

## **A. Rules and Procedures for AEA Regular Election**

### **1. Eligibility Requirements**

- a. Active or Education Support Professional, including Life, members of AEA are eligible for nomination, subject to any limitations imposed by the AEA and NEA Constitutions and the merger agreement.
- b. Associate, part-time, staff and substitute members are not eligible for nomination.
- c. AEA District Directors may serve two consecutive terms. There must be a one year break-in-service before a person can be elected to another AEA District Director position. Partial terms will not be counted towards the two consecutive terms as AEA District Director.
- d. Each nominee for NEA Director must also meet the eligibility and reporting requirements set forth in the NEA Constitution and election rules including:
  1. "All candidates for NEA state director shall have been Active [or Education Support Professional] members of the Association for at least two years immediately preceding the election. All state directors [and alternates] shall maintain throughout their terms of office Active [or Education Support Professional] membership in the Association."
  2. "Using forms provided by the NEA Committee on Constitution, Bylaws, and Rules, each candidate for NEA state, retired, or student director shall file a final report of campaign revenues and expenses with the state association president, the President of NEA-Retired, or the Chairperson of the NEA Advisory Committee of Student Members, as the case may be, or his or her designee. Such report must be filed no later than thirty (30) days following certification of the result of the election, and a copy of the report shall be submitted to NEA together with the notice of certification of the result of the election." These forms may be obtained through the AEA President's office.

### **2. Nomination Procedures**

- a. Nominations may be made by self, by respective local associations or by signed petitions of fifty or more Active and/or Education Support Professional unified members within each respective constituency.

- b. Nomination forms, with all required fields completed, must be received by the nomination deadline. Nomination materials must be received at AEA Headquarters by the close of business at 4:45 p.m. on the date specified. The AEA Post Office Box will be checked at 4:30 p.m. on the date specified. Failure to provide all required information in acceptable form by the stated deadline will result in disqualification. A biographical sketch of the nominee and a head-and-shoulders photograph is optional, but must be received within seven (7) calendar days of the nomination deadline in order to be published. The candidate's guide will be published in the first December issue of the *Alabama School Journal*. It is the candidate's responsibility to insure that their materials reach AEA Headquarters by the stated deadline. A new biographical sketch and photo are required each election cycle in order to be published.
- c. Candidates for the AEA Regular Election may FAX nominating materials, other than photographs, to the AEA Elections Coordinator at either FAX number 334-262-1226 or 334-262-8377. AEA will not fax nominating materials to members except for the purpose of correcting data already submitted to AEA by a candidate. Prospective candidates may request nominating materials by phoning AEA at 1-800-392-5839.
- d. The candidate is solely responsible for the accuracy and completeness of information on the nomination form (Reference section 3 (a) 1-5 on page 7). Staff is not responsible for contacting candidates should errors or omissions be noted on the nomination materials. Upon request, staff will inform a candidate as to whether nomination information has been received, and upon request, nominating materials could be faxed or mailed to members. Candidates are urged to keep a copy of their nominating materials and to review them for completeness and accuracy.

### **3. Eligible Voters**

- a. Active, Education Support Professional and Life members regardless of race, educational position or former association membership, shall be eligible to vote for each position within their respective constituencies.
- b. Associate, part-time, staff and substitute members are not eligible to vote.

#### **4. Materials, Voting Procedures, and Reports**

An Election Packet shall be mailed to each local association president by U.S. Mail, along with voting instructions. The packet shall include (1) checklist card, (2) instructions, (3) ballots, (4) Voter Acknowledgment Forms (signature forms), and (5) return envelopes with checklist. AEA members will receive, through the *Alabama School Journal* and AEA's Internet Site at [www.myaea.org](http://www.myaea.org), notification of the date ballots are mailed to local presidents and the deadline for returning ballots to AEA for canvassing. Approximately two weeks prior to the deadline, a postcard will be sent as a reminder.

### **B. Rules and Procedures for NEA State Delegate Election**

#### **1. Election Structure**

- a. For the purpose of the NEA State Delegate Election, NEA Active and NEA Education Support Professional members will be treated as separate voting constituencies. The election of state delegates representing non-supervisory Active members will be structured by AEA districts. Delegates representing supervisory Active members, retired NEA life, and staff life members will be elected as state-at-large. The election of state delegates representing non-supervisory education support members will be structured by AEA districts. Delegates representing supervisory education support members will be elected as state-at-large. The same NEA nomination and election procedures will apply to both types of elections.
- b. The election of NEA-Retired delegates will be held every two years and AEA will allocate delegates by Retired Division (AERA) districts. Voting will be statewide on all Retired delegate positions.

