

Election Manual

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Section 1

Election Procedures

At a Statewide Board meeting, no later than March 1 of a voting year, a call for volunteers for the Election Committee should go out to the board. The Statewide board should decide if there will be a request to the membership to add more committee members. If there is a decision to send out a request to the membership, the notice should go out immediately to the membership with a one week turnaround to enable to keep to the timetable of the nomination opening.

Election is by secret mail vote by the members. Nominations for officers shall be opened in May and shall remain open for at least 15 days and shall be closed in June. Ballots shall be mailed out 30 days after the close of nominations.

At least 15 days prior to the opening of nominations, advance notice shall be sent to the membership that includes the nomination procedure and the voting timeline. The email should include a request for current mailing address updated if changed.

Each candidate shall be offered the opportunity to prepare a statement to be included in a mailing with the ballots (paid for by the union). Each candidate will be given the opportunity to view their opponent's statement and prepare a response that will also be in the mailing. The mailing will contain the ballot, the secret mailing envelope and a postage paid return envelope.

The Executive Board will determine the spending limits for each election and mechanical limits and details for the mailing of the candidate statements.

Any announced candidate for elective office shall have the right, once prior to the election, to have mailed through the statewide office or local office a limited amount of campaign literature, to be set by the SW Executive board or if a local election or SW reps for the local, the local executive board. The mailing (contents and postage) shall be at the candidates expense. The mailings are to be to each member in good standing who may vote in the elections at the campus or statewide level.

To run for office, the nominee must be a member in good standing of the local in which the nominee seeks office or which the member seeks to represent as a member of the statewide board. To run for statewide office the member must be in good standing in a local. To be in good standing the member must be employed in a position in the bargaining unit and must meet any other requirements set by the local of which the person is a member.

Any member serving a term of office whose position is moved outside the bargaining unit by reclassification or privatization may complete the term of office. Any member who leaves the bargaining unit by resigning or transferring to a job outside of the bargaining unit will not be allowed to complete the term of office. Any member laid off or fired and are grieving that management actions may complete their term of office.

An election committee shall be established at the local or statewide level, dependent on the election being held. The committee shall have the general responsibility for the

conduct of the election in accordance with the constitution of the statewide or local as applicable. Any challenge concerning the eligibility of any nominee shall be referred to the election committee for decision and that decision reported to the SW board or local board as applicable prior to the election. The election committee shall also report, as expeditiously as possible the results of the balloting with recommendations regarding any protests which have been lodged regarding the conduct of the election. No member of the committee may be a candidate for office and are appointed by the executive board of the local or statewide. Election for statewide positions shall be overseen by a statewide elections committee of no fewer than 2 members. Election committees for local elections shall be determined by the local.

All nominees shall be afforded the opportunity to decline and their names will not appear on the ballot.

Where there is only one nominee for any office, such nominee shall be declared elected. In all other cases, election shall be by secret ballot. All members shall be afforded a reasonable opportunity to vote.

Upon completion of the voting, the ballots shall be counted and the candidate for each office receiving the highest number of votes cast for that office shall be declared elected.

Any candidate whose name appears on the ballot shall have the right to have present, an official observer of their own choice, who must be a member of CUE in all places where ballots will be counted.

Vacancies in statewide officer or chief steward positions when more than 180 days are left in the term shall be filled by special election which will be run according to the same rules above. With the exception of the president, vacancies of less than 180 days shall be filled by appointment by the executive board.

All locals will establish election procedures consistent with the SW constitution for election of its statewide representative.

All election records, including ballots, shall be retained for at least one year after the election.

Terms of Office are for two years with only a term limit set for the Chief Steward. That position must be vacated for a minimum of one year and that person can serve in any other board position that they are elected to.

Example of Election Calendar (time-table)

To be edited for mail version to membership; take out Election Committee dates until printing of nominations

Date Day interval Task

March 1 or before	1 day	Call for Election Committee by the SW Board and SW Board to decide if a notice will be sent to membership to add additional committee members
Next weekday	7 days	If a decision by the Statewide Board was made to request additional committee members, then a notice goes out immediately to the membership Have SW office staff update addresses in membership database SW office staff to get election manual to committee members
March 15-25	1 day	Teleconference with Election Committee Members to go over Election rules, regulations, reading the SW constitution regarding elections. Make decisions about what each members roles will be to ensure division of responsibilities. Including set up of PO box, printing of materials, date finalization of count of ballots, location of count and report/filing locations
March 25-30	1 day	Preparation of nominations mailings/email and language for posting on website is finalized. Make sure all dates and arrangements are made for location of count enter dates in all mailing samples
March 30-Apr 5	1 day	Print mailing of nomination call opening on May 1 and election calendar for all members without email address *Option to mail to all members to confirm addresses in database are current and correct
April 12-14 (weekday)	15 days	Mail out opening of nominations date to those members without email addresses or all members if that option is decided
April 14-16	15 days	Send out the notice that opening of nominations starts May 1 along with the election calendar
May 1-15	15 days	Open of Nominations
May 1-20	20 days	Verify nominee eligibility and acceptance
May 20-25	1 day	Election Committee & nominees have a teleconference on rules, and answer questions and to give dates of statements due, ballot

		count date and location
May 25-30	5 days	Collect Nominee Statements
May 25-June 10	15 days	Collect campaign materials and mail (1 time limit) on behalf of candidates running for office, collecting costs for printing and mailing from those candidates, send receipts of costs to candidates
June 1-10	10	Print and assemble all ballot packages , secure packages until mailed
June 10	1	Mail out ballot packages, send email to let membership know about mailing and request contact within 5 days if they don't receive the mailing and to get a new packet to be mailed in the event that SW office doesn't have the correct address
June 18-20 (weekday)	1	Send out vote reminder to membership with deadline date and address where ballot should go
June 25-27 (weekday)	15 days	Collect ballots from the post office by minimum of 2 election committee members or representative
June 25-27	Same day as pickup	At a pre determined location and time, verify voter eligibility, open and separate return envelopes from secret ballot envelopes, placing in a bin to mix all secret ballot envelopes and count ballots. Announce the count to all in attendance. File voided or ineligible ballots, counted ballots, verification lists, unused ballot materials. Put date to be held until on the outside
July 7	1 day	Collect all ballots that didn't make the deadline date Mark according to regulations and file with other ballot materials
July 7-15		Election Committee to draft and finalize Election Report and file with Election Manual in Statewide Office

Section 2

Elected Positions and Statewide Board Procedure

Elected Positions

- Statewide Officers (President, Northern Vice President, Southern Vice President, Recording Secretary, Treasurer)
- Appeals Panel Members (3)
- Chief Steward

Statewide Executive Board

Statewide Executive Board will call for volunteers for the Election Committee at least 90 days prior to elections to ensure time for Election Committee to meet and plan for the opening of Nominations, contacting nominees, verify eligibility, hold a teleconference meeting with nominees, set up post office box, create voting calendar, prepare mailings and voting packets, send out notices and reminders, arrange ballot count time and location, count ballots. After voting has been completed, the Election Committee will prepare materials for storage and create an election report that will be filed with the election manual for future reference.

Section 3

Election Committee Procedures and Responsibilities

These procedures are designed to ensure that elections are conducted according to the constitution and generally accepted labor practices.

A. Planning

Call for volunteers for the Election Committee of no less than two CUE members that are not running for any position in the election.

