

POSITIONS TO BE FILLED AT THE NYSUT RA

NOTICE IS HEREBY GIVEN THAT AN ELECTION FOR THE FOLLOWING POSITIONS WILL BE CONDUCTED ON FRIDAY, APRIL 1, 2022 AT 4:30 P.M. DURING THE 2022 NYSUT REPRESENTATIVE ASSEMBLY AT THE ALBANY CAPITAL CENTER, ALBANY, N.Y. IN ACCORDANCE WITH THE PROCEDURES SPECIFIED BELOW.

IF THE COVID-19 PANDEMIC NECESSITATES GOVERNMENT RESTRICTIONS ON PUBLIC GATHERINGS, THEREBY PROHIBITING AN IN-PERSON REPRESENTATIVE ASSEMBLY, IN ORDER TO ENSURE COMPLIANCE WITH THE NYSUT CONSTITUTION, BYLAWS, AND ALL APPLICABLE LAWS, A MAIL-BALLOT ELECTION FOR THE POSITIONS OUTLINED BELOW WILL BE CONDUCTED UPON THE CONCLUSION OF THE 2022 NYSUT REPRESENTATIVE ASSEMBLY IN ACCORDANCE WITH THE PROCEDURES OUTLINED HEREIN.

NOTICE IS HEREBY FURTHER GIVEN THAT NOMINATING PETITIONS FOR EACH OF THE FOLLOWING POSITIONS WILL BE ACCEPTED THROUGH 5 P.M., FEB. 7, 2022, IN ACCORDANCE WITH THE CRITERIA AND PROCESSES OUTLINED BELOW.

I. NEA State Director and Alternate State Director

(To be elected by all in-service delegates¹ from NYSUT locals representing NEA Active members)

- Elect one (1) NEA State Director to the NEA Board of Directors, three-year term.
- Elect one (1) Alternate NEA State Director to the NEA Board of Directors, three-year term.

A. Term of Office:

Three (3) year term commencing Sept. 1, 2022 and concluding Aug. 31, 2025.

Important Notice

The NEA’s governance documents provide that the successful candidate for NEA State Director will serve as an ex-officio delegate to the NEA Representative Assembly for all purposes, except nominating candidates for office and voting in elections for NEA officers.

¹ “In-service delegates” are delegates who were nominated by and elected by the in-service NYSUT members of a NYSUT local. “Retiree delegates” are delegates who were nominated, elected by and from the NYSUT Retiree Councils (NYSUT Bylaw C (2)(c)).

B. Eligibility Requirements for Nomination and Candidacy:

All members of NYSUT who hold Active membership in the NEA may nominate a candidate and be a candidate for NEA Director or Alternate Director. To be eligible, candidates must also have two (2) years of Active membership in the NEA by the date of the election.

C. Elector Qualifications:

Each credentialed 2022 NYSUT RA in-service delegate who represents NEA Active members shall be eligible to cast a ballot for NEA Director and Alternate NEA Director.

In order to be eligible to vote at the NYSUT Representative Assembly a delegate must be registered by 3:45 p.m. on April 1, 2022 and must be present at their assigned voting locations on April 1, 2022 by 4:30 p.m. (or 15 minutes after the close of the session should it run beyond 4:30 p.m.). Instructions on voting and distribution of ballots will be announced by the NYSUT Elections Committee Chair before the close of General Session #1 on April 1, 2022.

If the COVID-19 pandemic necessitates government restrictions on public gatherings and an in-person Representative Assembly cannot be held, an alternative web-based program will be developed. Electors will be those 2022 NYSUT RA in-service delegates who are registered and credentialed for the web-based program.

D. Tabulation:

The NEA Director and Alternate Director shall be elected by a secret ballot vote of the qualified electors, pursuant to NYSUT Constitution Article VIII §§ 1(c), 1(d) and 4(e) and Bylaw C(1)(b). The candidate for the NEA Director position with the highest vote total shall be declared elected to the NEA Board of Directors. The candidate for the NEA Alternate Director position with the highest vote total shall be declared elected to the NEA Board of Directors Alternate Director position.

II. Other Campaign and Election Procedures

A. General Candidate Qualification & Nomination Procedures For All Offices

1. Candidate Qualifications: A candidate is any member in good standing who meets the above candidate eligibility criteria, the nomination requirements for the position and fulfills the requirements listed below.

