

**Delano Union Elementary School  
Teachers Association  
CTA/NEA**

**Constitution/Bylaws**

**I. Name and Location**

- A. The official name of this organization shall be Delano Union Elementary School Teachers Association/CTA/NEA in Kern County. (CTA Standing Rule 4-1)

**II. Purposes**

The primary purposes of this association shall be:

- A. "To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions, and employer-employee relations including, but not limited to, wages, benefits, hours and other terms and conditions of employment;
- B. To form a representative body capable of developing group opinions on professional matters to speak with authority for members;
- C. To provide a means or representation for its ethnic-minority members; (CTA Standing Rule 4-1 1.a)
- D. To provide opportunity for continuous study and action on problems of the profession;
- E. To promote professional attitudes and ethical conduct among members;
- F. To encourage cooperation and communication between the profession
- G. and community;
- H. To foster good fellowship among members.
- I. To raise the standards for education support professionals.

**III. Affiliation with the United Education Profession (UEP)**

DUESTA acknowledges affiliation with CTA and NEA as follows: (CTA Standing Rule 4-1)

- A. The Delano Union Elementary School Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Delano Union Elementary School Teachers Association shall be an affiliated local Association of the National Education Association (NEA).

**IV. Membership**

- A. There shall be categories of membership in the Association: Active and Associate. (CTA Bylaws Article III, 1)
- B. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional education work, is an employee of the Delano Union Elementary School District, and whose primary assignment is such as not to hold evaluatory responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.

- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual Association/CTA/NEA dues. [The chapter shall require membership in CTA and NEA. (CTA Bylaws Article III, 2-e; CTA Bylaws Article X, 3; CTA Standing Rule 4-1; NEA Bylaw 8-7-c)]
- D. The right to vote and hold elective office or appointive position within the Association shall be limited to Active members. (CTA bylaws Art. III, Sect 5)
- E. Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of profession and civil rights, and receive reports and publications of the Association. (CTA Bylaws Article III, Section 5)
- F. All members shall work to foster good fellowship among members.
- G. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association, and is not an Active member.
- H. Active members shall adhere to **The Code of Ethics for the Education Profession.** (CTA Standing Rule 4-1 1.d)
- I. The rights to and privileges of members shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin, or sexual orientation.
- J. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- K. The membership year shall be that period of time from Sept. 1 of any given calendar year through Aug. 31 of the following calendar year, inclusive. (CTA Standing Rule 5-3, 1.)
- L. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.

**V. Dues, Fees, and Assessments**

- A. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA. (CTA Bylaws Article X-3)
- B. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the active membership of the Association at the last regular meeting of the school year.
- C. The Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the full Association/CTA/NEA dues. (CTA Standing Rule 4-1; CTA Standing Rule 5-6)
- D. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls. (CTA Standing Rule 503, 1.)

**VI. Policy Making Body**

- A. The policy making body of the Association shall be the Representative Council (R C). The Representative Council, comprised of Active members of the

Association, derives its powers from and shall be responsible to the Active membership.

- B. The policy-making body (Representative Council) shall be composed of the following Active members:
  - 1. Executive Board, ex-officio, composed of the elected officers of the local Association.
  - 2. Faculty Representatives, elected by the Active members of the site on the basis of one-person, one-vote.
  - 3. To provide a means of representation for its ethnic-minority members, any two additional Active members will be elected at-large from the entire DUESTA membership.

**C. The Representative Council shall:**

- 1. Establish Association policies and objectives;
- 2. Adopt the annual budget of the Association on or before the first meeting of the school year;
- 3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and establish the dues of the Association
- 4. The Representative Council shall meet at least once during each school month, the number, place and time of the meetings to be decided by the Executive Board.
- 5. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.
- 6. Special meetings of the Representative Council shall be called for a specific purpose, and no business other than that for which it was called may be transacted
- 7. Notices and agendas for all meetings of the Representative Council shall be sent out to all members of the Representative Council at least two days prior to the date of the meeting.
- 8. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify members of the Representative Council of meeting dates, places, and times.
- 9. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of that body.
- 10. Members of the Representative Council shall serve a term of two years, beginning March 31 of each regular calendar year not evenly divisible by two. The beginning date will change in years when election dates are adjusted to coincide with CTA State Council elections.

