

AAUP Election Bylaws

These bylaws, which may from time to time be revised by Council, govern the conduct of Association elections of elective members of Council and the biennial election of Association officers, including the chairperson of the Assembly of State Conferences and the chairperson of the Collective Bargaining Congress.¹

I. Nominations

A. The Nominating Committee, formed in accordance with Article V of the Constitution, shall complete its work and prepare its report in time for publication to the membership sufficiently in advance of the election.

1. The Nominating Committee shall not nominate one of its own members for any office.
2. Members of the Nominating Committee are precluded from subsequent nomination by petition.

B. The resolution passed by Council on June 11, 2010, shall govern the method of nominations for the 2010-11 election of Council members. All nominations must be received by the AAUP's national office on or before November 1. Candidates for Council, at the time of self-nomination or upon accepting nomination, must identify whether they wish to run for at-large or district-elected seats. The Nominating Committee shall issue its report on or before November 12. The membership shall be notified of these deadlines and of the requirements for nomination.

C. Each candidate shall be afforded the opportunity to prepare a single statement (not to exceed five hundred words for officer candidates and three hundred fifty words for Council candidates) in support of his or her candidacy, together with the candidate's relevant biographical information, the length of which will not exceed three hundred words. Candidate statements and biographical information shall be disseminated at the Association's expense, in a manner to be determined by the Association. No other Association funds shall be expended in support of any candidate.

1. Candidates running by petition shall be afforded the same opportunity to prepare candidacy statements and biographies, and all such statements and biographical information shall be disseminated at the same time as those of candidates put forward by the nominating committee.
2. Materials on district-elected Council nominees need be distributed only to voters in the respective districts.
3. A list of all candidates for all offices will be available on the Association's Website.

II. Expenditures by Chapters and Conferences

The prohibition against the expenditure of Association funds shall extend to the Association's chapters and conferences.

1. Chapters and conferences may publish the statements of the candidates in their own newsletters and may solicit and publish additional statements provided that all candidates are afforded an equal opportunity to prepare such additional statements.
2. With respect to candidates for the Council, chapters and conferences need publish only the statements of the candidates running in their respective districts.
3. Electioneering on electronic discussion lists or Listservs created or maintained by national, state, or local AAUP organizations is prohibited.

III. Candidate Rights

All candidates shall be notified of their right to inspect at the AAUP's national office a list of all members who are eligible to vote, once, within thirty (30) days before the start of balloting, and of their right to have the AAUP's national office distribute campaign literature to members at the candidate's expense.

1. Expenses for which candidates will be responsible include any and all costs for staff time and vendor time to prepare such mailings. Procedures that apply to such distribution are available from the national AAUP.
2. Candidates may also purchase mailing labels from the national AAUP in order to distribute their campaign materials.
3. Electioneering emails
 - a. The AAUP will comply with all reasonable requests of candidates for Council seats to send electioneering emails to their constituents using the AAUP data base.
 - b. Electioneering messages will be distributed by a third-party vendor using a server housed outside the national office of the AAUP.
 - c. Members receiving election emails will not have access to the names or email addresses of other recipients of the message. They will, however be able to "hit reply" and respond directly to the candidate.
 - d. Candidates are fully responsible for the content of their election messages. Messages will not be edited in any way. Candidates are also responsible for providing messages in acceptable format.
 - e. There are no limitations on the length of messages, but documents cannot be attached. Candidates determine the length and appearance that they consider effective.
 - f. There will be a charge for this service. The charge must be paid by the candidate in advance of the mailing.

IV. Endorsements

AAUP members who hold office in the Association at any level—national, state, or local—who wish to list their AAUP positions in an endorsement of candidates for AAUP office are permitted

to do so (except members of the Election Committee, as explained in Section XI below), but only if an asterisk is placed next to their name with the following statement: "The organizational affiliation is listed for identification purposes only and does not imply any endorsement by the organization."

V. Election Schedule

Ballots for Council elections, including the election of the ASC chair, and for the election of officers shall be distributed as follows:

1. Ballots shall be distributed no earlier than March 3 but no later than March 7, or the next business day if March 7 falls on a weekend
2. Ballots shall be returned and received on or before April 15 or the next business day if April 15 falls on a weekend.
3. Counting of ballots shall begin on the business day immediately following the last date for the receipt of ballots and continue until such counting is complete.
4. February 1 shall be the cutoff date for payment of current-year's dues in order to determine voter eligibility.

VI. Election Methodology

The method in which elections are conducted shall be at the discretion of the AAUP and in conformity with appropriate Department of Labor regulations. Elections may be conducted by mail ballot, electronically, or in any other appropriate manner.

