

# ELECTION PROCEDURES MANUAL

for

CSEA LOCAL AND UNIT  
ELECTION COMMITTEES

## *Part 1: Procedures*

*A Companion to the Forms*



LOCAL 1000, AFSCME, AFL-CIO  
Mary E. Sullivan, President

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Prepared by:  
CSEA Statewide Election Committee

## **PRESIDENT'S MESSAGE TO LOCAL/UNIT ELECTION COMMITTEES**

CSEA prides itself on union democracy. The cornerstone of union democracy is an election process that is run openly, fairly, honestly and encourages all members to participate. Your appointment to the Local/Unit election committee is a very important responsibility.

This publication is designed to assist you in learning your responsibilities and the proper conduct of elections of Local and Unit Officers and Delegates. These guidelines are based on federal and state labor laws that govern union elections including the Labor Management Reporting and Disclosure Act.

These guidelines supplement Local and Unit election requirements as set forth in the CSEA Local Constitution (Article XIV) and CSEA Unit Constitution (Article XIII).

Your willingness to undertake this responsibility is greatly appreciated. Take pride in this endeavor, which helps to maintain CSEA's longstanding tradition of grassroots democracy.

Thank you for your commitment to our Union.

In Solidarity,

Mary E. Sullivan  
CSEA President

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## **HOW TO USE THESE MATERIALS**

Here are some suggestions for using these materials:

1. The Election Committee Chairperson should review the booklet and become familiar with the format and content before meeting with the entire committee.
2. Determine a time and place to meet with the other members of the Election Committee. Allow enough time to contact these activists with the time and place of this meeting.
3. Use the forms and checklists provided. Requests for additional materials should be directed to CSEA Headquarters, Central Files Department at 1-800-342-4146, ext. 1261.

#### **4. IMPORTANT PHONE NUMBERS:**

- ❖ Legal Department: *Any inquiries regarding the election process or to contact the Statewide Election Committee (1-800-342-4146, ext. 1447) or you may email your inquiries to the Legal Department at [sec@cseainc.org](mailto:sec@cseainc.org).*
- ❖ Central Files Department: *To request handbooks, manuals, membership lists, mailing labels, mail ballot services (1-800-342-4146, ext. 1261).*
- ❖ Membership Department: *Inquiries regarding a member's or candidate's eligibility status (1-800-342-4146, ext. 1334).*
- ❖ Information Systems Department: *To request electronic files for membership mailings if using an outside election agency to conduct your election (such as AAA)(1-800-342-4146, ext. 1347).*

ELECTION  
PROCEDURES  
DEFINITIONS

## ELECTION PROCEDURES DEFINITIONS

1. *BY-LAWS* - Rules governing the internal affairs of the Locals and Units, which are consistent with CSEA Constitutions.
2. *CENTRAL FILES DEPARTMENT* – Located at CSEA Headquarters – responsible for the mailing of election materials to the Election Chairperson.
3. *CHALLENGED BALLOT* – If a voter’s name does not appear on the voter eligibility list and the voter insists that he or she is an eligible voter, the Election Chairperson should allow the voter to cast a challenged ballot.
4. *ELECTION RESULTS CERTIFICATION AND REPORT FORM* (“ER-1”) – This form, reporting the results of the Local/Unit Election, must be submitted by the Election Chairperson/Vice Chairperson and attached to the Election Report that indicates the actual balloting results and is sent to the CSEA Statewide Secretary.
5. *ELECTION SCHEDULE* - Time frame within which the Election Chairperson/Committee conducts a series of election procedures and events, including setting the nomination deadline, election date, and drafting, verification and counting of ballots, as well as reporting election results.
6. *ELIGIBLE CANDIDATE* – A CSEA member meeting the following eligibility requirements:
  - a) Be at least 18 years old;
  - b) Be a member in good standing since June 1 of the year preceding (before) the election;
  - c) Has not been a member of a competing labor union or association since June 1 of the year preceding (before) the election;
  - d) Is not presently serving a disciplinary penalty imposed by CSEA’s Judicial Board;
  - e) Has not been the subject of a bonding claim by the Association or disqualified from being covered by the Association’s surety bond.
7. *EXECUTIVE BOARD* - Consists of elected officers or persons appointed to elective office. The Executive Board has a financial responsibility to Local/Unit members, including the Election Chairperson/Committee. The Executive Board is to budget funds for the Election Chairperson/Committee.
8. *MEMBERSHIP DEPARTMENT* – Located at CSEA Headquarters – 1) responsible for creation and maintenance of computerized records of CSEA members, 2) provides verification of candidate and/or voter eligibility, and 3) maintains records of the Election Chairpersons/Committees.
9. *MEMBERSHIP LISTINGS* – Provided by CSEA’s Membership Department to each Election Chairperson to verify candidate eligibility and to verify voter eligibility.
10. ***NOMINATIONS*** –For this election cycle, an application is used for self-nomination. Petitions will not be necessary.
11. *OFFICIAL BALLOT* – Drafted by the Election Chairperson/Committee; identifies the election, names of the candidates accurately spelled in the order determined by lot, includes instructions on marking

the ballot, and the names of candidates, if any, who are unopposed and deemed elected with the notation, “unopposed/elected.”

12. *PROTEST* – Right given to any member believing himself/herself aggrieved by any aspect of the election process. Protest must be filed within 10 days after the member first knew or should have known of the act or omission.

13. *SLATE DEFINITIONS:*

LOCAL ELECTIONS -- The slate must contain a candidate running for the following Local offices:

- President
- Vice President (*or more than one depending on By-Laws*)
- Secretary
- Treasurer

The slate also may include candidates for such other offices, which may have been created pursuant to Article IV of the Local Constitution and described in the Local By-Laws. In Locals that 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. No member can be a candidate for officer and for delegate on the same slate.

UNIT ELECTIONS -- The slate must contain a candidate running for the following Unit offices:

- President
- Vice President (*or more than one depending on By-Laws*)
- Secretary
- Treasurer

The slate also may include candidates for such other offices, which have been created pursuant to Article IV of the Unit Constitution and described in the Unit By-Laws. In Units that 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.

14. *SPECIAL ELECTION* – An election cycle held after the regular election cycle, for the purpose of filling “unfilled” positions to which no one was duly elected. In certain circumstances, a special election is held to fill vacant positions (see the Local/Unit Constitution regarding vacancies).

15. *UNOPPOSED CANDIDATE* – Eligible member who has qualified as the only candidate with no other candidates qualifying for the office for which they are running.

16. *UNOPPOSED ELECTION* - Only one candidate qualified for each and every position.

GENERAL RULES FOR  
ALL TYPES OF  
ELECTIONS

*PRE-BALLOTING*



## RESPONSIBILITIES OF THE ELECTION COMMITTEE

### What are the responsibilities of the Election Committee?

- To ensure that the election is properly and fairly conducted.
- To coordinate the distribution, receipt and verification of candidate applications.
- To coordinate the drafting, distribution, verification and counting of the ballots. Or in the case of a pandemic, whether to look into the feasibility of using virtual videoconferencing software to conduct secret-ballot voting at a virtual meeting, rather than in person.
- To certify the election results and notify CSEA Headquarters of the results.
- To ensure that the cost of the election does not exceed the budget established by the Local/Unit Executive Board.
- To adopt an Election Schedule. The schedule, Notice Regarding Campaigning, and the Standing Rules and Regulations must be posted at the worksites on bulletin boards so that the members are kept informed. **During a pandemic, the Chair must also use mail and/or email to communicate with members.**
- To decide whether to hold election events. **During a pandemic, these events should be held over Zoom videoconferencing, or another virtual platform.**
- Ensure that all CDC recommendations and federal/state/municipal pandemic state of emergency rules are followed regarding gatherings and coming into personal contact with others.

### CHECKLIST:

\_\_\_\_\_ 1. **Set** the date of the Committee's first meeting and notify all Committee members of the date, time, and place of meeting. **We recommend using phone or virtual conferencing to meet during the pandemic.**

\_\_\_\_\_ 2. At this meeting, you should **review** this Election Procedures Manual, the Standing Rules and Regulations, the nominating and election procedures of the Local or Unit Constitution and Local or Unit By-laws.

\_\_\_\_\_ 3. If you require additional copies of this Election Procedures Manual, the Standing Rules and Regulations, forms, or Local/Unit Constitutions, the Chairperson may **request** these by contacting:

CSEA, Inc.  
Attn: Central Files Department  
143 Washington Avenue  
Albany, New York 12210  
Phone: 1-800-342-4146, ext. 1261

\_\_\_\_\_ 4. **Assign** Committee members various duties such as checking candidate eligibility, supervising publicity, arranging for printing of ballots, obtaining Post Office Box or voting machines, etc.

\_\_\_\_\_ 5. At the conclusion of the elections, **certify** the election results and provide notification of election results to CSEA Headquarters.

## ELECTION COMMITTEE DECISIONS

**Decision #1:** The Committee must determine who will conduct the election: the Committee or an outside agency.

**Decision #2:** The Committee must ensure that the cost of the election does not exceed the budget established by the Local or Unit Executive Board.

**Decision #3:** The Committee must decide which type of election it should have (see below).

**Decision #4:** Consider setting-up a Committee social media page, website or other online presence, as well as setting-up a dedicated email account, such as Google or Yahoo email.

### During a pandemic, mail ballot elections are encouraged.

<b>TYPES OF ELECTIONS:</b>
<b>Mail Ballot Election:</b> A mail ballot election is beneficial for Locals and Units extending over a wide geographic area, or for members who work all shifts. It offers a greater opportunity for all members to vote in the election as each eligible member is mailed a ballot at their home. FYI, CSEA Central Files Department offers mail ballot services.
<b>On-site Election (Ballot Box or Voting Machine methods):</b> An on-site election is for Locals and Units with members working close by and easily accessible in facilities such as municipal office buildings and school buildings, and where it is safe and permissible to do so. <b>During a pandemic, drive-by voting may be the safest in-person option.</b>

**Decision #5:** The Committee must adopt an Election Schedule. The Election Schedule is a timeline of all the activities relating to the Local/Unit election. See the sample schedules in the Forms Manual.

**The election schedule, a list of your committee members, the Standing Rules and Regulations, and Notice Regarding Campaigning must be sent to every member in your Local or Unit. This can be done via email or 1<sup>st</sup> class mail. To the extent possible/permitted by the employer, the employer's email and/or mailboxes should be used so that your members are kept informed about the election process.**

Balloting is to be conducted for all elective offices between May 15th and June 15th of the election year.

<b>The Statewide Election Committee provides sample schedules that can be used in place of creating your own schedule. Sample schedules have been provided in the Forms section of this manual for the different types of elections (see Forms Manual, pp. 1-6A).</b>
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Should you choose to create your own schedule, your Election Schedule should include the following activities (see also **Blank Schedule Form S-10; p. 6A**):

- 1. 1st ELECTION COMMITTEE MEETING (following the Committee selection deadline) –** Local/Unit Election Committee Chairperson conducts the 1st meeting of Election Committee. The Election Committee reviews the election procedures materials, creates the election schedule (see

**Forms S-1 – S-10; pp. 1-6A)**, produces and organizes all the forms that are needed. *Date, time and place of 1st Election Committee meeting:* \_\_\_\_\_

2. **FOLLOWING THE 1ST ELECTION COMMITTEE MEETING** - At least 15 days before the start of the application period, the Election Committee **posts/sends** to each member in the Local or Unit the Notice Regarding Campaigning, the Standing Rules & Regulations, the CSEA Nomination Notice (see **Forms M-1, M-2, M-3; pp. 7-10**) and the Local/Unit election schedule (see **Sample Schedule Forms S-1 – S-10; pp. 1-6A**) . *Date of posting/mailling/emailing Notices & Election Schedule:* \_\_\_\_\_
3. **BEGINNING OF APPLICATION PERIOD** - The start of application period begins 15 days after dissemination of the notice and schedule. *Date, time, place and contact person to distribute candidate applications:* \_\_\_\_\_
4. **DURING THE APPLICATION PERIOD (at least 2 to 4 weeks)** - Verify applications using the candidate eligibility list received from CSEA Headquarters. Send letters to successful applicants providing information about declining the nomination for office, the date to draw for position on the ballot, confirmation of spelling nominee’s name as it will appear on ballot, etc. (**See Nomination Forms N-12, N-13; pp. 13, 14**). Send letters to ineligible applicants (**See Nomination Form N-10; pp. 12**).
5. **END OF APPLICATION PERIOD** - Date and time for receipt of applications for CSEA Office. *Deadline date, time, place and contact person to accept candidate applications:* \_\_\_\_\_
6. **DECLINATION DEADLINE** - This is the last date for applicants to decline a nomination for Local/Unit office. *Declination Deadline Date and Time:* \_\_\_\_\_
7. **CONFIRMATION DEADLINE** – same date and time as the above **Declination Deadline**. This is the last date for candidates to confirm the spelling of their name as it will appear on the ballot. *Confirmation Deadline Date and Time:* \_\_\_\_\_
8. **1 DAY AFTER DECLINATION AND CONFIRMATION DEADLINE** - Drawing for position on ballot. Candidates or their proxies may attend as observers. (**See Nomination Forms N-14, N-15, N-16; pp. 15, 16, 17**). *Date, Time and Place to draw for ballot position:* \_\_\_\_\_
9. **IMMEDIATELY AFTER THE DRAWING FOR POSITION** – **Send/post** the candidates' names and positions to each CSEA member in the Local or Unit. (**See Nomination Form N-17; p. 18**). *Date to mail/email/post ballot positions:* \_\_\_\_\_
10. **BALLOTING WINDOW PERIOD: MAY 15TH - JUNE 15TH** - The time period during which the membership will vote for officers is determined by the Election Committee, however, must be between May 15 and June 15. *Date of balloting or balloting period:* \_\_\_\_\_
11. **ANNOUNCE BALLOTING DATE(S) AND BALLOT COUNT DATE** – Notify the membership when ballots are mailed/due (in a Mail Ballot Election) or when voting will occur (in an on-site election) (**See Forms MB-6, BB-5, VM-4; pp. 31, 47, 64**) *Date of posting/mailling/emailing election notice:* \_\_\_\_\_