Review the Constitution as well as these election procedures for guidelines regarding the nomination procedures, candidate rights and responsibilities, Election Committee responsibilities, etc. Remember that the elections must be conducted in accordance with the Constitution and the law. Deviation or violation of the regulations can result in nullification of the entire election, thus causing the need for a new election and waste of member funds.

Look at past election reports (to be filed at the SW Office with election materials and a copy of the election manual). It is advised to ask current officers if there were problem with the last election.

A binder with examples of forms, tally sheets etc, will be provided to the Election Committee.

Election Committee should meet to develop a general timetable to allow adequate time for each stage of the election and discuss specific duties for each member of the committee. Ensure that all members of the committee understand the duties and responsibility of the Committee.

B. Election By Secret Mail Vote

Election Committee is to develop a timetable for each step of the mail ballot election(ballot printing, mailing return deadline date and counting) that allows adequate time for completing each phase. Be sure to do these duties well enough in advance to stay within the timeline of the nominations and ballot mailing. Do not use a postmark date due to much of the mail may not be postmarked.

Send out request for membership mail updates in advance and update the database prior to mailing out ballots. Review the unions most recent mailing to all members to determine if any pieces of mail were undeliverable. Make a list of members whom new addresses are needed and attempt to obtain those addresses. This list will also serve as a voter eligibility list and the list for preparing the ballot packages to be mailed.

Arrange for post office box for return ballots. Confirm address and post office box. If needed, get a second post office box for undeliverable/returned ballots. Request the post office to hold ballots in the post office box or at the post office until deadline of ballot

return. Candidates should be called and told of the pick up time of the ballots and location of the count, to allow them opportunity to be present or send a representative in their place that is a CUE member. Two Election Committee members or their representatives should be present when picking up ballots from the post office and taking them to locked storage area until the count starts. Start count immediately after ballots are picked up from the post office. Using tally sheets and member eligibility list, with a minimum of two Election Committee Members, candidates or their representatives and any other CUE members that would like to attend, the names are be checked against the eligibility to verify membership, then open the envelope, putting the secret ballot into a box, and the mailing envelope into a trash receptacle until all mailed envelopes are verified and separated. Then open secret ballots and count votes for each position using tally sheet. Once the counting has been completed, then tally the totals. All Committee Members are to sign the tally sheet. Arrange a time to pick up any ballots received after the official ballot count. Two election committee members or their representative should be present at the pick up of those uncounted ballots. The number of those uncounted ballots should be entered on the tally sheet. These ballots should be bundled and clearly marked, "Uncounted Ballots- Received After Ballot Deadline."

Start preparations for the emailing of the nomination notice and the ballot packets. If no email address is available, prepare a mailing of the nomination and election procedures & timeline. Nomination notice does not need to include materials for a secret ballot vote. Ballot packets must include provisions for a secret ballot vote. Ensure that a place to print name is on the outside of the return envelope and that there is a secret ballot envelope included.

C. Nominations and Election Notice

Prepare a nomination notice that specifies the process for submitting nominations, the offices to be filled and the job description/duties for each position. The notice should include the term of of office, instructions for making a nomination and eligibility requirements for candidates and nominators as well as deadlines for nominations. Nomination information should include the election procedures for each member. These Notices and Procedures should be put on the CUE website and posted at the Statewide Office.

Notice of the timeline for the election will be included in the nomination notice. Include Election Procedures.

Email or mail the nomination notice with enough time to allow a reasonable opportunity for nomination of candidates, a minimum of 15 days. Keep an accurate record of all nominations made including names of nominators, nominees and positions for which they are nominated. Also record if they declined or accepted the nomination.

Check the eligibility of nominators against the membership list. Allow another member to make the nomination if the original nominator is not a member.

Determine the eligibility of all nominees and obtain nomination acceptances or declinations from each nominee.

Notify all eligible candidates of their nomination and request the preferred listing of each candidate's name or nickname on the ballot in accordance with the election rules. Advise any ineligible candidates in writing of the specific reasons for their disqualification.

If there is only one candidate for an office, that candidate may be declared elected by acclamation. Any candidate winning by acclamation should still write a statement to be included in the ballot materials. The ballot will be noted that they are elected by acclamation.

D. Campaign Guidelines for Candidates

Any announced candidate for elective office shall have the right, once prior to the election, to have one mailing through the statewide office or local office a limited amount of campaign literature, to be set by the SW Executive board or if a local election or SW reps for the local, the local executive board. The mailing (contents and postage) shall be at the candidate's expense. The mailing is to be to each member in good standing who may vote in the elections at the campus or statewide level. Candidates could elect to send out a joint mailing in order to split expenses. Candidates are not allowed to have or reproduce the member mailing list. Member addresses are not for public record. Candidates could have a list of member names for campaign purposes, but contact with them would be their responsibility. Let candidates and current officers know about the prohibition against the use of union and employer funds to support any person's candidacy in a union officer election. This includes facilities, equipment, supplies and campaigning on time paid by the union or employer.

Advise candidates of the date, time and place for preparation and mailing of ballot packages; information about any ballot package re-mailing; the date, time and place of ballot pick up at the post office and tally; and their right to have observers at each of these activities.

Treat all candidates equally.

Ensure that no election tampering is tolerated and address the situation at once, taking necessary action to ensure fairness to all candidates.

E. The Mail Ballot Package

Each member should receive the following:

- A small envelope (3 5/8 x 6 1/2) either blank or printed with the words, "Secret Ballot Envelope" to be used by the voter to enclose the marked ballot. Advise members to not place any identifying information on the outside of this envelope. All envelopes will be the same – blank or printed- to ensure that no ballot can be identified.
- A larger stamped (or postage paid) and addressed envelope to be used by the voter to return the secret ballot envelope with the marked ballot sealed inside. Envelope should be printed on top left corner, "print name and address" to ensure name is marked on outside of envelope to check against eligibility list at ballot count.
- An instruction sheet for completing and mailing the ballot.
- A ballot, candidate statements and any election materials.

Election Committee should insure that each voter is sent a blank ballot. Ballots should be checked before and after printing to ensure that each candidate's preferred name is used and spelled correctly, each office indicates the correct number of positions to be filled, and each candidate is listed for the proper office in the correct order.

Ballot packages should be checked carefully after they are prepared to make sure that all necessary items are enclosed and that the envelopes are properly addressed.

Election Committee should be ensured that all ballot packages are safeguarded against any tampering throughout the balloting period. The exact numbers of ballots need to be accounted for, the amount printed minus the number mailed to members initially then any additional mailing must equal the number of unused ballots at the end of the election period.

Mail a ballot package to every member at least 15 days prior to the date that they must be mailed back. Members must be given a reasonable amount of time to receive, mark and return ballots.

Send the ballot packages by first class mail to ensure that all members receive the packages in a timely manner.

Keep a list of names and address of members that request replacement ballots. Replacement ballot return envelope should be marked with a special designation such as "D" for duplicate to alert election officials at the tally that these members have been sent more than one ballot. A record must be kept of all replacement ballots sent in response to requests.

Plan ahead for the pickup of the ballots from the post office, by at least two Election Committee members or their representatives. Candidates or their designated representative) have the right to be at the pick up and count. Determine the ballot counting method, voiding rules and prepare tally sheets.

