

KEY REQUIREMENTS FOR ELECTING 2021 NEA REPRESENTATIVE ASSEMBLY DELEGATES

This document highlights the requirements for electing 2021 NEA Representative Assembly delegates. For further details see the NEA booklet *Requirements for the Allocation and Election of Delegates to the NEA Representative Assembly* (“Requirements”)

All elections for Representative Assembly (RA) delegates must comply with NEA’s governing documents and Title IV of the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. 481, *et seq.* (LMRDA). The failure to adhere to these requirements could result in denial of delegate credentials at the RA or a meritorious challenge to the election.

I. NOTICE OF NOMINATIONS AND ELECTION TO ALL ELIGIBLE MEMBERS

Nominations and voting for NEA delegates must be open to all NEA Active, Active Life, Aspiring Educator, and Retired members (“eligible members”) regardless of whether they are members of a state or local association. (*See Requirements, Section I.A. and III.B.*)

All eligible members must receive notice of the date, time, place and nominations process as well as notice of the election. The election notice must be sent by U.S. mail to the eligible members’ last known home address, at least 15 days prior to the election. The nominations notice and election notice may be combined, and may be included as part of a newsletter or other regular member mailing, as long as the notice is prominently placed within the publication. If the election is being conducted by mail ballot, the notice of election may be included in the mail ballot so long as it is sent at least 15 days before the date by which ballots must be returned. (*See Requirements, Section I.A. and III.C.*)

II. FAIR ELECTION PROCEDURES

No union or employer funds or resources (including equipment, information technology resources, and paid time) may be used to support any candidate. (*See Requirements, Section I.B.*)

Unions may sponsor events or publications in which all candidates may communicate about their campaigns (such as space in a union newsletter or a forum for candidates at a union meeting) provided the same opportunity is provided to all candidates. Unions must distribute campaign material for candidates upon reasonable request that complies with the union’s reasonable deadlines and procedures, provided the candidate pays the costs of any such distribution. (*See Requirements, Section I.B.*)

Voting must take place separately for each NEA delegate position. Slate voting in which certain nominees are presented as a unit or a block as the “endorsed slate” of candidates is not permitted. (*See Requirements, Section III.M.*)

Individuals responsible for conducting delegate elections must allow observers representing the candidates to be present for the voter eligibility verification process, in the polling place, and during the tabulation of the ballots. (*See Requirements, Section III.T.*)

State and local associations should establish procedures to hear and decide challenges to the conduct and/or results of an election. Members should be advised of these procedures, including the format and deadline for submitting challenges. Appeals from these procedures are resolved by the NEA Credentials Committee. (*See Requirements, Section III.A.*)

III. SECRET BALLOT

Delegate elections must be conducted by secret ballot, except if the number of candidates equals or is less than the number of positions to be filled, in which case, the election may be declared by acclamation. (*See Requirements, Section III.L.*)

Affiliates may choose to conduct elections in person at one or more polling location(s) or by mail ballot, but in either case must assure the secrecy of individual members' ballots. The United States Department of Labor ("DOL") has helpful and comprehensive guidance on how to conduct LMRDA-compliant elections by either of these methods. That guidance is styled as guidance for conducting local union officer elections, but applies equally here to the NEA RA delegate elections. Links to the various guidances are in the footnote below.¹ Remote electronic voting is not recommended unless the association, in consultation with legal counsel, can ensure vendor compliance with these DOL requirements (https://www.dol.gov/olms/regs/compliance/catips/CompTip_ElectronicVotingSystems_2019.pdf). (*See Requirements, Section III.E.*)

IV. SPECIFIC TYPES OF DELEGATE ELECTIONS

State and local association officers can serve as RA delegates if all of the following are true:

- (i) The ballot on which they were elected to office stated that the successful candidate would serve both as an officer and an RA delegate.
- (ii) The election is by the membership "at large" and not by a delegate assembly or any smaller elected body.
- (iii) The secret-ballot election complied with the LMRDA.
- (iv) The term of office is no longer than three (3) years.

State presidents whose elections did not meet these requirements may serve as ex-officio delegates with limited voting rights (*i.e.*, they may not nominate or vote for Association officers). (*See Requirements, Section III.H.*)

Local and state associations should be sure to elect and report a sufficient number of successor delegates. There is no limit to the number of successor delegates that may be elected. Locals are encouraged to elect as many successor delegates as possible. When election results are forwarded to your state association's convention coordinator, list the names of **all successful and unsuccessful** candidates whose names appeared on the ballot, including any write-ins—*i.e.*, list respectively as delegate or successor delegate. Unsuccessful candidates for delegate election are, by definition, successor delegates for purposes of replacing a delegate to the RA. (*See Requirements, Section III.R.*)

Delegates cannot be appointed; they must be elected at large by the membership. In the event that none of the individuals elected to serve as delegate or successor delegate are able to attend the RA, the local must again hold an election with open nominations, notice to members, and conducted by secret ballot, unless the number of candidates equals or is less than the number of positions to be filled (in which case, the election may be declared by acclamation). (*See Requirements, Section III.L.*)

¹ See the U.S. Department of Labor's "Checklist for Conducting Local Union Officer Elections" (<https://www.dol.gov/olms/regs/compliance/elecchk.htm>), "Conducting Local Union Officer Elections," (<https://www.dol.gov/olms/regs/compliance/localelec/localelec.pdf>), and "Electing Local Union Officers by Mail," (<https://www.dol.gov/olms/regs/compliance/elecblm.htm>)