- 12. WITHIN 48 HOURS OF COUNTING THE BALLOTS** – Announcement of the Election results must be made within forty-eight (48) hours after the ballots are counted. **Send** a copy of the results to each candidate and to each CSEA member in the Local or Unit. (See **Forms MB-12, BB-14 or VM-13; pp. 39, 59, 75**). *Date to announce election results:* \_\_\_\_\_
- 13. WITHIN 10 DAYS AFTER RESULTS ARE ANNOUNCED** – Submit the Local/Unit Election Results Certification and Report Form, which indicates the actual balloting results, with CSEA Headquarters. (See **Election Results Form ER-1; pp. 80-89**). *Date election results to be filed by:* \_\_\_\_\_
- 14. 10 DAYS AFTER RESULTS ARE ANNOUNCED** - This marks the end of the protest period to dispute the election results. *Date protest period ends:* \_\_\_\_\_

**JULY 1<sup>ST</sup>: NEW OFFICERS' TERMS BEGIN.**

**PROCEED TO THE NOMINATIONS PROCESS SECTION**

# NOMINATIONS PROCESS

*TO BE FOLLOWED IN ALL TYPES  
OF ELECTIONS*

## NOMINATIONS

### **What is the nomination process?**

This is the method by which potential **candidates submit applications** to qualify to run as a candidate in an election. **During a pandemic, petitions are not allowed for an election.**

### **What must the Committee do before getting into the “how-to’s” of the nomination process?**

1. Fill-out the Nomination Notice according to the election schedule (**Form M-3; p. 10**).

List the positions that must be filled. **See the letter provided in the election materials packet for a list of the positions that must be included in the election.** These positions must include:

- President
- Vice President(s) in ranking order (1st, 2nd, etc.) (*Note: More than one vice president must be set forth in approved By-Laws*)
- Secretary (*or Secretary-Treasurer as set forth in approved By-Laws*)
- Treasurer
- Other positions (*as set forth in approved By-Laws*)
- Local Delegates (For Local elections only) (Check with your Local President for #.)

① **Important Note:** Current officers’ terms will expire at the end of June. Any current officer who wishes to hold office for another term must complete the nomination process as outlined here.

2. **Post/send** to each CSEA member in the Local or Unit: the Election Schedule, Nomination Notice, Standing Rules and Regulations, and Notice Regarding Campaigning. **The Nomination Notice must be sent/posted at least 15 days prior to the start of the nomination period.**

## **PREPARING THE CANDIDATE APPLICATION [M-1 & M-2]**

Beginning the first day of the nomination period, distribute to those requesting the **Application for Election** form and the “**So You’re Considering Running For Office**” info sheet. [See **Forms M-1 [individual] p. 7; M-2 [slate] pp. 8-9; and C-4, p. 22**]. See Election Procedures Definitions section for the definition of “Slate.” **During a pandemic, petitions are not allowed for an election.**

① Check the applicant’s name on the Candidate Eligibility List *prior* to handing out applications. If a member’s name does not appear on the Candidate Eligibility List, the Committee should contact CSEA Headquarters, Membership Department, to inquire into the member’s status (1-800-342-4146, ext. 1334).

**NOTE:**  
**NON-MEMBERS CANNOT RUN FOR CSEA  
OFFICE OR VOTE FOR CANDIDATES FOR CSEA OFFICE.**

Applications must be available the first day of nominations and continue to be available through the last day of nominations.

Any member who submits an **Application for Election (Forms M-1 [individual] p. 7 or M-2 [slate] pp. 8-9)** and meets the eligibility requirements of the Local or Unit Constitution shall be placed on the ballot. See Election Procedures Definitions section for the definition of “Eligible Candidate.”

- All applications must be signed by applicant(s).
- Applications that are not signed or are received from persons ineligible to seek office cannot be considered and should be set aside, and applicants should be notified of the reason.
- Applications that are received after the deadline date cannot be considered, and applicants should be notified of the reason.
- Contact the Membership Department at CSEA Headquarters to make certain that there has been no break in payment of membership dues. This should be done before candidates receive notification that they have qualified. (1-800-342-4146, ext. 1334)

After the verification process is completed, notification must be sent to successful and unsuccessful candidates. (See **Nomination Forms N-10, N-12, N-13; pp. 12-14**).

- If only one person qualifies as a candidate for an office, that person is deemed elected to office (elected/unopposed). An election is not required for that office or position. (See **Nomination Form N-13; p. 14**).
- **IMPORTANT:** If **ALL** positions have **ALL** unopposed candidates, there is no need for a ballot count. The Committee must now report the outcome of nominations -- this is the “election result.” **Post/send** a notice to the membership advising of the candidates who were deemed elected/unopposed at close of nominations. (See **Certifying Election Results section; p. 60**).

## **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 constitutional requirement to run for

office. Such challenge must be made directly to the supervising election committee that shall hear from both the challenged potential candidate and the challenger as to the eligibility questions.

The appropriate supervising election committee shall verify the candidate's eligibility with the CSEA Membership Department in Headquarters before making the 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 (see PROTESTS section for procedure).

**PLEASE GO TO THE NEXT SECTION -- "BALLOTING"**



# BALLOTING

*TO BE FOLLOWED IN ALL TYPES  
OF ELECTIONS*

## **PREPARING THE BALLOT AND VOTING INSTRUCTIONS**

If there are races, meaning more than one candidate for position(s), balloting will be necessary.

### **1. VOTER ELIGIBILITY LIST**

The Voter Eligibility list contains the names of members eligible to vote in the Local or Unit election. No election can be conducted without the voter eligibility list.

Every election Chairperson who is on file with CSEA Headquarters will automatically receive a current voter eligibility list from CSEA. The election Chairperson may contact CSEA's Central Files Department at 800-342-4146, ext. 1261, to obtain additional voter eligibility lists.

### **2. BALLOT POSITION**

#### **What is ballot position and how is it determined?**

Ballot position is the order in which the candidates' names will appear on the ballot. The Election Committee must set a meeting date to conduct a drawing that will determine the ballot positions. Each candidate must be notified of the date, time and location of the meeting. **(See Nomination Form N-12; p. 13). During a pandemic, the ballot position drawing can be held over Zoom or another virtual platform, and the election committee chairperson can draw on behalf of the candidates.**

At that meeting, the candidates for office (or election committee chairperson ) draw, by lot, the order in which their names will appear on the ballot. One designated person from each slate is allowed to draw for the slate's position on the ballot.

#### **Are candidates allowed to observe this meeting?**

Yes, all candidates or designated proxies (members in good standing) are entitled to observe the drawing for positions. **(See Observer Form C-2; p. 20).** Observers must sign in on the **Sign-in Sheet for Observers - Drawing for Position on Ballot. (See Nomination Form N-14; p. 15).** If a candidate or proxy is not present, an Election Committee member draws for that candidate.

**During a pandemic, the candidates can observe the meeting over Zoom videoconferencing or another virtual platform, depending on what the Committee chooses to use.**

#### **What is the procedure for conducting a drawing?**

Determine the alphabetical order of the last name of the candidates. This is the order in which the candidates will draw for ballot positions.

Slates will be represented by the last name of the candidate for president. In the absence of a candidate for president due to an involuntary withdrawal, the last name of the candidate for highest-ranking vice president will be used.

<b><u>WITH SLATES:</u></b>	<b><u>WITHOUT SLATES:</u></b>
<p>Number small pieces of paper for the number of draws that will be made (total number of individual candidates and slates) for the office with the greatest number of candidates and fold. For example, if six candidates are running for the treasurer's office, number six pieces of paper: 1, 2, 3, 4, 5, 6. (See <b>Nomination Form N-15; p. 16</b>).</p>	<p>NUMBER small pieces of paper for the number of draws that will be made for each office and fold. For example, 3 candidates for president - number 3 pieces of paper: 1, 2, 3; 2 candidates for vice president - number 2 pieces of paper: 1, 2. Continue with each office. (See <b>Nomination Form N-16; p. 17</b>).</p>

**For both Slates and without Slates:**

Now place the folded pieces of paper into an envelope, hat, box, or other similar device, beginning with the office of President. (Note that in the slate example given above, where there are six candidates in total for the office of Treasurer, six pieces of paper will be used when drawing for each office, even if there are fewer than six candidates, so that all individual and slate candidates have the same chance of being first on the ballot.)

Instruct each candidate, representative of the slate or proxy, to draw a number. Remember, if a candidate is not represented, an Election Committee Chairperson will draw for that candidate. **During a pandemic, the Committee Chair can draw for each candidate or slate.**

Announce that the number that is drawn is the position of that candidate's name on the ballot. The number drawn by the slate representative determines the position for the entire slate.

After the drawing is completed, notify each candidate in writing of the order of the ballot positions for each office. (See **Form N-17; p. 18**).

**Post/Email/Mail** a notice to the membership stating the order of the candidates, as they will appear on the ballot. (See **Form N-17; p. 18**). **During a pandemic, the notice can either be emailed to ALL members or mailed to them via 1st class mail. If permitted, employer email and/or mailboxes can be used.**

**3. DRAFT THE OFFICIAL BALLOT**

**How is the Official Ballot created?** (See **Mail Ballot Election Sample Forms MB-1, MB-2 [pp. 23-26]; Ballot Box Election Sample Forms BB-1, BB-2 [pp. 40-43]; or Voting Machine Election Sample Forms VM-1, VM-3 [pp. 60-61, 63]**). **\*\*\*For a blank ballot, see also Form C-3 [p. 21].\*\*\***

Once the names of all candidates are known and the candidates have drawn by lot the order in which they will appear on the ballot, the Committee must draft the official ballot.

**\*\* Contact the Statewide Election Committee at 1-800-342-4146, ext. 1447 or email [sec@cseainc.org](mailto:sec@cseainc.org) to review your ballot if you would like assistance. \*\***

## What should be included on the “official ballot”?

Use the following checklist to ensure that you have included all the necessary information on the draft ballot before having it printed.

### CHECKLIST FOR DRAFTING THE BALLOT:

- \_\_\_\_\_ 1. Identify the ELECTION - “\_\_\_\_\_ (LOCAL) (UNIT) ELECTION.”
  - \_\_\_\_\_ 2. List the names of the candidates accurately spelled by position in the order determined by lot.
  - \_\_\_\_\_ 3. List the names of candidates, if any, who are unopposed and deemed elected, with the notation “unopposed/elected.”
  - \_\_\_\_\_ 4. Allow for voters to be able to vote for slate members individually as well as by slate.\*  
*\*A slate designation box must be placed in front of the name of the slate. In addition, a box must be placed in front of each candidate’s name on the slate, as well as in front of all non-slate candidates on the ballot. The box is used to register the voter’s selection of individual candidates or the slate in its entirety.*
  - \_\_\_\_\_ 5. Provide instructions on how to mark the ballot and instructions for ballot return.
4. **DRAFT THE VOTING INSTRUCTIONS** (See **Mail Ballot Election Forms MB-1, MB-2 [pp. 23-26]; Ballot Box Election Forms BB-1, BB-2 [pp. 40-43]; or Voting Machine Election Form VM-1 [pp. 60-61]**).

### How are the Voting Instructions included with the ballot?

The voting instructions must be printed on the reverse side of the ballot or on a separate sheet of paper marked “Voting Instructions” which accompanies the ballot.

### CHECKLIST FOR VOTING INSTRUCTIONS:

Use the following checklist to ensure that you have included all the necessary instructions for voting. The instructions must indicate:

- a. Explanation of the voting procedure.
- b. Instructions on how to mark the ballot, insert it into the secret ballot envelope and seal it.
- c. The deadline date and time for receipt of ballots at the designated location.
- d. For Slate Voting, the ballot voting instructions must include all of the following:
  1. Mark the box of the name of the candidate of your choice.
  2. If you wish to vote for an entire slate of candidates, mark the slate designation box.
  3. A vote may be cast for individuals on a slate without voting for the entire slate by marking the boxes next to the names of the individuals and not marking the slate designation box.
  4. Non-slate candidates are selected by marking the box next to their name.

5. A ballot containing a mark in a slate box and additional marks in individual boxes across two or more slates shall be voided for the affected race(s) only.
6. Any other markings may render the ballot invalid.

<b>AT THIS POINT, YOU SHOULD TURN TO THE SECTION THAT DESCRIBES THE TYPE OF ELECTION YOU PLAN TO HOLD:</b>
--

**Mail Ballot Election:** A mail ballot election is beneficial for Locals and Units extending over a wide geographic area or for those who work all shifts. It offers a greater opportunity for all members to vote in the election as each eligible member is mailed a ballot at their home. FYI, CSEA Central Files Department offers mail ballot services, but you would still have to rent a P.O. Box and conduct the count.

**A mail ballot election is recommended during a pandemic, where possible.**

OR

**On-site Election (Ballot Box or Voting Machine methods):** An ON-SITE election is for Locals and Units with members working close by and easily accessible in facilities such as municipal office buildings and school buildings, and where it is safe and permissible to do so.

**Drive-by voting may be the safest in-person option.**

## 5. **ELECTION EVENTS**

The Committee must decide *if* it is going to hold election events. "Meet the Candidates" and other similar events that Locals and/or Units arrange are encouraged, as such opportunities lead to an informed membership. However, the following guidelines must be observed to avoid violating the election procedures, as well as the law. **During a pandemic, these events should be held over Zoom videoconferencing, or another virtual platform.**

1. Any such formal events are to be sponsored by the appropriate supervising election committees, not by candidates or incumbents, or Executive Boards.
2. Opportunity to attend and participate 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 a neutral time and location.
4. The same amount of time to speak 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.