2. Availability of Nominating Petitions: Nominating Petitions for all positions may be obtained from

the Elections Committee commencing Jan. 3, 2022 by contacting the NYSUT Elections Committee at NYSUT Headquarters either in writing (800 Troy-Schenectady Road, Latham, New York 12110-2455); by telephone 800-342-9810; or by email request to elections@nysut.org.

3. Acceptance of Candidacy/ Candidate Name Verification/ Candidate Contact Information:

Acceptance of Nomination: In order to qualify as a candidate for any position, the candidate must signify their acceptance of the nomination by signing the Acceptance of Candidacy portion of the Nominating Petition.

Name Verification: Each candidate should also indicate on the Nominating Petition the manner in which their name should be printed on the election ballot.

Contact Information: All candidates are asked to provide both their personal (i.e., non-employer) email address (if available) and cellphone number (or home telephone number, if there is no cellphone) on the Nominating Petition to enable the NYSUT Elections Committee to readily contact them.

4. Candidates’ Ability to Verify Election Committee’s Receipt of Nominating Petition: The Elections Committee will notify nominees either by email (if available), or by telephone, that their Petition has been received and validated by the Committee. Nominees for any position who wish to verify the Election Committee’s receipt of their nominating petition may contact the NYSUT Elections Committee at NYSUT Headquarters either in writing (800 Troy-Schenectady Road, Latham, New York 12110-2455); by telephone 800-342-9810; or by email request to elections@nysut.org.

5. Multiple Candidacies: In addition to serving as an elected NEA State Delegate, no member may be a nominee for more than one elected NYSUT position, except candidates for AFT State Delegate and AFT Alternate State Delegate may be a candidate for one additional elected NYSUT position.

6. Observers: All candidates shall have the right to be present or to have an observer at each polling location at the Representative Assembly and at the tabulation of ballots.

B. Candidate Qualification, Nomination & Election Procedure For Each Office

1. Nomination Procedure: A nominee is any member who meets the above candidate eligibility requirements for the position and fulfills the following

requirements for nomination: NEA Board of Directors and NEA Alternate Director Candidates: A Nominating Petition, signed by fifty (50) Active NEA members must be submitted to the NYSUT Elections Committee by 5 p.m. on, Feb. 7, 2022.

Further information will be available on the nominating petition.

2. Uncontested Election: An election may be waived by the Elections Committee for any position if, following the period of open nominations, the number of candidates is equal to or less than the number of positions to be filled.² In such instance, the Chair of the Election Committee shall certify that voting is unnecessary and the Secretary-Treasurer shall be directed to cast a single vote on behalf of that candidate at a meeting of the NYSUT Board of Directors. The certified election results shall be reported to the NYSUT Representative Assembly and posted at nysut.org.

III. Publication of Notice of Nomination and Election And Campaign and Election Procedures

This Notice of Nomination and Election and Campaign & Election Procedures will appear in the January/February 2022 issue of *NYSUT United*.

A reminder of the January/February 2022 *NYSUT United* publication of this Notice of Nomination and Election and Campaign & Election Procedures shall also be published in the January issues and the Feb. 4 issue of the *NYSUT Leader Briefing*.

IV. Candidates’ Access to Mailing Labels and the Submission of Campaign Statements for the “Election Issue” of NYSUT United

Any candidate who completes and submits a valid Nominating Petition to the NYSUT Elections Committee by no later than 5 p.m. on Feb. 7, 2022 shall be eligible: (a) to access and affix the mailing labels of eligible electors for campaign purposes at the NYSUT regional office designated by the candidate, and/or (b) to promote their candidacy by submitting a campaign statement for publication in the March/April 2022 *NYSUT United* “Election Issue.”

Mailing labels and appropriate office space in a common area will be provided to any candidate at the NYSUT regional

² See, NEA Bylaw 5-1.a

office designated by the candidate on their Nominating Petition, to affix the mailing labels of eligible electors on materials for campaign purposes. It shall be the sole responsibility of individual candidates to produce their campaign material, supply adequate postage and meet any other requirements of the U.S. Postal Service or other delivery service selected by the candidate, regarding the delivery of such materials. The designated NYSUT regional office shall take all reasonable steps to mail the material or to deliver it to such other delivery service selected by the candidate. Mailing labels shall not be taken from the regional office, reproduced or otherwise distributed.

