



HPAE LOCAL UNION DELEGATE ELECTION RULES **(March 2024)**

I. ELECTION COMMITTEE

- 1) An HPAE Election Committee shall 1) oversee the conduct of the delegate nominations and election, and 2) hear and determine election protests, in accordance with these election rules. HPAE will provide staff and legal counsel to the committee.
- 2) The Delegate Election Committee shall always maintain its impartiality and avoid favoritism or the appearance of favoritism. The Committee shall follow the election provisions of the LMRDA, Local Constitution and Bylaws, HPAE Constitution and Bylaws, AFT Constitution and Bylaws, and the HPAE Delegate Election Rules.

NOMINATIONS

- 1) A Notice of Nominations and Election shall be distributed to local members on April 17, 2024, by mail, and to the personal email address on file, for every local member in good standing. The Notice will be posted on the local page. This Notice shall be distributed in a format approved by the General Counsel or their designee. Any member in good standing may also request a Nomination Form by contacting elections@hpae.org.
- 2) The Notice shall specify the date, time, and place for submitting nominations, instructions for making and accepting nominations, eligibility requirements for candidates and nominators, and the deadline for the submission of the nominating form.
- 3) Nomination Forms containing a consent to serve may only be submitted by members in good standing and must be received by the announced deadline or they will not be accepted. Only members in good standing may be nominated. Members may nominate themselves.
- 4) Submitted forms containing a consent to serve must contain the signature of the nominee indicating that the member accepts the nomination, or they will not be accepted. Typed signatures will not be accepted. Consent forms must also be accompanied by the last four digits of the nominee's social security number. A member may not be a candidate for more than one position. A failure to submit a complete Consent to Serve form in a timely manner will result in disqualification of the nominee. Once the nominating period has closed, which is the established deadline for receipt of election materials, a candidate may not revoke their consent to serve without approval of the election committee.

- 5) Nominations must be received by no later than 10 am on May 3, 2024, by mail or email to HPAE Elections, P.O. Box 119, Emerson, NJ 07630, elections@hpae.org. No excuse will be accepted for late filing. Candidates are urged to submit forms with sufficient time for receipt by the established deadline and to check to ensure that the document(s) have been received and that the nominator and member nominated are eligible because they are in good standing. If the nominator is not in good standing, the nomination will not be accepted.

II. CAMPAIGNING AND ACCESS

- 1) No HPAE funds, resources, personnel, or facilities may be used to promote the candidacy of any person, and no candidate may receive any Union contributions made to promote their candidacy. This prohibition includes a ban on monetary contributions and the use of the Union's stationery, equipment, facilities, personnel, or other resources to promote a candidate. The following examples of the use of Union funds, resources, personnel, and facilities are prohibited:
- a. Use of the Union office or telephones for campaigning.
 - b. Use of Union office equipment to prepare, fax, email, or copy campaign material.
 - c. Use of Union stationery for campaign purposes.
 - d. Use of the Union's logo or name, which could be construed as an endorsement.
 - e. Use of Union publications to promote a candidate.
 - f. Use of union staff to assist with the preparation or distribution of materials.
- 2) By law, no member may campaign for themselves or for any other candidate during time that is paid for by any employer provided, however, that campaigning incidental to work or during paid vacation, paid lunch hours or break, or similar paid time off is permitted.
- 3) The Union has an obligation to communicate with the membership about normal union activities. The following non-election related communications are permitted during the election period (i.e., the period that begins immediately following the established deadline for the receipt of nominating petitions in the mail ballot election and ends on the ballot tabulation date).
- a. Inclusion of the names of members who also are candidates in communications regarding negotiations.
 - b. Reporting of or communications about significant newsworthy events that include references to members who are or may be candidates for Union office.
- 4) UNION PLATFORMS. Electioneering on the following platforms or venues is strictly prohibited: Union's Facebook or other social media platforms, Union bulletin boards, union premises, union meetings. This does not bar candidates from campaigning on their own social media sites. Communications promoting the candidacy of any person constitutes electioneering. A union-sponsored event or other communication in which all candidates are afforded an equal opportunity to address the membership, and reasonable advance notice of the opportunity to participate in such an event is provided to all candidates, is acceptable.

- 5) Slate Membership. Each candidate nominated for office may campaign as a member of a slate of candidates, regardless of whether the slate is complete. No candidate shall be compelled to run as a member of a slate.

- 6) No employer or Union funds, resources, personnel, or facilities may be used to promote the candidacy of any person, and no candidate may receive any employer or union contributions made to promote their candidacy. This prohibition includes a ban on monetary contributions and the use of a union's or employer's stationery, equipment, facilities, personnel, or other resources to promote a candidate. The prohibition on employer contributions extends to every employer, and to other unions outside of HPAE.

- 7) Campaign materials. Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have their literature sent via mail or e-mail ("candidate mailings") at the candidate's expense. ***All costs are payable by check or money order to "HPAE" and must be submitted in advance of the distribution. Candidates may choose to overnight the check or hand deliver it to the Emerson office if time is of the essence.*** Each candidate is entitled to a reasonable number of candidate mailings/e-mailings, regardless of whether any other candidate makes a request. Such request(s) for candidate mailings shall be made in writing by the candidate to HPAE Elections, 110 Kinderkamack Road, Emerson, New Jersey 07630, or to elections@hpae.org, and shall specify the desired date of the mailing or emailing.
 - a. Current cost:
Mailing Price, per one hundred pieces - \$98
Emailing Price, flat rate \$75

 - b. With respect to requests to distribute candidate literature via e-mail, HPAE will make available to all candidates the opportunity to send campaign communications by e-mail to all eligible voters who have provided a personal e-mail address to the Union. E-mail distribution of literature will be by a provider platform selected by HPAE. The e-mail message must identify the candidate and be in rich text format. The message may not include attachments although it may include a website's URL in rich text format. The subject line will read "HPAE Election Campaign Literature."

