



CANDIDATES' HANDBOOK



Local 1000 AFSCME, AFL-CIO
143 Washington Ave., Albany, NY 12210

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Thirteenth Edition

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PREAMBLE

The purpose of this Handbook is to provide members with a sense of what is involved in running for CSEA office and to give guidance regarding the election process, requirements and options to those contemplating running for office as well as to those who do run.

This also gives potential candidates--first time and experienced--an overview of the election process as well as the legal and internal requirements that apply to all CSEA elections.

Guidance based on the CSEA Board approved election rules and procedures as well as Statewide Election Committee decisions pertaining to all elections is included in the Handbook. The Handbook itself is not the basis for any election protest or Judicial Board complaint. As Section X indicates, an election protest must be specific and comprehensive and set forth the law, rule, regulation or procedure that has been violated. References to the Handbook in support of a protest or complaint will not alone substantiate the protest/complaint.

The Statewide Election Committee is committed to insuring that CSEA elections remain open, fair and lawful in all regards and trust that this Handbook will help to achieve this mission.

I. Introduction

A. *Statewide, Region, and Board Elections:*

CSEA Statewide, Region, and Board Elections are held every four years for each elected CSEA position, as set forth in the Statewide CSEA Constitution and By-Laws. For each election cycle, the election period commences with the nomination process in September of the year preceding the balloting. It concludes with the balloting and tally taking place between January 15 and February 15 of the election year. The term of office then commences on March 1 of the election year and continues for four (4) years.

B. *Public Sector Local and Unit Elections:*

CSEA Public Sector Local and Unit Elections are held every four years for each elected CSEA position, as set forth in the applicable constitutions. For Local and Unit elections, the election period commences with the nomination process beginning in March of the election year. It concludes with the balloting and tally taking place between May 15 and June 15 of the election year. The term of office then commences on July 1 of the election year and continues for four (4) years.

C. *Private Sector Local/Independent Childcare Providers Elections:*

CSEA Private Sector Local Elections including independent childcare providers, are held every three years for each elected CSEA position, as set forth in the applicable constitution. The election period commences with the nomination process beginning in March of the election year. It concludes with the balloting and tally taking place between May 15 and June 15 of the election year. The term of office then commences on July 1 of the election year and continues for three (3) years.

D. *Supervising Election Committee:*

The term “appropriate supervising election committee” as used herein, refers to the following:

<u>Election</u>	<u>Committee</u>
a. Statewide Officers	Statewide Election Committee
b. Region	Statewide Election Committee
c. State/Local Executive Committees (Board of Directors)	Statewide Election Committee
d. Local	Local Election Committee
e. Unit	Unit Election Committee

NOTE: In this handbook, guidelines followed by the word (“Law”) are based on the applicable law and/or the regulations of the U.S. Department of Labor.

II. Who Can Be a Candidate (Eligibility for Office)

A. *Statewide, Region, and Board Elections:*

In order to seek office, a candidate must be

- at least 18 years of age,
- a member in good standing of the Association, Region, or applicable voting jurisdiction for the Board seat being sought since January 1 of the year preceding the election,
- shall not have been a member of a competing labor association or union since January 1 of the year preceding the election,
- shall not currently be serving a disciplinary penalty imposed by the Judicial Board of CSEA, and
- the candidate must not have been the subject of a bonding claim by the Association or disqualified from being covered by the Association's surety bond.

B. *Local and Unit Elections:*

In order to seek office, a candidate must be

- at least 18 years of age,
- a member in good standing of the Local/Unit (as applicable) since June 1 of the year preceding the election,
- shall not have been a member of a competing labor association or union since June 1 of the year preceding the election,
- shall not currently be serving a disciplinary penalty imposed by the Judicial Board of CSEA, and
- the candidate must not have been the subject of a bonding claim by the Association or disqualified from being covered by the Association's surety bond.

C. *For New Locals and Units:*

In order to be eligible to seek office, a candidate must be

- at least 18 years of age,
- a member in good standing of the new Local/Unit since dues deductions commenced in the new Local/Unit or a member in good standing of the Local/Unit since June 1 of the year preceding the election,
- shall not have been a member of a competing labor association or union since the creation of the new Local/Unit,
- shall not currently be serving a disciplinary penalty imposed by the Judicial Board of CSEA, and
- the candidate must not have been the subject of a bonding claim by the Association or disqualified from being covered by the Association's surety bond.

ALWAYS PROTECT YOUR MEMBERSHIP STATUS

A break in union membership status can have long-term future implications. Your membership status affects your eligibility with respect to:

- ★ seeking or holding union office,
- ★ signing nominating petitions for potential candidates,
- ★ voting in union elections, and
- ★ voting on collective bargaining contracts.

Only members “in good standing” can participate in these activities. To be in “good standing,” your dues cannot be delinquent.

If you go on unpaid leave, or for any other reason have a break in your employment status, your dues will not continue to be paid through payroll deductions. You must make arrangements to pay your dues directly to CSEA to continue your membership status. If you are either laid off or placed on leave without pay status due to becoming disabled by accident, illness, maternity or paternity, you may be eligible for dues-free membership status for a period not to exceed one year. If you are called up for active military duty you may also apply for dues-free status.

Note, however, you must continue to pay dues to run for office. Dues-free or gratuitous membership allows members to continue their insurance coverage while out of work. It does not protect your right to run for or hold office. This does not apply to members who are on leave due to being called up for military duty, who are considered to have had continuous membership status for election purposes.

