

## **NEA-ALASKA ELECTION & CAMPAIGN GUIDELINES FOR CANDIDATES**

This guidance is designed to answer common questions about the election process and what campaign activities are permitted. For details and specifics, refer to the Election Packet.<sup>1</sup>

### **STARTING YOUR CAMPAIGN - WHAT TO EXPECT**

**1. I've been thinking about running for statewide office. When do I actually become a "candidate" subject to NEA-Alaska rules?** Candidacy starts when you file your letter of intent, which cannot be filed before September 1. (The NEA Director can start a year before the election, under NEA rules). The letter is a simple written notice that you are running for a particular office, and is submitted to the President/Executive Assistant, Anchorage office. You cannot accept money from a member to support your candidacy, actively campaign, hold campaign events or distribute materials at NEA-Alaska events without first filing the letter of intent. You may *explore* running before September 1, so long as you avoid campaigning. The filing deadline for President, Vice President and NEA Director is at the end of DA session Thursday evening. The deadline for Regional Directors is the Friday of DA, 4:00 p.m.

**2. What does NEA-Alaska do to support candidates and provide voter education?** The following responsibilities are assigned to NEA-Alaska under the Election Policy.

A) When you submit your letter of intent, NEA-Alaska will provide you with election guidance, based on the Constitution, Bylaws and policies, and including these FAQ's. In addition, candidates for NEA Director will receive a copy of NEA election guidelines.

B) Statewide candidates can submit campaign material to be posted in NEA-Alaska offices (Anchorage, Juneau, Wasilla, Fairbanks). Space is limited: the local affiliate will assist in managing the bulletin space available, and equal access.

C) Candidates may request that NEA-Alaska complete a single campaign mailing to association members, at the candidate's cost. NEA-Alaska will complete the mailing using its regular mailhouse, with the candidate paying the mailhouse fee up front.

D) NEA-Alaska will make one electronic mailing to Association members on behalf of ALL candidates, subject to rules on length, formatting, and submission deadline. The mailing will include the contact and website information provided by the candidate. *Estimated date for the mailing for 2018 election:* the business day after DA concludes.

E) The NEA-Alaska website will publish a link to a candidate's website, if the candidate provides a link.

F) The NEA-AKtivist edition published before the election will state the dates voting will open and close.

G) At DA, a candidate roster will be posted outside the meeting room and will be updated as candidacies are declared.

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<sup>1</sup> The election packet contains relevant Bylaws, adopted Policies, and these FAQs. It may include additional information or guidance helpful to candidates. In case of any conflict between documents, the following documents control, in this order: Bylaws, Policies and additional guidance (such as these FAQs). Any questions about the materials should be directed to the President or Executive Director. Any portion of NEA-Alaska materials that may be rendered void or unenforceable under applicable law will be automatically superseded.

H) At DA, each candidate for statewide office who is in attendance may request a table outside the main meeting room to use for campaign purposes.

I) At DA, the Chair of the Elections Policy Violations Review Committee (EPVRC) or designee will be available to review campaign material upon request.

J) At DA, NEA-Alaska will provide a candidate forum for all Statewide office candidates. The forum will allow callers to listen-in. A videotape of the forum will be published on the website after DA (for members only). The forum schedule will be selected to maximize audience and candidate participation. Candidates not available for the forum may designate a member to speak on their behalf.

K) NEA-Alaska will distribute your bio with the ballot. Bios are subject to word limits, and must be submitted electronically by the close of DA. Have your information ready to provide before DA starts, to meet the deadline and length requirements. You will be asked to submit a photo with the bio. Your submission will be acknowledged electronically. You will have 5 days after DA closes to verify the completed bio with the Executive Assistant.

L) Within 6 days after the close of DA, NEA-Alaska will post on its website the opening and closing dates of the election. This information will also be provided to local presidents.

M) When ballots are available, no later than 10 days after close of DA, NEA-Alaska will notify each local president and NEA-Alaska board member. Presidents and directors are expected to announce and encourage voting and should report any voting issues or ballot discrepancies to the Anchorage office.

N) After the election is certified, NEA-Alaska will announce the results in the NEA-AKtivist.