**VII. Faculty/Site Representatives**

- A. Faculty representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and by secret ballot.
- B. Each school site faculty shall be entitled to at least one representative, and shall have one representative per 20 Active Association members on the faculty or major fraction thereof.
- C. To determine the number of representatives for a school site, members who are employed at more than one school site must declare by Sept. 1 of each

school year their site of representation. This report is to be made to the Association Secretary by mail or e-mail.

- D. Active members who are not represented through an individual school faculty group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual school faculty groups.
- E. Each representative will serve concurrently on the Grievance Committee, and the Safety Committee.
- F. Vacancies in the office of Representative for whatever causes may be filled by properly elected replacements.
- G. The faculty/site representatives shall:
  - 1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty/site unit;
  - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the Active Members;
  - 3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
  - 4. Perform such additional duties as prescribed by the Executive Board.
- H. A Faculty/Site Representative may not conduct an election in which he/she is a candidate.
- I. Stipends to faculty representatives shall be paid no later than December 20 of any calendar year, contingent upon their attendance at a minimum of eight full Representative Council meetings per year.

#### **VIII. Officers**

- A. The officers of the association shall be a President, a First Vice-President, a Second Vice-President, a Secretary, and a Treasurer. (CTA Standing Rule 4-1)
- B. These officers shall be and remain currently paid up local, state and national (Active) members as a condition for nomination to and service in their respective positions during their terms in office.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nomination and secret ballot.
- D. These Officers shall be elected for a term of two years, beginning March 31 of each regular calendar year not evenly divisible by two. The beginning date will change in years when election dates are adjusted to coincide with CTA State Council elections.
- E. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any offices of the Association. In the event a vacancy occurring in the office of the President, the First Vice-President shall assume the office. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.
- F. The **President** shall be the chief executive officer of the Association and its policy leader. The President shall:
  - 1. Preside at all meetings of the Association, the Representative Council, and the Executive Board;
  - 2. Set the agenda for the meetings of the Association, the Representative Council, and the Executive Board;

3. Be the official spokesperson for the Association;
  4. Be familiar with the governance documents of the Association, CTA, and NEA;
  5. Appoint all chairpersons and members of committees, and of the bargaining team, with the approval of the Executive Board, by the beginning of the school year
  6. Call meetings of the Association, the Representative Council, and the Executive Board.
  7. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council
  8. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
  9. Attend meetings of the Sierra Service Center Council, and other CTA/NEA meetings as directed by the Representative Council.(CTA Standing Rule 4-2)
  10. Attend other CTA/NEA meetings as directed by the Representative Council.
- G. The **First Vice-President** shall:
1. Serve as assistant to the President in all duties of the President;
  2. Assume the duties of the President in the absence of the President;
  3. Chair the Grievance Committee, with the approval of the Executive Board
  4. Serve as coordinator of committee activities at the direction of the President; and
  5. Perform other duties as directed by the Executive Board
- H. The **Second Vice-President** shall:
1. In the absence of the President and the First Vice-President, assume the duties of the President;
  2. Keep an accurate roster of the membership of the Association and of all committees;
  3. Be responsible for the formation and distribution of the Association's calendar of activities;
  4. Actively assist in the recruitment of new members by keeping membership packets available; and
  5. Perform other duties as directed by the Executive Board.
- I. The **Secretary** shall:
1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, the Representative Council, and the Executive Board;
  2. Be responsible for the distribution of minutes, notices of meetings, and agendas for all meetings to members of the Executive Board Representative Council, and membership when appropriate;
  3. Carry on the correspondence pertaining to the affairs of the Association as directed by the President, and
  4. Perform other duties as directed by the Executive Board.
- J. The **Treasurer** shall:
1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
  2. Pay out such funds upon orders of the President;

3. Provide a written report on the financial status of the Association for each regular meeting of the Representative Council, and Executive Board;
4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership;
5. Submit membership and financial reports to CTA, NEA, and other agencies and required by law; and
6. Perform other duties as directed by the Executive Board.