Counting of ballots should happen as soon as the pick up is made at the post office at the pre announced date and time to allow observers and or candidates to be present. Under no circumstances should ballots be picked up by one person or anyone other than the election committee member or representative without notice to all candidates. Verify voter eligibility at the tally site using the following recommended procedures:

- Count and record the number of return ballot envelopes received at the post office box, removing any envelopes addressed to a different party.
- Put the return envelopes in the order (alphabetical, numerical, etc) that corresponds to the voter eligibility list. Void (but do not open) any return ballot envelope that doesn't contain information that identifies the member as an eligible voter.
- Call out the name of each voter and mark the name off the voter eligibility list to insure that no member casts more than one ballot. If a voter's name does not appear on the list, challenge the ballot, add the voters name to the end of the

eligibility list and, mark both the list and the envelope with a “C” for challenged ballot.

- If a voter returns a replacement ballot in an envelope marked with a “D” by election officials, indicate that fact on the voter eligibility list and on the list of replacement ballots maintained by election committee. If a voter returns two ballots, election officials must decide ahead of time which ballot to count. Usually the replacement ballot would be counted so the other returned ballot should be voided.
- If the return ballot envelope does not contain the voters name or other required information but does contain information identifying the person as eligible to vote (such as a voter identification number), the ballot should be counted. For example, if a voter uses a pre printed return address sticker rather than printing or signing his or her name as directed in the instructions, the ballot should be counted. Note signature should not be used unless you are comparing with a previously signed record. Signatures alone are sometimes not legible to use against eligibility lists and printed names should be used for this purpose.
- Resolve challenge ballots. If possible, before any ballot envelopes are opened and the counting begins. Election officials should keep records of all decisions made and explanations for each voter eligibility decisions to observers.
- Remove by do not open the Secret Ballot Envelopes from the return envelopes after the eligibility is established and thoroughly mix all of the Secret Ballot Envelopes together to preserve the ballot secrecy. Keep return envelopes separated. No observers should handle any envelopes or ballots.
- Prior to the count, election officials should decide what to do if a voter has not used the Secret Ballot Envelope. These are the options:

Election officials may decide to void a ballot if a voter has not used the Secret Ballot Envelope (A warning should go out to members in the instructions regarding this)

OR

Election Officials may decide to count these ballots, but they must take necessary steps to preserve secrecy. In such cases, carefully remove the ballot from the return ballot envelope without allowing anyone to see how it is marked. Immediately place the ballot face down and mix it together with the other ballots after they are removed from the Secret Ballot Envelopes to preserve secrecy.

- Open the Secret Ballot Envelopes, remove and unfold the ballots, and place them face down. If there is no ballot in a Secret Ballot Envelope, make note to that effect on the envelope and set it aside. Remember to include this in the total count on the results of the tally sheet.
- Begin the actual counting of the ballots after completing the voter eligibility check and attempting to resolve any challenged ballots. Count the votes and record the results on the tally sheets.
- Any voter indentifying information on a ballot is to be voided.
- Void any ballot that is not clear by selecting too many candidates, but only for that office. If other votes are clear, then do not void those votes.

- Announce to observers, by email and post on CUE website, the tally results for each office. Report the number of valid ballots counted, the number of totally voided ballots and the number of unresolved challenged ballots
- Pack and Seal in boxes all return ballot envelopes, secret ballot envelopes, voter eligibility lists, tally sheets and the unused ballots after the counting is completed and keep them for at least one year as required by federal law.
- Return to the post office at a later predetermined date to pick up any ballots received after the deadline. Void but do not open, any ballots received after the deadline date, marking the ballot envelopes , “void-received after deadline.” Retain these ballot envelopes with the other boxed up materials.

Section 4

Requesting Volunteers to Serve on the Election Committee

At least 90 days prior to election, at Statewide Meeting, a request for volunteers to serve on the Election Committee should be announced. A minimum of two members is required. If there are not enough volunteers, an email to the membership should go out to request volunteers for the committee. The Statewide Eboard can choose to open the call to the members to broaden the committee. Volunteers on the Election Committee can not be running for any office of the election.

Sample email to membership:

Dear CUE Member,

CUE Statewide Elections are coming up soon. The following positions are: CUE Statewide President, Northern Vice President, Southern Vice President, Treasurer, Recording Secretary and Chief Steward.

We need to have the Election Committee in place prior to nominations for planning purposes. This is a very important job, but requires a relatively short commitment. If you have ever considered becoming more involved with CUE, this would be an excellent opportunity for you. If you have been on a committee in the pas, please consider joining this committee to share your experience with others.

We would like to have our volunteers in place no later than _____. There will be an orientation for the committee shortly after.

If you are running for a position, you should not volunteer for the Election Committee.

If you are interested, please contact us at _____(email address)

Thank you for your consideration,

CUE Statewide Board

(enter all contact and membership information)

Section 5

Coalition Of University Employees (CUE) Nomination Notice

Dear CUE Member,

Nominations are now open for the offices of President, Northern Vice President, Southern Vice President, Treasurer, Recording Secretary and Chief Steward. The Terms of Office is for two years. To see what the duties and responsibilities are, please see the SW Constitution at : to see these as well as Election Rules and Election Committee Procedures. If you do not have internet access, you can call the SW Office at _____ to request a copy.

Nominations are open from _____ to _____ (two week minimum). Please send your nominees by the final date to _____ @ _____ (email address) or by telephoning _____.

These positions are volunteer positions and are an excellent way to learn more about how the union works for the members. CUE is a member run organization and requires no experience to run for any office. The Election Committee will hold a teleconference on _____ with all of the candidates for an orientation on rules, regulations and to answer any questions that nominees may have. Please see important calendar dates included with this mailing.

Thank you,

CUE Election Committee

List names here

Section 6

Election Regulations for Candidates

Orientation Teleconference with election committee will be made available to all candidates to meet at one time where all candidates are available to review rules and regulations and to ask questions of the Election Committee. You will be told at this meeting what the due date will be for your statements and deadlines for mailings. No separate meeting will be made available to ensure that all candidates get the same information at the same time and to hear all of the answers to all of the questions. Copies of the regulations can be made available to any candidate who can't attend the teleconference. No violations of the rules will be excused do to non attendance to the orientation teleconference.

You are entitled to one mailing of campaign materials through the election committee at your own expense. You must pre pay for printing, envelopes and postage. If there is an overage you will be reimbursed the remaining and if there is a shortage, you will be required to pay the balance back. All receipts for actual costs will be returned to you. Since mailings can be expensive, you may consider a joint mailing with another candidate and split expenses. A joint mailing with another candidate and split expenses.

No copies of the member mailing list will be made available. You can request a list of member names and campus only.

Campaign costs- a list of campaign expenses should be reported from each candidate to be filed with election materials.

You may not solicit campaign contributions from any other union, any employer, CUE Statewide, or any CUE Locals. Union funds may not be used to support any nominee.

You may not have CUE staff campaign for you or assist you in your campaign.

Suspected violations will be turned over to the election committee. Investigations will be conducted according to the Statewide constitution.

Candidate Statements

Nominees are to submit a candidate statement of their name, the office that they are running for and the reason that they wish to run for the office. This can include past activist activity, information about their plans for the future, etc. It should contain information about the nominee only and not others running for the office. This statement should be professional in nature.

Section 7

Insertions ballot mailing envelope

Cover Letter

Candidate Statements

Ballot

Ballot /voting instructions

Small Envelope stamped "Secret Ballot Envelope"

Pre addressed to CUE Post Office Box, #9 Envelope for return of ballot(This envelope should be stamped with a line for member to print their name for identification of eligible voters).