#### **2. Eligibility Requirements**

- a. Anyone who is an eligible member of the National Education Association, as defined in letter 'b' of this section, may be nominated for NEA state delegate by a local association, by any group of eligible NEA members, or by an individual eligible NEA member, including oneself. Departures from the open nomination principle are permissible only as necessary to meet the requirements of proportional representation by education position (As stated in the NEA publication, Requirements of the Allocation and Election of Delegates to the NEA Representative Assembly handbook, NEA Standing Rule 15.A).

- b. For NEA Delegate election purposes, eligible membership shall include the following categories:
  - 1. Category 1 – includes NEA Active and Education Support Professional members who are non-supervisors.
  - 2. Category 2 – includes NEA Active and Education Support Professional members who are supervisors and retired NEA Life members.
  - 3. NEA-Retired - includes retirees who are members of NEA-Retired (National Education Association – Retired) and the Alabama Education Association as required by NEA.

### **3. Nomination Procedures**

- a. The following information on each nominee must be in the hands of the AEA elections coordinator or the AERA election coordinator for retired candidates before the person may be certified as a nominee. (Nomination forms are provided to facilitate the submitting of these data.) Failure to provide all information required by the stated deadline will result in disqualification.
  - 1. Full name and home mailing address.
  - 2. Local association (not necessary for NEA-Retired).
  - 3. Candidate’s AEA District or AERA District.
  - 4. Candidate’s educational position, i.e., Category 1 (non-supervisory) or Category 2 (supervisory), or NEA-Retired.
  - 5. Signed acceptance of nomination or declaration of candidacy.
- b. Candidates for NEA State Delegate Election may FAX nominating materials, other than photographs, to the AEA Elections Coordinator at either FAX number 334-262-1226 or 334-262-8377. Only candidates for State NEA Retired Delegate Election may FAX nominating materials, other than photographs to the Retired Division (Alabama Education Retirees Association) AERA Elections Coordinator at 334-262-6002. The AEA and AERA will not fax nominating materials to members except for the purpose of correcting data already submitted to AEA or AERA by a candidate. Prospective candidates may request nominating materials by phoning AEA at 1-800-392-5839 and AERA at 1-800-537-6867 for retired candidates.

- c. The candidate is solely responsible for the accuracy and completeness of information on the nomination form (Reference section 3 (a) 1-5 on page 7). Staff is not responsible for contacting candidates should errors or omissions be noted on the nomination materials. Upon request, staff will inform a candidate as to whether nomination information has been received, and upon request, nominating materials could be faxed or mailed to members. Candidates are urged to keep a copy of their nominating materials and to review them for completeness and accuracy.

#### **4. Candidate Publicity for NEA Delegates**

No information in regard to ethnic identity or background will appear on the ballot. The *Alabama School Journal* will publish a photograph, if made available by the candidate, and brief biographical data on each candidate. Each candidate is urged to submit a head and shoulders photograph and the official biographical data form with his/her nomination.

#### **5. Voting Procedure**

- a. All NEA Active, Education Support Professional, and Life members are eligible to vote by secret ballot for each position in their voting constituencies, even though there may be restrictions on who may be elected to the position, based upon educational position. All statewide NEA-Retired members are eligible to vote by secret ballot for NEA-Retired delegate positions.
- b. Category 1 delegates and successor delegates (alternates) shall be elected from and by the NEA Active and Life members of each AEA district at the ratio of one delegate and one successor delegate (alternate) for each 1,000 such members in the district. Category 1 delegates and successor delegates shall be elected by the NEA Education Support Professional members at the ratio of one delegate and one successor delegate (alternate) for each 1,000 members in the AEA district. NEA-Retired delegates shall be elected at a ratio of one delegate for the first 50 NEA-Retired members and an additional delegate for each 1,000 NEA-Retired members thereafter with total earned delegate positions apportioned among the nine AERA districts according to membership totals.
- c. Since members will be voting on NEA State Delegates prior to the time NEA sends official notification to the state concerning the number of state delegates that it will receive, voters will be directed to vote for the same number of district delegates as the previous year. If, when the official delegate allocations are received, the allocation per district

is greater or lesser than the previous year, the Staff Coordinator will adjust the number of delegates and alternates per district accordingly. Delegates and alternates will be notified in writing of their election immediately upon receipt by AEA or AERA of the delegate and retired delegate allocation from NEA. Candidates who are not elected as delegates or alternates will also be provided copies of the election results.