**IX. Executive Board**

- A. Executive Board of the Association shall be composed of the elected officers of the Association.
- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to, and service in this position.
- C. The Executive Board shall meet prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
- D. The duties of the Executive Board shall be to:
  1. Coordinate the activities of the Association;
  2. Act for the Representative Council when school is not in session
  3. Act for the Representative Council in an emergency, or crisis situation;
  4. Direct the bargaining activities and grievances processing of the Association, subject to the policies established by the Representative Council;
  5. Approve appointment and removal of bargaining team members by a 2/3 majority vote;
  6. Recommend a budget for the Association to the Representative Council;
  7. Approve all appointments to committees and removal (majority vote) of committees, including chairpersons;
  8. Adopt the Standing Rules for the Association;
  9. Adopt grievance procedures
  10. Direct the grievance activities of the Association; and
  11. Exercise all of the business and organization powers and duties for the Association as prescribed by law and these bylaws, subject to the restrictions that may be imposed by the Representative Council.
- E. A quorum for all meetings of the Executive Board shall consist of three members of the Executive Board.

**X. Meetings of the General Membership**

- A. Meetings of the Association may be called by the President, the Executive Board, or by a written petition of twenty percent (20%) of the Active membership.
- B. Notices of the Association meetings including date, place, time and purpose of the meeting shall be made available to all members at least two days prior to the meeting, except during crisis situations.

- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association Membership of meeting dates, places, and times.
- D. A quorum for meetings of the Association shall consist of a majority of those present and voting. A majority vote is necessary to pass a motion.

**XI. Bargaining**

- A. The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- B. Vacancies created by a resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
  - 1. Any team member who resigns or is unable to serve through the conclusion of negotiations shall be ineligible for a stipend.
- C. The Executive Board, by a two-thirds (67%) majority, may remove a member of the bargaining team and appoint a replacement from the list of alternates.
- D. The duties of the bargaining team are to represent and to bargain for the membership.
- E. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board, subject to the policies established by the Active membership.
- F. The bargaining team shall be under the direction of the Executive Board, and shall report its activities to the Executive Board, as the Board requires.
- G. The Executive Board shall provide for the dissemination of information regarding bargaining and activities of the bargaining team to the general membership.
- H. The Bargaining Team is empowered to reach tentative agreements with the district subject to ratification by the Active membership.
- I. Membership shall be surveyed to determine the contents of the proposed contract demands, and the initial contract proposal for the Association shall be disseminated to Active members via email.
- J. Agreements reached between the bargaining team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership in the appropriate units unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

**XII. Grievance Processing Procedures**

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
- B. The procedures shall include, but not be limited to, the following:
  - 1. Provide representation to assist all members of the bargaining unit in processing grievances;
  - 2. Provide training for handling grievances; and
  - 3. Evaluation the Association's grievance policies and procedures.
- C. The Grievance Committee will monitor the collective bargaining agreement for violations and misapplications.
- D. Grievant has the right to appeal the decision of the Executive Board not to process a grievance to arbitration.

### **XIII. Nominations and Elections**

The Chapter President must provide Active members an opportunity to vote in all elections. Chapter presidents do not have the option of deciding that such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

A. There shall be an Elections Committee appointed by the President.

B. Elections shall be conducted with:

1. Open nomination procedure;
2. Secret ballot;
3. All Active member vote;
4. Record of voters receiving or casting ballots;
5. Majority vote, unless otherwise specified.

C. State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.

D. NEA State Delegate elections shall be conducted in accordance with NEA/CTA guidelines.

E. NEA Local Delegate elections shall be conducted in accordance with NEA/CTA guidelines.

F. Duties of the Elections Committee shall be to:

1. Ensure that all Chapter/CTA/NEA election codes and timelines are followed;
2. Establish election timelines
3. Develop and carry out timelines and procedures
4. Prepare ballots for election of officers and such other elections as may be necessary;
5. Count the ballots and certify the results;
6. Handle initial challenges.

### **XIV. Committees**

A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.

B. Each committee shall submit periodic reports to the Executive Board and Representative Council.

C. 3. The Standing Committees are:

1. **Grievance** – To monitor the implementation of the collective bargaining agreement for possible violations and misapplications, grievance processing/resolution, and support for membership. Chairperson issues a written quarterly report to the Representative Council.
2. **Safety** – To be the official body of representation of the Association in the joint safety conditions of the schools; to monitor the safety conditions



of the schools. Chairperson issues a written quarterly report to the Representative Council.