Ballot enticements and/or ballot raffles or ballot parties (i.e., hand in your ballot in exchange for a chance to win a trip, money, basket of cheer, etc.) must also be run by the supervising election committee and have prewritten rules and safeguards insuring voter anonymity, ballot secrecy and avoidance of any candidate involvement. **Ballots must be mailed or placed in the ballot box by the individual voters.**

The above does not apply to pre-balloting candidate/slate sponsored fund-raising events.

**\* For any events: Ensure that all CDC recommendations and federal/state/local pandemic state of emergency rules are followed regarding gatherings and coming into personal contact with others.\***

# MAIL BALLOT ELECTION

\* PROCEDURES \*

## **ELECTION SCHEDULE CHECKLIST (Mail Ballot Election)**

This form may be used as a work report that can be referred to until the election is concluded. After each task is completed, check it off on the line provided and fill in the necessary information.

- \_\_\_\_\_ Date/Time/Place of first Election Committee meeting:
- \_\_\_\_\_ Date Notice/Nomination of Officers, Election Schedule, Standing Rules & Regulations, Notice Regarding Campaigning, and Committee Members' names sent to each CSEA member in the Local or Unit, and posted on bulletin boards, where possible:
- \_\_\_\_\_ Date/Time/Place/Contact Person to pick up applications:
- \_\_\_\_\_ Deadline Date/Time/Place/Contact Person for receipt of applications:
- \_\_\_\_\_ Date of Election Committee meeting to resolve any challenges:
- \_\_\_\_\_ Nomination Declination deadline date:
- \_\_\_\_\_ Name Confirmation deadline date:
- \_\_\_\_\_ Date for Drawing Position on the ballot:
- \_\_\_\_\_ Date Candidates' Names & the Order of Ballot Position mailed/mailed/posted on bulletin boards:
- \_\_\_\_\_ Date Voter Eligibility List received from CSEA Headquarters:
- \_\_\_\_\_ Date Notice/Election of Officers mailed/mailed/posted on bulletin boards:
- \_\_\_\_\_ Date Mailing Labels requested from CSEA Headquarters:
- \_\_\_\_\_ Date Mailing Labels received from CSEA Headquarters:
- \_\_\_\_\_ Date Official Ballot, Replacement Ballot, Voting Instructions, Mailing Envelope, Secret Ballot Envelope and Return Envelope drafted:
- \_\_\_\_\_ Date Materials printed:
- \_\_\_\_\_ Date Ballots delivered to Post Office for mailing:
- \_\_\_\_\_ First Day (Date) Replacement Ballot may be requested:
- \_\_\_\_\_ Date/Time Ballots are to be received by Election Committee:
- \_\_\_\_\_ Date Ballots to be counted:
- \_\_\_\_\_ Date Candidates notified of election results:
- \_\_\_\_\_ Date Election Results mailed/mailed/posted on bulletin boards:
- \_\_\_\_\_ Date Election Results filed with Statewide Secretary:
- \_\_\_\_\_ Date Protest period ends:

July 1: Newly elected officers to take office

## **A. PREPARING FOR A MAIL BALLOT ELECTION**

At this point you will have already held nominations by applications, obtained eligibility lists from CSEA Headquarters, drafted the official ballot and drafted the voting instructions. (See “**Balloting**” section for further explanation; p. 14).

In addition to the above, if your committee is conducting the balloting, you must now do the following:

### **1. REQUEST MAILING LABELS FROM CSEA HEADQUARTERS**

#### **Do I need mailing labels?**

You may find it easier to communicate information with the members by mail, who are spread out over a wide geographic area or multiple shifts, particularly in regard to the notice of election, mail ballots, and/or notification of election results.

If you anticipate using an outside vendor for mailings, such as an independent election agency, please call the CSEA’s Information Systems Dept. at 1-800-342-4146, extension 1347 to discuss options including electronic media available, costs, etc.

#### **How can mailing labels of eligible voters be obtained?**

Mailing labels may be requested by completing and submitting a “Special Request Form” to CSEA’s Central Files Department. (See **Special Request Form C-1; p. 19**). Keep in mind that the names that appear on the labels are the same names that are listed on the Voter Eligibility List.

When completing the Special Request Form:

- Clearly indicate the Local and/or Unit number.
- “Authorizing Signature” must be the Chairperson or the Vice Chairperson.
- It is imperative that you check off under “Purpose of Request” the phase(s) of the election in which the labels are to be used (notice of election, mail ballot, notice of election results) and fill in the date(s) needed.
- Forward the completed form with prepayment to: CSEA Headquarters, Attn: Central Files Department, 143 Washington Avenue, Albany, New York 12210.

Questions or inquiries about mailings should be directed to CSEA’s Central Files Department at 1-800-342-4146, extension 1261 or (518) 257-1261.

### **2. DRAFT REPLACEMENT BALLOT AND ENVELOPE**

#### **How is the Replacement Ballot created? (See Mail Ballot Election Form MB-4; pp. 28-29).**

The replacement ballot is the same as the “official ballot” in every way except that it is labeled “Replacement Ballot.” The return envelope is also labeled “Replacement Ballot.” (See **Mail Ballot Election Form MB-5; p. 30**).

#### **When is a replacement ballot used?**

A replacement ballot is used when an eligible voter does not receive an original ballot.



The Committee must determine the procedure for distributing replacement ballots and announce the information on a “Notice to CSEA Members” (see **Mail Ballot Election Forms MB-6, MB-7; p. 31, 32**) and/or in Local/Unit newsletters.

The announcement must include the name, address and phone number of the person from whom a replacement ballot may be requested and the first day a replacement ballot can be requested.

Verification of voter eligibility must be checked before a replacement ballot is provided. Each request for a replacement ballot must be recorded on the Replacement Ballot Log. (See **Mail Ballot Election Form MB-8; p. 33**).

### **3. ARRANGE FOR DISTRIBUTION AND RETURN OF MAIL BALLOTS WITH POST OFFICE**

#### **What arrangements need to be made for distribution and return of ballots?**

The Committee must determine the date, time, and place for the distribution and return of ballots.

Arrangements for prepaid return postage envelopes should also be completed so this information can be included when printing the materials.

#### **What arrangements need to be made with the Post Office?**

The Committee must arrange with the U.S. Postal Service for a special Post Office Box for receipt and temporary holding of voted ballots so that all mail sent to the Box will only be released at a specified time on the election date to members of the Election Committee.

If ballots must be picked up from the Post Office before the designated date, alternatively, arrangements can be made for multiple pick up dates from the Post Office and for storage of unopened ballots in a secure, locked place until the day of the count.

#### **Can the Local or Unit’s regular post office box be used?**

*NO!* Do not use the Union’s regular post office box for the return of election ballots nor the home address of any committee member or officer.

### **4. PUBLICIZE THE MAIL BALLOT ELECTION**

#### **How does the Committee publicize the Election?**

The date, time and place of the election **MUST** be announced to the membership by using the “Notice to CSEA Members” form. (See **Mail Ballot Election Form MB-6; p. 31**). The notice must state the date ballots will be mailed, the date replacement ballots are available, the date ballots are due, and the date, time and place of the ballot count. The notice must be sent to the members. In the public sector, it is at least 5 days before balloting; in the private sector, it is at least 15 days prior to balloting. It must also be posted on all bulletin boards where union information is regularly posted, *where possible and permissible*. We also recommend using social media, websites, and/or Local/Unit newsletters.

## 5. PRINT THE BALLOTS/ENVELOPES

### What must be printed?

The Committee should have the following materials printed:

1. Official ballot (See **Mail Ballot Election Forms MB-1, MB-2; pp. 23, 25**)
2. Voting instructions (See **reverse side of Mail Ballot Election Forms MB-1, MB-2; pp. 24, 26**)
3. Secret ballot envelope (See **Mail Ballot Election Form MB-3; p. 27**)
4. Mailing envelope (for mailing ballots) (See **Mail Ballot Election Form MB-3; p. 27**)
5. Postage paid return envelope (See **Mail Ballot Election Form MB-3; p. 27**)
6. Replacement ballot (See **Mail Ballot Election Form MB-4; p. 28**)
7. Replacement ballot voting instructions (See **reverse side of Mail Ballot Election Form MB-4; p. 29**)
8. Replacement ballot postage paid return envelope (See **Mail Ballot Election Form MB-5; p. 30**)

**\*\*\*For a blank ballot, see also Form C-3 [p. 21].\*\*\***

### How much material should be printed?

The Committee should print a sufficient number of ballots and envelopes to mail a ballot to each eligible voter, plus extra for replacement ballots and envelopes.

There are four types of envelopes used in a mail ballot election as described below:

1. The Secret Ballot Envelope must contain the notation “Secret Ballot” and no other markings. The Secret Ballot Envelope must be able to fit inside the mailing envelope and postage-paid return envelope. (See **Mail Ballot Election Form MB-3; p. 27**).
2. The Mailing Envelope must have the Election Committee’s address in the upper left-hand corner for the return of undeliverable ballots. The Mailing Envelope must be large enough to contain the ballot, the instructions, the Secret Ballot Envelope and the Return Envelope. (See **Mail Ballot Election Form MB-3; p. 27**).
3. The Return Envelope must be large enough to contain the ballot inside the Secret Ballot Envelope. The Return Envelope must be pre-addressed to the address selected by the Election Committee for the return of ballots and must have postage paid either by permit or by stamp. The Return Envelope must contain space in the upper left-hand corner for the member’s name, address and 10-digit CSEA ID #. (See **Mail Ballot Election Form MB-3; p. 27**). *Reminder: Postage must be pre-paid.*
4. The Replacement Ballot Envelope must be (1) the same size as the Return Envelope, (2) pre-addressed to the address of the Election Committee for the return of ballots, (3) have postage paid either by permit or by stamp, (4) contain space in the upper left-hand corner for the member’s name, address and 10-digit CSEA ID #, and (5) must be clearly marked “Replacement Ballot”. (See **Mail Ballot Election Form MB-5; p. 30**). *Reminder: Postage must be pre-paid.*

## 6. MAIL THE BALLOTS

The ballots must be mailed from a central U.S. Post Office to all eligible voters at least 21 days before the scheduled return date of ballots. The ballots should be mailed first class mail. The Committee should check with the local Post Office regarding special rates for bulk or presorted mail.

## **B. DURING A MAIL BALLOT ELECTION**

### **1. DISTRIBUTE REPLACEMENT BALLOTS, IF REQUESTED**

#### **Again, when is a replacement ballot used?**

A replacement ballot is used when an eligible voter does not receive an original ballot.

By this time the Committee has determined the procedure for distributing replacement ballots and has indicated that method on the Notice of Election of Officers (see **Mail Ballot Election Form MB-6; p. 31**), fliers, social media, websites, and/or Local/Unit newsletters.

That announcement should have included the name, address and phone number of the person from whom a replacement ballot may be requested and set forth the first day a replacement ballot can be requested.

Verification of voter eligibility must be checked before a replacement ballot is provided. Each request for a replacement ballot must be recorded on the Replacement Ballot Log. (See **Mail Ballot Election Forms MB-7, MB-8; pp. 32, 33**).

### **2. ARRANGE FOR LOCATION TO COUNT RETURNS**

The Committee must arrange for a suitable location, volunteers needed, and the materials necessary to conduct the ballot count.

#### **What type of location is needed to count the ballots?**

The ballot count should be held in a location large enough to accommodate tables for sorting, verifying, counting and tallying and an observers' area for candidates and/or proxies. **During a pandemic, the count must be held in a large enough location so that social distancing can be attained, in keeping with federal/state/local government rules for gatherings.**

The location should be available for as long as it takes to complete the entire ballot count.

**During a pandemic, observation of the counting of ballots can be made available over Zoom or another platform, if possible.**

#### **What about security of the ballots?**

The Committee must arrange for security of ballots before, during and after the count. This includes security arrangements with the printer, the post office and the members of the Committee who pick up the returned ballots from the post office.

### **3. SECURE THE NECESSARY MATERIALS FOR COUNTING**

#### **What materials are necessary to conduct a ballot count?**

- a. Enough tables and chairs to sort, verify, open, count and tally
- b. Ballot Tally Sheets/Master Tally Sheets (**Forms T-1 & T-2; pp. 76, 77**)
- c. Election Report Form (**Mail Ballot Election Form MB-11; pp. 36-38**)
- d. Voter Eligibility List (bring extra copies for your committee members if needed)

- e. Supplies: paper clips, rubber bands, letter openers, scissors, pencils, magic markers, boxes, stapler, packaging tape, calculator, scotch tape, masks, sanitizers, wipes, paper towels

#### **4. HANDLE OBSERVERS**

##### **What is the role of observers?**

Candidates and/or proxies, who are members in good standing with written authorization from the candidate, must be allowed to observe the entire counting process. **(See Observer Form C-2; p. 20).**

Each candidate is entitled to have one (1) observer at the ballot count. However, the number of observers at any one time is to be determined by the Election Committee.

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. Use the Sign-in Sheet for Observers/Ballot Count to keep a record of the observers at the count. **(See Mail Ballot Election Form MB-9; p. 34). During a pandemic, the observers can watch the counting of ballots be performed over Zoom or another platform, if possible.**

#### **5. ASSIGN PERSONNEL**

##### **Who actually handles the physical counting of the ballots?**

The Committee will need to recruit as many persons as necessary to complete the count. The Committee can arrange to hire retirees or students, if money for this purpose has been appropriated by the Local or Unit Executive Board.