A. Elector Mailing Labels

(1) Candidates for State Director and Alternate State Director are eligible to use mailing labels of the eligible electors provided to the candidates so indicated on the Nominating Petition. The applicable delegate mailing labels will be available in the NYSUT regional office designated by the candidate during the week of Feb. 21, 2022. Candidates will be notified by the regional office when the labels are available.

All mailing labels are confidential and privileged information and shall not be taken from the regional office, reproduced or shared with anyone. Candidates should contact the committee at elections@nysut.org if they have not been contacted by the regional office regarding mailing labels, during the week of Feb. 21, 2022.

Provided, however that in lieu of accessing and affixing mailing labels at a NYSUT regional office, a candidate may use a bona fide outside mailing service to deliver campaign material to eligible electors, pursuant to the following procedures:

- (1) Such candidate shall notify the NYSUT Elections Committee of the name and contact information for the outside mailing service by listing that information on their Nominating Petition; and
- (2) Within 48 hours of receipt of the Nomination Petition or as soon thereafter as practicable, the NYSUT Elections Committee shall contact the candidate, and the outside mailing service using the contact information provided by the candidate, to obtain any written assurance the Committee may require in order to prevent the reproduction or unauthorized distribution of member data.

After the receipt of such written assurances as the NYSUT Elections Committee shall require, the Committee shall arrange

for the electronic delivery of data directly to the mailing service.

B. NYSUT United "Election Issue"

The March/April 2022 issue of *NYSUT United* shall be the "Election Issue" which may be used by a candidate to promote their candidacy, provided the qualified candidate submits their Campaign statement and their Nominating Petition, both of which are to be validated by the Elections Committee, by no later than 5 p.m. on Feb. 7, 2022.

Candidate statements shall be submitted to the Elections Committee. Electronic submissions are preferred and shall be sent to the Elections Committee at elections@nysut.org. Candidate statements may also be sent to the Elections Committee by fax (518) 213-6411 or in hard copy (NYSUT Elections Committee, c/o Office of the President, 800 Troy-Schenectady Road, Latham, NY 12110-2455).

Any words that extend beyond the allowable space will be deleted and not published as part of the candidate statement. The Editor of *NYSUT United* maintains the right to alter the format, font, print style or any other formatting to ensure uniformity in the presentation of all candidate statements.

Please note that candidates are solely responsible for the grammar and content of their statements. Space in the March/April 2022 "Election Edition" of the *NYSUT United* for campaign statements shall be allocated as follows:

| Position | Space | Photos Published | Order of Statement |
|------------------------------|--|------------------|--|
| NEA State Director | 50 words | Yes | Candidates will be listed alphabetically |
| NEA Alternate State Director | 50 words | Yes | Candidates will be listed alphabetically |
| Complete Caucus | 100 words | Yes | Candidates will be listed alphabetically |
| Incomplete Caucus Slate | Proportionate space (not to exceed the space listed alphabetically allocated to the candidates as individuals) | Yes | Candidates will be listed alphabetically |

In addition to the uncharged space provided above, a full listing of candidates for the positions of NEA State Director and NEA Alternate State Director will also be published in the "Election Issue" of *NYSUT United*.

C. Caucus Slate Campaign Statements

Organizations wishing to be identified by the Elections Committee as a caucus under the Campaign and Election

Procedures and thereby be eligible to have a caucus-identified campaign statement published in the March/April 2022 "Election Issue" of *NYSUT United* shall request, properly complete and timely return a Caucus Notification Form to the Elections Committee. That form is available from the NYSUT Elections Committee. The deadline for the submission to the Elections Committee of a completed Caucus Notification Form as well as the caucus-identified campaign statement, which are to be validated by the Elections Committee, is 5 p.m. on Feb. 7, 2022.

Caucus-identified campaign page(s) or a portion of a page (if partial slate) will be assigned on the basis of a drawing by the Election Committee; independent announced candidates will follow and will be arranged alphabetically for each position, and separately listed as described below.

Note: Any candidate whose name is included in a published (uncharged) caucus-identified campaign statement shall be ineligible to have an individual (uncharged) campaign statement also published.

D. Option to Purchase Space in NYSUT United "Election Issue"

In addition to a candidate being allocated uncharged space in the *NYSUT United* "Election Issue" under the above criteria (either individually or as a part of a caucus statement), a candidate who has submitted a validated Nominating Petition by no later than 5 p.m. on Feb. 7, 2022 may purchase additional space in the *NYSUT*

in Subdivision B above. Any candidate interested in purchasing additional space must provide the copy to be published in the March/April 2022 *NYSUT United* "Election Issue" to *NYSUT United* Editor at united@nysut.org by no later than 5 p.m. on Feb. 7, 2022. Additional information regarding *NYSUT United*'s standard advertising house rates and policy may be obtained by telephoning *NYSUT United* at 800-342-9810 or by email to united@nysut.org.