- d. If, in an AEA district, an AERA district, or state-at-large election of NEA state delegates, the number of candidates for state delegates positions is equal to or less than the number of positions to be filled, the election will be waived, and the candidate(s) will be declared elected to the delegate position(s) in question.
- e. The candidate receiving the highest number of votes in each voting unit shall be declared elected delegates, up to the allotted number of delegates for each voting unit.
- f. The candidates receiving the next highest number of votes shall be declared elected successor delegates (alternates), up to the allotted number of successor delegates for each voting unit. Candidates may decline to be a Successor Delegate.
- g. Category 2 delegates and successor delegates (alternates) shall be elected by the NEA Active and Life members from the state-at-large with those candidates receiving the highest number of votes being declared elected delegates, and those receiving the next highest number of votes being declared elected successor delegates (alternates), up to the allotted number of delegates and successor delegates, respectively, in these respective categories. Supervisory Education Support Professional delegates and successor delegates shall be elected state-at-large with those candidates receiving the highest number of votes being declared elected delegates, and those receiving the next highest number of votes being declared elected successor delegates (alternates), up to the allotted number of delegates and successor delegates, respectively, in these respective categories. \*

**\*Provided that "representation...shall be on the basis of proportional representation by educational position..."NEA Bylaw 3-1(a)**

- h. In the event of a tie vote among candidates for NEA State Delegate regular and alternate positions, or NEA-Retired delegates and alternates, the AEA Elections Committee or the AERA Elections Committee or, if the committee is not available, the AEA president shall break the tie by using the same procedure employed for determining positions on the ballot.

## **6. Miscellaneous NEA Delegate Rules and Procedures**

- a. A NEA Life member who is not a member of the state association shall not be able to serve as a state delegate.
- b. Except as they may conflict with NEA Delegate Rules and Procedures, the rules and procedures and voting instructions for the regular AEA election shall apply, with such adaptations as shall be required for this election.
- c. All NEA Category 1 and Category 2 state delegates and alternates elected in this election shall serve terms of one year.
- d. NEA-Retired delegates shall serve terms of two years. According to NEA Standing Rule 2.C, a successor delegate shall serve for the remainder of the term of the delegate in whose place the successor delegate is serving. However, if a delegate is unable to attend the first Annual Meeting following their election by reason of uncontrollable circumstances, that delegate may resume service in the term of office to which the delegate was elected, commencing at the next Annual Meeting, provided that the delegate has submitted a statement to the AEA Credentials Committee (no later than January 15 immediately preceding the Annual Meeting at which the delegate wishes to resume office) certifying that the delegate wished to resume office and was unable to attend by reason of uncontrollable circumstances and the AEA Credentials Committee concurs that such reason does in fact exist.
- e. While, under NEA policy, it is permissible for a member to be a candidate for local and state NEA delegate simultaneously, it shall be required that local delegate elections be concluded no later than the conclusion of the state delegate election, and that anyone winning both local and state delegate positions shall, promptly upon receiving notification of election to a state delegate position, inform AEA of which position will be accepted. Such informing AEA of the chosen position shall constitute immediate and automatic release to the person then entitled to it for the position not chosen. Also, failure of any person elected and duly notified, to inform AEA of the position chosen, according to the stipulated time and manner of notification, shall constitute immediate and automatic release of the state delegate position to the next person then entitled to it.
- f. Duties and Responsibilities for NEA State Delegates
  1. Delegates are expected to arrive at the Convention site at the designated time and remain throughout the entire Convention period.

2. Delegates are expected to attend all the state caucus meetings.
3. Delegates are expected to be in attendance at all business meetings of the NEA Representative Assembly. NEA-Retired Delegates are expected to attend the NEA-Retired Annual Meeting and the Annual Representative Assembly. A record of attendance will be kept.
4. Delegates are expected to participate in all NEA balloting. Delegates will verify voting by submitting a voting receipt to an attendance co-captain.
5. The AEA president shall appoint a captain and co-captains to coordinate the checking of attendance, assist with obtaining information and help handle problems and/or emergencies.
6. A financial penalty will be imposed upon delegates who are not on the Convention floor at least 80% of the time and in attendance at state caucus meetings 80% of the time. The checking of attendance will occur periodically. Delegates will receive 80% of the state allocation prior to the NEA Convention. The remaining 20% will be issued at the designated time on the last day of the Convention following verification of attendance compliance. Delegates who do not fulfill the 80% attendance requirement will not receive the final 20% check and will reimburse AEA proportionately for any absence exceeding 20%. Payment must be made within 60 days in order to be eligible to receive future state delegate funding. No future funds will be given until all debts are cleared with the Association.
7. Delegates are encouraged to familiarize themselves with the information printed on the front page of the NEA Fund for Children and Public Education delegate contribution envelope packet that is included in each delegate's registration packet.
8. Delegates will sit with the Alabama delegation and will report to the attendance captains at specified times. Absence will be calculated proportionately for reimbursement.
9. The AEA president may excuse absences for verifiable and/or unavoidable conflicts.
10. Each state delegate is required to submit a Voucher for Travel Expense to NEA Representative Assembly to the AEA Business Office immediately following the NEA Representative

Assembly. This expense form will be mailed to all state delegates prior to the NEA Representative Assembly. Failure to file will result in AEA sending a 1099 Form to the IRS.