NOTE: If there are no contested offices, we may still do a mailing or email with a cover letter and statements from each candidate who won by acclamation.

Sample Ballot Cover Letter

Dear Member,

Enclosed is your ballot for the CUE Statewide Election for Statewide Officers along with statements from each candidate running for office. Please read these carefully before voting.

Instructions for voting, your ballot, and the two envelopes you will use for returning your ballot will be found enclosed. Please read the instructions and follow them carefully to ensure that your vote will be counted.

We urge you to take the time to vote. Voting is one of the most important parts of your membership and determines the course your union will follow in the next few years.

Ballots are due no later than _____ at _____. Make sure your vote is counted by returning the ballot according to the instructions before the deadline date. No hand delivered ballots will be counted due to compromised secrecy.

Sincerely,

Election Committee

List names here

Sample Ballot

President

Vote for one

- Jane Doe
- Joan Jones
- Bob Black

Northern Vice President

Vote for one

- Sam Smith
- Helen Happy

Southern Vice President

Elected by acclamation-

Marcia Merry

Treasurer

Elected by acclamation

Jim Johnson

Recording Secretary

Vote for one

- Holly Hobby
- Candy Kane

Chief Steward

Elected by acclamation

Jesse James

Instructions for Voters

Instructions for Mail Voting

Please read instructions before marking and mailing your ballot:

Mark and “x” or place a check mark in the box next to the name of the candidate of your choice. Do not place your name, initials or any other identifying information on the ballot. Ballots containing any identifying information will be voided.

Place your marked ballot in the small envelope labeled, “Secret Ballot Envelope” and seal it. Do not write on this envelope. You must use this envelope to ensure secrecy. Failure to use this envelope will result in your ballot being voided when the ballots are counted. If your ballot package isn’t included, you may contact the election committee to request a new one to be sent to you. Phone number-_____

Insert the sealed secret ballot envelope into the return envelope pre addressed the CUE Post Office Box and seal it. Print your name legibly and address in the return address space in the upper left corner of the envelope.

Your printed name will be used to verify eligibility to vote by the election counting team. Your ballot will remain secret because the Secret Ballot Envelope containing your ballot will be separated (and mixed in with the other secret ballot envelopes) from the return envelope after it has been determined that you are an eligible voter.

Ballot secrecy can only be preserved if you personally mark and mail your ballot. Do not allow anyone else to handle your ballot or see how you vote. Do not give your ballot to anyone CUE member to mail or directly to an Election Committee Member. Do not hand deliver your ballot because the secrecy can be compromised.

IMPORTANT-Mail your ballot in sufficient time for it to be received at the Election PO Box on or before the deadline date, _____ and make sure to mail it to _____(Complete address) Ballots received after the deadline date will not be counted in the final election count.

Reminder Notice Example

Dear CUE Member:

You should have received a ballot in the mail for our Statewide Elections. Please be sure to return your ballot so that it reaches the CUE Statewide PO box(CUE ballot return address/PO box number here) by _____. If you have not received a ballot, you may request one by calling _____ or emailing _____@_____. Please return the ballot immediately upon return.

We will count the ballots at _____ on _____ at _____am/pm. You are welcome to come and observe the counting of the ballots.

Thank you,

On behalf of the Election Committee

Section 8

Ballot Counting Procedures

Supplies needed:

- Official ballot count sheet
- List of all CUE Members
- Box to seal ballots for storage

Counting ballots

Count ballots as soon as picked up from Post Office by two or more election committee members or their representatives at a pre determined time and place announced to all candidates and membership to provide anyone who wants to attend and the candidates or their designee to attend and observe the count.

Count and record the number of envelopes, removing any envelope addressed to a different party. This count must be recorded on the Official Tally Certification.

Note: under no circumstances should ballots be picked up by one member of the election committee or their designee. Notice to all candidates will go out of election committee names or their designees.

At the ballot counting location, sort the returned ballot envelopes in alphabetical order to correspond with the voter eligibility list. Void –but do not open- any returned ballot envelope that does not contain information that identifies the member as and eligible voter.

Prior to the tally, elections officials should decide what to do if a voter has not used the Secret Ballot Envelope. Election Officials have two choices:

1. Election Officials may decide to void a ballot if a voter has not used the Secret Ballot Envelope. If this policy is adopted, include a warning to members in the voting instructions that their vote will not be counted!
2. Election Officials may decide to count these ballots, but they must take necessary steps to ensure and preserve secrecy. In such cases, carefully remove the ballot from the return ballot envelope without allowing anyone to see how it is marked. Immediately place the ballot face down and mix it in with the other opened ballots.

Call out the name of each voter and mark the name off the voter eligibility list to ensure that no member casts more than one vote. If a voter's name does not appear on the list, challenge the ballot, add the voters name to the bottom of the eligibility list and mark both the list and the envelope with a "C" for challenged ballot.

If a voter returns a replacement ballot in an envelope marked by the officials with a "D" for duplicate ballot, indicate that fact on the voter eligibility list and on the list that was

maintained with names of duplicates were sent to. If a voter sent two ballots, election officials must decide which one to count, Usually the replacement would be counted. The other would be marked void- duplicate requested and counted.

If the return ballot envelope does not contain the voters name or other required information but does contain information identifying the person as eligible to vote(such as voter identification number)the ballot should be counted. Fore example, if voter uses a pre printed return address sticker rather than printing their name or signing his or her name as directed by the instructions, the ballot should be counted. Signatures should not be used unless you have something to verify all signatures which could be difficult and time consuming.

Resolve any challenged ballots, if possible before the actual count starts. All decisions made should be recorded along with the list and Official Tally Sheet.

Remove (but don't open) the Secret Ballot Envelopes from the return ballot envelopes after the voter eligibility is established and thoroughly mix all of the Secret Ballot Envelopes together to preserved secrecy. Observers are not allowed to handle the ballots or envelopes.

Open the Secret Ballot Envelopes, remove and unfold the ballots and place them face down.(If a Secret Ballot Envelope does not contain a ballot, make a notation to that affect on the envelope and set it aside. Remember to account for any such envelopes when determining the number of ballots returned.)

Begin the actual counting of the ballots after completing the voter eligibility check and attempting to resolve any challenged ballots. Count the votes on each ballot and enter the results on Official Ballot Count Sheet.

Void the entire ballot if it contains any identifying information. Void only the particular office involved if voter intent is unclear or if too many candidates have been selected for an office.

Announce the tally results for each office. Report the number of valid ballots counted, the number of totally void ballots and the number of unresolved, challenged ballots. Send all of this in an email to the jurisdiction and post on the website. Pack and seal in boxes all return ballot envelopes, secret ballot envelopes, voter eligibility lists, ballot tally certification, official ballot count sheet, and the used and unused ballots after the counting has been completed. Federal Law requires these election items be kept for at least one year. Enter the one year date on the outside of the box "dispose no earlier than- XX/XX/XX ."

Return to the post office at a later date and pick up any ballots received after the deadline date. Void, but do not open, any ballots received after the ballot deadline return date. Mark the envelopes "VOID-Received after Deadline" retain these envelopes with the other election records.

