

# AAUP Election Rules<sup>1</sup>

## 2018 Rerun Election for the Position of Second Vice President

These Election Rules, which are from time to time revised, are established by the Council pursuant to the AAUP Constitution to govern the conduct of elections of elective members of the Council, Association officers, and the Chair of the Assembly of State Conferences (ASC). In the event of any conflict between these Rules and the Constitution, the provisions of the Constitution shall control.

### I. Nominations

- ~~A. The Nominating Committee, formed in accordance with Article V of the Constitution, shall oversee the nominating process and complete its work and prepare its report in time for publication to the membership sufficiently in advance of the election. Members of the Nominating Committee are precluded from nomination for any office.~~
- ~~B. Candidates for elective offices in the AAUP or for Chair of the ASC shall be nominated by the process described in Article V of the AAUP Constitution or in the ASC Constitution, respectively.~~
- ~~1. All petitions for nomination as a candidate for Association officer or Council member must be received on or before December 14.~~
  - ~~2. Petitions for Council member shall indicate whether candidacy is sought for a district-elected position or an at-large position.~~
  - ~~3. The membership shall be notified, on or before October 1, of the deadline for submission of candidate petitions and of the requirements for petitions as specified in the Constitution.~~
  - ~~4. As of December 14, for each office for which at least one valid petition has been received, no further solicitation of candidates shall be pursued.~~
  - ~~5. As of December 14, for each office for which no valid petition has been received, the Nominating Committee shall nominate two eligible candidates for such office.~~
  - ~~6. The Nominating Committee shall issue its report on or before December 21.~~
- C.A. 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 and ASC Chair 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.

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<sup>1</sup> Adopted by the Council November 1979; amended 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, February 2011, November 2012, June 2013. In September 2018, the Council adopted these amended rules solely for the purpose of the 2018 rerun election for the position of Second Vice President.

1. 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.
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 of Association Funds**

- A. No funds of the Association, its chapters, or its conferences may be expended in support of any candidate.
- B. 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 statements. With respect to candidates for the Council, chapters and conferences need publish only the statements of the candidates running in their respective districts.
- C. Use of electronic discussion lists or listservs created or maintained by national, state, or local AAUP organizations for campaigning for or against any candidate in any manner is prohibited.

## **III. Candidates' Rights**

- A. 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 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.
- B. Electioneering emails
  1. The AAUP will comply with all reasonable requests of candidates to send electioneering emails to members (in the case of district-elected Council seats, to their constituents) using the members' email addresses contained in the AAUP data base.
  2. Employer email systems may not be used to send electioneering emails.
  3. Electioneering messages will be distributed by a third-party vendor retained by AAUP using a server housed outside the national office of the AAUP.
  4. 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.

5. 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 an acceptable format, determined by AAUP.
6. There are no limitations on the length of messages, but documents may not be attached. Candidates shall determine the length and appearance of their messages.
7. There will be a charge for this service. The charge must be paid by the candidate in advance of the mailing.

#### IV. Endorsements

Individuals serving on either the Election Committee or the Election Appeals Committee may not endorse candidates for any AAUP office. Other individuals may endorse candidates, but AAUP members who hold office in the Association at any level—national, state, or local—who wish to list their AAUP positions in such an endorsement may do so 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 the election of officers, Council members, and the Chair of the ASC shall be distributed as follows:~~

- ~~A. 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.~~
- ~~B. Ballots shall be returned and received on or before April 15 or the next business day if April 15 falls on a weekend.~~
- ~~C. 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.~~
- ~~D. February 1 shall be the cutoff date for payment of current year’s dues in order to determine voter eligibility.~~

~~Ballots for the rerun election of the AAUP Second Vice President shall be distributed as follows:~~

- ~~A. Ballots shall be distributed no earlier than October 17 but no later than October 19, 2018.~~
- ~~B. Ballots shall be returned and received on or before December 6, 2018.~~
- ~~C. 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.~~
- ~~D. August 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.

- A. Elections for Association officers and Council members shall be conducted by mail ballot in a manner sufficient to ensure the secrecy of the ballots cast.
  - 1. 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.
  - 2. In the case of the election of district-elected Council members, ballots shall be mailed to all eligible voters within the relevant districts.
  
- B. Ballot packages shall be mailed to members' home addresses. During the balloting period, the AAUP shall attempt to obtain accurate home 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.
  - 1. 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.
  - 2. The AAUP shall maintain a list of the names and addresses of any members who request replacement ballots.
  - 3. Return envelopes containing replacement ballots shall be suitably coded to prevent double counting of ballots.
  - 4. 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.
  
- C. The counting of ballots shall be conducted as follows:
  - 1. The opening and counting of ballots may begin only at the scheduled times and dates established by the AAUP.
  - 2. Candidates shall be notified of the locations, dates, and times of such counting.
  - 3. 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.
  - 4. At least one Election Committee member and one AAUP staff member shall witness the opening and counting of ballots.
  - 5. All ballots shall be secured during any hiatus in the counting.
  