11. Ethnic minority representation at least consistent with the Merger Agreement shall be guaranteed in all NEA delegation functions.
12. Duties and responsibilities that are adopted by the Board of Directors will be published in the *Alabama School Journal* prior to the election of delegates.
13. Each person who runs for a state delegate position will receive a copy of these duties and responsibilities. It is required that each elected state delegate sign a letter of intent to accept conditions herein in order to receive payment.
14. In making housing arrangements for the NEA Representative Assembly, AEA will assist in securing double occupancy rooming if requested by the delegates. This is a service rendered by AEA and does not obligate the Association for payment of any hotel bills. In the event any delegate becomes dissatisfied with his or her room assignment and/or his or her roommate, such delegate wishing to make room changes shall be responsible for his or her hotel bill increase, should such result, and shall be responsible for the increase cost occurring in the bill of his or her former roommate.

g. Local Delegates

Local associations are encouraged to adopt similar guidelines and procedures as those outlined for State Delegates in section "f." In cases of small locals having only one or two delegates, the local may opt to follow state guidelines and have attendance taken by state captain/co-captains.

**C. Additional Rules and Procedures for Regular Election, NEA State Delegate Election, and NEA Retired State Delegate Election**

**1. Candidates' Positions on Ballot**

- a. Each candidate's position on the official election ballot for the regular election and the runoff election, if any, will be determined by a random drawing conducted by the AEA Elections Chairperson/Vice

Chairperson, or if they are not available, the AEA president. For Retired Elections, each candidate's position on the official ballot for the regular election and runoff election, if any, will be determined by a random drawing conducted by the AERA Elections Chairperson, or if they are not available, the AERA President and/or AEA President.

- b. For AEA positions in the AEA Regular Election, candidate's names will not appear on ballots if the number of candidates nominated does not exceed the number of positions to be filled. In the election for NEA Director, if there is only one candidate for the position, the election will be waived and the candidate declared elected. If, in an AEA district or state-at-large election of NEA state delegates, or AERA district for retirees, the number of candidates for state delegate positions is equal to or less than the number of positions to be filled, the election will be waived, and the candidate(s) will be declared elected to the delegate position(s) in question.

## **2. Advertisements for AEA Elections**

- a. The *Alabama School Journal* will publish biographical data and photographs of all qualified nominees in at least one issue of the *Alabama School Journal* prior to mailing of the ballots to local presidents. Each candidate is urged to submit a head and shoulders photograph with his/her nomination. A new biographical sketch and photo is required each election cycle.
- b. Each candidate for AEA President and each candidate in a runoff election for President shall be entitled to one 1/2 page or two 1/4 page advertisements in the *Alabama School Journal* for either a story or advertisement. Stories submitted must be typewritten, double-spaced, and no longer than three (3) 8 1/2 x 11 pages in length.
- c. Each candidate for AEA Vice President and each candidate for AEA Vice President in a runoff election shall be entitled to one 1/4 page or two 1/8 page advertisements in the *Alabama School Journal* for either a story or advertisement. Stories submitted must be typewritten, double-spaced, and no longer than one (1) 8 1/2 x 11 page in length.
- d. All other candidates for AEA board seats will be entitled to one 1/8 page advertisement in the *Alabama School Journal*.
- e. All other political advertisements will be limited to one 1/8 page advertisement per issue at a cost of \$50.00 for the first 1/8 page ad and \$100.00 for each subsequent 1/8 page ad. This shall apply to the Regular and Runoff Elections. No political campaign ads will be placed in the *Alabama School Journal* until the candidate is certified.

### 3. Campaign Regulations

- a. Mailing Lists – Upon written request, any candidate will be provided one set of labels with names and addresses of local presidents, association representatives, and UniServ Council Presidents within the candidate's constituency. Additionally, telephone numbers and email addresses of local presidents and UniServ Council Presidents within the candidate's constituency will be provided, whenever available, upon request. The candidate may choose to receive these data in electronic format. AEA will also provide the candidate with the number of members per local within the candidate's constituency. No other mailing lists or member data will be provided, and no person is to be provided a list of local presidents, association representatives, and/or UniServ Council presidents until such time as he/she qualifies as a candidate. In the event of a runoff, a second set of labels will be made available. Any information received by a candidate is to be used for the sole purpose of AEA Internal Elections as it relates to their candidacy and is not to be released to a third party.
- b. AEA's assistance to candidates shall be limited to items specified in Section C-2 of these rules. The use of any other AEA facilities and services is prohibited.
- c. No portion of dues money at the local or state level shall be used to promote the candidacy of any individual, except as specified in Section C-2 of these Rules and Procedures.
- d. The "Meet the Candidates" Social shall be carried out in the following manner:
  1. This event will be scheduled on the first or second day of the Delegate Assembly.
  2. AEA will notify all candidates for AEA President, Vice President, AEA/NEA Board and Division Presidents of their opportunity to participate.
  3. Each candidate for President, Vice President, AEA/NEA Board, and Division Presidents shall notify the AEA elections consultant of his/her intent to participate in this social by responding to this question on the elections nomination form. Only candidates who respond will be guaranteed space at this event.
  4. AEA will arrange for a room at the convention center or the headquarters hotel.