You must notify the CSEA Membership Department at 1-800-342-4146, of any change in your status and to make arrangements to continue direct payment of your dues so as to maintain your status as “a member in good standing.”

III. How To Become a Candidate (Nominations)

A. Statewide Officers

(a) Nominations for the offices of President, Executive Vice President, Secretary and Treasurer are made by official nominating petitions. Upon the written request of any member, official petition forms are provided by the Chairperson of the Statewide Election Committee or designated employee of the Association.

When nominating petitions are given out, the name of the candidate and the office that candidate is seeking must appear typed at the top of the petitions. A record is kept of all distributed petitions. A member who is otherwise eligible may qualify as a candidate for office by submitting a nominating petition carrying the signatures and the identifying information of not less than 1,000 members in good standing eligible to vote in the election. Any member submitting the required number of signatures to the Statewide Election Committee at CSEA Headquarters in a timely manner will be placed on the ballot as a candidate for office.

(b) Any candidate for statewide office may choose to petition as part of a slate of candidates for statewide office. Where a candidate chooses to petition as part of a slate, he/she must meet all of the slate petitioning requirements as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. Any candidate who meets all of the slate petitioning requirements will appear on the ballot as part of the candidate's designated slate. A candidate who does not meet all of the slate petitioning requirements may appear on the ballot as an independent candidate if he/she meets all of the requirements for independent candidate status as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. A candidate interested in running on a slate should refer to Section IV of this Handbook.

A member may sign petitions for more than one candidate or slate. A member may sign a petition for the same candidate or slate only once. A candidate may sign their own petition. A member must write in their own CSEA ID number on a petition. A member may call CSEA's Membership Department at 1-800-342-4146, ext. 1334 to request their ID number, if needed.

B. Region

(a) Nominations for the Offices defined in Article IV, Section 1 of the Region Constitution are made by official nominating petitions provided by the Chairperson of the Statewide Election Committee or other responsible employee of the Association so designated, upon the written request of any member. When nominating petitions are given out, the name of the candidate and the office that candidate is seeking must appear typed at the top of the petition. A record is kept of all distributed petitions. A member who is otherwise eligible may qualify as a candidate for office by submitting a nominating petition carrying the signatures and the 10-digit CSEA ID numbers of not less than 500 members in good standing eligible to vote in the election. Any member submitting the required number of valid signatures to the Statewide Election Committee at CSEA Headquarters in a timely manner will be placed on the ballot as a candidate for office.

(b) Any candidate for region office may choose to petition as part of a slate of candidates for region office. Where a candidate chooses to petition as part of a slate, he/she must meet all of the slate petitioning requirements as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. Any candidate who meets all of the slate petitioning requirements will appear on the ballot as part of the candidate's designated slate. A candidate who does not meet all of the slate petitioning requirements may appear on the ballot as an independent candidate if he/she meets all of the requirements for independent candidate status as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. A candidate interested in running on a slate should refer to Section IV of this Handbook.

A member may sign petitions for more than one candidate or slate. A member may sign a petition for the same candidate or slate only once. A

candidate may sign their own petition. A member must write in their own CSEA ID number on a petition. A member may call CSEA's Membership Department at 1-800-342-4146, ext. 1334 to request their ID number, if needed.

C. Locals

(a) **Locals with 151 members or more.** Nominations for local office and/or delegate are made by official CSEA nominating petition provided by the Local's Election Committee (for Locals with 151 members or more). When nominating petitions are given out, the name of the candidate and the office(s) that candidate is seeking must appear typed or clearly printed at the top of the petition. A record must be kept of all petitions disbursed. A member who is otherwise eligible may qualify as a candidate for office by submitting a nominating petition carrying the signatures and the 10-digit CSEA ID numbers of not less than five percent (5%) of the local membership in good standing eligible to vote in the election provided, however, in every event not less than 10 nor more than 500 signatures and 10-digit CSEA ID numbers will be required, except for locals with 150 or less members as set forth in **Section (b)** below. Any member submitting the required number of valid signatures in a timely manner will be placed on the ballot as a candidate for office.

A member may sign petitions for more than one candidate or slate. A member may sign a petition for the same candidate or slate only once. A candidate may sign their own petition. A member must write in their own CSEA ID number on a petition. A member may call CSEA's Membership Department at 1-800-342-4146, ext. 1334 to request their ID number, if needed.

In the event of a statewide pandemic, nominations will be as prescribed by the Statewide Election Committee to ensure the health and safety of the members.

(b) **Locals with 150 members or less.** For all locals with 150 or less members as of January 1 of the year of the election, nominations for local office and/or delegate shall be made by official CSEA candidate application provided by the Local's Election Committee. This procedure eliminates the petitioning process.

Applications that are not signed or are received from persons ineligible to seek office cannot be considered. Applications that are received after the deadline date cannot be considered. Any member who submits an application for election and meets the eligibility requirements of the Local Constitution shall be placed on the ballot as a candidate for office.

(c) **Slate Candidates.** Any candidate for local office or for delegate may choose to be nominated as part of a slate of candidates for local office and CSEA delegate. Where a candidate chooses to be nominated as part of a slate, he/she must meet all of the slate requirements as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. Any candidate who does not meet all of the slate requirements may appear on the ballot as an independent candidate if he/she meets all of the requirements

for independent candidate status as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. A candidate interested in running on a slate should refer to Section IV of this Handbook.