**XV. Parliamentary Authority**

1. **Robert's Rules of Order**, newly revised, latest edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board (as a guideline).

**XVI. Amendment Procedures**

1. These bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed By-laws amendment shall have been submitted to the Secretary and provided to all voting members of the Representative Council at the meeting preceding the one at which the amendment is to be voted upon.

**XVII. STANDING RULES**

**NOMINATIONS AND ELECTIONS:**

**A. Elections Committee**

1. There shall be an Elections Committee.
2. The Elections Committee and Chairperson shall be appointed by the President and approved by the Executive Board at the beginning of the school year.
3. The Elections Committee shall be comprised of at least three members who are not on the Executive Board, who are familiar with the unit operations, and who are not seeking election.
4. Any Association member who is either a candidate on the ballot or whose immediate family member is a candidate shall abstain from all Elections Committee activities on that particular ballot.
5. The Elections Committee is charged with ensuring that elections are conducted in a fair and impartial manner.

**B. Election Requirements**

1. The chapter shall ensure that an open nomination procedure is in place (i.e any member may nominate any member, including himself or herself). The only qualification for office shall be Active membership in the chapter.
2. Every Active member shall be assured of voting by secret ballot.
3. There shall be at least a fifteen (15) day period between notice of election and the actual voting.
4. There shall be an all Active member vote. A member who is off-track shall be sent election information by mail to his/her last known residence.
5. A chapter shall provide means for all Active members to vote (including vote by mail), and it shall be the responsibility of the member to notify the chapter if s/he desires a ballot at a site other than the regularly scheduled voting place.
6. An Active member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope

when returning the voted ballot. If a roster of Active members is prepared for a school site ahead of time, initials of the member may be accepted.

7. All elections shall be decided by a majority vote, unless otherwise specified. In the event no candidate receives a majority vote, a run-off election between the two candidates receiving the highest number of votes.

### **C. Announcement**

1. The announcement of election shall include the offices, length of terms, and the election timeline.
2. The announcement shall be publicized in a manner that ensures every member has an opportunity to file a declaration of candidacy.

### **D. Timeline**

1. Schools on alternative calendars shall be considered when setting election timelines.
2. The timeline for the election shall include dates for:
  - a. Announcement of vacancy(ies) and term(s) of office using a method that will ensure each member is aware of the opportunity to file a declaration of candidacy;
  - b. At least fifteen (15) calendar days between the announcement date of the vacancy(ies) and the date of the election;
  - c. Time, date and place of receipt (date received, not postmarked date) for declaration of candidacy forms;
  - d. Final date to acknowledge candidates' declaration of candidacy;
  - e. Date for preparation of ballots;
  - f. Date on which ballots will be distributed;
  - g. Date(s) when voting will take place;
  - h. Date by which to request a ballot;
  - i. Deadline date (date received, not postmarked date), time and place for return of ballots, including absentee ballots;
  - j. Date, time and place where ballots will be counted, which should be immediately following the deadline for receipt of voted ballots;
  - k. Date(s) that announcement of results will be made to leadership, candidates, and members and posted at each work site, which date shall be no later than five (5) calendar days following the counting of the ballots;
  - l. Dates and timelines for run-off election, if necessary; and
  - m. Deadline for filing of challenges to initial challenge and run-off if held (date received, not post-marked date).

### **E. Finances**

1. Chapter monies received through dues, assessment or similar levy shall not be used to promote any candidate:
2. A candidate may not accept direct contributions from a chapter's treasury or indirect contributions in the form of use of a chapter's assets, facilities, staff, equipment, mailings, good will, and credit.
3. A unit may not state or indicate its preference for a candidate in the unit's publications.

4. The official logo of the unit or official Association title may not be used in a way that suggests that the candidate has the support of the unit, CTA, or any of its affiliates.

#### **F. Candidates Rights**

1. Privileges extended to one candidate shall be extended to all candidates.
2. Each candidate shall receive a copy of the election timeline, procedures, and guidelines.
3. Each candidate shall have the right to a list of the name and addresses of work sites and the number of Active members at each site for the purposes of campaigning.
4. Each candidate shall be treated in a fair and equitable manner in the printing and distribution of campaign statements.