**❶ NO CANDIDATE, CANDIDATE'S RELATIVE OR ANY MEMBER INVOLVED IN A CANDIDATE'S CAMPAIGN MAY TAKE PART IN THE BALLOT COUNTING PROCESS.**

## **C. DETERMINING THE ELECTION RESULTS**

### **1. PICK UP THE BALLOTS**

#### **Who picks up the ballots?**

The Chairperson and/or Committee members must pick up the ballots from the Post Office on the date and time set forth on the election schedule.

Do not attempt to gain access to the ballots prior to that time for any reason. If ballots must be picked up from the Post Office before the designated date, alternatively, arrangements can be made for multiple pick up dates from the Post Office and for storage of unopened ballots in a secure, locked place until the day of the count.

The Committee should get written certification from the Post Office that all ballots have been picked up as of a certain date.

#### **What happens to ballots that have been returned?**

Generally, the Post Office will separate the undeliverable envelopes from the returned envelopes. The Committee should keep the undeliverable envelopes separate.

### **2. COUNT THE BALLOTS**

#### **STEP 1: Sort Envelopes**

At the counting site, the Committee must first sort the ballot envelopes into the following groups:

- A. Undeliverable envelopes
- B. Valid return envelopes
- C. Invalid envelopes
- D. Replacement envelopes
- E. Invalid (non-election) envelopes

#### **STEP 2: Record Replacement Envelopes**

Replacement envelopes must be recorded on the Voter Eligibility List with the letter “R” and check-marked on the Replacement Ballot Log showing that the replacement ballot was received.

By marking the Voter Eligibility List with an “R,” double voting is eliminated.

Only one envelope per eligible voter can be counted. If more than one envelope has been received from any voter, the voter’s name must be reported to the Chairperson and the extra envelope set aside as invalid.

Where more than one envelope has been received from a voter, the first envelope received from the voter must be counted. Check the postmark to determine this.

#### **STEP 3: Verify the Valid Envelopes**

Verify the name and 10-digit CSEA ID number of the voter on the return envelope, as you check the Voter Eligibility List. If the voter is confirmed, place a check mark next to the voter’s name on the list.

After you have completed the verification process, the envelopes should be COUNTED, and the totals RECORDED on the “Election Report” (See **Mail Ballot Election Form MB-11; pp. 36-38**) for the following categories:

1. Number of envelopes mailed and received
2. Total number of invalid envelopes
3. Total number of ineligible envelopes
4. Number of envelopes without a ballot cast

**STEP 4: Open the Valid Envelopes**

All processed valid envelopes are now opened either by machine or by hand.

**STEP 5: Distribute Valid Envelopes**

The total number of valid envelopes must then be divided evenly and distributed to the committee.

**STEP 6: Remove Secret Ballot Envelopes**

After processed valid envelopes have been opened, then remove the secret ballot envelopes.

All empty valid processed envelopes should be batched and set aside.

**STEP 7: Open the Secret Ballot Envelopes**

Secret Ballot Envelopes may now be opened.

Miscellaneous non-election material enclosed with the ballot must be recorded and kept separate.

All secret ballot envelopes should be batched and set aside.

**STEP 8: Batch and Record Ballots**

The total number of ballots removed from the Secret Ballot Envelopes is to be recorded as the total number of ballots processed on the “Election Report.” (See **Mail Ballot Election Form MB-11; pp. 36-38**). We recommend counting off batches of 25, 50 or 100.

**STEP 9: Determine Questionable Ballots**

Questionable ballots (torn, mutilated, obscene or illegible) should be reviewed by the Committee for a determination as to whether these ballots will be counted. You are looking for clarity as to voter intent. If the voter intent is clear, the ballot should be counted.

If any ballots are determined to be invalid, these invalid ballots must be separated, and the total number recorded on the Election Report. (See **Mail Ballot Election Form MB-11; pp. 36-38**).

## **STEP 10: Determine Valid Votes**

### **A. The Committee may count the following ballots:**

1. Where erasures or cross-outs have occurred, and where voter intent is otherwise ascertainable, only the particular vote is voided, not the entire ballot. An error, multi-mark, erasure or cross-out in one office should not affect legitimate votes for other offices on the same ballot.
2. Ballots with the following problems should be counted, if voter intent can be clearly ascertained, even though markings on the ballot may be contrary to instructions:
  - (a) circling a name;
  - (b) checks, circles or fill-ins rather than x's in the box;
  - (c) checks not in the box, as long as voter intent can be ascertained;
  - (d) use of whiteout to change vote, where voter intent is clear;
  - (e) any material written on the ballot as long as it does not identify the voter (name, initials, other personally identifying information) and the voter intent is clear;
  - (f) secret ballot envelopes that contain writing should not be considered void, automatically. Only if the envelope contains writing that identifies the voter should the ballot be voided. Other marks as may appear on the ballot should not void the ballot but should be segregated for the Committee to view along with ballots in item (e).

### **B. The following situations are to be determined by the Election Committee:**

- (a) when the voter has written in the name of a candidate in lieu of the printed name on the ballot;
- (b) if a member marks the slate box, writes beside a few candidates "no," and then continues to mark the rest of the ballot;
- (c) if someone signs or initials the secret ballot envelope;
- (d) if the ballot comes in plain white envelope addressed to the Committee;
- (e) any other situation not listed or specified here.

### **C. Slate Voting:**

Generally, one vote for the slate should be tallied as one vote for each person on the slate.

When a member marks the slate box and also marks the individual candidate's box, the Committee should count as follows:

1. The ballot containing a mark in the slate box and checks in each individual box within the same slate, with no other markings on the ballot, is to be counted.
2. The ballot that had check marks across two or more slates is to be voided for the affected races only. Where two or more slate boxes are marked, the entire ballot is void.
3. The ballot that had the slate box checked, one individual box within the slate voted and then crossed out is to be counted as a vote for the slate.

**Note:** Where a returned ballot has a slate box marked, along with some but not all individuals within the slate also individually voted, it is to be counted as a vote for the entire slate. This direction assumes no other markings on the ballot (for individual or slate candidates not on the same slate).

### **STEP 11: Count the Official Ballots**

Where possible, teams do the counting process. The ballots are split into batches of 25, 50 or 100. Each team member tallies votes by marking the Ballot Tally Sheet. Votes are recorded in groups of five. (~~100~~) They switch stacks and tally votes by marking a second Ballot Tally Sheet. Their tallies must match. If they do not match, then they switch stacks again and recount until they match. (See **Ballot Tally Sheet Form T-1; p. 76, see also sample Tally Form T-3; p. 78**).

Upon completing a batch of 25, 50 or 100 ballots, the team should attach the Ballot Tally Sheet to the batch and give both to the chairperson.

The Chairperson will check the tally sheet for accuracy and total the votes for each candidate on the Master Tally Sheet. (See **Master Tally Sheet Form T-2; p. 77; see also sample Tally Form T-4; p. 79**).

The Chairperson must total the number of ballots counted and record this number on the Election Report. (See **Mail Ballot Election Report MB-11; pp. 36-38**).

The entire Election Committee should certify the accuracy of the totals on the Election Report.

## **3. CONDUCT A RECOUNT AND BREAK TIES**

### **Can there be a recount?**

A recount of the election results is within the discretion of the Election Committee and should be considered only when the results are very close. A recount can be done for the entire election or for any office.

### **What if there is a tie vote?**

There are two (2) options available for breaking a tie between candidates. These are:

1. to conduct a run-off election (a run-off election is a repeat of the balloting process but just for the tied position. Re-drawing for ballot position is not required.), OR
2. use a coin toss. If a coin toss is used, **both** candidates must agree to the coin toss. The Local/Unit Election Committee cannot mandate the coin toss. Each candidate must acknowledge his or her consent on the Tie-Breaker Consent form. A duplicate original must be filed with the Statewide Election Committee, 143 Washington Avenue, Albany, New York 12210. (See **Tie Breaker Consent Form MB-10; p. 35**).



#### 4. ANNOUNCE THE RESULTS

After the entire Election Committee has certified the results, the Chairperson should announce them to all persons present. The following must be notified:

- A. **Candidates:** The Committee must notify all candidates by letter of the results of the election. The most efficient way is to send a copy of the election results to each candidate. **(See Mail Ballot Election Form MB-12; p. 39).**
- B. **Membership:** The Committee must mail/email and, where possible, post the results of the election on CSEA bulletin boards, all within 48 hours after completion of the count. **(See Mail Ballot Election Form MB-12; p. 39).**
- C. **CSEA Headquarters:** The Committee must submit a copy of the election results to the Statewide Secretary at CSEA Headquarters. **(See Certifying Election Results section; p. 60.)**

**What happens if the Election Committee fails to report the election results?**

- A. THE LOCAL/UNIT WILL NOT RECEIVE THEIR REBATES. REBATES WILL NOT BE ISSUED UNLESS CERTIFIED ELECTION RESULTS ARE ON FILE WITH CSEA HEADQUARTERS.
- B. THE LOCAL/UNIT WILL NOT RECEIVE TIMELY MAILINGS FOR THE REGULAR DELEGATES MEETING AND OTHER IMPORTANT MAILINGS FROM CSEA HEADQUARTERS. NO MAILINGS WILL BE SENT UNLESS CERTIFIED ELECTION RESULTS ARE RECEIVED.

<p><b>PLEASE PROCEED TO “CERTIFYING ELECTION RESULTS” SECTION, p. 60</b></p>
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# BALLOT BOX ELECTION

\* PROCEDURES \*

## **ELECTION SCHEDULE CHECK LIST (Ballot Box Election)**

This form may be used as a work report that can be referred to until the election is concluded. After each task is completed, check it off on the line provided and fill in the necessary information.

- \_\_\_\_\_ Date/Time/Place of first Election Committee meeting:
- \_\_\_\_\_ Date Notice/Nomination of Officers & Election Schedule, Standing Rules and Regulations, Notice Regarding Campaigning, and Committee Members' names sent to each CSEA member in the Local or Unit, and posted on bulletin boards, where possible:
- \_\_\_\_\_ Date/Time/Place/Contact Person to pick up applications:
- \_\_\_\_\_ Deadline Date/Time/Place/Contact Person for receipt of applications:
- \_\_\_\_\_ Date of Election Committee meeting to resolve any challenges:
- \_\_\_\_\_ Nomination Declination deadline date:
- \_\_\_\_\_ Name Confirmation deadline date:
- \_\_\_\_\_ Date for Drawing Position on the ballot:
- \_\_\_\_\_ Date Candidates' Names & Order of Ballot Position mailed/emailed/posted on bulletin boards:
- \_\_\_\_\_ Date Voter Eligibility List received from CSEA Headquarters:
- \_\_\_\_\_ Date Notice/Election of Officers mailed/emailed/posted on bulletin boards:
- \_\_\_\_\_ Date Arrangements made for Designated Polling Places:
- \_\_\_\_\_ Date Official Ballot, Absentee Ballot, Voting Instructions, Mailing Envelope, Secret Ballot Envelope and Return Envelope drafted:
- \_\_\_\_\_ Date Materials printed:
- \_\_\_\_\_ First Day (Date) Absentee Ballot may be requested:
- \_\_\_\_\_ Date/Time Absentee Ballots are to be received by Election Committee:
- \_\_\_\_\_ Date of Election:
- \_\_\_\_\_ Date/Time/Place Ballots to be counted:
- \_\_\_\_\_ Date Candidates notified of election results:
- \_\_\_\_\_ Date Election Results mailed/emailed/posted on bulletin boards:
- \_\_\_\_\_ Date Election Results filed with Statewide Secretary:
- \_\_\_\_\_ Date Protest period ends:

JULY 1: newly elected officers to take office

## **A. PREPARING FOR A BALLOT BOX ELECTION**

At this point you will have already held nominations, obtained eligibility lists from CSEA Headquarters, drafted the official ballot and drafted the voting instructions. (See “**Balloting**” section for further explanation; p. 14).

In addition to the above, you must now do the following:

### **1. ARRANGE FOR BALLOT BOX ELECTION SITE(S) (POLLING PLACES)**

**We strongly encourage you to consider drive-by voting during a pandemic.**

#### **How many election sites should be used?**

The Committee must decide whether it is going to have one election site or several. If the Local or Unit is in a limited geographic area, one ballot box placed in a central location, easily accessible to all voting members, should be sufficient. If members are spread out over a large geographic area or work multiple shifts, more election sites will be necessary. If the Committee determines that there will be more than one ballot box site used, the Committee must be prepared to have at least TWO Committee members at each voting site, if possible.

#### **Where should the ballot box(es) be located?**

The ballot box(es) should be located in a neutral place, away from the general public, but under observation at all times by the Election Committee.

The voting site(s) must have ease of entry and exit and must be large enough to accommodate:

- Persons with a physical disability
- Lines of voters
- Table(s) where voters may mark their ballots in privacy
- Poll watchers (observers); or video equipment where observers can observe remotely
- Tables and chairs for the Election Committee
- Adequate space for writing challenged ballots

**During a pandemic, the polling site(s) could be held in a large area, such as a parking lot, gymnasium, or other space where social distancing can be attained, in keeping with federal/state/local government rules for gatherings.**

### **2. ARRANGE FOR BALLOT BOX(ES)**

#### **What arrangements should be made when using the ballot box?**

The Committee must determine whether they will use cardboard, metal or wooden box(es) and whether the box(es) will be locked or taped. **IMPORTANT:** Arrange for security of the ballots before, during and after the election count.