D. Units

(a) **Units with 151 members or more.** Nominations for unit office are made by official CSEA nominating petition provided by the Unit's Election Committee (for Units with 151 members or more). When nominating petitions are given out, the name of the candidate and the office that candidate is seeking must appear typed or clearly printed at the top of the petition. A record is kept of all distributed petitions. A member who is otherwise eligible may qualify as a candidate for office by submitting a nominating petition carrying the signatures and the 10-digit CSEA ID numbers of not less than five percent (5%) of the unit membership in good standing eligible to vote in the election provided, however, in every event not less than 10 nor more than 500 signatures and the 10-digit CSEA ID numbers will be required, except for units with 150 or less members as set forth in **Section (b)** below. Any member submitting the required number of valid signatures in a timely manner will be placed on the ballot as a candidate for office.

A member may sign petitions for more than one candidate or slate. A member may sign a petition for the same candidate or slate only once. A candidate may sign their own petition. A member must write in their own CSEA ID number on a petition. A member may call CSEA's Membership Department at 1-800-342-4146, ext. 1334 to request their ID number, if needed.

In the event of a statewide pandemic, nominations will be as prescribed by the Statewide Election Committee to ensure the health and safety of the members.

(b) **Units with 150 members or less.** For all units with 150 or less members as of January 1 of the year of the election, nominations for unit office shall be made by official CSEA candidate application provided by the Unit's Election Committee. This procedure eliminates the petitioning process.

Applications that are not signed or are received from persons ineligible to seek office cannot be considered. Applications that are received after the deadline date cannot be considered. Any member who submits an application for election and meets the eligibility requirements of the Unit Constitution shall be placed on the ballot as a candidate for office.

(c) **Slate Candidates.** Any candidate for local office or for delegate may choose to be nominated as part of a slate of candidates for local office and CSEA delegate. Where a candidate chooses to be nominated as part of a slate, he/she must meet all of the slate requirements as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. Any candidate who does not meet all of the slate requirements may appear on

the ballot as an independent candidate if he/she meets all of the requirements for independent candidate status as set forth by the rules and regulations adopted by the Board of Directors of the Statewide Association. A candidate interested in running on a slate should refer to Section IV of this Handbook.

E. Division Executive Committees (Board of Directors)

1) State Executive Committee

(a) Nominations for a seat on the State Executive Committee is made by official petition. Upon the written request of any member, official petition forms are provided by the Chairperson of the Statewide Election Committee or designated employee of the Association. When nominating petitions are given out, the name of the candidate and the office that candidate is seeking must appear typed at the top of the petition. A record is kept of all distributed petitions. A member who is otherwise eligible may qualify as a candidate for the State Executive Committee by submitting a nominating petition carrying the signatures and the 10-digit CSEA ID numbers of not less than ten percent (10%) of the members in good standing eligible to vote in their election provided, however, that in no event will more than 300 valid signatures be required. Any member submitting the required number of valid signatures to the Statewide Election Committee at CSEA Headquarters in a timely manner will be placed on the ballot as a candidate for the State Executive Committee.

(b) Slate petitioning and slate voting shall be available only in those departments which are entitled to more than one Board seat. A candidate interested in running on a slate should refer to Section IV of this Handbook.

2) Local Government Executive Committee

(a) Nominations for a seat on the Local Government Executive Committee shall be made by official petition. Upon the written request of any member, official petition forms are provided by the Chairperson of the Statewide Election Committee or designated employee of the Association. When nominating petitions are given out, the name of the candidate and the office that candidate is seeking must appear typed at the top of the petition. A record is kept of all petitions distributed. A member who is otherwise eligible may qualify as a candidate for the Local Government Executive Committee by submitting a nominating petition carrying the signatures and the 10-digit CSEA ID numbers of not less than ten percent (10%) of the members in good standing eligible to vote in their election provided, however, that in no event will more than 300 valid signatures be required. Any member submitting the required number of valid signatures to the Statewide Election Committee at CSEA Headquarters in a timely manner will be placed on the ballot as a candidate for the Local Government Executive Committee.

(b) Slate petitioning and slate voting shall be available only in those political subdivisions which are entitled to more than one Board seat. A candidate interested in running on a slate should refer to Section IV of this Handbook.

3) Private Sector Executive Committee

The Private Sector Executive Committee consists of the officers of the Association, and the Local President of each private sector Local.

The Local Presidents elect a Chairperson of the Private Sector Executive Committee who, in turn, sits on the Board of Directors.

IV. How to Run as a Slate

A. *Slate Definitions*

1. **In Statewide elections**, in order to constitute a slate, the slate must contain a candidate for each of the statewide offices: President, Executive Vice President, Treasurer and Secretary.

2. **In Region elections**, in order to constitute a slate, the slate must contain a candidate running for the following region offices: President, at least 3 Vice Presidents, Secretary, and Treasurer. The slate also may include candidates for such other elected offices which may have been created pursuant to Article IV of the Region Constitution and described in the Region By-Laws.

3. **In Local elections**, in order to constitute a slate, the slate must contain a candidate running for the following local offices: President, at least one Vice President, Secretary, and Treasurer. The slate also may include candidates for such other elected offices which may have been created pursuant to Article IV of the Local Constitution and described in the Local By-Laws such as additional Vice Presidents. In locals which have created the office of Secretary-Treasurer consistent with Article IV, Section 2 of the Local Constitution, the slate shall contain one candidate for that office.

