clear and simple.
- Ballot should include:
 - Official Ballot
 - Position of Office(s)
 - Language “Vote for One (1)” or “Vote for no more than three (3)”
 - “By virtue of office” language if applicable (C&B)
 - Listing of Candidates – spelled correctly
 - Terms of Office (optional)
 - Write-In Vote line if applicable (C&B)

See sample ballot at right.

OFFICIAL BALLOT	
Local Education Association	
Local Delegates to	
OEA Representative Assembly	
2014-2015	
Vote for no more than two (2) delegates	
in addition to Local President and Vice President (serve as automatic delegates by virtue of their offices) for a total of four (4) local delegates.	
*	George Parker
*	Jean Massey
	Robert Jordan
	Richard Harris
	(write-in candidate)
	(write-in candidate)
*Automatic delegate by virtue of office in accordance with local constitution/bylaws, Art. 3, Sec. 2.	

9 The Election

- Members must be afforded a reasonable opportunity to vote
- Secret Ballot
 - Voting can be done in booths or at isolated tables.
 - After the ballot is marked, the ballot should be deposited by the voter directly into a ballot box or other container where it is mixed with other ballots and the voter’s right to secrecy is preserved.
- On-site elections are preferred.
- It is advisable to set up specific hours for voting.
- Members should identify themselves and sign for his/her ballot.
- Where local associations have members working more than one shift, the voting hours must be of sufficient time to allow members on all shifts a reasonable opportunity to vote. Where local associations have more than one voting location, great care must be taken to preserve the integrity of the election. This includes the following precautions:
 - Each member should be notified of his/her voting location.
 - Each voting location must, at all times, be attended by the election committee member or other member designated by the election committee.
 - The attending election committee member or designee must keep a written list of which members have voted. List of members for that location that can be checked off after each member votes.
 - Each voting location should have a ballot box prepared by the election committee. Ballot boxes should never be unattended.
 - At the conclusion of voting, the ballot box should be sealed. Normally, if the box is cardboard, the box is taped and then the names of the election committee member or designee, and any observer is signed across the tape.
 - After the ballot box is sealed, the box should be immediately transported to the place where the ballots are to be counted. Election observers are entitled to keep the ballot box in sight at all times during transportation.
- Many local associations prefer to distribute ballots to eligible voters either personally or through the school mail on election day. This is permissible so long as a double-envelope ballot system is used and the ballot, once complete is cast in the ballot box only by the voter at the designated time for voting.
- Two types of voting problems **not** permitted.
 - First, there can be **no proxy voting**. Every member has only one vote and no member can authorize another to cast his or her ballot.
 - Second, at times a local association may want to make it easy to vote by having a member or building representative collect marked ballots at a work site for later deposit in the ballot box. This is not permitted because it destroys the secrecy of the ballot. **The voter must place his or her ballot directly into the ballot box. It cannot be handed to another person for later delivery.**
- **Using internet services to conduct elections can be problematic and may result in an election challenge. The principles of a secret-ballot and one-member one-vote, rights to observers, and preservation of records are the basis of any free and fair election and most online options do not comply with those principals. For instance, using Google forms will collect IP addresses from those that vote and, thus, does not constitute a secret ballot.**

The US Department of Labor provides guidance on how an online remote election may comply with the Landrum-Griffin Act here:

https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip_RemoteElecVote.htm “

- Mail ballot elections may be necessary.
- The mail ballot cannot be made available to only those members who are not able to vote in an on-site election. Balloting by mail must be done by all members or by none.
- Absentee ballots are permitted but discouraged. May be allowed but must be set forth in the local association’s constitution and bylaws.