### 3. DETERMINE ELECTION RULES

#### What election rules should be considered by the Committee?

The Committee must establish election rules that must be posted several days before the election and should include:

1. **Safety Protocols - Require everyone present to properly wear a face covering and to maintain adequate social distancing. Those who refuse or are unable to adhere to safety protocols, may request an absentee ballot ahead of time; on election day, they may cast a CHALLENGED BALLOT (see page 38 at #4).**
2. **Voting Hours** - Important: Where there are multiple shifts, the polls must be open to accommodate voters on all shifts.
3. **Required Voter Identification** - Members may be required to show identification before they are allowed to vote. Identification can be a driver's license, work badge, paycheck stub, CSEA membership card or any other form of picture identification requested by the Election Committee.
4. **Absentee Ballot** - Procedures to obtain an absentee ballot must be clearly indicated in the election rules. This includes publishing a notice (Notice to CSEA Members) as to where, when, and from whom an absentee ballot can be obtained. **(See Ballot Box Election Form BB-5; p. 47).**
  - a. Generally, absentee ballots are not available unless the voter is physically unable to be at the voting site. For example, if a voter is in the hospital or away on vacation, an absentee ballot should be provided.
  - b. **During a pandemic, the Committee should give much latitude to those requesting absentee ballots. Issues caused by the pandemic are valid.**
5. **Poll Watchers (Observers)** - The Committee must draft the rules that determine where poll watchers may stand or sit (if the Committee has not already set-up video participation). Instruct poll watchers on the rules at the beginning of the voting.
  - a. Each candidate is entitled to have one (1) observer who is a member in good standing with written authorization from the candidate at each polling place and at each phase of the counting and tallying process. **(See Notification of Intent to Observe Form C-2; p. 20).**

**Are there other rules that should be considered besides voting hours, required ID, absentee ballots and poll watchers?**

① In addition to the rules above, consider the following:

- Forbid any campaigning at the polls. No campaigning within 100 feet of the polling area.
- Do not permit oral campaigning, distribution of campaign literature or signs in the polling place.

- Check the polling area and voting area(s) periodically to ensure that members have not left campaign material lying around.
- Prohibit loitering in the polling place. Direct members to leave the polling area as soon as they cast their ballots.

Again, these rules should be made clear to the poll watchers/observers at the beginning of the voting. When not followed, it is very common for protests to be filed due to these issues.

#### **4. DRAFT THE ABSENTEE BALLOT/ENVELOPE**

**What is an Absentee Ballot? (See Ballot Box Election Form BB-3; pp. 44-45).**

The Committee must design the absentee ballot, which is an exact copy of the official ballot, but must be clearly marked "Absentee Ballot."

The absentee ballot must contain voting instructions and the date, time and place that the absentee ballot must be returned. Generally, it is easier for the Committee to have absentee ballots returned on the morning of the election rather than at the close of voting.

**When can an absentee ballot be distributed?**

The absentee ballot must be made available at least 5 days before the election to members who are physically unable to be at the voting site, including by reason of the pandemic. **During a pandemic, the Committee should give much latitude to those requesting absentee ballots.**

A **Request for Absentee Ballot** must be completed and contain the member's name, address, 10-digit CSEA ID number and the reason why the member cannot vote in person. **(See Ballot Box Election Form BB-6; p. 48).**

The voter requesting the absentee ballot should be verified from the voter eligibility list and a record should be noted of each Absentee Ballot distributed on the **Absentee Ballot Log**. **(See Ballot Box Election Form BB-7; p. 49).**

**How does an absentee ballot work?**

The absentee ballot return envelope must contain space on the outside of the envelope for the member's name, address and 10-digit CSEA ID #. The envelope must be clearly marked "Absentee Ballot."

Absentee ballots must be placed in a secret ballot envelope, sealed, and placed in the postage-paid return envelope. **(See Ballot Box Election Forms BB-3 and BB-4; pp. 44-46).**

#### **5. ARRANGE FOR PRINTING OF BALLOTS/ENVELOPES**

**What materials need to be printed?**

The Committee must order a sufficient supply of the following to be printed:

- Official ballot **(See Ballot Box Election Form BB-1, BB-2; pp. 40-43)**

- Absentee ballot and Challenged ballot (See **Ballot Box Election Forms BB-3, BB-8; pp. 44-45, 50-51**)
- Absentee ballot mailing envelope (See **Ballot Box Election Form BB-4; p. 46**)
- Secret ballot envelope (distributed with absentee ballots and challenged ballots) (See **Ballot Box Election Forms BB-4, BB-9; pp. 46, 52**)
- Absentee ballot postage-paid return envelope (See **Ballot Box Election Form BB-4; p. 46**)

\*\*\*For a blank ballot, see also Form C-3 [p. 21].\*\*\*

### **What information should be checked on printed material?**

Before and after the materials are printed, check for accurate spelling of candidates' names, accurate order of candidates' names, voting instructions and absentee ballot return instructions.

## **6. DRAFT THE CHALLENGED BALLOT/ENVELOPE**

### **What is a Challenged Ballot? (See Ballot Box Election Form BB-8; pp. 50-51).**

If a voter's name does not appear on the voter eligibility list or the voter refuses to follow safety protocols set by the committee, and the voter insists that he or she is an eligible voter, the Election Committee should allow the voter to cast a "**challenged ballot.**" (See **Ballot Box Election Forms BB-8, BB-9; pp. 50-52**).

## **7. PUBLICIZE THE BALLOT BOX ELECTION**

### **What must be publicized for ballot box elections?**

The Committee must publicize the date, time and place of the election. In the public sector, it is at least 5 days before balloting; in the private sector, it is at least 15 days prior to balloting. We also recommend using social media, websites, and/or Local/Unit newsletters. (See **Ballot Box Election Form BB-5; p. 47**). **During a pandemic the notices must be sent to members, as well as posted on CSEA bulletin boards, where possible.**

### **What information do the candidates need to know on Election Day?**

Candidates must be permitted, at their own expense, to have an observer who is a member in good standing with written authorization from the candidate at each polling place and at each phase of the counting and tallying process. (See **Observer Form C-2; p. 20**).

### **How can mailing labels of eligible voters be obtained?**

Mailing labels may be requested by completing and submitting a "Special Request Form" to CSEA's Central Files Department. (See **Special Request Form C-1; p. 19**). Keep in mind that the names that appear on the labels are the same names that are listed on the Voter Eligibility List.

When completing the Special Request Form:

- Clearly indicate the Local and/or Unit number.
- "Authorizing Signature" must be the Chairperson or the Vice Chairperson.

- It is imperative that you check off under “Purpose of Request” the phase(s) of the election in which the labels are to be used (notice of election, notice of election results) and fill in the date(s) needed.
- Forward the completed form with prepayment to: CSEA Headquarters, Attn: Central Files Department, 143 Washington Avenue, Albany, New York 12210.

Questions or inquiries about mailings should be directed to CSEA’s Central Files Department at 1-800-342-4146, extension 1261 or (518) 257-1261.

## **B. DURING A BALLOT BOX ELECTION**

### **1. CHECKLIST OF TASKS/ACTIVITIES BEFORE THE POLLS OPEN**

These should be completed at least one-half hour before the polls open:

- \_\_\_\_\_ 1. Set up socially distanced tables and chairs for voter identification and verification.
- \_\_\_\_\_ 2. Set up a table where voters can mark their ballots in private. *(Be prepared to sanitize after each person leaves the voting table.)*
- \_\_\_\_\_ 3. Designate areas for observers. Use signage and masking tape.
- \_\_\_\_\_ 4. Post the election rules and social distancing instruction signs if they have been printed.
- \_\_\_\_\_ 5. Find volunteers to assist if needed (not a candidate or officer).
- \_\_\_\_\_ 6. Ensure you have the following materials before the polls open:
  - a. Voter Eligibility List for verification (make extra copies of eligibility lists for each voting site).
  - b. Official ballots.
  - c. Challenged ballots and envelopes.
  - d. Tables and chairs for the Election committee and non-candidate volunteers.
  - e. Paper, pencils, magic markers, paper clips, rubber bands, calculator, boxes, folders.
  - f. Ballot box (locked or sealed box).
  - g. Voter Registration Log **(See Ballot Box Election Form BB-10; p. 53).**
  - h. Sign-In Sheet for Observers **(See Ballot Box Election Form BB-11; p. 54).**
  - i. COVID-19 toolkit: extra masks, sanitizers, wipes, disinfectants, gloves, clear partitions, masking tape to mark floors, signs.
- \_\_\_\_\_ 7. Be sure to provide measures for social distancing and sanitizing the area. For the pens/pencils you provide to voters: (1) either let them keep them or (2) collect the used ones and hand out only unused ones (or sanitize them after each use).
- \_\_\_\_\_ 8. Inform the candidates and/or their proxies of the opportunity to observe the election process and the ballot count.



## **2. REQUIRE VOTER IDENTIFICATION**

### **What is required in order to vote?**

In addition to proper face coverings, each voter must present appropriate identification before being allowed to vote. Identification can be a driver's license, work identification badge, paycheck stub, membership card or any other form of picture identification requested by the Election Committee. If they are not on the list, they can cast a Challenged Ballot as explained at #4 below.

## **3. SET UP VOTER VERIFICATION STATIONS**

### **Once the voter has been identified, what happens next?**

Each voter, after having presented the required identification, should be checked off on the Voter Eligibility List.

### **For larger Locals and Units, how should the verification of voter eligibility be conducted?**

If you have enough Committee members, you may wish to split up the voter identification and verification procedures by alphabetical order. For example, there might be four lines, A-E, F-K, L-R, S-Z. If this is done, one voter list will be sufficient. Each verifier would take a portion of the master list.

### **After voter verification, what happens next?**

Each eligible voter must sign the Voter Registration Log before receiving a ballot. **(See Ballot Box Election Form BB-10; p. 53).**

## **4. CHALLENGED BALLOTS**

### **What happens if a voter's name does not appear on the Voter Eligibility List?**

### **What happens if a voter refuses to wear facial coverings or to socially distance?**

If a voter's name does not appear on the voter eligibility list and the voter insists that he or she is an eligible voter, the Election Committee should allow the voter to cast a "**challenged ballot.**" **(See Ballot Box Election Forms BB-8, BB-9; pp. 50-52).** **The same goes for a voter who fails to follow safety protocols (i.e. refuses to wear mask, etc.).**

### **How does the challenged ballot work?**

The voter should be directed to a separate area designated for challenged ballot voting. The voter should then put the challenged ballot in a secret ballot envelope and seal, place the secret ballot envelope in an outside envelope and seal, and write his or her name, address and 10-digit CSEA ID # on the outside envelope. This is necessary for verification purposes later if necessary. Any voter who has cast a challenged ballot due to failure to follow safety protocols should be asked to leave once the ballot has been completed.

## 5. RECORD ABSENTEE BALLOTS

### How are absentee ballots recorded?

Absentee ballots must be verified from the voter eligibility list. The letter "A" should be placed next to the member's name, indicating that the member voted by absentee ballot. This stops any member from voting again in person.

### C. DETERMINING THE BALLOT BOX ELECTION RESULTS

#### 1. CLOSE THE ELECTION POLLS

##### What happens when the polls close?

At the time set for the close of voting, the Election Committee should seal the ballot box(es) and take (it) (them) to the location where the ballots will be counted.

The counting should be done immediately after the closing of the polls.

##### Where should the ballots be counted?

The Committee must determine where it will count the ballots. The count should be held in a location large enough to accommodate an observer's area for candidates and/or proxies, along with tables for counting and tallying. The location should be available for as long as it takes to complete the entire ballot count.

**During a pandemic, the count must be held in a large enough location so that social distancing can be attained, in keeping with federal/state/local government rules for gatherings.**

##### Who handles the physical counting of the ballots?

The Committee will need to recruit as many persons as necessary to complete the count. The Committee can arrange to hire retirees or students if money has been appropriated by the Local or Unit Executive Board.

**\*\*\*NO CANDIDATE, CANDIDATE'S RELATIVE OR ANY MEMBER INVOLVED IN A CANDIDATE'S CAMPAIGN CAN TAKE PART IN THE BALLOT COUNTING PROCESS.\*\*\***

#### 2. COUNT THE ABSENTEE BALLOTS

##### STEP 1: Sort Envelopes

At the counting site, the Committee must sort the absentee ballot envelopes into the following groups:

- A. Undeliverable envelopes
- B. Invalid envelopes
- C. Valid ballot return envelopes
- D. Invalid (non-election) envelopes

## **STEP 2: Record Absentee Envelopes**

Absentee envelopes must be recorded on the Voter Eligibility List with the letter "A" and check-marked on the Absentee Ballot Log showing that the absentee ballot was received. By marking the Voter Eligibility List with an "A," double voting is eliminated.

Only one envelope per eligible voter can be counted. If more than one envelope has been received from any voter, the voter's name must be reported to the Chairperson and the extra envelope set aside as invalid.

## **STEP 3: Verify the Valid Absentee Envelopes**

Verify the name and 10-digit CSEA ID number of the voter on the return envelope, as you check the Voter Eligibility List. If the voter is confirmed, place a check mark next to the voter's name on the list.

All non-election related mail must be reported and kept separate.

After the teams have completed the verification process, the envelopes should be **COUNTED**, and the totals **RECORDED** on the "Election Report" (See **Ballot Box Election Report BB-13; pp. 56-58**) for the following categories:

1. # Absentee ballots issued
2. # Undeliverables returned
3. # Envelopes received by deadline
4. # Envelopes not processed further
5. # Envelopes verified

## **STEP 4: Open the Valid Absentee Envelopes**

All processed valid envelopes are now opened either by machine or by hand.

## **STEP 5: Distribute Valid Absentee Envelopes**

The total number of valid envelopes must then be divided evenly and distributed to the committee.

## **STEP 6: Remove Secret Ballot Envelopes**

After processed valid envelopes have been opened, then remove the secret ballot envelopes.

All empty valid processed envelopes should be batched and set aside.

## **STEP 7: Open the Secret Ballot Envelopes**

Secret Ballot Envelopes may now be opened.

Miscellaneous non-election material enclosed with the ballot must be recorded and kept separate.

All secret ballot envelopes should be batched and set aside.

**STEP 8: Batch and Record Absentee Ballots**

The total number of ballots removed from the Secret Ballot Envelopes is to be recorded on the "Election Report." (See **Ballot Box Election Report BB-13; pp. 56-58**). We recommend batches of 25, 50 or 100.