Section 9

Coalition of University Employees(CUE)

Ballot Tally Certification

Date of Election		
<u>Tally Location</u>		
Ballot Recap:	Disposition of Ballots	Number of Ballots
	Valid Ballots Counted	
	Totally Void Ballots	
	Unresolved Challenged Ballots	
	Total Ballots Counted	

Section 10

Dispute Process

Challenges and protests

Any member of a local may challenge the eligibility of any nominee for local office and any CUE member may challenge the eligibility of any nominee for SW office. This is done by filing such challenge with the election committee prior to the holding of the election. The election committee shall make a determination regarding the challenge and shall report its ruling to the local or statewide board as applicable. The statewide or local board shall either accept or reject the ruling of the election committee prior to the election.

Any Protest concerning the conduct of the election may be lodged by filing such protest in writing with the local or statewide board within 10 days following the ballot count. All interested parties shall be afforded the opportunity to be heard. Such protests shall be decided by the local or statewide no later than 30 days after the filing of the protest.

If the Statewide or local board determines that there were violations which may have affected the outcome of the election, it may order such election or any part thereof set aside, and a new election held. Any officers who have been installed prior to such determination shall remain in office pending the outcome of any new election or of a future appeal.

Any protestor or nominee adversely affected by a decision on by the executive board a challenge or a protest may file a written appeal with the Elections Appeals Panel within 10 days of the decision made of the local or Statewide board or, if no decision is rendered, within 45 days after the filing of the original protest with the local or statewide board. Upon receipt of such an appeal, the Panel shall conduct an investigation, affording all interested parties an opportunity to be heard, and the Board shall issue a decision within 45 days after the filing of the protest. If the investigation shows that there were violations which may have affected the outcome of the election, the election or any part thereof may be set aside and a new election held. In such circumstances the new election may be conducted under the supervision of a representative designated by the Panel members who conducted the investigation.

Any protestor or nominee dissatisfied with the ruling of the Appeals Panel may appeal to the next CUE convention to be held. In the meantime, the finding of the Appeals Panel shall be put into effect, pending decision by the convention.

Recalls- A petition signed by 60% of the statewide members which calls for the removal of an officer, shall remove that person from office upon certification by the secretary. If the secretary is the subject of the recall, the president shall provide the certification. The petition must state the reasons for recall, which must be defined as at least one of the following: (i) having engaged in conduct or a course of activity hostile or contrary to the best interests of the union;(ii) willful violation of the constitution;(iii)misappropriation of funds; or (iv)malfeasance in office or neglect of duty.

Section 11

CONSTITUTION

Adopted August, 1999

Amended April 12, 2000 (Articles III.D and XI)

I. NAME

The name of this organization, shall be **Coalition of University Employees (CUE)**. The headquarters of this union shall be in Berkeley, California.

II. OBJECTIVES

The objectives of this union are to organize clerical employees of the University of California system in order to secure fair wages and better working conditions and to contribute our energies toward a renewed, activist labor movement and toward support of public education in California and the needs of the University of California. Specifically, they include the following:

1. To provide information, education, and support to all members and to strengthen and safeguard democratic principles and rights for the members of this union;
2. To participate in making decisions affecting our working lives;
3. To cooperate with other labor organizations and other organizations to improve the quality of life for working people everywhere and in particular to foster cooperation among unions representing employees at the University of California;
4. To engage in civic, social, political, legal, legislative, economic, cultural, and educational activities on a local, national, or international level that shall support the needs of workers;
5. To be vigilant concerning the many health and safety problems which undermine the health and shorten the very lives of clerical workers and to fight for health and safety on the job.
6. To defend and promote the right to work in an atmosphere free of abusive or demeaning treatment and to fight against all forms of discriminatory practices, which adversely affect workers' human and civil rights.

III. MEMBERSHIP AND DUES

1. Membership in CUE is open to current employees in the Clerical and Allied Services bargaining unit at the University of California, defined as PERB's Unit 12, including the various hospitals and laboratories. Currency of employment examples include employees on layoff status, furlough, approved leave of absence, and those waiting for grievance resolution.
2. The Coalition of University Employees shall not discriminate against any person because of race, color, religion, political affiliation, national origin, gender, sexual orientation, physical orientation, physical or mental disability, age, or citizenship.
3. Membership must be maintained through payment of dues as specified in section III. D. In order to enjoy rights of membership, including the right to vote, the individual's dues must be not more than 2 months in arrears.
4. The monthly membership dues are one-half of one percent (0.5%) of gross monthly salary. All dues shall be paid monthly by payroll deduction.

IV. LOCAL STRUCTURE

1. The statewide executive board shall have the authority to charter locals consistent with this Constitution with the goal of having one local on each campus or medical center. Such charter is the property of CUE and can be revoked by a two-thirds vote of the executive board. The executive board shall assign the number, name, and jurisdiction for each local. The application for a CUE local charter shall include the names and addresses of at least ten members of the proposed local. No person may be a member of more than one local.
2. All locals shall have a constitution which must be approved by the statewide executive board. The local constitution shall be consistent with the state constitution and its appendices.
3. Financial and legal obligations and liabilities incurred by each local are the responsibility of that local. CUE statewide shall not be responsible for or assume such liabilities or legal obligations. Such expenses and obligations include but are not limited to lawsuits arising from local activities, unpaid bills, staff salaries, and credit obligations.
4. The financial records of each local shall be open for inspection upon request by the President or Treasurer of statewide CUE.
5. No funds or property of a local shall be distributed to members. Such funds or property shall become the property of CUE upon dissolution of the local.
6. All elections of officers and board members (or local equivalent) and representatives to the statewide executive board shall be in conformance with the election provisions outlined in [Appendix A](#) of this constitution. Each local may establish the size of its executive board, steering committee, or equivalent board, the date of elections to it, and the terms of office. For its three representatives to the statewide board, each local will establish the date for elections.
7. This constitution shall constitute a contract between CUE and each chartered local. All locals shall at all times be subject to the provisions of this constitution.
8. Upon approval of a local's charter by the executive board, dues income shall be shared between statewide CUE and the local on a per capita basis, with 50% going to the local, and 50% going to statewide CUE for statewide operating expenses.
9. Expenses - mailings and staff: Each local shall be responsible for a portion of the expense of statewide mailings, based on the size of the jurisdiction at that location, the exact portion to be determined by the statewide executive board. For staff hired by the statewide executive board, each local shall be responsible for a portion of the salaries for staff working at that location, the exact portion to be determined by the statewide executive board.
10. Expenses - arbitrations: Arbitration costs will be split between the local and the state organization, with 50% being paid by the local and 50% by the statewide organization. For an exception to this, see [V.B.7](#).
11. Expenses - travel: Travel expenses for members of the statewide executive board to attend statewide board meetings will be the responsibility of the statewide organization. Travel expenses for CUE member delegates or members to attend statewide conventions and other meetings will be the responsibility of the locals.

V. STATEWIDE STRUCTURE

A. OFFICERS

The officers of Coalition of University Employees consist of a president, one Southern California vice-president, one Northern California vice-president, one secretary, one treasurer. The officers elected at the Coalition of University Employees founding meeting on October 15, 1995 shall serve until elections are next held. The officers will have the authority to sign checks.

1. Eligibility:

All officers shall be a member of the bargaining unit and a member of CUE. The northern vice-president shall be employed at one of the following locations: Berkeley, Davis, Santa Cruz, San Francisco, LBL, or Office of the President/Division of Agriculture and Natural Resources (DANR) (if located in the north). The southern vice-president shall be employed at Irvine, Los Angeles, San Diego, Riverside, Santa Barbara, Office of the President/DANR (if located in the south). Anyone whose name is put in nomination for more than one office must decline nomination for all but one office. To stand for election, each nominee must accept that nomination.