#### **G. Ballot**

1. The names of the candidates shall be printed on the ballot in CTA alphabetical order. The name of each candidate shall be as printed on the declaration of candidacy. When a candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot. In the event that the last name of more than one candidate begins with the same letter or more than one candidate has the same last name, the CTA alphabetical order shall continue to be applied throughout the name including the first name.
2. The ballot shall state the name of the office/position, the term, and the names of the candidates.
3. The ballot shall include space for a write-in candidate, except in run-off elections.

#### **H. Distribution of Ballots and Method of Voting**

1. Each member shall receive a ballot.
2. Voting shall be by one or a combination of the following methods:
  - a. At school site/work sites/specified voting site  
If a Site Representative is a candidate, refer to A. Elections Committee, 5
    - 1) **Voting At School Site(s)/Work Site(s)/Specified Voting Site(s):**
      - a) Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot
        - (1) Voter Roster – List of eligible voters
        - (2) Voter Sign-up Sheet – List of eligible voters that includes a place for a signature.
      - (b) The marked ballot must be returned to a designated site representative or ballot box.
      - (c) Site representatives must return all voter rosters/sign-up sheets and ballots to the Elections Committee by the designated date and time. Ballots need to be secured and uncounted.
      - (d) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them and opportunity and right to vote.
      - (e) Preliminary counts shall not be completed at school/work sites.

**2) Voting at School Site(s)/Work Site(s)/Specified Voting Site Using Envelopes:**

When voting is conducted at school sites using envelopes, the procedure shall be as follows:

- a) A list of current Active members shall be prepared, which includes each members name and school/work address.
- b) The voter shall be provided with the following:
  - (1) A ballot;
  - (2) Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the outer envelope addressed to the chapter; and the deadline date for receipt of the voted ballot at the chapter Post Office box/office.
  - (3) A small envelope (inner envelope) in which to place the voted ballot; and
  - (4) A larger envelope (outer envelope) addressed to the chapter, on which the voter prints and signs his/her name.
- c) At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.
- d) The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.
- e) All inner envelopes shall be placed in a separate receptacle.
- f) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.
- g) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote.

**b. By mail:**

When voting is conducted by mail, the procedure shall be as follows: Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote. Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:

- 1) A list of current Active members shall be prepared, which includes the following: name, school/work and home address.
- 2) The mailing list shall exactly correspond to the current official roll of voting members.
- 3) Each voter shall be provided with
  - a). A ballot.
  - b). Instructions on:
    - (1). Folding and placement of the ballot in the unsigned inner envelope;
    - (2). Placing of the unsigned inner envelope into the outer envelope;

- (3). Signature and school on the outer envelope addressed to the chapter;
- (4). Deadline date for receipt of the voted ballot in the chapter P.O. Box/office.
- c). A small (inner) Inner envelope.
- d). A larger (outer) return envelope, addressed to the chapter.
- 4) The ballot shall be date stamped when it is received the chapter office and then put in a safe place until the votes are to be counted.
- 5) At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members
- 6) The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
- 7) All inner envelopes shall be placed in a separate receptacle.
- 8) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.

### **I. Vote Requirement**

All vote requirements shall be established in accordance with CTA guidelines. Unless otherwise specified, all elections shall be decided by majority vote. Write-in votes are valid and must be counted.

- 1. A majority vote means more than half of the legal votes cast for each office/position on the ballot.
- 2. A plurality vote means the largest number of votes to be given any candidate or issue.
- 3. A two-thirds (2/3) vote means at least two thirds (2/3) of the legal votes cast,
- 4. For unit officers, the election will be by majority.
- 5. For State Council: [*See the Election Timelines, Procedures, and Guidelines in section IV-9.2 of the CTA Elections Manual.*]
  - a. If a unit is a single electoral district or a multiple unit electoral district, the election for State Council Representative will be by majority vote.
  - b. If the unit is within a multiple unit electoral district, results must be sent to the Service Center Council Elections Committee to determine if a candidate has received a majority vote.
- 6. If a candidate does not receive a majority vote, a run-off election shall be conducted among the candidates receiving the highest number of votes. The names on the ballot will be one (1) more than the number of vacancies to be filled. When there are only two candidates for an office, the candidate receiving the higher number of legal votes cast shall be declared elected. **There shall be no provisions for write-in candidates in run-off elections.**
- 7. For NEA Local Delegates, the election will be by majority or plurality vote, as defined in the unit's governance documents. Results must be sent to the CTA Governance Support Department and to the Sierra Service Center Council.