5. Equal space will be available for each candidate for campaign materials, displays etc.

#### **4. Election Rules and Voting Instructions**

- a. AEA Active and Education Support Professional members are eligible to vote in the election of the NEA Director, NEA Alternate Director, and AEA District Directors (voted on by Active and ESP members in each district). AEA Life members are eligible to vote for AEA positions and NEA Life members are eligible to vote for NEA positions. NEA-Retired members are eligible to vote for NEA-Retired state delegate positions.
- b. Associate, part-time, staff and substitute members are not eligible to vote.
- c. An Election Packet shall be mailed to each local association president by U.S. Mail, along with voting instructions. The packet shall include (1) checklist card, (2) instructions, (3) ballots, (4) Voter Acknowledgement Forms (signature forms), (5) ballot affidavit, and (6) return envelope(s) with checklist. AEA members will receive, through the *Alabama School Journal*, notification of the date ballots are mailed to local presidents and the deadline for returning ballots to AEA for canvassing. Approximately two weeks prior to the deadline, a postcard will be sent as a reminder.
- d. Upon receipt of the Election Packet, each local president should execute the enclosed checklist card by checking off each item contained in the packet, noting on the card any discrepancies, signing and returning the card to AEA within five (5) working days of receipt of the packet.
- e. The AEA Voter Acknowledgement Forms (signature forms), which may be duplicated, shall be distributed by the local association along with the ballots to every school building or work site in the local unless other provisions have been made by the general membership of the local association. Local school or work site officials will not need to tally the results.
- f. Election officials must guarantee each member the right of a secret-written ballot and in time for results to be tabulated and returned to AEA/AERA Headquarters by the final deadline. Specifically, local election officials should see that these instructions are followed.
  1. It is recommended that there be in each school or other facility where votes are cast at least one sealed ballot box with only an opening sufficient for the deposit of ballots.

2. It is recommended that the dates and hours of voting and the exact location of each ballot box be posted in a conspicuous location easily accessible to all members in each building or on each faculty bulletin board at least three days prior to the initial voting date.
3. Each voter must be issued his/her ballot(s) by an authorized election official or agent, e.g., association representative or other officially designated association member.
4. Each voter shall sign (SIGNATURE) the AEA/AERA Acknowledgment Form upon receipt of his/her ballot...and must be allowed, although not required, to deposit his/her own ballot in the ballot box. \* If a member is unable to write his/her name, he or she may enter an X and someone else can print his/her name provided a witness' signature is attached to the Acknowledgement Forms on a separate sheet. A voter shall mark the ballot in accordance with the specific instructions printed on the ballot. This includes, but is not limited to, using the proper mark and using the correct color of ink for the mark. If the scanner cannot read a ballot because of improper marking(s), the ballot will be reviewed by AEA/AERA Elections Committee officials.

**\*The total number of votes cast does not necessarily have to equal the number of signatures on the Acknowledgement Form; some members receiving a ballot may choose not to vote. (NOTE: The number of ballots may be equal to or less than the number of signatures but may not be greater than the number of signatures on the Acknowledgement Form.)**

- g. Local instructions and other materials for use by individual schools or other facilities within the local association shall be the responsibility of the association – not AEA.
- h. **ONLY THE OFFICIAL PRINTED BALLOTS DISTRIBUTED BY THE AEA OFFICE OR THE AERA OFFICE FOR RETIREES MAY BE USED IN THIS ELECTION.** Any other ballots of any sort will be voided.
- i. Each voting member should vote for only the designated number of candidates for each position as indicated on the ballot. If a member votes for more than the designated number of positions in a voting category, the member's ballot will be voided.