V. Nominees' Forum Statewide Offices Nominees' Forum

Nominees for NEA Director and NEA Alternate Director shall be given the opportunity to speak to the RA delegates during a Nominees' Forum. In order to be eligible to participate in a Nominees' Forum for any of the statewide offices, a candidate must complete the Nominees' Forum Participant Request Form contained in the Nominating Petition. The time allocated shall be divided equally among the nominees for the same position. The order of speaking shall be determined by lot. Groups of nominees may pool their time.

VI. Campaigning at the Representative Assembly

Campaign material shall not be distributed on the Representative Assembly Convention Floor or as otherwise limited by the Rules of Procedure for the 2022 Representative Assembly, as approved by the Board of Directors and as adopted by the delegates at the 2022 Representative Assembly.

Campaigning at the NYSUT Representative Assembly shall end on April 1, 2022 at 3:45 p.m.

Pursuant to Article VIII (1) (f) of the NYSUT Constitution, the NYSUT Elections Committee shall have the authority to resolve any and all issues or disputes involving any election.

VII. Staff Restrictions, Campaign Contributions & Limited Candidate Services

NYSUT staff members are prohibited by law from campaigning for any candidate. Therefore, no candidate should request any campaign assistance from any NYSUT staff member.

No portion of dues money at the local, state or national level shall be used, directly or indirectly, to promote the candidacy of any person for any elected office.

Contributions may be received by a

candidate only from individual persons or groups of individuals. No employer whatsoever (including, but not limited to, other unions, commercial firms, non-profit organizations, law firms, and businesses) may contribute money, goods, services, or anything of value, to promote directly or indirectly, the candidacy of any person for any elected office.

In conducting their election campaign no candidate or anyone acting on behalf of a candidate shall utilize any funds, facilities, equipment, stationery, supplies or resources (including, but not limited to, computers, email systems, computer networks, electronic media, telephones, supplies, photocopiers or fax machines) which are financed by, owned or leased by NYSUT (except as provided below), or any of its national or local affiliates.

NYSUT through its Elections Committee will (subject to availability, i.e. NYSUT is not obliged to purchase equipment if not otherwise available) make limited services equally accessible to all candidates and caucuses (the cost of which incurred by NYSUT is to be paid to NYSUT). The exclusive limited services which will be made equally available by the Elections Committee to candidates and caucuses are as follows: (a) use of a table with chairs, and easels, in the vicinity of the convention hall for campaigning; (b) meeting space totaling not more than three (3) hours during the entire period of the Representative Assembly (Friday-Saturday); (c) use of a fax machine; and (d) photocopying; provided that NYSUT is fully compensated for all cost incurred by NYSUT (as determined, in writing, by NYSUT) for the limited services utilized, and provided further that such services are available. All candidates and caucuses shall have equal access to receive all such limited services, and all reasonable requests will be honored, subject to the above qualifications. No alcohol, food or refreshments will be permitted in any meeting space made available to candidates by the Election Committee. Any candidate who is endorsed by a caucus shall be ineligible to receive individual candidate services under these provisions whenever the caucus receives such services. Should either a candidate or a caucus wish to utilize any of these limited services, the Services Request Form (and additionally, in the case of a caucus, a proper Caucus Notification Form) shall be completed, signed, received, and validated by the NYSUT Elections Committee, all by not later than 5 p.m. on Feb. 25, 2022.

If due to unforeseen circumstances (e.g. scheduling, equipment limitations or unavailability), the Election Committee determines that any of the above-described

limited services need to be revised or modified, all eligible candidates and caucuses that have timely submitted the Services Request Form shall be promptly notified by the Elections Committee of the change. In such event, the Elections Committee will take reasonable means and measures to arrange comparable services so that there is no disparate treatment among any of the candidates, recognizing that if any costs are incurred by NYSUT in making alternate arrangements available, such are to be borne by the requesting candidate(s) and/or caucus(es).

The cost of all services received by every candidate and every caucus shall be reimbursed to NYSUT within thirty (30) days of the candidate's or caucus's receipt of NYSUT's written statement of services.