2. Duties of officers:

1. **President:** The president is the chief executive officer of this union and is charged with administering the affairs and executing the policies of the union, as determined by the general membership and the executive board. He/she shall preside at all meetings of the general membership and of the executive board, or delegate that duty. He/she shall report periodically to the membership regarding the progress and standing of the union and his/her official acts, shall be an ex-officio member of all committees, except as disallowed elsewhere in this constitution.
2. **Vice Presidents:** There shall be a first and second vice-president. If the president is from a northern local then the southern vice-president shall be first vice president. If the president is from a southern local, the northern vice-president shall be first vice-president.

The first vice-president shall assist the president in execution of his/her duties and serve as acting president during the absence or disability of the president. In the event that a vacancy in the office of president occurs with less than 180 days left in the term, the first vice-president shall fill the office of president until the next regularly scheduled election of officers. The first vice-president shall discharge such other duties as may be assigned. The second vice-president shall assist the president in execution of his/her duties and serve as acting president during the simultaneous absence or disability of the president and the first vice-president. The second vice-president shall discharge such other duties as may be assigned.

3. **Treasurer:** The treasurer shall keep an accurate account of all receipts and disbursements of all money of the statewide union, maintain financial records. The treasurer shall deposit all money of statewide CUE in a bank account selected by the executive board. She/he shall provide members access to financial records; the executive board shall adopt reasonable procedures for this process that shall

not abridge this membership right nor unduly burden the treasurer. The treasurer shall report on financial matters to the president and executive board regularly. The treasurer shall prepare all checks for signature, and shall prepare the dues rebate checks for the locals. The treasurer retains responsibility for any duties delegated to another member.

4. **Secretary:** The secretary shall record, compile and maintain all minutes of meetings of the general membership and of the executive board. The secretary shall promptly transmit copies of the minutes to each local, and make them available to all members promptly upon request. The Secretary shall carry on all official correspondence of the union, except as the executive board may direct otherwise.

3. Terms of office:

The term of office for officers of the statewide executive board is two years.

4. Term limits for officers of the statewide board:

An individual may hold a position filling a specific office for no more than two consecutive terms. That individual may hold the same office only after being out of that office for at least one year. During the period during which the individual may not hold that position, the individual may hold other officer positions or position as a campus representative.

B. EXECUTIVE BOARD

1. The executive board shall consist of the officers and three members from each of the ten campus/laboratory locations, to be elected by members of the locals. For purposes of this article, the ten locations are: Berkeley, Davis, Irvine, Lawrence Berkeley National Laboratory, Los Angeles, Riverside, Santa Barbara, Santa Cruz, San Diego, San Francisco. If DANR or UCOP employees work at one of these locations, they would be part of that local; otherwise, they and all other UCOP employees, are part of the Berkeley local. Employees in Santa Monica would be part of the UCLA local. The Board shall also include a chief steward. The chief steward will work with locals to provide training and education regarding grievance and representation matters, and to help locals identify and foster new stewards. The chief steward will work with locals to track unfair labor practice charges and other formal actions against UC and will serve on any board or subcommittee authorized to decide whether a grievance should be forwarded to arbitration. The term of office for Chief Steward is two years.
2. The executive board shall meet three times a year, in person, with additional meetings/discussions to be held, between in-person meetings, in other forums, such as phone and e-mail. Thirty days advance notice of in-person meetings shall be given to all members. An agenda of the meeting shall be available upon request one week in advance. Executive board meetings are open to all members unless they deal with personnel matters. The in-person meetings shall be located alternately in the North and the South of the state as nearly as is possible.
3. All matters affecting the policies, aims and means of accomplishing the purposes of the union not specifically provided for in this constitution or by the actions of the membership (such as literature, legislative campaigns, alliances with other organizations or coalitions) shall be decided by the executive board. A majority of

- the members of the executive board shall be required for a quorum. The executive board shall be accountable to the members.
4. The executive board shall maintain or designate maintenance of statewide data and membership records and all other records of the organization. The Board shall give all reasonable requested help to Locals in their maintenance of records kept at the Local level.
 5. The statewide board has a responsibility to help develop membership and strong local structures at each campus.
 6. The executive board may call for a convention to be held, subject to approval of the membership by referendum vote. The board shall set a formula for representation of locals by delegates to be elected by members on each campus in accordance with [Appendix A](#) to this constitution. An agenda shall be made available upon request one week in advance. Conventions will be open to all members, but only delegates may vote. A convention shall not have the authority to elect officers or amend the constitution. It will have the authority to adopt other motions binding on CUE. It will have the authority to rule on election appeals that have been forwarded to the convention according to [Appendix A](#) of this constitution.
 7. The executive board shall review arbitration requests from members, members' representatives, or locals to determine whether a case shall proceed to arbitration. The relevant local shall review the request for arbitration before it is forwarded to the statewide executive board. A Local may take a case to arbitration despite non-approval by the statewide executive board (or delegated subcommittee of the board) but in such cases, the local must bear the entire cost of the arbitration and associated expenses.
 8. **Eligibility.** Executive board members shall be members of the bargaining unit, members of CUE and members of a local.
 9. **Term of office.** The term of office for member of the executive board is two years.
 10. **Term limits,** if any, for the three campus representatives to the statewide board, shall be set by each Local. Term limits for chief steward shall be two consecutive terms. An individual may not hold that office again until out of that office at least one year. During that period the individual may hold any other officer position.

C. TRUSTEES

1. Three members shall serve as trustees. They shall audit the CUE finances at least annually and report the results to the membership.
2. The term of trustee office is two years, except that in the initial elections, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term. To be eligible to serve as trustee, the nominee must be a member of any CUE local and must not hold other statewide elected position.

D. ELECTION APPEAL PANEL

At the same time elections are held at the locals for representatives to the statewide board, the local shall elect one member to serve on a statewide election Appeal Panel. Term of office on the Appeal Panel is two years. Duties are described in [Appendix A](#).

E. SALARIES

None of the positions described in Section V are salaried positions.

VI. ELECTIONS

1. Statewide officers and trustees and Election Appeal Panel members and chief steward shall be elected by direct secret mail vote by the members. After initial nominations and elections, nominations for officers shall be opened in May, shall remain open for at least 15 days, and shall be closed in June. Ballots shall be mailed out 30 days after the close of nominations.
2. At least 15 days advance notice shall be given to each member prior to the opening of nominations for statewide officer, and shall include the timeline for voting.
3. Each candidate will be offered the opportunity to prepare a statement to be included in a mailing paid for by the union. Each candidate will be given the opportunity to view their opponent's statements and prepare a response which will also be included in the mailing. This mailing will also contain the ballot. The executive board shall determine spending limits for each election and mechanical limits and details for the mailing and candidates' statements.
4. Upon completion of the voting, the ballots shall be counted and the candidate for each office receiving the highest number of votes cast for that office shall be declared elected.
5. Vacancies in positions of statewide officer or chief steward when more than 180 days remain in the term, shall be filled by a special election, which will be run according to sections B and C of section VI. With the exception of the president, vacancies in positions of less than 180 days shall be filled by appointment by the executive board.
6. Each local shall establish election procedures consistent with this constitution for election of its representative on the statewide executive board.
7. **Recall:** A petition signed by 60% of the statewide members which calls for the removal of an officer, shall remove that person from office upon certification by the secretary. If the secretary is the subject of the recall, the president shall provide the certification. The petition must state the reasons for recall, which must be defined as at least one of the following: (i) having engaged in conduct or a course of activity hostile or contrary to the best interests of the union; (ii) willful violation of the constitution; (iii) misappropriation of funds; or (iv) malfeasance in office or neglect of duty.