**3. COUNT THE BALLOT BOX BALLOTS**

**STEP 1: Determine Questionable Ballots**

Questionable ballots (torn, mutilated, obscene or illegible) should be reviewed by the Committee for a determination as to whether these ballots will be counted. The key is clarity as to voter intent. If the voter intent is clear, the ballot should be counted.

If any ballots are determined to be invalid, these invalid ballots must be separated, and the total number recorded on the Election Report. (See **Ballot Box Election Form BB-13; pp. 56-58**).

**STEP 2: Determine Valid Votes**

A. The Committee may count the following ballots:

1. Where erasures or cross-outs have occurred, and where voter intent is otherwise ascertainable, only the particular vote is voided, not the entire ballot. An error, multi-mark, erasure or cross-out in one office should not affect legitimate votes for other offices on the same ballot.
2. Ballots with the following problems should be counted, if voter intent can be clearly ascertained, even though markings on the ballot may be contrary to instructions:
  - (a) circling a name;
  - (b) checks, circles or fill-ins rather than x's in the box;
  - (c) checks not in the box, as long as voter intent can be ascertained;
  - (d) use of whiteout to change vote, where voter intent is clear;
  - (e) any material written on the ballot as long as it does not identify the voter (name, initials, other personally identifying information) and the voter intent is clear;

B. The following situations are to be determined by the Election Committee:

- (a) when the voter has written in the name of a candidate in lieu of the printed name on the ballot;
- (b) if a member marks the slate box, writes beside a few candidates "no" and then continues to mark the rest of the ballot;
- (c) any other situation not specified here.

C. Slate Voting:

1. Generally, one vote for the slate should be tallied as one vote for each person on the slate. When a member marks the slate box and also marks the individual candidate's box, the Committee should count as follows:

- a. The ballot containing a mark in the slate box and checks in each individual box within the same slate, with no other markings on the ballot, is to be counted as one vote for each person on the slate.
- b. The ballot that had check marks across two or more slates is to be voided for the affected office. Where two or more slate boxes are marked, the entire ballot is void.
- c. The ballot that had the slate box checked, one individual box within the slate voted and then crossed out, is to be counted as a vote for the slate.

**Note:** Where a returned ballot has a slate box marked, along with some but not all individuals within the slate also individually voted, it is to be counted as a vote for the entire slate. This direction assumes no other markings on the ballot (for individual or slate candidates not on the same slate).

#### 4. COUNT THE OFFICIAL BALLOTS

Where possible, teams do the counting process. The ballots are split into batches of 25, 50 or 100. Each team member tallies votes by marking the Ballot Tally Sheet. Votes are recorded in groups of five. ( ~~1111~~ ) They switch stacks and tally votes by marking a second Ballot Tally Sheet. Their tallies must match. If they do not match, then they switch stacks again and recount until they match. (See **Ballot Tally Sheet Form T-1; p. 76**). (See also **sample Tally Form T-3; p. 78**).

Upon completing a batch of 25, 50 or 100 ballots, the team should attach the Ballot Tally Sheet to the batch and give both to the Chairperson.

The Chairperson will check the tally sheet for accuracy and total the votes for each candidate on the Master Tally Sheet. (See **Master Tally Sheet Form T-2; p. 77**; see also **sample Tally Form T-4; p. 79**).

The Chairperson must total the number of ballots counted and record this number on the Election Report. (See **Ballot Box Election Report BB-13; pp. 56-58**).

The entire Election Committee should certify the accuracy of the totals on the Election Report.

#### 5. VERIFY CHALLENGED BALLOTS AND ADD TO COUNT, IF NECESSARY

##### How are "challenged ballots" counted?

If the election is very close and the unopened challenged ballots would make a difference in the outcome of the election, voter eligibility must be checked with the Membership Department at CSEA Headquarters based upon the name, address and 10-digit CSEA ID number on the outer envelope. *If the election is not close and the number of challenged ballots would not affect the outcome, then they are not opened.*

If verified, the secret ballot envelopes are removed from the outer envelopes and placed in a separate pile to insure secrecy. These ballots are counted and noted on the Tally Sheet, and then added to the Election Report (See **Ballot Box Election Report BB-13; pp. 56-58**).

## 6. CONDUCT A RECOUNT AND BREAK TIES

### Can there be a recount?

Yes. A recount of the election results is within the discretion of the Election Committee and should be considered only when the results are very close. A recount can be done of the entire election or of any office.

### What if there is a tie vote?

There are two (2) options available for breaking a tie between candidates. These are:

1. to conduct a run-off election (a run-off election is a repeat of the balloting process but just for the tied position. Re-drawing for ballot position is not required), OR
2. use a coin toss. If a coin toss is used, **both** candidates must agree to the coin toss. The Local/Unit Election Committee cannot mandate the coin toss. Each candidate must acknowledge his or her consent by signing the Tie-Breaker Consent form. A duplicate original must be filed with the CSEA Statewide Election Committee, 143 Washington Avenue, Albany, NY 12210. (See **Tie Breaker Consent Form BB-12; p. 55**).

## 7. ANNOUNCE THE RESULTS

After the entire Election Committee has certified the results, the Chairperson should announce them to all persons present at the ballot count. The following must be notified:

- A. **Candidates:** The Committee must notify all candidates by letter of the results of the election. The most efficient way is to send a copy of the election results to each candidate. (See **Ballot Box Election Form BB-14; p. 59**).
- B. **Membership:** The Committee must email/mail the results of the election (and post on CSEA bulletin boards, where possible) -- all within 48 hours after completion of the count. (See **Ballot Box Election Form BB-14; p. 59**).
- C. **CSEA Headquarters:** The Committee must send a copy of the election results to the Statewide Secretary at CSEA Headquarters. (See **Certifying Election Results section**.)

### What happens if the Election Committee fails to report the election results?

- A. THE LOCAL/UNIT WILL NOT RECEIVE THEIR REBATES. REBATES WILL NOT BE ISSUED UNLESS CERTIFIED ELECTION RESULTS ARE ON FILE WITH CSEA HEADQUARTERS.
- B. THE LOCAL/UNIT WILL NOT RECEIVE TIMELY MAILINGS FOR THE REGULAR DELEGATES MEETING AND OTHER IMPORTANT MAILINGS FROM CSEA HEADQUARTERS. NO MAILINGS WILL BE SENT UNLESS CERTIFIED ELECTION RESULTS ARE RECEIVED.

**PLEASE PROCEED TO  
“CERTIFYING ELECTION RESULTS” SECTION, p. 60**

# VOTING MACHINE ELECTION

\* PROCEDURES \*



## **ELECTION SCHEDULE CHECK LIST (Voting Machine Election)**

This form may be used as a work report that can be referred to until the election is concluded.  
After each task is completed, check it off on the line provided and fill in the necessary information.

- \_\_\_\_\_ Date/Time/Place of first Election Committee meeting:
- \_\_\_\_\_ Date Notice/Nomination of Officers & Election Schedule, Standing Rules and Regulations, Notice Regarding Campaigning, and Committee Members' names sent to each CSEA member in the Local or Unit, and posted on bulletin boards where possible:
- \_\_\_\_\_ Date/Time/Place/Contact Person to pick up applications:
- \_\_\_\_\_ Deadline Date/Time/Place/Contact Person for receipt of applications:
- \_\_\_\_\_ Date of Election Committee meeting to resolve any challenges:
- \_\_\_\_\_ Nomination Declination deadline date:
- \_\_\_\_\_ Name Confirmation deadline date:
- \_\_\_\_\_ Date for Drawing Position on the ballot:
- \_\_\_\_\_ Date Candidates' Names and the Order of Ballot Position mailed/emailed/posted on bulletin boards:
- \_\_\_\_\_ Date Voter Eligibility List received from CSEA Headquarters:
- \_\_\_\_\_ Date Notice/Election of Officers and Sample Ballot mailed/emailed/posted on bulletin boards:
- \_\_\_\_\_ Date Arrangements made for Designated Polling Places & Rental of Voting Machines:
- \_\_\_\_\_ Date Sample Ballot, Absentee Ballot, Voting Instructions, Mailing Envelope, Secret Ballot Envelope and Return Envelope drafted:
- \_\_\_\_\_ Date Materials printed:
- \_\_\_\_\_ First Day (Date) Absentee Ballots may be requested:
- \_\_\_\_\_ Date/Time Absentee Ballots are to be received by Election Committee:
- \_\_\_\_\_ Date of Election:
- \_\_\_\_\_ Date/Time/Place Ballots to be counted:
- \_\_\_\_\_ Date Candidates notified of election results:
- \_\_\_\_\_ Date Election Results mailed/emailed/posted on bulletin boards:
- \_\_\_\_\_ Date Election Results filed with Statewide Secretary:
- \_\_\_\_\_ Date Protest period ends:

JULY 1: newly elected officers to take office

## **A. PREPARING FOR A VOTING MACHINE ELECTION**

At this point you will have already held nominations, obtained eligibility lists from CSEA Headquarters and drafted the voting instructions. (See “**Balloting**” section for further explanation; p. 14).

In addition to the above, you must now do the following:

### **1. ARRANGE FOR VOTING MACHINE ELECTION SITE(S) (POLLING PLACES)**

#### **How many voting machines should be used?**

The Committee must first decide whether it is going to have one election site or several. If the Local or Unit is in a limited geographic area, one voting machine placed in a central location, easily accessible to all voting members, should be sufficient. If members are spread out over a large geographic area or work multiple shifts, more election sites will be necessary. If the Committee determines that there will be more than one voting site used, the Committee must be prepared to have at least TWO Committee members at each voting site, if possible.

#### **Where should the voting machines be located?**

The voting machine(s) should be located in a neutral place, away from the general public, but under observation at all times by the Election Committee.

The voting site(s) must have ease of entry and exit and must be large enough to accommodate:

- Persons with a physical disability
- Lines of voters
- Poll watchers (observers); or video equipment where observers can observe remotely
- Tables and chairs for the Election Committee
- Adequate space for writing challenged ballots

**During a pandemic, the polling site(s) could be in a large area, such as a parking lot, gymnasium, or other space where social distancing can be attained, in keeping with federal/state/local government rules for gatherings.**

### **2. ARRANGE FOR RENTAL AND DELIVERY OF VOTING MACHINES**

#### **What arrangements should be made when renting voting machines?**

The Committee must make certain that the machine(s) will be available for the entire election, the machines work properly and instructions are available as to how to work the machines.

Contact your local Board of Elections to inquire about availability of voting machines. Or seek out private firms who utilize voting machines.

### 3. DETERMINE ELECTION RULES

#### What election rules should be considered by the Committee?

The Committee must establish election rules that must be disseminated several days before the election and should include:

1. **Safety Protocols** - Require all present to wear a proper face covering and to maintain adequate social distancing. Those who refuse or are unable to adhere to safety protocols, may request an absentee ballot ahead of time; or on election day they may cast a CHALLENGED BALLOT (see page 53, #4).
2. **Voting Hours** - Important: Where there are multiple shifts, the polls must be open to accommodate voters on all shifts.
3. **Required Voter Identification** - Members may be required to show identification before they are allowed to vote. Identification can be a driver's license, work badge, paycheck stub, CSEA membership card or any other form of picture identification requested by the Election Committee.
4. **Absentee Ballot** - Procedures to obtain an absentee ballot must be clearly indicated in the election rules. This includes publishing a notice (Notice to CSEA Members) as to where, when, and from whom an absentee ballot can be obtained. (See **Voting Machine Election Form VM-4; p. 64**)  
\*\*\*For a blank ballot, see also Form C-3 [p. 21].\*\*\*
  - a. Generally, absentee ballots are not available unless the voter is physically unable to be at the voting site. For example, if a voter is in the hospital or away on vacation, an absentee ballot should be provided.
  - b. During a pandemic, the Committee should give much latitude to those requesting absentee ballots. Issues caused by the pandemic are valid.**
5. **Poll Watchers (Observers)** - The Committee must draft the rules that determine where poll watchers may stand or sit (if the Committee has not already set-up video participation). Instruct poll watchers on the rules at the beginning of the voting.
  - a. Each candidate is entitled to have one (1) observer who is a member in good standing with written authorization from the candidate at each polling place and at each phase of the counting and tallying process. (See **Notification of Intent to Observe Form C-2; p. 20**).

#### Are there other rules that should be considered besides voting hours, required ID, absentee ballots and poll watchers?

① In addition to the suggested rules above, consider the following:

- Forbid all campaigning at the polls. No campaigning within 100 feet of the polling place.
- Do not permit oral campaigning, distribution of campaign literature or signs in the polling place.

- Check the polling area and voting booth(s) periodically to ensure that members have not left campaign material lying around.
- Prohibit loitering in the polling place. Direct members to leave the polling area as soon as they cast their ballots.

Again, these rules should be made clear to the poll watchers/observers at the beginning of the voting. When not followed it is very common for protests to be filed due to these issues.

#### **4. DRAFT THE SAMPLE BALLOT, ABSENTEE BALLOT/ENVELOPE, AND CHALLENGED BALLOT/ENVELOPE**

##### **A. What is a Sample Ballot? (See Voting Machine Election Form VM-3; p. 63).**

The sample ballot is an exact copy of the candidates' names and the order in which they appear on the voting machine. This ballot must be mailed/mailed/posted on CSEA bulletin boards at least 5 days before the election. The sample ballot may also be printed in the Local or Unit newspaper or online.

##### **What information should be included on a "Sample Ballot"?**

The sample ballot must:

1. Be designated "Sample Ballot."
2. Identify the Election - "Election of Officers for \_\_\_\_\_ Local or Unit."
3. Contain the names of the candidates accurately spelled in the order determined by lot.
4. Contain instructions for voting on the voting machine. Instructions include information on slate voting. Voters must be able to vote for slate members individually as well as by slate.