4. **In Unit elections**, in order to constitute a slate, the slate must contain a candidate running for the following unit offices: President, at least one Vice President, Secretary and Treasurer. The slate also may include candidates for such other offices which may have been created pursuant to Article IV of the Unit Constitution and described in the Unit By-Laws such as additional Vice Presidents. In units which have created the office of Secretary-Treasurer consistent with Article IV, Section 2 of the Unit Constitution, the slate shall contain one candidate for that office.

5. **In Board of Directors elections**, slate petitioning and slate voting shall be available only in those departments or political subdivisions which, in accordance with the Association's Constitution, are entitled to more than one Board seat. In such instances, to constitute a slate, there must be a candidate for each of the seats to which the department or political subdivision is entitled in that election.

B. *Slate Nominating Procedures*

(for Locals & Units with 151 members or more)

(1) Each member of a slate must separately meet the constitutional eligibility requirements for the position he/she is seeking, in accordance with the applicable Constitution.

(2) No person may be a candidate for officer and for delegate on the same slate. An officer candidate must circulate a separate Nominating Petition in order to appear on the ballot also as a candidate for delegate.

(3) Each person must complete and sign the Slate Candidates' Eligibility and Consent form. The form indicates that all persons have consented to be part of a slate.

(4) The Slate Petition Request and Candidates' Eligibility form (two-sided form) must be completed and signed by all the slate candidates. The original of the forms must be submitted to the appropriate election committee in exchange for a supply of the Slate Nominating Petitions.

(5) A slate that is otherwise eligible may qualify by submitting a single nominating petition covering all positions and carrying no less than the required signatures and the 10-digit CSEA ID numbers of members eligible to vote in the election.

(6) After verifying signatures, the election committee must send a letter notifying each candidate on the slate as to his/her qualification.

(7) If a candidate withdraws from a slate based on involuntary circumstances, that position on the slate remains vacant. However, the slate will remain intact throughout the election and the remaining candidates will appear as a slate on the ballot. For purposes of this section, "involuntary circumstances" means death, extended illness or disability, promotion or transfer out of the bargaining unit, resignation from employment, extended leave of absence from employment, or any circumstance over which the candidate has no direct control.

(8) If a candidate withdraws from a slate based on reasons not set forth in (7) above, that candidate may not appear on another slate. He/she may seek election to office as an individual candidate, if he/she meets all the qualifications and requirements to run for such office as an individual candidate in a timely fashion. The remaining candidates will appear on the ballot as individual candidates, without reference to any slate unless, with sufficient time remaining in the petitioning period, such candidates successfully re-petition as a complete slate.

(9) The Slate Withdrawal form must be completed where there is a withdrawal from the slate.

(10) If a candidate on a slate wishes to decline after qualifying, such declination must be done on or before the declination deadline and is subject to these rules.

C. Slate Application Procedures

(for Locals & Units with 150 members or less)

(1) Each member of a slate must separately meet the constitutional eligibility requirements for the position he/she is seeking, in accordance with the applicable Constitution.

(2) No person may be a candidate for officer and for delegate on the same slate. An officer candidate must submit a separate Application in order to appear on the ballot also as a candidate for delegate.

(3) Each person must consent to be a part of the Slate as indicated on the Slate Application.

(4) After the Slate Application has been completed and signed by all the slate candidates, the original of the Application must be submitted in a timely fashion to the appropriate election committee.

(5) If all eligibility requirements are met, the election committee must send a letter notifying each candidate on the slate as to his/her qualifications.

(6) If a candidate withdraws from a slate based on involuntary circumstances, that position on the slate remains vacant. However, the slate will remain intact throughout the election and the remaining candidates will appear as a slate on the ballot. For purposes of this section, "involuntary circumstances" means death, extended illness or disability, promotion or transfer out of the bargaining unit, resignation from employment, extended leave of absence from employment, or any circumstance over which the candidate has no direct control.

(7) If a candidate withdraws from a slate based on reasons not set forth in (6) above, that candidate may not appear on another slate. He/she may seek election to office as an individual candidate, if he/she meets all the qualifications and requirements to run for such office as an individual candidate in a timely fashion. The remaining candidates will appear on the ballot as individual candidates, without reference to any slate unless, with sufficient time remaining in the application process, such candidates successfully reapply as a complete slate.

(8) The Slate Withdrawal form must be completed where there is a withdrawal from the slate.

(9) If a candidate on a slate wishes to decline after qualifying, such declination must be done on or before the declination deadline and is subject to these rules.

D. Withdrawal - During the Nominating Period

(1) If an **involuntary** withdrawal occurs, the candidate's name is removed from the slate. The remaining candidates may continue as a slate with

the vacant position. If the remaining candidates wish to form a new slate, the original nominating petition form(s) or slate application must be returned to the election committee and new petition form(s) or slate application must be requested and circulated/submitted containing the full slate as newly constituted.

(2) If a **voluntary** withdrawal occurs, the withdrawing candidate must re-petition or reapply for any position he/she is seeking as an individual candidate. In Locals or Units with 151 members or more, the remaining candidates will be allowed to become individual candidates based on each person being given credit for signatures already received and then circulating individual petitions for the balance of signatures needed, if any. If the remaining candidates wish to form a new slate, the original nominating petition form(s) or slate application must be returned to the election committee and new petition form(s) or slate application must be requested and circulated/submitted containing the full slate as newly constituted.

E. Withdrawal - Post-Nominating Period

1. If an **involuntary** withdrawal occurs after the close of the petitioning/application period, the withdrawing candidate will not appear on the ballot. The remaining candidates will be placed on the ballot as a slate with a vacant position.