- j. The official report of the results of the election in each voting unit shall include:
  - 1. All marked ballots.
  - 2. The Voter Acknowledgement Forms with the signatures of each member having received a ballot.
  - 3. Ballot Affidavit
- k. Improper signatures on acknowledgment forms shall require voiding of that same number of votes for each candidate on the ballot except that no candidate shall receive less than zero votes.
- l. If the number of ballots exceeds the number of members in the local as recorded by the AEA membership department on the deadline date for AEA to receive the election report for canvassing, the Elections Committee shall determine the excessive number of ballots and shall void that same number of votes for each candidate on the ballot except that no candidate shall receive less than zero votes.
- m. If the number of ballots exceeds the number of signatures on the acknowledgment forms, the Elections Committee shall determine the excessive number of ballots and shall void the same number of votes for each candidate on the ballot except that no candidate shall receive less than zero votes.
- n. DELIVERY OF THE ELECTION REPORTS AND BALLOTS TO THE AEA HEADQUARTERS IS THE RESPONSIBILITY OF THE SENDER AND NOT OF AEA. Persons delivering ballots and election reports by hand to AEA should request a receipt from an authorized AEA employee. Ballots returned by the local association should be arranged so the ballots are all face up and facing in the same direction. Local elections officials will not be required to tally the results since tallying will be done at AEA by a scanning and tabulation process. The AERA Elections Committee shall tabulate retiree ballots. The ballots shall not be folded or mutilated in any way. Staples or paper (gem) clips should not be used. **ONLY MARKED BALLOTS SHOULD BE RETURNED.**
- o. The election report, which includes the Ballots, Voter Acknowledgment Forms, and ballot affidavit should be compiled and sealed, in the official Report envelope supplied to each local president or in a sealed container or envelope. Merged locals must separate Active and ESP ballots and acknowledgement forms before shipping in the same container. THESE REPORTS ARE TO BE RETURNED TO THE AEA HEADQUARTERS IN MONTGOMERY.

- p. In order to be counted, all election returns must be received at AEA/AERA Headquarters by the close of business (AEA at 4:45 p.m. and AERA at 4:00 p.m.) on the date specified. The AEA Post Office Box will be checked at 4:30 p.m. on the date specified. Any returns not at AEA/AERA Headquarters or in the AEA P. O. Box 4177 will not be counted. AEA and AERA assume NO responsibility for election returns prior to delivery to AEA or AERA in accordance with these Election Rules. Delivery is presumed to be the responsibility of the local association.
- q. Ballots mailed by individual members of local associations, or by individual schools, to AEA Headquarters WILL NOT BE COUNTED. Only AEA members-at-large who are not eligible for membership in a local association may send individual ballots to AEA to be counted.
- r. The name of the local association and the AEA district – NOT UNISERV – should be indicated on the envelope or package in which returns are sent.
- s. Reports, affidavits, and ballots should be sent together in the same Election Report Envelope or Package. Mark on the envelope or package “REPORT AND BALLOTS OF AEA ELECTION.”
- t. Upon receipt of the balloting materials at AEA/AERA, designated election staff shall be authorized to remove the ballots and begin the scanning process. Any ballots containing irregularities shall be set aside for review by the AEA/AERA Elections Committee. After the scanning process for each local is complete, the ballots shall be returned to the container.
- u. Prior to the committee meeting, the elections chair or designee may make decisions concerning the marking of the individual ballots. When the Elections Committee meets at the designated time and date, they shall review the work done in the scanning process, take action on any ballots containing questions or irregularities, and order the tabulation of the ballots. Notwithstanding the above, the committee shall have the authorization, at its discretion, to randomly choose sets of ballots for scanning and processing in their presence to check (audit) on the entire process and the final results.
- v. As the scanning process occurs, all results will be held confidential. No release of information shall occur until the Elections Committee has reviewed and certified the results. The balloting materials will be secured at AEA/AERA in a locked area. The computer records shall only be accessed through a proper and limited login using a verified password.
- w. All ballots shall be maintained until the challenge period has expired.

## **5. Procedures for Voting by AEA President**

The AEA President, while on leave from his or her place of employment to serve as a full-time Association Officer, shall be allowed to vote in AEA elections. The President's ballot shall be added to his or her local associations' totals.

## **6. Canvassing of Votes**

- a. The Elections Committee will meet in Montgomery to review the returns and to announce the results. The certified results will be posted as soon as possible on AEA's internet site at [www.myaea.org](http://www.myaea.org).
- b. If hand canvassing becomes necessary, no person shall participate in the canvassing of returns from an election in which that person was a candidate. The results of the canvass shall be certified by the canvassers.
- c. When there are two candidates seeking an Association Office, the candidate receiving the highest number of votes cast shall be declared the winner. When there are more than two candidates seeking an office and no candidate receives a majority of the votes cast, a runoff election shall be held between the two candidates receiving the highest number of votes.
- d. Write-in votes are not allowable and will not be tabulated in the AEA Regular Election or the NEA State Delegate Election.
- e. Candidates or their representatives may be present during the canvassing process and shall adhere to the decorum described by the Elections Chair.
- f. The following are some of the more common reasons why, in previous AEA elections some or all of local associations' ballots have not been counted:
  1. Not returned by deadline
  2. Illegal signatures on acknowledgment form
  3. No acknowledgment forms included
  4. No signatures on acknowledgment form
  5. No ballots included
  6. Illegal ballot(s)
  7. No ballot affidavit

- g. A report of all local associations failing to submit election results or whose returns were rejected by the Elections Committee, including the reason(s) therefore, shall be published in the *Alabama School Journal* and on AEA's internet site at [www.myaea.org](http://www.myaea.org) following each respective election.
- h. The AERA Elections Committee shall tabulate the returns for the election of NEA Retired delegates. This committee will meet during the week following the voting deadline to tabulate the votes and certify the winners.