8. An election for NEA Delegates may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing this provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.

9. For NEA State Delegates, the election will be by majority or plurality vote as defined in the unit's governance documents. Successor delegates (alternates) are ranked in the order of votes received. Results must be sent to the Service Center Council, which will forward the results to CTA.

10. For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

## **J. Counting of Ballots**

1. Each candidate may designate one observer, who may be the candidate, to observe the vote counting process. The observer shall not interfere with the work of the Elections Committee and must remain in the room where the vote count is to take place.

2. The Elections Committee shall count the ballots, which should be immediately following the deadline for receipt of voted ballots.

3. Each office/position on the ballot shall be treated as a separate race

4. Blank and/or illegal ballots for each office/position shall be set aside.

Examples include the following:

- a. Voter's intent unclear;
- b. Votes cast for more than number allowed;
- c. Member not listed on the voter roster;
- d. Votes cast on unofficial ballot (probably reproduced); and
- e. Candidate is not a member.

5. Ballots set aside and not counted are:

- a. More ballots than signatures;
- b. Ballot(s) submitted after deadline; and
- c. Voting envelopes without a signature

6. The Elections Committee should categorize each illegal ballot, make a determination on whether the vote(s) in each category should be counted separately as listed on 4 above, and make a note of the decision. The ballots should remain separate.

7. The Elections Committee will prepare the Teller's Report, recording information on the total number of votes cast, the number needed to win/pass, the number of votes received by each candidate/issue and the number of blank and/or illegal ballots for each office/position with an explanation of illegality, and signed by each Elections Committee member. The Teller's Report shall not contain a school-by-school or site-by-site breakdown report.

8. The Chairperson of the Elections Committee will deliver the report of the election results to the president and interested parties. The election results shall be posted at each work site as soon as possible following the election.

9. The ballots and voter sign-up sheets should be retained for one year after the election.

## **OBSERVERS**

1. Each candidate shall be allowed to have an observer at the vote counting site and shall give the name of the observer to the Elections Committee before counting.
2. An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results and has notified each candidate of the results.

## **CHALLENGE PROCEDURES**

1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
2. Challenges for election of State Council Representatives, Alternates, State and Local Delegates to the NEA RA follow procedures in the *CTA Elections Manual*.
3. The challenging party(ies) must notify the unit president and elections chair of a challenge in writing within ten (10) calendar days after the announcement of the results of the election. If the unit president is a candidate on the ballot, please see item number 5.  
The notification must:
  - a. Specify which unit bylaws(s) and/or standing rule(s) have been violated;
  - b. Attach evidence of the violations, insofar as possible;
  - c. List names and addresses of parties who can give evidence.
4. Upon receipt of the challenge, the Elections Committee will notify all the candidates in the election being challenged that a challenge has been filed. Within ten (10) calendar days after the receipt of the challenge, the unit's Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation and determine whether or not the challenge:
  - a. Is a violation of the unit's election requirement(s).
  - b. Is supported by the appropriate documentation.
  - c. Requires more information. The information will be obtained via the most feasible method.
  - d. Identified violation(s) that may have affected the outcome of the election.
  - e. Within the same 10 calendar day period, the unit's Elections Committee shall submit a written report including issues and recommendations to the Chapter President and the Governance Board.
5. Any member of the Governance Board who was a candidate on the ballot, or whose immediate family member is a candidate on the ballot, shall abstain from voting on the report. If in the case where the majority of the Governance Board is unable to act on the challenge the decision shall move to the next highest decision making body according to the unit's governance documents.
6. The Governance Board shall act on the report no later than 10 calendar days following receipt of the written report of the elections committee in accordance with CTA Challenge Procedures as described in Appendix O –

CTA Challenge Procedures – Local Elections of CTA Elections Manual.  
The Governance Board must issue its decisions in writing to the challenger and the Elections Committee Chair.