2. If a **voluntary** withdrawal occurs after the close of the petitioning/application period, the withdrawing candidate will not appear on the ballot. The remaining candidates will be placed on the ballot as individual candidates.

Whenever any withdrawal occurs (during the petitioning/application period or post-petitioning/application) the **ENTIRE SLATE** is responsible to insure that a Slate Withdrawal Form is completed and submitted to the appropriate supervising Election Committee. Failure to do so may result in significant penalties for the remaining slate candidates, up to and including an order to re-run the election without the slate option.

V. Election Schedule

1. Election Committees (Local/Unit) must be selected and in place prior to **October 15** of the year preceding the election.

2. In Statewide, Region and Board elections where an election agency is utilized, such agency is selected prior to **July 15** of the year preceding the election.

3. On a date set by the appropriate supervising Election Committee, and upon notice to each candidate, the supervising election committee conducts a meeting of all candidates to draw by lot the order in which the candidates' names will appear on the ballot.

4. (a) Balloting for Statewide, Region, and Board elections is **conducted between January 15 and February 15** of the election year.

(b) Balloting for Local and Unit elections is **conducted between May 15 and June 15** of the election year.

5. (a) If a mail ballot election is used, the ballots must be distributed to all eligible voters at least 21 days before the return date of the ballots.

(b) If the election is conducted at a designated site(s), at least 5 days prior to the date set for the election, the supervising election committee must post an announcement stating the date, time and place where members may cast their ballots.

(c) In private sector and independent childcare providers local elections, notice of election must be mailed to each member at his last known home address not less than 15 days prior to the election. For purposes of computing the 15-day period, the day on which notices are mailed is not counted, whereas the day of election is counted.

6. Locals/Units with 150 members or less

(a) Locals

Locals with 150 members or less **may** choose to appoint an Election Meeting Chair (instead of an election committee) and conduct the election at a special membership meeting, provided that the Election Meeting Chair insures (1) proper notice of the meeting is given; and (2) the meeting notice includes the purpose of the meeting. Such special membership meeting must have a quorum of at least twenty-five percent (25%) of the membership attending the meeting. If the quorum requirement is not met, the election cannot be held and the meeting must be rescheduled.

(b) Units

Units with 150 members or less **may** choose to appoint an Election Meeting Chair (instead of an election committee) and conduct the election at a special membership meeting, provided that the Election Meeting Chair insures (1) proper notice of the meeting is given; and (2) the meeting notice includes the purpose of the meeting. Such special membership meeting must have a quorum of at least twenty-five percent (25%) of the membership attending the meeting. If the quorum requirement is not met, the election cannot be held and the meeting must be rescheduled.

7. Announcement of the results of the election must be made by the supervising election committee within 48 hours of the closing of polls or, in the event mail ballots are used, within 48 hours after the ballots have been counted.

8. All candidates are entitled to a written report of their election results in a timely fashion.

9. Election results must be made available to the membership at large within the election jurisdiction in a timely fashion.

VI. Challenges

A “challenge” is a formal objection to someone’s right to run for office. It must be raised before the election is actually held and be based on some failure to meet a CSEA constitutional requirement to run for office. Such challenge must be made directly to the supervising election committee which shall hear from both the challenged potential candidate and the challenger as to the eligibility questions. The appropriate supervising election committee shall verify with the CSEA Membership Dept. in Headquarters the candidate’s eligibility before making its decision. The challenge must be decided at least seven (7) days prior to the end of the nomination period. Any action on the challenge may be appealed to the Statewide Election Committee as a protest after the election results are complete.

VII. Campaigning

A. Campaign Materials

The union has a duty to comply with reasonable requests of any candidate to distribute his/her campaign literature to the membership. (Law) All campaign literature services provided by CSEA are provided at the candidates’ expense. (Law)

Processing and distribution of campaign materials by CSEA is subject to the following rules:

1. Candidates must pre-pay all applicable costs, including postage, by certified check or money order, payable to “CSEA, Inc.”

2. Due dates for campaign literature to be submitted to CSEA Headquarters for processing and/or distribution will be set by the Statewide Election Committee for each election cycle.

3. CSEA will mail campaign literature in a standard #10 envelope, or the candidate may choose to utilize a campaign postcard or alert card.

4. The maximum number of enclosures printed by CSEA, per envelope, is one piece of campaign material.

5. If the candidate wishes only to have their campaign materials mailed by CSEA, the candidate may have his or her campaign material and the envelopes printed and stuffed elsewhere and may deliver the sealed envelopes to CSEA for addressing and mailing. Such material must be delivered by the published due date in the election schedule in order to guarantee the mail date.

Compliance with the Notice of Intention rules may also insure the mail date. Where material/envelopes are printed outside, CSEA will charge the candidate for addressing and for postage at cost. Make sure the envelopes are the same size. Irregular-sized envelopes will not pass through the addressing machine or postage meter. The total weight for each piece can be no more than one (1) ounce. Additional weight will increase your cost for postage. CSEA will address, add postage and mail the envelopes at cost. For postcards, be aware that the Post Office may mark over the graphic on the postcard, the graphic may get smudged, and you need to leave room for the address and stamp.