10 Counting the Votes

- Count the vote when the intention of the voter can be ascertained.
- Count the vote using tools which ensure an accurate count.
- Preserve all records of the election and ballots for a period of one year.
- In counting votes, it is best to have two committee members examine the actual ballots, with one of the two calling off the names of those who received votes on a particular ballot.
- Two other committee members should keep separate records using a tally sheet.
- Questions are frequently raised as the ballots are being counted concerning the validity of particular ballots. The following rules apply:
 - Such deviations from the instructions on the ballot as making a check mark instead of an “X” does not void the ballot. If the intent of the voter is clear, count the vote.
 - If the voter has signed their name to the ballot, void the entire ballot.
 - If a ballot is partly spoiled, the entire ballot is not voided. For example, if the voter voted for two candidates for president, the ballot is void for that office. But if the same voter voted for only one candidate for secretary-treasurer, the vote for that office should be counted.
- Keep a record of the number of totally void or totally blank ballots.
- Determination of the election shall be based on the number of valid ballots cast.
- The final election results should be placed in written form and signed by the members of the election committee.
- All ballots and records of the election must be kept for a period of one year.
- The OEA should be promptly notified in writing of the election results.
- A copy of a sample ballot should be included for elections concerning OEA and NEA Representative Assembly delegates and alternates.

Election Protests

- Protests are disputes which may arise concerning the conduct of an election.
- An election should only be overturned when a proven election irregularity is such that it would affect the outcome of the election.
- It is recommended that local associations establish local procedures to hear and resolve such protests.
- A ten-day time limit is considered reasonable.
- Such procedures should also establish the body that hears the protest.
- Only irregularities which affect the outcome of an election are grounds for voiding the election results and holding a second election.
- **Protests not resolved at the local association level may be appealed to the OEA Secretary Treasurer and the matter will be investigated in accordance with Board of Directors Policy 1200.040**

Online Election Information

Elections can be tricky, here is some helpful information:

Members must be afforded a reasonable opportunity to vote.

The two safeguards for fair and democratic elections are:

- That the election is conducted by **secret ballot**, and
- That all local association members be afforded a **reasonable opportunity to vote**.

Voting methods: in order of preference

1. In-Person Election – Always the best choice when available
2. Mailed Ballot Election- The second-best option
3. Online election – Can be used, but is not preferable, especially for OEA RA and NEA RA delegates

Information regarding Online or Electronic voting from the **OEA Elections Manual- Appendix F**

The conduct of elections for local, OEA, and NEA offices must comply with the following principles of a fair election:

- The integrity of a secret ballot
- One-member one-vote
- The right of any candidate to have an observer at the polls and at the counting of the ballots
- Preservation of all election records including ballots for one year

Adherence to these principles while conducting online elections can present challenges. Two significant challenges are the tension between maintaining the secrecy of the ballot while ensuring that each eligible member's vote is accurately cast, and ensuring observability for a voting technology that does not necessarily generate "ballots" that can be observed at the "polls" and at their "counting," as the LMRDA provides. Because the technology in this field is evolving, it is difficult to identify definitive solutions that are most likely to permit voting that is in conformance with the proper conduct of a fair election.

1. Guidance for preserving ballot secrecy:

The requirement of a secret ballot in union officer elections is to be interpreted strictly. Ballot secrecy requires that no person, including an independent third party, have access to information allowing such person to learn how a particular member cast his or her vote at any time. Moreover, a member's vote must remain secret after the ballot is cast. It should be noted that online survey services such as Jot Form, Google Forms, and SurveyMonkey each collect data such as email and IP addresses that can be connected to the content of a member's vote. For that reason, those services are not appropriate for a secret ballot election.

One way to help to ensure that ballot secrecy is maintained in an electronic voting system is to avoid creating a connection between a voter's identity and the vote cast, i.e., voters' names would never be entered into the system as part of the voting credentials (the term "credentials" in this guidance includes the multiple codes used for various purposes in electronic voting systems, including access codes, log-in codes, confirmation codes, etc.). In this way a voter's identity could never be linked to his or her vote using information in the system. This can be accomplished by determining voter eligibility prior to mailing the voting credentials and by randomly assigning the credentials to each eligible voter. Once this initial eligibility determination is made and the credentials mailed (or emailed), there can be no mechanism to void or prevent the casting of ballots by any members who were determined to be eligible. Such a system, however, can present logistical challenges. For example, a local may need to provide replacement credentials to members who have not received or have lost their voting credentials or issue such credentials to newly eligible members. If duplicate credentials or other processes are used to resolve these logistical challenges, all material must be secured when not in use and observers must be given the opportunity to observe the processes employed when using the materials.