A. Election by Mail Ballot

1. Elections for Association officers (president, first vice president, second vice president, and secretary-treasurer) and the Council may be conducted by mail ballot in a manner sufficient to ensure the secrecy of the ballots cast.
 - a. Secrecy is ensured by the use of a double envelope system for return of the voted ballots with the necessary voter identification appearing only on the outer envelope in regular-mail elections.
 - b. In the case of the election of elective Council members, ballots shall be mailed to all eligible voters within the relevant districts.
2. During the balloting period, the AAUP shall attempt to obtain accurate addresses for any ballot packages mailed to members that have been returned as undeliverable. Ballot packages with updated addresses shall be re-mailed as soon as possible.
 - a. Information to members about how to request another ballot if the ballot package is not received or if a member has spoiled a ballot in the process of voting shall be included in the ballot package and posted on the national AAUP Web site.
 - b. The AAUP shall maintain a list of the names and addresses of any members who request replacement ballots.

- c. Return envelopes containing replacement ballots shall be suitably coded to prevent double counting of ballots.
 - d. The AAUP shall keep a record of all replacement ballots sent in response to requests and all ballot packages that were re-mailed after having been returned as undeliverable, including dates received and mailed.
3. The counting of ballots shall be conducted as follows:
- a. The opening and counting of ballots may begin only at the scheduled times and dates established by the AAUP.
 - b. Candidates shall be notified of the locations, dates, and times of such counting.
 - c. The AAUP will provide a voter eligibility roster to the counting organization to ensure that votes counted from all returned envelopes have been cast by eligible voters.
 - d. At least one Election Committee member and one AAUP staff member shall witness the opening and counting of ballots.
 - e. All ballots shall be secured during any hiatus in the counting.
4. Candidates are permitted to have an observer present at the preparation and mailing of the ballots and at their receipt and counting by the counting organization, regardless of whether the ballots are returned by members to a mail box or to a vendor, and the AAUP will notify the candidates of the scheduled locations, dates, and times. Observers may also witness the pick up and remailing of ballot packages.
- a. A candidate may serve as his or her own observer or he or she may designate an alternate observer.
 - b. Observers should not interfere with or disrupt the counting of the ballots. Their role is limited to observing the election process, asking procedural questions, challenging defective ballots, and lodging protests with AAUP election officials as appropriate.
 - c. Observers should be allowed to monitor the election process, but they may not compromise, or give the appearance of compromising, the secrecy of the ballots.
 - d. Observers do not have the right to count ballots or handle the ballots in any fashion.
5. The ballots, including those marked, those unmarked, and those voided because of late receipt or ineligible voters, and other records pertaining to the election, including return envelopes, secret ballot envelopes, and extra unused ballots, shall be preserved for one year under seal in a secure place at the AAUP's national office.

B. Election by Electronic Ballot

1. All eligible voters will receive a hard-copy and an electronic notice of the election at his/her home address (unless a home address has not been provided) and at his/her preferred email address (unless an email address has not been provided).

- a. The notice will contain directions for casting a vote using the electronic balloting process as well as information on an alternative balloting procedure.
 - b. The notice will also provide the voter's membership identification number. The membership number will be required for voting.
2. Electronic ballots will be sent to all eligible voters.
 - a. Each voter will see only those candidates for whom he or she is entitled to vote.
 - b. Candidate biographies and election statements will be posted with the ballots.
3. To maintain ballot security a unique PIN (personal identification number) will be delivered to each voter via e-mail with the URL for the voting site. AAUP will have no access to members' PINs.
4. AAUP will make its best effort to correct and resend election notices and electronic ballots that are returned as undeliverable.
5. The voting process shall assure both the secrecy of each ballot and the protection of the ballot results so that once a ballot is cast, it cannot be altered and cannot be traced to the voter.
6. The record of each voter who has properly cast a ballot shall be marked to indicate that the voter has voted but shall not indicate the candidate/s for whom the ballot was cast. This procedure is intended to prevent voters from submitting additional ballots. To enhance security, an email shall automatically be sent to the voter advising that his/her vote has been received, has been counted, and is anonymous.
7. A member of the Election Committee shall observe the tallying of the ballots. In addition, each candidate (or his or her designee) may observe the tallying of the ballots. Candidates must advise the staff to the Election Committee of their intention to observe the tallying of the ballots no less than one week prior to the close of balloting.
8. Upon completion of balloting, the original data will be preserved to ensure the integrity and viability of the data and to provide a record of the original data, which can be reproduced but cannot be altered. This record shall be maintained under seal at the national offices of the AAUP for one year.
9. The Election Committee (through the staff to the Committee) shall receive a report of the outcome of the election on the first business day following the close of balloting.