VIII. Role and Authority of Elections Committee

The NYSUT Elections Committee shall have the authority to interpret and apply these Campaign and Election Procedures. The NYSUT Elections Committee shall be empowered to modify the procedures and timelines in the event of extenuating or unforeseen circumstances, or pursuant to the requirements of either law or NYSUT's affiliates. Notification shall be provided in the event there is a material change in these procedures or timelines.

IX. Conducting Election

All elections shall be conducted in accordance with the following instructions, and those provided by the NYSUT Elections Committee.

A. Time And Date Of Elections

In order to be eligible to vote at the NYSUT Representative Assembly a delegate must be registered by 3:45 p.m. on April 1, 2022 and must be present at their assigned voting locations on April 1, 2022 by 4:30 p.m. (or 15 minutes after the close of the session should it run beyond 4:30 p.m.). Instructions on voting and distribution of ballots will be announced by the NYSUT Elections Committee Chair before the close of General Session #1 on April 1, 2022.

If the COVID-19 pandemic continues to necessitate government restrictions on public gatherings and an in-person Representative Assembly cannot be held, an alternative web-based program will be developed. A delegate must be registered and credentialed for the web-based program in order to be eligible to receive a mail-in ballot for voting.

B. Voting Tabulation & Elections Reporting

Write-in votes will not be counted nor be part of any tabulation.

The Elections Committee will use all reasonable efforts to make the certified election results available to candidates requesting such information, before any results are announced during the following General Session, provided the candidate has provided to the Election Committee, in advance, their cell telephone number, another telephone number, or an email address.

To the maximum extent practicable, certified election results will be announced during the General Session held following the tabulation of votes by the Elections Committee.

All candidates will receive official notification of the certified election results from the Election Committee as soon as practicable. The certified election results and vote total per candidate will be reported in the next available NYSUT United and posted at nysut.org. However, roll call voting by delegates will not be released for any secret ballot elections.

Observers of the tabulation process shall be afforded the opportunity to receive the results either electronically or in writing after the candidates have been notified of the results.

C. Runoff Procedure

In the event of a tie vote in an election to fill a vacancy in the position of NEA State Director or NEA Alternate State Director, a run-off election or run-off elections will be held until such time as a candidate or candidates receive the highest number of votes for each vacant position as prescribed herein.

The run-off election or run-off elections will be held Saturday, April 2, 2022 at a time to be announced by the Elections Committee Chair at the beginning of General Session #2.

If the COVID-19 pandemic necessitates government restrictions on public gatherings, an in-person Representative Assembly cannot be held, and there is a tie vote in any mail ballot election held to fill a vacancy in the position of NEA State Director or NEA Alternate State Director, a run-off election(s) will be held by subsequent mail-ballot vote.

D. Observers

Candidates may observe or designate an observer(s) to observe the voting and tabulation process. Observers need not

be elected delegates or alternates to the Representative Assembly. Observers may observe the voting and/or tabulation process subject to the following conditions:

1. Voting: Any candidate may observe or designate an observer(s) to observe the voting process at each polling location.
2. Tabulation: Any candidate may observe or designate an observer for the tabulation process. The Chair of the NYSUT Elections Committee retains the right due to logistical concerns to limit the number of observers in the tabulation room, however, every candidate for election shall have the right to have at least one observer in the tabulation room.

Each candidate must register the name of each observer with the NYSUT Elections Committee before 3:45 p.m. on April 1, 2022. Observers are required to show photo identification to a representative of the NYSUT Elections Committee and each observer will be issued a special observer badge that must be displayed at all times during the voting and tabulation process. No observer will be allowed to observe voting or enter the tabulation room without the special observer badge.

If the COVID-19 pandemic necessitates government restrictions on public gatherings and an in-person Representative Assembly cannot be held, additional instructions for registering observers will be provided.

X. Forms & Information

Forms and information are available from: NYSUT Elections Committee, 800 Troy-Schenectady Road, Latham, NY 12110-2455; phone 800-342-9810; or by email request to elections@nysut.org.

Items available as specified within the Campaign and Election Procedures from the NYSUT Elections Committee are listed below. (This is not an order form.)

- Nominating Petition for:
 - NEA Director
 - NEA Alternate Director
- Candidate and Caucus Services Request Form
- Caucus Notification Form

Completed forms must be returned to the NYSUT Elections Committee as specified above.