VII. STAFF

1. This organization shall provide fair wages and working conditions to CUE staff. Matters of discipline shall follow the concepts of due process and just cause. All staff shall be treated with respect and receive fair treatment. All open staff positions shall be advertised for a reasonable period of time. Benefits shall be offered staff hired on a permanent basis.
2. Staff whose salaries are paid by the statewide organization shall be selected by the statewide executive board. Statewide staff shall be directed by the president, in consultation with the local(s) where the staff works and subject to approval of the statewide board.
3. Staff whose salaries are paid by the locals shall be selected and directed by the locals.
4. Staff whose salaries are shared between locations shall be selected by both the locals where the work will be done and by the statewide executive board. These staff shall be directed by the locals in consultation with the president, subject to approval of the board.

VIII. COLLECTIVE BARGAINING

1. Bargaining shall be done by a bargaining committee and a chair negotiator who shall be the chair of that committee. The chair negotiator, who does not need to be a member of the bargaining unit, shall be selected and appointed by the statewide executive committee. The committee shall be composed of one representative from each of the locations (as listed in [V.B.1](#)), not including the chair negotiator, to be elected by general membership vote at each location.
2. The bargaining committee receives direction from the elected executive board and communicates directly with that body. The volunteer organizing committee discusses and makes recommendations regarding bargaining decisions, proposals, and other matters related to bargaining to the executive board. Reasonable expenses for food, lodging and travel for bargaining committee members will be paid by the statewide CUE.
3. All members shall be given ample notice prior to a contract ratification vote to examine the written text of agreement. The contract shall be approved by a majority vote of the members.

IX. STRIKE VOTES

A statewide strike may be called by a two-thirds vote of statewide members where the quorum shall be 40% of the statewide membership. A strike may be ended by a majority vote of a general membership vote, with a quorum being that defined in X for referenda. A motion to strike must be supported by 10% of the statewide membership. Whenever possible, the executive board shall provide notification to all members prior to a vote to call or end a strike.

X. REFERENDA

1. A statewide referendum may be called by a vote of a majority of the executive board or by a petition supported by 10% of the members statewide.

Once a referendum has been successfully called for, the executive board shall refer the matter to vote to be called within 30 days. The executive board shall send notification to all members and it shall include the referendum and the arguments representing different points of view.

The results of a referendum shall be considered valid if 30% of the statewide members have voted, and will be determined by a simple majority of votes cast.

2. Matters not subject to referendum are employment, assignment, promotion, discharge or compensation of staff.

XI. AMENDMENTS

This statewide constitution may be amended in the following manner: A motion to change the constitution must be supported by a majority of the executive board or by a support of 10% of the members statewide.

Once a referendum to amend the constitution has been successfully called for, the statewide executive board shall refer the matter to a vote of the statewide members to be called within 60 days. The executive board shall send notification at least 30 days prior to the vote to all members and it shall include the referendum and the arguments representing different points of view.

The results of a referendum shall be considered valid if 40% of the members voted, and will be determined by a vote of two-thirds of the votes cast. However, after April 30, 2000, the results of a referendum to set member dues shall be considered valid if 30% of the members voted, and will be determined by a simple majority of the votes cast.

XII. PARLIAMENTARY PROCEDURE

[Robert's Rules of Order](#), the most recent revision, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution.

XIII. MISCELLANY

1. No single officer shall have the power to act as agent for or otherwise bind this organization. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind this organization except to the extent specifically authorized by the executive board.
2. Any appendices to this constitution must be approved by the usual referendum process.

XIV. BILL OF RIGHTS OF MEMBERS

1. Members shall have the right to receive accurate information relating to the affairs of the union, including accurate membership figures and vote counts.
2. An annual financial report will be made available to members.
3. Members shall not be restricted in the exercise of their right of freedom of speech, concerning the operations of this union or any other union. Active and open discussion of union affairs and the expression and/or publication of views of union members shall be protected within this union.
4. Members shall be encouraged to participate in the affairs, management, and administration of this union.
5. Communication to the members on all matters shall be timely and accurate.
6. Minutes of statewide meetings and copies of correspondence by statewide officers shall be provided to locals regularly, which locals shall in turn allow access to this information by the members, except for correspondence regarding personnel issues.

XV. AFFILIATION OR DISSOLUTION

1. CUE is not affiliated with any other union. Any decision to affiliate with another union must be approved by members in accord with these provisions: A motion to affiliate or to dissolve CUE may be called by a vote of a majority of the executive board or by a petition supported by 20% of the members statewide. Once such a vote has been successfully called for, the executive board shall refer the matter to vote to be called within 60 days. The executive board shall send notification to all members and it shall include the referendum and the arguments representing different points of view.

The results of a vote shall be considered valid if 50% of the members have voted, and will be determined by a vote of two-thirds of votes cast.

2. This non-affiliation status does not prevent statewide CUE or any local from working with other unions or other organizations in coalitions or joint projects.
3. If CUE is dissolved, any unexpended funds and properties shall be donated to a non-profit organization selected by the members.

APPENDIX A: ELECTIONS CODE

Section 1. General provisions.

1. No funds of CUE shall be used to support the candidacy of any member for any elective office within CUE.
2. No publication published by CUE shall endorse or support any candidate for elective office within CUE.
3. Any nominee or announced candidate for elective office shall have the right, once prior to the election, to have mailed, through the statewide union office or local office, a limited amount of campaign literature; the amount of literature to be set by the statewide executive board if it is a statewide office or by the local executive board if it is a local election or election of campus reps to the statewide board. The mailing (contents and postage) shall be at the candidate's expense. The

- mailings shall be to each member in good standing who may vote in that election, at the campus level or statewide.
4. To run for office, the nominee must be a member in good standing of the local in which the nominee seeks office or which the member seeks to represent as a member of the statewide board. To run for statewide office, the member must be in good standing in a local. To be in good standing, the member must be employed in a position in the bargaining unit and must meet any other requirements set by the local of which the person is a member.
 5. Any member serving a term of office whose position is moved outside of the bargaining unit by reclassification or privatization may complete the remainder of the term of office. Any member who leaves the bargaining unit by resigning or by transferring to a job outside the bargaining unit will not be allowed to complete the term of office. Any member serving a term of office who is fired or laid-off and who is grieving that management action may complete their term of office.
 6. An election committee shall be established at the local or statewide level, depending on the election being conducted. The committee shall have general responsibility for the conduct of the election in accordance with this Constitution and the constitution of the local. Any challenge concerning the eligibility of any nominee shall be referred to the election committee for decision and the decision shall be reported to the local executive board or the statewide executive board (as appropriate) prior to the election. The election committee shall also report, as expeditiously as possible, the results of the balloting, together with recommendations regarding any protests which have been lodged regarding the conduct of the election. No member of the election committee may be a candidate for office. Members of the elections committee are to be appointed by the executive board of the local or statewide organization. Election for statewide positions shall be overseen by a statewide elections committee of no fewer than 2 members. Election for local officers and board, and for local representative to the statewide board shall be overseen by a local elections committee, size to be determined at the local level.
 7. Not less than fifteen days prior to the opening of nominations for statewide or local union officers and board members, a notice of the nominations and elections shall be mailed by the statewide or local union, at its expense to each member at the member's last known address, email or street address. Procedures for making nominations and for elections shall be included.
 8. Those nominated shall be afforded the opportunity to decline, and the name of any nominee who declines shall not appear on the ballot.
 9. In any case where there is only one nominee for office, such nominee shall be declared elected. In all other cases, election shall be by secret ballot. All members shall be afforded a reasonable opportunity to vote.
 10. Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member of CUE, in all places where ballots bearing the candidate's name are to be counted.
 11. Upon completion of the voting, the ballots shall be tabulated and the candidate for each office receiving the largest number of the votes cast for that office shall be declared elected.
 12. Vacancies in office shall be filled in accord with provisions of this constitution. If no constitutional provision exists for local positions, vacancies shall be filled by vote of the executive board of the local.