VII. ASC and CBC Elections

The elections of the chairperson of the Assembly of State Conferences and the chairperson of the Collective Bargaining Congress shall be conducted in accordance with the bylaws of the assembly and the congress respectively, provided, however, that:

- A. With respect to the chairperson of the Collective Bargaining Congress, the delegates to the meeting at which this election is conducted shall themselves be elected by secret ballot among the active members of the chapter they represent, notwithstanding any contrary provision of the constitution or bylaws of any such chapter, or the lack of any such provision.

VIII. Vacancies in Officer Positions

- A. A vacancy is created by death or resignation of an incumbent, or by declaration of the president, after consultation with the Executive Committee, in the case of an incumbent who has two unexplained absences from two consecutive meetings of the Council. A vacancy will also be deemed to exist if at the time when newly elected officers and Council members begin their terms a candidate who prevailed in the election had in fact died or withdrawn his or her candidacy after the ballots for that election had been mailed.
- B. When a vacancy occurs in the office of the president of the AAUP, the secretary-treasurer shall declare the office vacant, and the first vice president shall assume the office of president; the second vice president shall assume the office of the first vice president; and there will be a vacancy in the office of second vice president.
- C. When a vacancy occurs in the office of first vice president, the second vice president shall assume that office, and there will be a vacancy in the office of second vice president.
- D. When there is a vacancy in the office of second vice president or secretary-treasurer or among the elected members of the Council, the vacancy shall be filled, in accordance with Article V, Section 5, of the Constitution, by a majority vote of the Council for the unexpired term.
 - 1. In filling a vacancy according to Article V, Section 5, the president shall ask the existing Nominating Committee to propose two candidates.
 - 2. The Council shall vote by secret ballot in order to fill the vacancy expeditiously.

IX. Election Committee

There shall be an Election Committee composed of the general counsel, who will serve as chair of the committee; the chairperson of the Committee on Membership; and one other member of the Association in good standing, who will be elected by Council at its June meeting (at the same time as elections for the Nominating Committee). If necessary, other AAUP members shall be substituted by vote of Council to ensure that no member of the committee is a candidate for or incumbent seeking reelection to the Council or any AAUP national office governed by these bylaws during his or her period of service on the committee.

- 1. The committee shall decide any questions which may arise under the AAUP's election bylaws.
- 2. Any member wishing to submit a protest regarding the manner in which an election is being or has been conducted must file such protest in writing no later than ten (10)

business days after the date on which final vote totals are announced. All such protests shall be filed with the Election Committee.

3. The Election Committee will report to Council after each election regarding any complaints filed with the committee and their disposition, and recommend any policy changes for consideration by Council.
4. No member of the Election Committee may endorse a candidate for AAUP elective office.

X. Election Appeals Committee

There shall be an Election Appeals Committee composed of three members of Council elected from different geographic districts, and one alternate. The members of the Appeals Committee will be elected annually by Council at its November meeting. The Appeals Committee will select one of its members to serve as chair of the committee.

1. No one shall be eligible to serve on the Appeals Committee who is a candidate for or incumbent seeking reelection to the Council or any AAUP national office governed by these bylaws or a member of the Election Committee in the immediately forthcoming election.
2. No member of the Appeals Committee may endorse a candidate for AAUP office.
3. The Appeals Committee will consider appeals only after the final votes are announced.
 - a. AAUP members who choose to challenge an adverse decision of the Election Committee on a matter which they had submitted to the Election Committee must submit their appeal no later than ten (10) business days after the date on which the final vote totals are announced or ten (10) business days after the Election Committee has communicated its decision to the complainant about the complaint(s), whichever date is later.
 - b. The decision of the Election Committee will be sustained unless the Appeals Committee determines that the Election Committee's interpretation and/or its application of the AAUP's election bylaws was arbitrary and capricious.
 - c. Three members of the Appeals Committee shall constitute a quorum for the disposition of an appeal. The Appeals Committee's decision will be final and binding.
 - d. The Appeals Committee will report its final decisions to Council and the complainant within three (3) months of its receipt of the member's appeal.

¹ Adopted by Council November 1979; amended by Council November 1982, June 1984, November 1984, November 1985, June 1988, June 1991, November 1992, June 1994, November 1995, June 2003, November 2004, June 2005, November 2006, November 2007, February 2009, June 2009, June 2010, and February 2011.