##### **B. What is an Absentee Ballot? (See Voting Machine Election Form VM-1; pp. 60-61. For a blank ballot, see also Form C-3 [p. 21]).**

The Committee must design the absentee ballot that is the same as the sample ballot, but must be clearly marked "Absentee Ballot."

The absentee ballot must contain voting instructions and the date, time, place that the absentee ballot must be returned. Generally, it is easier for the Committee to have absentee ballots returned on the morning of the election rather than at the close of voting.

##### **When can an absentee ballot be distributed?**

The absentee ballot must be made available at least 5 days before the election to members who are physically unable to be at the voting site, including by reason of the pandemic. **During a pandemic, the Committee should give much latitude to those requesting absentee ballots.**

A **Request for Absentee Ballot** must be completed and contain the member's name, address, 10-digit CSEA ID number and the reason why the member cannot vote in person. (See **Voting Machine Election Form VM-5; p. 65**).

The voter requesting the absentee ballot should be verified from the voter eligibility list and a record should be noted of each Absentee Ballot distributed on the **Absentee Ballot Log**. (See **Voting Machine Election Form VM-6; p. 66**).

### **How does an absentee ballot work?**

The absentee ballot return envelope must contain space on the outside of the envelope for the member's name, address, and 10-digit CSEA ID#. The envelope must be clearly marked "Absentee Ballot."

Absentee ballots must be placed in a secret ballot envelope, sealed and placed in a postage-paid return envelope (See **Voting Machine Election Forms VM-1, VM-2; pp. 60-62**).

### **C. What is a Challenged Ballot? (See Voting Machine Election Form VM-7; pp. 67-68).**

If a voter's name does not appear on the Voter Eligibility List and the voter insists that he or she is an eligible voter, the Election Committee should allow the voter to cast a "**challenged ballot**". The same goes for a voter who fails to follow safety protocols (i.e. refuses to wear mask, etc.) (See **Voting Machine Election Forms VM-7, VM-8; pp. 67-69**. For a blank ballot, see also **Form C-3 [p. 21]**).

## **5. ARRANGE FOR PRINTING OF THE SAMPLE BALLOT, ABSENTEE BALLOTS/ENVELOPES, AND CHALLENGED BALLOTS/ENVELOPES**

### **What needs to be printed if voting machines are used?**

Even though the Committee may have determined to use voting machines, a sufficient supply of the following must be printed:

- Sample ballots (See **Voting Machine Election Form VM-3; p. 63**)
- Absentee ballots and Challenged Ballots (See **Voting Machine Election Forms VM-1, VM-7; pp. 60-61, 67-68**)
- Absentee ballot mailing envelopes (See **Voting Machine Election Form VM-2; p. 62**)
- Secret ballot envelopes (distributed with absentee ballots and challenged ballots) (See **Voting Machine Election Form VM-2, VM-8; pp. 62, 69**)
- Absentee ballot postage-paid return envelopes (See **Voting Machine Election Form VM-2; p. 62**)

### **What information should be checked on printed material?**

Before and after the materials are printed, check for accurate spelling of candidates' names, accurate order of candidates' names, voting instructions and absentee ballot return instructions.

## **6. PUBLICIZE THE VOTING MACHINE ELECTION**

**What must be publicized for voting machine elections? (See Voting Machine Election Form VM-4; p. 64).**

The Committee must publicize the date, time and place of the election. In the public sector, it is at least 5 days before balloting; in the private sector, it is at least 15 days prior to balloting. **(See Voting Machine Election Form VM-4; p. 64). During a pandemic, the notices must be sent to members, as well as posted on CSEA bulletin boards where possible. We also recommend using social media, websites, and/or Local/Unit newsletters.**

### **What information do the candidates need to know on Election Day?**

Candidates must be permitted, at their own expense, to have an observer who is a member in good standing with written authorization from the candidate at each polling place and at each phase of the counting and tallying process. **(See Observer Form C-2; p. 20).**

The Committee must inform the candidates and/or their observers of the opportunity to verify the totals on the voting machines prior to the opening of the polls and immediately upon the closing of the polls.

### **How can mailing labels of eligible voters be obtained?**

Mailing labels may be requested by completing and submitting a “Special Request Form” to CSEA’s Central Files Department. **(See Election Committee Form C-1; p. 19).** Keep in mind that the names that appear on the labels are the same names that are listed on the Voter Eligibility List.

When completing the Special Request Form:

- Clearly indicate the Local and/or Unit number.
- “Authorizing Signature” must be the Chairperson or the Vice Chairperson.
- It is imperative that you check off under “Purpose of Request” the phase(s) of the election in which the labels are to be used (notice of election, notice of election results) and fill in the date(s) needed.
- Forward the completed form with prepayment to: CSEA Headquarters, Attn: Central Files Department, 143 Washington Avenue, Albany, New York 12210.

Questions or inquiries about mailings should be directed to CSEA’s Central Files Department at 1-800-342-4146, extension 1261 or (518) 257-1261.

## **B. DURING A VOTING MACHINE ELECTION**

### **1. CHECKLIST OF TASKS/ACTIVITIES BEFORE THE POLLS OPEN**

These should be completed at least one-half hour before the polls open:

- \_\_\_\_\_ 1. Set up socially distanced tables and chairs for voter identification and verification.
- \_\_\_\_\_ 2. Set up a table where voters can mark their challenged ballots in private. (*Be prepared to sanitize after each person leaves voting table.*)
- \_\_\_\_\_ 3. Designate areas for observers. Use signage and masking tape.
- \_\_\_\_\_ 4. Post the election rules and social distancing instruction signs if they have been printed.
- \_\_\_\_\_ 5. Check the machines.
- \_\_\_\_\_ 6. Find volunteers to assist if needed (not a candidate or officer).
- \_\_\_\_\_ 7. Ensure you have the following materials are available before the polls open:
  - a) Voter Eligibility List for verification (make enough copies of the eligibility lists for each voting site).
  - b) Challenged ballots and envelopes.
  - c) Tables and chairs for the Election Committee and non-candidate volunteers.
  - d) Paper, pencils, magic markers, paper clips, rubber bands, calculator, boxes, folders.
  - e) Voter Registration log. (**See Voting Machine Election Form VM-9; p. 70**).
  - f) Sign-in Sheet for Observers. (**See Voting Machine Election Form VM-10; p. 71**).
  - g) COVID-19 toolkit: extra masks, sanitizers, wipes, disinfectants, gloves, clear partitions, masking tape to mark floors, signs.
- \_\_\_\_\_ 8. Be sure to create social distancing rules and provide measures for sanitizing the area.  
For the pens/pencils you provide to voters: (1) either let them keep them or (2) collect the used ones and hand out only unused ones (or sanitize them after each use).
- \_\_\_\_\_ 9. Assemble candidates and/or proxies (who have written authorization from candidates) to view the voting machine counter for each line. The Chairperson should read the machine totals and certify the machine count by recording the total vote on the Sample Ballot form together with the date and time. This enables each candidate to ascertain what totals were on the machine at the beginning and end of the voting.

## **2. REQUIRE VOTER IDENTIFICATION**

### **What is required in order to vote?**

In addition to proper face coverings, each voter must present appropriate identification before being allowed to vote. Identification can be a driver's license, work identification badge, paycheck stub, membership card or any other form of picture identification requested by the Election Committee. If they are not on the list, they can cast a Challenged Ballot as explained at #4 below.

## **3. SET UP VOTER VERIFICATION STATIONS**

### **Once the voter has been identified, what happens next?**

Each voter, after having presented the required identification, should be checked off on the Voter Eligibility List.

### **For larger Locals and Units, how should the verification of voter eligibility be conducted?**

If you have enough Committee members, you may wish to split up the voter identification and verification procedures by alphabetical order.

For example, there might be four lines: A-E, F-K, L-R, S-Z. If this is done, one Voter Eligibility List will be sufficient; each verifier would take a portion of the master list.

### **After voter verification, what happens next?**

Before going into the machine, each eligible voter must sign the Voter Registration Log. **(See Voting Machine Election Form VM-9; p. 70).**

## **4. CHALLENGED BALLOTS**

### **What happens if a voter's name does not appear on the Voter Eligibility List?**

### **What happens if a voter refuses to wear facial coverings or to socially distance?**

If a voter's name does not appear on the voter eligibility list and the voter insists that he or she is an eligible voter, the Election Committee should allow the voter to cast a "**challenged ballot.**" **(See Voting Machine Election Forms VM-7, VM-8; pp. 67-69).** **The same goes for a voter who fails to follow safety protocols (i.e. refuses to wear mask, etc.).**

### **How does a challenged ballot work?**

The voter should be directed to a separate area designated for challenged ballots to vote. The voter should then put the challenged ballot in the secret ballot envelope and seal and place the secret ballot envelope in an outside envelope and seal, and write his or her name, address and 10-digit CSEA ID # on the outside envelope. This is necessary for verification purposes later if necessary. Any voter who has cast a challenged ballot due to failure to follow safety protocols should be asked to leave once the ballot has been completed.



## **5. RECORD ABSENTEE BALLOTS**

### **How are absentee ballots recorded?**

Absentee ballots must be verified from the voter eligibility list. The letter "A" should be placed next to the member's name, indicating that the member voted by absentee ballot. This stops any member from voting again in person.

## **C. DETERMINING THE VOTING MACHINE ELECTION RESULTS**

### **1. CLOSE THE ELECTION POLLS**

#### **What happens when the polls close?**

At the time set for the close of voting, the Election Committee should assemble the candidates and/or proxies to view the totals on the voting machines. At least one representative of a slate will be included among the allowable observers.

### **2. CERTIFY THE MACHINE TOTALS**

#### **How are the voting machines certified?**

The Chairperson should, again, read the machine totals and certify the machine count by recording the total vote on the Sample Ballot form together with the date and time.

The Chairperson holds both certifications: The one taken at the opening of the polls and the one taken at the close of the polls.

### **3. VERIFY ABSENTEE BALLOTS AND COUNT VALID BALLOTS**

#### **STEP 1: Sort Envelopes**

At the counting site, the Committee must first sort the absentee ballot envelopes into the following groups:

- A. Undeliverable envelopes
- B. Invalid envelopes
- C. Valid ballot return envelopes
- D. Invalid (non-election) envelopes

#### **STEP 2: Record Absentee Envelopes**

Absentee envelopes must be recorded on the Voter Eligibility List with the letter "A" and check marked on the Absentee Ballot Log showing that the absentee ballot was received. By marking the Voter Eligibility List with an "A," double voting is eliminated.

Only one envelope per eligible voter can be counted. If more than one envelope has been received from any voter, the voter's name must be reported to the Chairperson and the extra envelope set aside as invalid.

### **STEP 3: Verify the Valid Envelopes**

Verify the name and 10-digit CSEA ID number of the voter on the return envelope, as you check the Voter Eligibility List. If the voter is confirmed, place a check mark next to the voter's name on the list.

After the teams have completed the verification process, the envelopes should be COUNTED, and the totals RECORDED on the "Election Report" for the following categories: **(See Voting Machine Election Form VM-12; pp. 73-74).**

1. # Absentee ballots issued
2. # Undeliverables returned
3. # Envelopes received by deadline
4. # Envelopes not processed further
5. # Envelopes verified

### **STEP 4: Open the Valid Envelopes**

All processed valid envelopes are now opened either by machine or by hand.

### **STEP 5: Distribute Valid Envelopes**

The total number of valid envelopes must then be divided evenly and distributed to the committee.

### **STEP 6: Remove Secret Ballot Envelopes**

After processed valid envelopes have been opened, then remove the secret ballot envelopes.

All empty valid processed envelopes should be batched and set aside.

### **STEP 7: Open the Secret Ballot Envelopes**

Secret Ballot Envelopes may now be opened.

Miscellaneous non-election material enclosed with the ballot must be recorded and kept separate.

All secret ballot envelopes should be batched and set aside.

### **STEP 8: Batch and Record Absentee Ballots**

The total number of ballots removed from the Secret Ballot Envelopes is to be recorded on the "Election Report." **(See Voting Machine Election Form VM-12; pp. 73-74).** We recommend batches of 25, 50 or 100.

### **STEP 9: Determine Questionable Ballots**

Questionable ballots (torn, mutilated, obscene or illegible) should be reviewed by the Committee for a determination as to whether these ballots will be counted. You are looking for clarity as to voter intent. If the voter intent is clear, the ballot should be counted.

If any ballots are determined to be invalid, these invalid ballots must be separated, and the total number recorded on the Election Report. (See **Voting Machine Election Form VM-12; pp. 73-74**).

**STEP 10: Determine Valid Votes**

- A. The Committee may count the following absentee ballots:
- 1) Where erasures or cross-outs have occurred, and where voter intent is otherwise ascertainable, only the particular vote is voided, not the entire ballot. An error, multi-mark, erasure or cross-out in one office should not affect legitimate votes for other offices on the same ballot.
  - 2) Absentee ballots with the following problems should be counted, if voter intent can be clearly ascertained, even though markings on the ballot may be contrary to instructions:
    - (a) circling a name;
    - (b) checks, circles or fill-ins rather than x's in the box;
    - (c) checks not in the box, as long as voter intent can be ascertained;
    - (d) use of whiteout to change vote, where voter intent is clear;
    - (e) any material written on the ballot as long as it does not identify the voter (name, initials, other personally identifying information) and the voter intent is clear;
    - (f) secret ballot envelopes that contain writing should not be considered void, automatically. Only if the envelope contains writing that identifies the voter should the ballot be voided. Other marks as may appear on the ballot should not void the ballot but should be segregated for the Committee to view along with ballots in item (e).
- B. The following situations are to be determined by the Election Committee:
- (a) when the voter has written in the name of a candidate in lieu of the printed name on the ballot;
  - (b) if a member marks the slate box, writes beside a few candidates "no" and then continues to mark the rest of the ballot;
  - (c) if someone signs or initials the secret ballot envelope;
  - (d) if the ballot comes in plain white envelope addressed to the Committee;
  - (e) any other situation not listed or specified here.
- C. Slate Voting:
1. Generally, one vote for the slate should be tallied as one vote for each person on the slate. When a member marks the slate box and also marks the individual candidate's box, the Committee directs as follows:
    - a. The ballot containing a mark in the slate box and checks in each individual box within the same slate, with no other markings on the ballot, is to be counted as one vote for each person on the slate.