13. All election records, including ballots, shall be retained for at least one year after the election.

Section 2. Challenges and protests.

1. Any member of a local may challenge the eligibility of any nominee for local office, and any CUE member may challenge the eligibility of any nominee for statewide office. This is done by filing such challenge with the election committee prior to the holding of the election. The election committee shall make a determination regarding the challenge, and shall report its ruling to the local board, or, in the case of statewide office, to the statewide board. The statewide or local board shall either accept or reject the ruling of the election committee prior to the election.
2. Any protest concerning the conduct of the election may be lodged by filing such protest in writing with the local or statewide board within ten days following the ballot count. All interested parties shall be afforded an opportunity to be heard. Such protests shall be decided by the local or the statewide board not later than thirty days after the filing of the protest.
3. If the local or statewide board determines that there were violations which may have affected the outcome of the election, it may order such election or any part thereof set aside, and a new election held. Any officers who have been installed prior to such determination shall remain in office pending the outcome of any new election or of a future appeal.
4. Any protestor or nominee adversely affected by a decision on by the executive board a challenge or a protest (A or C above) may file written appeal with the Elections Appeal panel within ten days of the decision made by the local or statewide board or, if no decision has been rendered, within forty days after filing the original protest with the local or statewide board. Upon receipt of such an appeal, the Panel shall conduct an investigation, affording all interested parties an opportunity to be heard, and the Board shall issue a decision within forty days after the filing of the protest. If the investigation shows that there were violations which may have affected the outcome of the election, the election or any part thereof may be set aside and a new election held. In such circumstances, the new election may be conducted under the supervision of a representative designated by the Panel members who conducted the investigation.
5. Any protestor or nominee dissatisfied with the ruling of the Appeal panel may appeal to the next CUE convention to be held. In the meantime, the finding of the Appeals Panel shall be put into effect, pending decision by the convention.

APPENDIX B: PROTECTING THE UNION

A procedure shall exist by which the union can protect itself from individual members whose activities seriously undermine the union's efforts to protect and serve its members.

Members may be charged and tried for engaging in activities that are detrimental to the organization. These activities shall be narrowly defined, and should not preclude the expression of personal political opinions, publicizing opinions about the leadership of CUE, or disagreement with actions undertaken by CUE. Some activities, however, should be considered contrary to building a rank and file union, and should be grounds for discipline or expulsion. Examples include: making agreements with management on

grievances or unfair practice charges about which the involved grievant member is unaware; giving confidential union information to management; providing management with information that interferes with the organization pursuing its goals; disruptive behavior in meetings such as repeated failure to abide by Robert's Rules of Order when asked to by the chair; other actions that interfere with other members' right to express their opinions and participate fully in the organization; improper use of union funds; etc.

The process: any member can file a grievance against another member. The person filing must state the nature of the offense and the date it occurred, by mail to the main CUE post office box. The executive board shall make a determination if there is merit for the grievance to go forward. If the board finds there is reasonable cause to believe the charge is valid, the executive board will select a judicial panel made up of five people, randomly selected from union members in the north (Davis, Berkeley, LBNL, SF, SC) or south (R, I, SD, SB, LA), being from the same area the charged party is from. The judicial panel shall not include any person who is on the statewide or any local executive board.

The judicial panel shall select its chair and shall set a reasonable place and time for the hearing and conduct for the hearing. The hearing shall be held within 30 days of the executive board's determination that a hearing should be held. Both sides shall have the right to cross examine and present witnesses and evidence. Representation by another CUE member or legal counsel or other person shall be allowed, with expenses to be born personally by charged party if an attorney is hired. No union funds, local or state, shall be used to pay for lawyers' fees or other related expenses for either side. Oral testimony, documentary evidence may be introduced and witnesses by both sides may be called. The hearing shall be open to all CUE members who wish to attend, although no expenses will be paid for this purpose. Statewide CUE will pay for the members of the Judicial panel to attend.

At the conclusion of the hearing, the Judicial Panel shall consider the evidence and arguments and make a decision as to guilt or innocence. Four out of five members of the panel shall be required to uphold a decision of guilty. A decision of guilt shall result in the Judicial Panel choosing from the following penalties: a formal reprimand, a fine, suspension of membership, expulsion. All penalties shall be in proportion with the offense. Failure to pay a fine, suspension or expulsion mean that the member is not in good standing.

The judicial panel shall prepare a report, available upon request to any CUE member, including their decision. This report shall be sent to the executive board, which will oversee implementation of the penalty, if any.

The charged party may appeal the decision, in writing, within 21 days, to the statewide executive board, by writing to the state president at the CUE post office address. Upon receipt of the appeal, the executive board shall place the matter on the agenda of the next meeting. The executive board shall have the authority to overturn the decision or reduce the penalty. The board shall notify the charged party in writing of the action taken no later than 5 days after the meeting.

JMI POLICY

Adopted 12/3/00

Policy on access to jurisdiction and membership information (JMI) inside CUE.

The information that CUE possesses is more than just data inasmuch as its use can help or hurt CUE, can help or hurt individuals. Maintenance and security of this information is vital to CUE as an organization, and its abuse must be taken very seriously.

1. JMI data kept by statewide CUE shall be maintained and assessed by the statewide table officers and staff on an as-needed basis. It shall be provided to locals upon written request of the local president/chair/contact person (just one of these) to the staff person who keeps the information, or by a person designated by the president of the local president/chair/contact person, who will be held responsible for the use of this information.
2. Information passed on under "A" above will not include the employee's social security numbers.
3. JMI data kept by statewide CUE shall be provided to statewide committees upon written request, which will specify the exact purpose for the request, and with authorization of the CUE statewide president or his/her designee.
4. The statewide CUE will provide locals with regular (monthly) reports that shall include:
 - o members' names
 - o work and home addresses and phones
 - o work locations
 - o join dates
 - o classifications

The statewide CUE will provide locals with similar information for the jurisdiction and for new employees as often as is reasonably requested, or whenever CUE obtains new information from UC. None of this precludes a local from obtaining information at its own expense directly from its campus.

5. Once a Local possesses JMI, it is the Local's responsibility to maintain reasonable and responsible control of that information.
6. Once a statewide committee possesses JMI, that information may not be used for any purpose except that specified in the request for the information.
7. Neither the statewide CUE nor any member, local or committee possessing JMI that has been obtained from the employer may sell, loan, or give that information for any political or commercial purpose or to any other union.
8. No member or committee of CUE may broadcast messages based on JMI unless those messages have been approved by an appropriate local or statewide committee. Absent such permission, individual members may not send messages to addresses that the prospective writer has access to by dint of holding office or any position in CUE.