- D. Each candidate is 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 re-mailing of ballot packages.
  - 1. A candidate may serve as his or her own observer or he or she may designate an alternate observer.

2. 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.
  3. 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.
  4. Observers do not have the right to count ballots or handle the ballots in any fashion.
- E. The ballots, including those marked, those unmarked, and those declared void for any reason, 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.

## **VII. 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 had 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 died or withdrew 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 First Vice-President shall assume that office and there will be a vacancy in the office of First 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 by a majority vote of the Council, in accordance with Article V of the Constitution.
  - 1. In filling such a vacancy the President shall ask the existing Nominating Committee to propose two or more candidates.
  - 2. The Council shall vote by secret ballot in order to fill the vacancy expeditiously.

## **VIII. Election Committee**

- A. 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, elected by the Council at its June meeting in odd-numbered years.
- B. No candidate for or incumbent seeking reelection to any office governed by these Election Rules shall be eligible to serve on the Election Committee during that election cycle. If necessary, other AAUP members shall be substituted by vote of Council to ensure compliance with this requirement.
- C. No member of the Election Committee may endorse a candidate for AAUP elective office.
- D. The Election Committee shall decide any questions which may arise under these Election Rules.
- E. 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, by certified mail, return receipt requested, with the Election Committee, along with all supporting documentation, no later than ten business days after the date on which final vote totals are announced. The protest must clearly state that it is an "Election Protest" and must specify the particular Election Rule(s) or Constitutional provision(s) allegedly violated. At the same time, the protesting member shall provide a copy of the protest and supporting documentation by certified mail, return receipt requested, to any candidate(s) who may be affected by the disposition of the protest and shall certify to the Election Committee that he or she has done so. The potentially affected candidate(s) may submit an opposing statement in writing, along with any supporting documentation, to the

Election Committee within ten business days of receipt of the protest. At the same time, such candidate shall provide a copy of the opposing statement and supporting documentation by certified mail, return receipt requested, to the protesting member and shall certify to the Election Committee that he or she has done so.

- F. The Election Committee will investigate each protest and report its decision to the protesting member and any affected candidate(s) no later than thirty days after receiving the protest and any materials submitted in response. At the same time, the Election Committee will report to the Council the results of its investigation(s) and its recommended disposition of each protest, which recommendation(s) shall be final and binding unless appealed in a timely manner to the Election Appeals Committee.
- G. The Election Committee also may recommend to the Council changes in the Association's Election Rules and/or practices.

## **IX. Election Appeals Committee**

- A. There shall be an Election Appeals Committee composed of three members of the Council elected from different geographic districts, and one alternate. The members of the Election Appeals Committee will be elected by the Council at its November meeting in odd-numbered years. The Election Appeals Committee will select one of its members to serve as chair of the committee.
- B. No candidate for or incumbent seeking reelection to any office governed by these Election Rules or a member of the Election Committee shall be eligible to serve on the Election Appeals Committee during that election cycle.
- C. No member of the Election Appeals Committee may endorse a candidate for AAUP office.
- D. The Election Appeals Committee will consider appeals only after the final votes are announced and the Election Committee has made its final recommendation to the Council on any registered protest.
- E. Any AAUP member or affected candidate may appeal an adverse decision of the Election Committee involving a protest in which he or she is involved by submitting the appeal, in writing, by certified mail, return receipt requested, to the Election Appeals Committee not later than ten business days after the date on which the final vote totals are announced or ten business days after the Election Committee has communicated its decision to the protesting member, whichever date is later. The protest must clearly state that it is an "Election Appeal" and must specify the particular Election Rule(s) or Constitutional provision(s) allegedly violated. Absent compelling circumstances, only evidence originally submitted to the Election Committee may be submitted to or considered by the Election Appeals Committee. At the same time an appeal is submitted, the member submitting the appeal shall serve a copy of the appeal by certified mail, return receipt requested, upon any candidate(s) who may be affected by the disposition of the appeal and shall certify to the Election Appeals Committee that he or she has done so. Any other member involved in the Election Committee's investigation may submit an opposing statement in writing to the Election Appeals Committee within ten business days of receipt of a copy of the appeal. At the same time, that member shall serve a copy of the opposing statement by certified mail, return receipt requested, upon the appealing member and shall certify to the Election Appeals Committee that he or she has done so.

- F. The decision of the Election Committee will be sustained unless the Election Appeals Committee determines that the Election Committee's interpretation and/or its application of the AAUP Election Rules was arbitrary or capricious.
- G. Three members of the Election Appeals Committee shall constitute a quorum for the disposition of an appeal. The Election Appeals Committee's decision will be final and binding.
- H. The Election Appeals Committee will report its final decisions to the Council, the appealing member, and any other member involved in the appeal within three months of its receipt of the appeal.