- b. The ballot that had check marks across two or more slates is to be voided for the affected office. Where two or more slate boxes are marked, the entire ballot is void.
- c. The ballot that had the slate box checked, one individual box within the slate voted and then crossed out, is to be counted as a vote for the slate.

**Note:** Where a returned ballot has a slate box marked, along with some but not all individuals within the slate also individually voted, it is to be counted as a vote for the entire slate. This direction assumes no other markings on the ballot (for individual or slate candidates not on the same slate).

#### **STEP 11: Count the Absentee Ballots and Add to Election Report**

Where possible, teams do the counting process. The ballots are split up into batches of 25, 50 or 100. Each team member tallies votes by marking the Ballot Tally Sheet. Votes are recorded in groups of five (5) (~~111~~). They switch stacks and tally votes by marking a second Ballot Tally Sheet. Their tallies must match. If they do not match, then they switch stacks again until they match. **(See Ballot Tally Sheet Form T-1; p. 76). (See also sample Tally Form T-3; p. 78).**

Upon completing a batch of 25, 50 or 100 ballots, the team should attach the Ballot Tally Sheet to the batch and give both to the Chairperson.

The Chairperson will check the tally sheet for accuracy and total the votes for each candidate on the Master Tally Sheet. **(See Master Tally Sheet Form T-2; p. 77; see also sample Tally Form T-4; p. 79).**

The Chairperson must total the number of absentee ballots counted and record this number on the Election Report. **(See Voting Machine Election Form VM-12; pp. 73-74).**

#### **4. VERIFY CHALLENGED BALLOTS AND ADD TO ELECTION REPORT, IF NECESSARY**

##### **How are the "challenged ballots" counted?**

If the election is very close and the unopened challenged ballots would make a difference in the outcome of the election, voter eligibility must be checked by the Membership Department at CSEA Headquarters based upon the name, address and 10-digit CSEA ID number on the outer envelope. *If the election is not close and the number of challenged ballots would not affect the outcome, then they are not opened.*

If verified, the secret ballot envelopes are removed from the outer envelopes and placed in a separate pile to insure secrecy. These votes are tallied (same as Step 11 above) and then recorded on the Election Report **(See Voting Machine Election Form VM-12; pp. 73-74).**

## 5. DETERMINE THE FINAL COUNT

### How is the final count determined?

The Chairperson completes the following information on the Voting Machine Election Report: (See **Voting Machine Election Form VM-12; pp. 73-74**).

- Number of machine voters
- Number of absentee ballots received
- Number of invalid absentee ballots
- Number of valid absentee ballots counted
- Number of challenged ballots received
- Number of invalid challenged ballots (if applicable)
- Number of valid challenged ballots counted (if applicable)
- TOTAL NUMBER OF VOTES

**NOTE: The entire Election Committee certifies the accuracy of the totals on the Voting Machine Election Report.**

## 6. CONDUCT A RECOUNT OF ABSENTEE BALLOTS AND CHALLENGED BALLOTS IF DETERMINED BY COMMITTEE AND BREAK TIES

### Can there be a recount?

There cannot be a recount of votes registered on the voting machine. However, absentee ballots and challenged ballots may be recounted at the discretion of the Local/Unit Election Committee, if the results are very close. A recount can be done of the entire election or of any office.

### What if there is a tie vote?

There are two (2) options available for breaking a tie between candidates. These are:

- (1) conduct a run-off election, (a run-off election is a repeat of the balloting process but just for the tied position. Re-drawing for ballot position is not required), OR
- (2) use a coin toss. If a coin toss is used, **both** candidates must agree to the coin toss. The Local/Unit Election Committee cannot mandate the coin toss. Each candidate must acknowledge his or her consent by signing the Tie Breaker Consent Form. A duplicate original must be filed with the CSEA Statewide Election Committee, 143 Washington Avenue, Albany, NY 12210. (See **Voting Machine Election Form VM-11; p. 72**).

## 7. ANNOUNCE THE RESULTS

After the entire Election Committee has certified the results, the Chairperson should announce them to all persons present at the ballot count. The following must be notified:

- A. **Candidates:** The Committee must notify all candidates by letter of the results of the election. The most efficient way is to send a copy of the election results to each candidate. **(See Voting Machine Election Form VM-13; p. 75).**
- B. **Membership:** The Committee must email/mail the results of the election (and post the results on CSEA bulletin boards, where possible) — all within 48 hours after completion of the count. **(See Voting Machine Election Form VM-13; p. 75).**
- C. **CSEA Headquarters:** The Committee must send a copy of the election results to the Statewide Secretary at CSEA Headquarters. **(See Certifying Election Results section.)**

**What happens if the Election Committee fails to report the election results?**

- A. THE LOCAL/UNIT WILL NOT RECEIVE THEIR REBATES. REBATES WILL NOT BE ISSUED UNLESS CERTIFIED ELECTION RESULTS ARE ON FILE WITH CSEA HEADQUARTERS.
- B. THE LOCAL/UNIT WILL NOT RECEIVE TIMELY MAILINGS FOR THE REGULAR DELEGATES MEETING AND OTHER IMPORTANT MAILINGS FROM CSEA HEADQUARTERS. NO MAILINGS WILL BE SENT UNLESS CERTIFIED ELECTION RESULTS ARE RECEIVED.

**PLEASE PROCEED TO  
“CERTIFYING ELECTION RESULTS” SECTION, p. 60**

# CERTIFYING ELECTION RESULTS

*TO BE FOLLOWED IN  
ALL TYPES OF ELECTIONS*

## CERTIFYING ELECTION RESULTS

### Who needs to be notified of the Election Results?


- ☞ Candidates and Members. (See previous Mail Ballot, Ballot Box, and Voting Machine procedures in previous sections).
- ☞ The CSEA Statewide Secretary must receive the original certified election results. **Only** the Election Committee Chairperson or Vice Chairperson is authorized to certify the election results. The charge of the Election Committee is not complete until these forms are completed and forwarded to the Statewide Secretary. (See **Election Results Form ER-1; pp. 80-89**). Results may be submitted as follows:
  - Mail to: CSEA Statewide Secretary, 143 Washington Avenue, Albany, NY 12210. *-or-*
  - Fax to: CSEA Statewide Secretary (518) 436-0398 *-or-*
  - Email to: alison.munday@cseainc.org.

① Before the Election Chairperson submits the Election Results Certification Form, answer the following questions to ensure that the form has been completed correctly:

1. Is the cover page signed by the Election Committee Chair or Vice Chair?
2. Is the date of the election (where opposed) or the nomination deadline (where unopposed) indicated?
3. Are Local/Unit names and numbers listed?
4. Are the voting results by candidate attached (where opposed)?
5. Are the 10-digit CSEA ID numbers and contact information of OFFICERS complete?
6. Is mail preference marked?

### Under what circumstances would CSEA Headquarters not accept the Election Results Certification Form?

1. Person signing the form is not on file with CSEA as the Chairperson or Vice Chairperson.
2. Cover page not signed, and/or the date of the election (where opposed) or the nomination deadline (where unopposed) is blank.
3. Local or Unit name(s) and number(s) missing.
4. Voting results by candidates not attached.
5. 10-digit CSEA ID numbers and/or addresses of officers missing.
6. Did not designate where mail is to be received (mail preference).

See next page 



## TAKE CUSTODY OF THE ELECTION MATERIALS

With the completion of the election process, the Election Committee shall arrange for the maintenance of custody of all election materials, including the ballots, until the election has been certified, unless a protest has been filed.

At the time of filing the Election Report Form with the Statewide Secretary of CSEA, the Chair of the Election Committee shall transmit physical custody of all original election materials, including the ballots, to the Region Office, to the attention of the Region Office Manager. NOTE: If a protest has been filed, all election materials, including the ballots, must be held until the protest of such election is finalized.

The following materials should be saved and sent to the Region Office for storage:

- All minutes and records of the Election Committee concerning the Election
- Copies of materials posted/mailed/emailed by the Election Committee
- Copies of any notification to candidates and to members sent by the Election Committee
- Applications for Election
- Membership List used to verify Applications for Election.
- Voter Eligibility List used to distribute ballots to eligible voters and to verify ballots
- Records of Mailings
- Post Office Receipts, if any
- In a mail ballot election: All returned envelopes including Undeliverable, Invalid, Valid, Secret and Replacement
- In an on-site election: Requests for Absentee Ballots, Absentee Ballot Log, Voter Registration Log
- All Ballots and Tally Sheets
- Observer Sign-in Sheets
- Election Report
- Protests
- Copies of all bills and receipts for expenses incurred in connection with the election

You may call your Region Office for further information regarding storing your materials:

Long Island Region: (631) 462-0030  
Metropolitan Region: (212) 406-2156  
Southern Region: (845) 831-1000  
Capital Region: (518) 782-4400  
Central Region: (315) 433-0050  
Western Region: (716) 691-6555

# PROTESTS

*TO BE FOLLOWED IN  
ALL TYPES OF ELECTIONS*

## **ELECTION PROTEST**

A. Any member believing himself/herself aggrieved by any aspect of the election process may file a written protest postmarked or submitted electronically within ten (10) calendar days after the member knew or should have known of the act or omission of which they are complaining. Any aspect of the process could be protested: Selection of Election Committee, Application Period, Campaigning, Prior to and During Balloting, and After Ballot Count.

### **B. 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/challenged/absentee 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-Law 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 by opponents
- Use of CSEA logo
- Use of union/employer funds and/or equipment
- Candidate 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.

- C. A protest must contain (1) the protester's name, address and telephone number, (2) the protester's signature and (3) a clear statement of the action or omission complained about, together with as much detail as possible and supported by necessary documentary proof. The specific rules, regulations, or procedures violated should be also set forth. For each issue in the protest, copies of objectionable documents and signed sworn statements by witnesses to support the protest should be included. Protests are not anonymous. The burden of proof is on Protester(s).

#### D. **Local Elections**

In local elections, a protest must be sent to the Statewide Election Committee (SEC), CSEA, Inc., 143 Washington Avenue, Albany, NY 12210, by mail, fax (518-449-1525) or email (sec@cseainc.org), and filed simultaneously with the Local Election Committee. The SEC will send all other candidates affected by the protest a copy of the protest and give adequate time for responses.

- a) Upon the receipt of a protest, the SEC will:

- 1) Dismiss the protest if it is determined that the signed statement and supporting proof fails to establish a violation of any of the election procedures; or
- 2) Sustain the protest if it is determined that the signed statement and supporting proof establish an election violation, and take any other action which is deemed appropriate in order to remedy the situation; or
- 3) Seek additional information.

- b) When the Committee determines that additional information is required, the Committee will gather facts to further aid the Committee in resolving the matter. It may designate one or more of its members as fact finders or it may act as a Committee of the whole as follows:

- 1) The Committee will notify by mail all other persons affected by the protest (all other candidates, election committee, etc.).
- 2) Those notified will be invited to provide the SEC with written input regarding the protest by a specified date.
- 3) Individuals notified can request to be contacted personally by the SEC.

- c) After a preliminary investigation, the Committee will make a decision on the papers submitted and information gathered during its investigation.

- 1) Where a decision is made by the SEC without a hearing and no re-run is required, the SEC decision is final. There is no review.

- 2) Where a re-run is ordered, an affected candidate may request reconsideration by the SEC, upon submission of a concise written statement as to why the re-run is inappropriate, along with any additional written evidence in support of his/her claim. The SEC will only review the penalty (the re-run order) in light of (1) the impact of the violation on the election outcome and (2) any additional evidence presented as part of the reconsideration.

## E. Unit Elections

In a unit election, a protest must be sent to the Local Election Committee by mail or other means acceptable to the Committee, and filed simultaneously with the Unit Election Committee. The Local Election Committee must send all other candidates affected by the protest a copy of the protest and give adequate time for responses.

If the Local Election Committee determines that the signed statement and supporting proof establish that the member has been aggrieved, it shall sustain the protest and take any other action which it deems appropriate in order to remedy the situation.

If the Local Election Committee determines that the signed statement and supporting proof fails to establish a violation of any of the election procedures, it shall dismiss the protest and so notify the member.

If the Local Election Committee determines that the signed statement and supporting proof raises a question of fact, which, if proven, would establish that there has been a violation of the election procedures, it shall hold a hearing to determine whether in fact the protest is valid.

At the hearing, the protester shall bear the burden of proof. The Local Election Committee may also invite other parties to appear and present evidence. All interested parties will be entitled to bring witnesses and present evidence in support of their positions. All expenses incurred relative to the hearing must be borne by the individuals involved. No member of the Local Election Committee will be permitted to vote on a protest which involves that member's own Unit.

If the Local Election Committee determines that the protester has failed to establish a violation of the election procedures, the Committee will so notify the protester.

If the Local Election Committee sustains the protest, the Committee will notify the protester, the Unit and all affected candidates. The Local Election Committee may take any action it deems appropriate in order to remedy the situation.

The Local Election Committee may request the Statewide Election Committee to take jurisdiction of the protest at any stage of the proceedings.

Any candidate aggrieved by the decision of the Local Election Committee may request review of that decision by the Statewide Election Committee.

The Local Election Committee remains in place until all election protests are resolved.