## **7. Challenge Procedure**

- a. As the nomination process occurs, any member who has a concern or allegation about any possible irregularity shall communicate this matter in writing to the AEA Elections Coordinator within seven (7) calendar days after the nomination deadline. All pertinent specifics shall be included in the communication in order to give the Elections Committee enough information to conduct a review or investigation. The results of this review or investigation shall be provided to the member, the AEA President, and the AEA Executive Secretary. An appeal of the decision of the Elections Committee must be submitted in writing to the AEA President and must be made within seven (7) calendar days of the Elections Committee's decision. The decision rendered by the AEA Board of Directors is final.
- b. In order to challenge the results of any election, the following procedures must be followed: (1) any challenge must be received in writing by the AEA Elections Coordinator within seven (7) calendar days of the date of certification of election results. (2) A challenge must give documentation of any alleged irregularity in the application of the AEA Election rules and may be made by any candidate or by the Board of Directors of a local association. (3) The Elections Committee shall respond to a challenge within thirty (30) calendar days after the challenge is received by the Elections Coordinator. (4) An appeal of the decision of the Elections Committee must be submitted in writing to the AEA President and must be made within seven (7) calendar days of the Elections Committee's decision. The decision rendered by the AEA Board of Directors is final.
- c. The Elections Committee shall be the decision-making body on the sufficiency of any challenge.
- d. In the event that the Elections Committee deems it necessary to conduct a hearing in order to determine its response to a challenge, the following procedures shall be followed:

1. AEA shall provide assistance to the Elections Committee in conducting the hearing.
2. The burden of proof will be on the challenger and the challenger will present his/her case first.
3. The parties may be represented by legal counsel or person.
4. All material presented must be relevant to the charges of the elections violations that have been raised and to the basic questions of whether the outcome of the election may have been affected.
5. Witnesses will be considered under oath and may be questioned by the Elections Committee.
6. Each party is responsible for arranging for his/her own witnesses.
7. Members of the Elections Committee will be permitted to ask questions of either side at any time.
8. The Committee will not be bound by the formal legal rules of evidence. The primary limitation will be one of relevance; that is, all materials presented must be relevant to the challenge that has been lodged. Repetitive testimony should be kept to a minimum. The hearsay rule will not apply as such. In other words, hearsay evidence will be admissible provided it is relevant, but its value will be judged accordingly.
9. At the close of all evidence, each party will be given five minutes to argue the cause to the Committee. The challenger will argue his/her cause last.
10. The hearing will be open only to AEA members and staff, but AEA will not publicize it in any manner.
11. The hearing will be tape-recorded but either party may hire a court reporter, at their expense, to record the testimony. If appealed to the Board of Directors, all parties will be provided a transcript of the hearing.
12. If any specific question not covered in the procedure arises during the course of the hearing, it will be ruled upon by the Chair in a manner designed to best assure a fair and impartial hearing. If either party fails to appear at the hearing, the Committee, at its discretion, may proceed with the hearing.

- e. A request for a recount shall be treated in the same manner as any other challenge.
- f. The following rules shall govern an AEA Board hearing of an AEA Elections Committee decision on a challenge:
  - 1. The appeal shall be made on the record made at the hearing and not a completely new hearing.
  - 2. The standard of review shall be one which requires the appealing party to show that the Elections Committee's decision was "clearly erroneous" and outside the range of reasonable factual conclusions that could be based on the evidence.
  - 3. If the contestant contends that the Elections Committee applied the wrong rule or the right rule wrongly, the Board need only conclude that the rule was applied incorrectly to the facts.
  - 4. Transcripts of the remarks made by the parties shall be made and kept in the appeal file.
- g. A challenge brought by any candidate or by a local association's board of directors to the election shall be done by the challenger's posting a \$250.00 bond. If the challenger wins the case, then such money shall be returned to the challenger. If the challenger loses the case, then such bond shall be used to defray association costs.

**D. AEA Divisional Elections**

- 1. AEA Divisions may adopt procedures for holding their own elections. Said procedures shall not violate the AEA Constitution or Policies adopted by the AEA Board of Directors.
- 2. The election of Retired delegates to the AEA Delegate Assembly will be held every two years and AEA will allocate delegates by Retired Division (AERA) districts. Voting will be statewide on all delegate positions.