7. If the challenging party(ies) wish(es) to appeal the decision of the unit's governance body, he/she may file an appeal within ten (10) calendar days from the date of the decision of the governance body to the CTA President. The appeal shall be the original challenge filed at the unit level, and shall include:
  - a. Specifically which unit bylaw(s) and/or standing rule(s) have been violated.
  - b. Attached evidence of the violations, insofar as possible.
  - c. List names and address of parties who can give evidence.
  - d. Written response of unit's governance body to original challenge
8. If the Governance Board fails to act within ten (10) calendar days of the initial challenge, the individual may file an appeal as described in 7 (a-c) above by writing to the CTA President.
9. The challenge procedure for election of the State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly is outlined in the CTA Elections Manual.

### **INITIATIVE PROCEDURES**

1. The Active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.
2. An Active member shall file a notice of the intent to circulate a petition with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 15 calendar days shall be permitted to obtain the signatures of at least 60 percent or more of the active members of the chapter. The petition shall contain the question proposed that will be placed on the ballot.
5. The circulators shall present to the chapter president the petitions(s) containing original signatures.
6. The chapter president shall have thirty (30) calendar days in which to verify the membership of the signers of the petition(s).
7. If there are insufficient signatures, the petition circulator shall be notified within 3 calendar days, that the petition failed for lack of signatures.
8. The chapter president shall cause a ballot to be furnished to the members no less than fifteen (15) calendar days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.



9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

### **REFERENDUM PROCEDURES**

1. Any action or proposed action of the Executive Board shall be referred to a vote of the Active membership upon two-thirds vote of the Representative Council at any valid meeting.
2. The referendum action shall prescribe the exact wording of the question to be posed to the membership on the ballot.
3. The chapter president shall cause a ballot to be furnished to the Active members no less than fifteen (15) calendar days after action by the Representative Council, provided that the period that school is officially not in session shall not be included in this count.
4. Regular election procedures (e.g., election of officers) shall be followed including voting times.
5. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

### **RECALL PROCEDURES**

1. The active membership shall have the authority to recall from office any person or persons having been elected thereto by the chapter's Active members.
2. An Active member shall file a notice of the intent to circulate a petition to recall with the chapter president by including a copy of the petition to be circulated, and the names of at least three person supporting the proposed recall and responsible for its circulation. If the proposed recall is for a person holding the office of president, the request shall be made to the next ranking officer.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of sixty (60) calendar days shall be permitted to obtain the signatures of at least 25 percent (25%) or more of the active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the chapter president the petition(s) containing original signatures or the vice president if the chapter president is the person being recalled.
6. The chapter president shall have ten (10) calendar days in which to verify the membership of the signers of the petition or the vice president if the chapter president is the person being recalled.
7. If there are insufficient signatures, the petition circulator shall be notified by mail that the petition failed for a lack of signatures.
8. The chapter president shall cause a ballot to be furnished to the Active members no less than twenty (20) calendar days after verification of

membership. The period that school is officially not in session shall not be included in this count.

9. Regular election procedures (e.g., election of officers) shall be followed including voting times.

10. Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted and published within the same publications and by the same manner as are prescribed for other elections within the Association.

11. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

## APPENDIX A

### PEER ASSISTANCE AND REVIEW (PAR)

1. Qualifications for the classroom teacher members of the Joint PAR Panel shall be determined by the Executive Board.
2. The President shall appoint all teacher members and alternates of the Joint Panel with the approval of the Executive Board.
3. The term of a Joint Panel Member shall be two years, beginning July 1 of the year they are appointed.
  - a. At a regular meeting of the Executive Board during the last trimester of the school year, teacher members whose terms are expiring shall be either renewed for an additional two year term or replaced.
4. Vacancies created by resignation, retirement, death, or inability to serve shall be filled by the Executive Board from a list of alternates.
  - a. Mid term replacements shall fill the remainder of the term
5. The Executive Board, by 2/3 majority, may remove a teacher member of the Joint Panel.
6. Consulting Teachers are selected by the Joint Panel through an application process.
7. The teacher members of the Joint Panel shall be under the direction of the Executive Board and shall submit periodic reports to the Executive Board
8. Training will be provided as needed.