6. The maximum size for material to be printed is 8-1/2 x 11 inches.


7. Requests for processing and/or distribution of campaign material will be filled in the order of their receipt. Please allow at least three weeks for the request to be fulfilled. Materials received by the published due dates or covered by a timely Notice of Intention to Distribute Campaign Material will be mailed in accordance with the candidates' requested time frames. Any other materials will be processed and mailed as close to those dates as practicable. Candidates may make arrangements to observe the processing/distribution procedures by calling the Statewide Election Committee at CSEA Headquarters, at 1-800-342-4146, ext. 1447, or 518-257-1447.

8. One set of labels with Local and Unit Presidents' names within the election jurisdiction, along with preferred mailing addresses, will be available per qualified candidate at no expense upon written request to:

Central Files Department
 CSEA, Inc.
 143 Washington Avenue
 Capitol Station, P.O. Box 7125
 Albany, New York 12224

Candidates otherwise cannot purchase labels. Further information on the above items including cost estimates may be obtained by calling Central Files Department at 1-800-342-4146, ext. 1261 or 518-257-1261. These processing and distribution rules apply only to campaign material distributed by CSEA at a candidate(s)' request.

B. Use of CSEA Logo (Law)

Use of the CSEA Logo  on any campaign material is strictly prohibited. Candidates are reminded not to use any Region, AFSCME, Local or Unit Logo either, as the use of such symbols improperly conveys the approval or endorsement of the entity behind the Logo.

C. Reimbursement for Travel

The Board of Directors within reasonable limits, authorizes the reimbursement of travel expenses for duly nominated candidates for the ten (10) officers of the Association. Present authorization provides that:

(a) Candidates for the four Statewide offices may travel to each region

once at the expense of the Association provided, however, that each trip does not exceed one day and that the expenses incurred are reasonable.

(b) Candidates for Region office may travel through their own region twice at the expense of the Association provided, however, that each trip does not exceed one day, and that the expenses incurred are reasonable.

(c) Reimbursement requires submission of a voucher and all appropriate receipts. Vouchers may be obtained from the office of the Statewide Treasurer.

D. Use of Union and/or Employer Funds Strictly Prohibited (Law)

1. Neither a union nor any employer may contribute “funds,” meaning money or anything of value (such as the use of facilities, equipment, or supplies) to promote the candidacy of any individual in a union election.

2. The restriction on the use of union funds applies to all moneys received by the union by way of dues, assessment, or similar levy.

3. This prohibition applies to any union and any employer, not just the union conducting the election or an employer of that union’s members. For example, it is improper for a candidate to have campaign literature duplicated free of charge on a copy machine at a small business regardless of who owns the business.

4. Any expenditure of union or employer funds on behalf of a candidate, even if the amount is small, is a violation of federal law. This includes “personal” funds of persons who are “employers” in any form or manner.

5. The use of union/employer funds or facilities is a violation of federal law even if union officials or the employer do not know about or approve of the use.

6. The prohibition against the use of union and employer funds applies to direct and indirect expenditures including:

a) campaigning on paid union time or work time. This means that incumbents on full time release need to utilize vacation and/or personal time for campaigning.

b) use of union/employer owned or leased equipment such as telephones, computers, fax machines, copy machines and cars.

c) use of union/employer supplies such as stamps, paper, and envelopes.

d) use of union employees/employer staff to prepare or distribute campaign literature while on union time/employer time (unless this

service is offered to all candidates).

e) use of the union letterhead and/or union or subdivision logo.

f) use of union/employer property or facilities.

g) printing articles or letters which support or criticize an individual's candidacy in a union newspaper or publication.

h) giving free services or special discounts to a candidate customer such as printing, photocopying, etc.

i) union membership lists or employer lists for campaign mailings.

7. The prohibition against the use of union funds includes the use of union staff for any candidate(s)' purposes or campaign. (Union staff may be used for neutral purposes of supporting the election process.)

8. Candidate endorsements by a current CSEA officer in his/her official CSEA capacity are prohibited. Candidate endorsements by elected officials may only be done by the individual as a member. For example, Local President Jane Smith may endorse a Statewide Officer candidate as Jane Smith member, BUT NOT as Jane Smith Local 000 President.

E. Social Media

With the proliferation of social media outlets, candidates must insure that their use of social media for campaign purposes does not run afoul of the law, rules and regulations. While it would be impossible to list every type of impermissible use, here is an illustrative list:

It would be improper to:

- ▶ Post campaign materials, messages, etc. on the Union's (whether it be the Association, Region, Local, or Unit) official webpage or Facebook page.
- ▶ Post campaign materials, messages, etc. on any employer website, Facebook page, etc.
- ▶ Create a campaign Facebook page or personal Facebook page and utilize the CSEA logo as a banner or the "Cover Photo" as that term is used on Facebook.
- ▶ Post on a campaign page or personal page any campaign materials that utilized union or employer funds to produce them.
- ▶ Post on any social media campaign materials or statements while on union or employer time.

- ▶ Make an endorsement as an officer in the officer's official CSEA capacity on a social media platform.

It would also be a good practice to regularly monitor posts to a candidates' social media platform for content that is posted by others that could be a violation of the election rules. To that end, candidates are responsible for posting settings, that is, settings that allow others to post to the candidate's platform without approval.

F. Access to Constituency

Candidates running for CSEA election are entitled to equal access to their constituency for campaign purposes. (Law)

A candidate coming into a local or unit should give advance notice to the local president or unit president, as appropriate, of his/her intention to be in the area.