## **E. Local Election Guidelines and Challenge Procedures**

**\*\*Please note: These guidelines will only take effect when the local association's election rules don't address the issue being challenged.**

### **1. Conducting an Election**

- a. LEA Board sets dates for nominations and elections and notifies all Association Representatives of these dates.
- b. Building Representatives, or designees, receive and post notices of dates for nominations.
- c. Names of candidates and dates for election are announced.
- d. The position (of candidates) on ballots will be determined by a drawing of lots in an open meeting by at least two members of the Elections Committee or designee who are, whenever possible, not candidates in that election.
- e. Upon receipt of Election materials, Building Representatives or designee should:
  1. Check for contents and notify LEA immediately if there is any shortage; or discrepancies in the election materials.
  2. Read and post rules including location of ballot box/envelope.
  3. Require each active member to sign Voter Acknowledgement Form upon receipt of ballot on dates specified for voting. In fairness to candidates, voting shall be allowed only on days specified. The dates shall be posted on the envelope that contains the voting materials sent from the LEA.
  4. Provide at least one sealed ballot box/envelope.
  5. If a Building Representative's name appears on the ballot, the Representative shall, whenever possible, designate an alternate to conduct the voting and tallying of ballots.
  6. Allow each voting member to deposit his/her own ballot in box/envelope.
  7. Count and record the members' vote. Post one copy of the tally in school.

8. Return to LEA by deadline: (1) Ballots, (2) Voter Acknowledgment Forms with signatures, (3) Completed Tally Sheets signed by Association Representatives or their designated agent.

## **2. Absentee Ballots**

In the event a member knows in advance that he/she will be absent from assigned duties in the voting days of an election, to be able to vote he/she must file an absentee ballot. An absentee ballot and a signature sheet will be available at the LEA office. Each absentee ballot can be cast only after the nomination deadline has passed and must be cast before the last voting day. Ballot tally shall be added to the cluster tally.

## **3. Canvassing an Election**

- a. If any of the situations listed below are found, the committee shall follow AEA election rules as specified in this document to determine how the votes will be counted.
  1. The number of ballots returned exceeds the number of signatures.
  2. The ballots, signature sheets, and completed tally are not returned.
  3. Ballots are received after the announced deadline.
  4. The tally sheets are dated incorrectly and not signed by the building representative.
  5. Voting occurred on dates other than those set by the Board of Directors.
- b. The Elections Committee or designee shall count and tabulate ballots in the following manner.
  1. At least two members of the Election Committee or designees shall be present at all times. Any member of the committee, who is on the ballot, whenever possible, should not participate.
  2. The Elections Chairperson is responsible for absentee balloting. At least two members of the Elections Committee or designees shall collect, verify, and tally the absentee ballots, which will be recorded on the official tally sheet. Write-in votes are not allowable and will not be tabulated in LEA elections.

3. Official tallies will be recorded by building or cluster unit. The Elections Committee or designee has the authority to correct a tally sheet from the individual school. In the event that a school's ballots are not counted, the reason shall be indicated on the official tally.
4. The results shall be given to the LEA President or designee immediately after tabulation. The President or designee shall notify all candidates of the election within 24 hours.
5. If the Elections Chairperson and Vice Chairperson are on the ballot the President will designate, whenever possible, an agent who is not on the ballot to be acting chairperson for the election. Board approval will not be required on this appointment.
6. Each candidate or his/her representative may be present at the counting and tabulating of the ballots for the election in which he/she is a candidate. However, candidates may not participate in the canvassing, nor may they express opinions or complaints during the canvassing proceedings.

#### **4. Contesting an Election**

Any member may contest an election on a violation of this policy and /or a violation of election guarantees mandated in the Constitution or By-Laws. The following procedure shall be utilized:

- a. Results may be contested within seven (7) calendar days following the report of the election committee.
- b. A request for a recount shall be treated as a contested election.
- c. The member shall submit a formal letter of protest to the LEA President stating the specific reason for contesting the election.
- d. The LEA President shall present the matter to the LEA Board of Directors who shall make the final decision. The decision shall be rendered in writing to the member immediately and the decision shall be recorded in the Board minutes.
- e. If the member is not satisfied with the findings of the LEA Board, he/she may then file a formal complaint in writing, with a detailed account of the reasons for contesting the elections and any evidence to support said claims, to the AEA Policies and Procedures Commission within seven (7) calendar days of the LEA Board's actions.

- f. The Policies and Procedures Commission will then review the complaint and issue a ruling as to whether the complaint warrants further investigation by the committee or a dismissal. The committee will issue a reply within thirty (30) calendar days of receipt of the challenge.
  
- g. If the member is not in agreement with the findings of the AEA Policies and Procedures Commission, they may then submit a challenge to the AEA Board of Directors within seven (7) calendar days. The decision rendered by the AEA Board of Directors is final.

**Adopted by AEA Board of Directors, September 18, 2009**