Online voting systems should employ proper safeguards to prevent a voter from being able to provide visual proof of the content of his/her vote in order to prevent secrecy violations in the form of coercion or vote buying/selling. For example, the system must not display the voter credential and the content of the vote in such a way that it permits the voter to capture and share the image, nor should lists matching voter credentials and the content of the vote be publicly available.

To the extent that technology is developed for public elections that allows for the inclusion of voter-identifying information in a manner that protects vote secrecy, that technology may also be appropriate for use in union elections.

2. Guidance for preserving observer rights:

To conduct a fair election, adequate safeguards to ensure a fair election must be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.” This requirement provides for the essential monitoring that votes were cast by eligible union members and that those votes were accurately tallied. In the context of electronic voting systems, in which the “polls” and “tally” are not visible, assuring the integrity of such systems presents challenges.

Procedures in the context of electronic voting, which permit observation and protect the security of the vote from its casting to its counting, must include:

- The opportunity to view the list of members and make eligibility challenges prior to the distribution of voter credentials.
- The opportunity to observe the preparation and distribution of voting credentials to be used by members. Observers must be allowed to view the process, but must not be allowed to see the specific voting credentials that are sent to individual members, which must be kept secret
- The opportunity to observe any later distribution of credentials to members who did not receive or who lost credentials. Again, observers must be allowed to view the process, but must not be allowed to see what specific voting credentials are sent to individual members, which must be kept secret.
- The use of technology that protects the integrity of the vote from the point when it is cast by the voter through the voting process, such as client-side encryption technology, that runs on the voter’s computer or in conjunction with any computer-telephone integration, rather than on the election server.
- The opportunity to observe any steps necessary for the counting of the votes, and any other steps necessary to audit that process.
- The use of technology that provides a secure method of independent vote verification that allows the voter or an observer to confirm that the vote was recorded and counted accurately. Safeguards should be employed, however, to prevent such features from presenting secrecy lapses and opportunities for voter coercion. Safeguards that could preserve this aspect of observability without compromising vote secrecy may include:
 - o Allowing each member to view a printed ballot version of his or her electronic
 - o vote, which contains a credential known only to the voter and which is stored in a
 - o supervised, secure, observable location. These printed ballots could also be
 - o tallied in a supervised, secure, observable location to verify the accuracy of the
 - o electronic vote count.
 - o Allowing each member to confirm the accuracy or integrity of his or her vote by
 - o inspecting a non-public list of the electronic votes alongside the credential known
 - o only to the voter, stored in a supervised, secure, observable location.
 - o Allowing each member to confirm the accuracy or integrity of his or her vote by
 - o inspecting a posted list that pairs representations of votes (e.g., as hashes or
 - o codes that would allow a voter to know that the vote has not been changed but
 - o would not reveal the vote choice itself) alongside voter credentials, or
 - o representations of voter credentials.
- The electronic voting system should contain mechanisms by which observers can verify, prior to an election, that the system is working properly.

The electronic voting system should include hash chains on the activity logs and the ballot box. The electronic voting system should be audited by an authorized independent party periodically. For any electronic voting system, there should be a document or documents that specify the security policy for all systems that will come into contact with the voter or vote information. Further, every role and its corresponding access should be clearly specified, using mathematical descriptions where applicable. The security policy should also include a risk assessment, threat analysis, and modifications made to mitigate such risks/threats.

3. Guidance for preserving records:

The electronic votes and any paper versions of the electronic votes, and all other paper and electronic records pertaining to the election, including eligibility lists, the voting credentials, the log files, the time stamped software code used to run the electronic voting system, and the ballot tally results must be preserved for one year.

4. Guidance for preserving right to vote:

An alternative voting method must be provided, upon request, to any member who does not have access to the electronic voting system. Remote voting must be implemented in a manner that does not create barriers for individuals with accessibility needs. When selecting an online voting vendor, those members responsible for conducting the local election should inquire about how the vendor provides for a secret ballot, election observers, preservation of records, and accessibility as described above.

The source for this guidance is from the US Department of Labor Office of Labor-Management Standards (OLMS) Compliance Tip – “Electing Union Officers Using Remote Electronic Voting Systems” at

https://www.dol.gov/olms/regs/compliance/catips/2016/CompTip_RemoteElecVote.htm

Questions about election/election procedures can be directed to:

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