Such notice is not deemed as seeking or requiring permission but is intended to insure that the local/unit relationship with the employer is respected and to insure compliance with any employer rules applicable to union electioneering or presence at the worksite. Such advance notice for electioneering purposes for potential statewide or region candidates is encouraged for any appearance during the six-month period preceding the election.

Upon notice of a candidate's intention to visit an area, such local or unit president or his/her designee should notify the candidate of any employer required protocol for access to the work site.

G. Inspection of Membership List (Law)

Every duly qualified candidate has the right, once within thirty (30) days prior to the election, to inspect a list of names and last known home addresses of all members entitled to vote in the particular election. The right of inspection does not include the candidates' right to copy the list. Requests to examine the list shall be made to the Chair of the Statewide Election Committee, who will arrange for the review. All requests by candidates to inspect the membership list shall be honored as of the date set forth in the approved election schedule. The review of the list shall take place at CSEA Headquarters or such other place as the Statewide Election Committee shall designate.

H. Fund-Raising (Law)

A candidate is prohibited from utilizing union or employer funds to facilitate fund-raising activities. This prohibition includes:

- (a) Use of union/employer computers or copy machines to produce or duplicate notices of fund-raising events.

(b) Use of union/employer telephones/fax machines/e-mail systems, etc., to solicit contributions.

(c) Sale of raffle tickets or solicitation of contributions while on an employer's time or while on union time.

See Section VII (D) above.

I. Work Force Photos

Candidates who qualify for one of the four Statewide offices, the six Region presidencies, or the Board of Directors, shall have the opportunity to have published in the official union publication their picture, the entity they work for, and the office they are running for.

VIII. Election Events

“Meet the Candidates” and other similar events are encouraged, as such opportunities lead to an informed membership. However, the following guidelines must be observed in order to avoid violating the election procedures, as well as the law:

1. (a) In **local/unit elections**, such events are to be sponsored by the appropriate supervising election committee, not by candidates or incumbents, or Executive Boards.
- (b) For the **statewide and region elections**, local/unit executive board(s) may sponsor such events.
- (c) For **statewide elections**, the region executive boards may sponsor such events.
2. In all cases: Opportunity to attend must be provided to all candidates in a timely manner. (This includes individual notice to each candidate on a Slate and for the same event).
3. Such events must be held at neutral times and locations.
4. The same amount of time must be afforded to each and every candidate.
5. All members should be given the opportunity to attend.
6. Where union funds are used, candidate events that do not provide an equal opportunity to all candidates are strictly prohibited. (Law)

Ballot enticements and/or ballot raffles are prohibited (i.e., hand in your ballot in exchange for a chance to win a trip, money, basket of cheer, etc.)

Any event or activity to encourage voter participation must be cleared by the

supervisory election committee and have prewritten rules and safeguards insuring voter anonymity, ballot secrecy and avoidance of any candidate involvement. Ballots must be cast by the individual voter.

The above does not apply to pre-balloting candidate/slate sponsored fundraising events, but see Section VII, H of this Handbook.

IX. Observation Procedure

● All Observation is at the Candidate's Expense ●

A. Candidates' Observers - All Elections (Law)

All candidates have the right to have an observer at all parts of the election process including at the polls (on-site election) and at the count. Observers may not engage in any form of campaigning during their observation time. They may not count or handle ballots in any way. No campaigning should take place in and around the balloting site.

B. Observation Process

1. Election Agency

Statewide, Region, and Board Elections

a. Prior written notification of intent to observe must be received prior to the visit, at CSEA Headquarters, 143 Washington Avenue, Albany, New York 12210, Attention: Statewide Election Committee, and must include the candidate's/observer's name, 10-digit CSEA ID number, Local and date(s) of planned visit(s) (see form in Standing Rules and Regulations). If an observer is to be present for the candidate, the *Notification of Intent to Observe* must be signed by that candidate as indicated on the form. Please note that a candidate may only appoint one observer per visit and the observer must be a CSEA member in good standing.

b. To avoid last minute schedule problems, the observer should contact the Statewide Election Committee (1-800-342-4146, ext. 1447 or 518-257-1447) to confirm the schedule for CSEA ballot processing on the day before the planned visit.

c. Candidates/observers must present proper identification (either a driver's license, work badge, paycheck stub or CSEA membership card) to gain admission to enter the Election Agency premises.

d. Candidates/observers will be given the opportunity to observe any and all of the CSEA election process being conducted at the Election Agency. All observers will have to comply with applicable safety requirements at the Election Agency.

e. While the Election Agency will answer questions regarding the tasks being observed, questions regarding the CSEA process must be directed to the CSEA Statewide Election Committee, c/o CSEA Headquarters, 143 Washington Avenue, Albany, New York 12210.

Local/Unit Election:

1. Elections Agency (Mail Ballot)

Notification of intent to observe must be given to the proper supervising election committee in accordance with its published rules for the election (see form in the Standing Rules and Regulations or contact your supervising election committee for a copy).

2. Elections Where an Election Agency Not Utilized (On site)

Candidates and/or proxies, who are members in good standing with written authorization, must be allowed to observe the entire tally process.

All candidates are entitled to be, or have, observers at the ballot count. The room in which the count is held must be large enough to provide adequate space for observers where they have full view of the counting process, but are not in physical contact with the persons counting the ballots. A record of the observers must be kept. A Sign-In Sheet for Observers is used to account for persons other than the Election Committee to be present at the count. The supervising election committee should insure that observers are afforded a meaningful opportunity to hear and see the entire process.