 - c. All communications sent at the candidate's request by email or mail must contain the following statement: "This is not an official communication from HPAE and has not been transmitted at HPAE's expense. HPAE is required by federal law to comply with all reasonable requests by candidates for union office regarding the distribution of campaign literature at the candidate's expense. The communication has been prepared by the candidate and is not endorsed or reviewed by HPAE." Email transmissions will also include this sentence: "Email transmissions will not receive any responses."

- d. HPAE may not refuse to process or distribute any candidate's literature because of content. It may not edit any candidate's campaign literature.
- e. Membership List. Candidates are not entitled to a copy of or to utilize a mailing list for the candidate's own use. Each candidate shall have the right, on one occasion during the thirty (30) days before the ballot count, to inspect, not copy, a list containing the names and last known addresses of all members of the Union. HPAE shall not discriminate in favor of or against any candidate with respect to the membership list. A request to inspect the membership list shall be made in writing to either HPAE Elections, 110 Kinderkamack Road, Emerson, New Jersey 07630, or by email sent to elections@hpae.org.

In a contested race in which incumbent officers have a personal copy of the membership list, the list shall be made available to challengers who may utilize it to contact individual members to campaign. Candidates should be clear that they are a candidate for elected union office and are not contacting individual members on behalf of HPAE or the Local. Candidates must execute a confidentiality agreement prior to receiving the list.

THE ELECTION

- 1) Eligibility. To be eligible to vote in the election, a member must be in good standing pursuant to Article 5(1)(D) of the HPAE Constitution and Bylaws as of a date 30 days prior to the mailing of the ballots.
- 2) Mail Ballot Election. All ballots will be mailed by May 3, 2024, to the last-known home address of each member in good standing. Ballots will be mailed with address service requested. Members who did not receive ballots may request replacement ballots, which will be promptly mailed. Notice of election must be mailed to the last known home address of each member at least 15 days prior to the election. Ballots must be received by close of business on May 20, 2024, to be counted.
- 3) Order of Placement. The order of candidates on the ballot shall be alphabetical by last name.
- 4) Write-Ins. Write-in votes will not be permitted.
- 5) Observers. Each candidate shall have the right to be present and/or to designate an observer to be present at the tally of ballots. Observers must be members of the HPAE local union. Candidates should submit the names of their observers in writing to elections@hpae.org by close of business on May 16, 2024. Candidates and designated observers will be informed of the date, time, and location of the ballot count.
- 6) Unopposed Candidates. An unopposed candidate shall be deemed elected.
- 7) Ballot Retention. HPAE shall retain the ballots for a minimum of one (1) year following the election.

- 8) Ballot Count. All candidates are permitted to be present during the counting of ballots. The ballot count shall begin as soon as practicable following the deadline for the return of the ballots. Any ballot marked in such a way as to reasonably indicate the intent of the voter will be counted. The Election Committee will resolve questions as to the intent of a ballot. The eligibility of all voters will be determined prior to the opening and tabulation of the ballots. Members may challenge the eligibility of a voter by identifying the voter and clearly specifying the basis for the objection before any envelopes are opened. All decisions on voter eligibility will be made by the Election Committee. In the result of a tie, the member with more HPAE seniority will be deemed the winner.
- 9) Results Announced. Upon completion of the vote count, results shall be certified by the Election Committee. These results will be distributed at tabulation, emailed to candidates, and posted on the HPAE local website.

III. ELECTION PROTESTS

- 1) Election Protest. Any protest regarding an alleged violation of the HPAE Local Election Rules, the local or HPAE Constitution and Bylaws, or applicable law must be received by the Election Committee within 5 days after the close of the election. Any member in good standing may file an election protest. Formal protests may not be filed until after the close of the election.
- 2) The protest shall state with reasonable specificity the nature of the alleged violation, include any evidence supporting the facts underlying the protest, and explain how it may have affected the outcome of the election. All affected candidates shall receive from HPAE Elections a copy of the protest and evidence submitted in support of the protest. Candidates will be permitted to submit evidence to the Election Committee in support of or opposition to the protest.
- 3) Protests and evidence should be submitted to elections@hpae.org or to HPAE Elections, 110 Kinderkamack Road, Emerson, New Jersey 07630. Protests must be received within 5 days of the close of the election.
- 4) The Election Committee will review the allegations raised in the protest and apply the Election rules herein. A decision will be issued as promptly as possible, but in no event more than 10 days following the date of the election.
- 5) If the Election Committee finds merit to any allegation, and the violations were of such a nature that they may have affected the outcome of the election, the Election Committee may order the election, or any part of it, set aside and a new election held. If a rerun election is necessary, it will only be for those races affected by the irregularity.
- 6) The Election Committee will notify all candidates and the protesting members of its decision in writing. If the election is rerun a notice will be distributed to the membership of such a determination.

- 7) Protest Decision Appeal. An appeal may be submitted by mail or email within 5 days of receiving the Election Committee's decision to the HPAE State Executive Committee in care of HPAE President, 110 Kinderkamack Road, Emerson, NJ 07630, or by email to elections@hpae.org. A copy of the appeal will be provided to all candidates who may submit evidence to the State Executive Committee. The State Executive Committee may hold a hearing on the matter. It will issue a decision as promptly as possible, but in no event more than 10 days following the Election Committee's protest decision. The State Executive Committee's decision is final and binding.

- 8) Certified elections are presumed valid and elected candidates will assume office, even if the election is challenged by a member, unless and until the same or another candidate is elected in a rerun election.

If you have any questions regarding the "Local Union Delegate Election Rules" please contact elections@hpae.org.