X. Protests

Sometimes election procedures or requirements are violated. Usually it is the losing candidate(s) or their supporters who file a protest. Certain requirements must be met for a protest to be considered on the merits.

1. A protest must be postmarked or electronically filed within 10 calendar days of when the protesting member first knew or should have known of the act or omission being complained about.

2. Such protest must be sent to the appropriate supervising Election Committee as set forth below, by mail, fax or email.

<u>Election</u>	<u>Committee</u>
a. Statewide Officers	Statewide Election Committee
b. Region	Statewide Election Committee
c. State/Local Executive Committees (Board of Directors)	Statewide Election Committee
d. Local	Statewide Election Committee, with copy to Local Election Committee
e. Unit	Local Election Committee, with copy to Unit Election Committee

3. The appropriate supervising Election Committee will send all other candidates affected by the protest a copy of the protest and give adequate time for responses.

4. A protest must contain:

(a) A clear statement of the action or omission complained about with as much detail as possible, supported by necessary documentary proof. The specific rules and regulations or procedures which the protestor believes have been violated should be set forth. For each issue in protest, the copies of objectionable documents and signed statements by witnesses should be included. In addition, the protest must include:

(b) The protester's signature; and

(c) The protester's name, address, and telephone number.

5. Common Grounds for Complaints

A. Substantial Election Procedural Violations

- No secret ballot envelopes in a mail ballot election
- Insufficient notice of election
- Failure to allow observers
- No provisions for replacement ballots
- Polling places not open during all shifts
- Inadequate number of polling places
- Inadequate voting instructions with ballot
- Failure to provide adequate safeguards to insure a fair election
- Failure to safeguard ballots properly
- Failure to follow specific Board procedures or provisions, or CSEA Constitution and By-Laws requirements
- Lack of secret ballot
- Ineligible persons permitted to vote

B. Ballot Problems

- Improper ballot--does not conform with sample ballot
- Candidate's name on ballot appears under wrong office for election
- Substantial misspelling of candidate's name on ballot

C. Candidate Conduct

- Improper campaigning or petitioning by opponents
- Use of CSEA logo
- Use of union/employer funds and/or equipment
- Candidate or employer interference with Election Committee and/or election procedures
- Use of other candidates' names as an endorsement without permission

D. Denial of Rights

- Denial of right to vote
- Election method insufficient to serve membership
- Denial of candidates' right to observe

E. Slate Voting

- Invalid slate(s)

F. Any other wrongful conduct having a direct impact on a significant number of ballots.

This list is not inclusive of all conduct that may be the basis of a valid protest. It is simply a list of the most common types of protests and it is meant to be a guide.

6. Any appeal from an action on a Challenge (see VI) must be made to the Statewide Election Committee as a protest postmarked or electronically filed within ten (10) days of when the election results are posted or otherwise made known by the supervising election committee. Such appeal must set forth the grounds for the challenge and a clear statement as to why the action taken on the challenge should be reversed by the SEC.

NOTE: The Protester carries the burden of proof. The Protester must forward all documentation and any other proof with the protest in a timely manner to avoid a dismissal for lack of proof/evidence and/or untimeliness.

XI. Information Available to Candidates

1. Copies of the Statewide, Region, Local and Unit Constitutions may be obtained from CSEA Headquarters or any CSEA Region Office.

2. Any questions regarding candidates' rights and responsibilities should be directed to the Statewide Election Committee at CSEA Headquarters (1-800-342-4146 ext. 1447 or 518-257-1447).

3. Copies of this Handbook and all other rules/regulations regarding elections may be obtained from the Statewide Election Committee at CSEA Headquarters (1-800-342-4146, ext. 1447 or 518-257-1447) upon request.

XII. Helpful Hints for Candidates

1. Promote yourself in your campaign and stay away from disparaging other candidates ("mud-slinging").

2. Check your membership status early. Make sure your dues are up-to-date so that you meet the qualification for being a member in good standing.

3. Check your petitions for accurate spelling of your name and the position for which you are running **BEFORE** circulating or distributing petitions.

4. Submit petitions for verification as they are completed. Do not wait until the deadline because you will be unable to seek additional signatures if needed beyond the close of the petitioning period.

5. Check the accuracy of campaign literature well in advance of submitting it for mailing. Please allow at least three weeks for campaign literature to be completed and mailed by CSEA Central Files.

6. Keep a look out for all notices and information affecting the election. If you think something should be occurring and it is not, do not be afraid to ask questions of the supervising Election Committee or of the Statewide Election Committee.

7. If there is a question concerning your own campaign literature, consider asking the Statewide Election Committee (SEC) to avoid future problems/protests. Please note that the SEC will not give an opinion as to the substance/mission of your campaign piece. But rather, if you have a question regarding whether something in particular might violate a rule or policy, the SEC is willing to look at that aspect and attempt to give guidance. For example, if you are unsure about using a specific photograph, you may ask the SEC whether it complies with rules or previous decisions.

8. Run for the position you intend to run for. For example, do not run for a different position than you intended simply because someone else is running for the same position you seek. If that person were to drop out, you will not have an opportunity to run for another position.

9. Think about the impact of your remarks and written literature on the Union itself. Your remarks/literature are heard/seen by the public, by our detractors, and by others seeking to weaken our Association and its effectiveness at the bargaining table, in the legislature, and in the political arena.

10. Be sure you understand the duties of the position you are seeking and that you are willing to fulfill these duties to your best ability. The members who elect you deserve no less from their elected officers.