**3. How do I get nominated?** (President, VP/Secy/Treas, NEA Director): Nominations for these offices are made from the floor of DA. The agenda will note the timing.

(Regional Directors and all RA Delegates): Nominations for these offices are made at DA's regional caucuses at DA or by submitting an official form to Steering and Rules by the stated deadline. RA delegate candidates choose to run on a regional or at-large basis. Nominees for Regional Directors for the NEA Alaska Board will be given a specific time on the DA agenda to accept nomination. (Regional PACE nominations are made at regional caucuses and forwarded to the President.)

**4. What does the nomination for President, Vice-President, NEA Director involve?**

Together, the person making the nomination, and the person or persons seconding the nomination, may speak for no more than 3 minutes.

Acceptance speeches may not exceed: 3 minutes for President, VP/Secy/Treas, NEA Director and 1 minute for Regional Directors. Candidates not present at DA may designate a member to speak for them.

**5. Can I campaign as a write-in?** If you are not nominated at DA, you may run as a write-in candidate. All ballots include a space to write-in a candidate.

## ELECTION ADMINISTRATION

**6. Who is responsible for oversight of elections?** NEA-Alaska Bylaws provide that the VP/Secy/Treas. is the administrator of elections, works with the staff of NEA-Alaska to follow election policy, and approves the ballot form. If the VP/Secy/Treas is a candidate, then the President selects a director from the Board, who is not a candidate, as substitute election administrator.

**7. I looked at the ballot, and it is wrong. Who is responsible for correcting this?** Contact the VP/Secy/Treas or the individual appointed by the President to serve in his/her place. If you're not sure who is responsible, contact the President.

**8. I asked the VP/Secy/Treas. to correct the ballot, and she wouldn't do it. Where do I appeal?** The appeal is to the EPVRC, see *Section 10* of the Elections policy. The complaint must meet policy requirements, and use the form provided by NEA-Alaska which is also published on the website. Submit the written complaint to the President.

**9. How will I get the race results?** The President notifies all candidates of the vote, using email. Statewide candidates receive a subsequent telephone call as well. The email notice will be to all candidates for the same office. At this point, the results not certified by the Board, but can be made public. The VP/Secy/Treas prepares an elections report for the Board. Between 7-10 days after voting closes the Board certifies the election. Contested races will not be certified until any contest is resolved.

**10. When is a re-count required?** When a candidate loses by one percent or less of the total votes for the office.

## CAMPAIGNING AND MESSAGING

**11. What can I do to support "get out the vote"?** GOTV is a special category of neutral messaging, and a candidate's own messaging doesn't qualify as "GOTV". That doesn't mean you can't educate members about the voting process or encourage participation. Your material can send messages such as: "Make sure you have your NEA-Alaska member identification handy in order to vote" or "Here is the link for voting" coupled with "Make sure and vote for me January 25-February 4!" This is regular campaigning, and regular campaign rules apply. Source and sponsor must be identified on all materials.

**12. When should I tell people to start voting?** Within 6 days after DA closes, the voting period will be posted by NEA-Alaska on the website and provided to the local presidents. Ballots will be available no later than 10 days after close of DA. By the 20<sup>th</sup> day after DA, voting will close. Be careful and accurate in giving out such information, to avoid voter confusion.

**13. What are the rules for campaigning?** The rules are detailed and require careful review by you and your campaign team. The main rules are that campaign items must disclose source and sponsor, and no NEA-Alaska or local affiliate resources can be used to support a candidate. NEA-Alaska and local affiliates may provide neutral voter education and GOTV efforts, as

described in *Questions #2, 3, & 21*. But, NEA-Alaska will not prefer a particular candidate or permit Association employees to facilitate any candidate's campaign for any office.

**14. I'm ordering some campaign items to give away, some small and some larger. What information do these items need to disclose?** The items are campaign material and must show source and sponsor, even if they are tiny. Source and sponsor is often the same person, in which case only the sponsor needs to be identified.

**15. I'd like to sponsor a raffle to encourage everyone to vote. Can I do that?** As a candidate, you may not conduct a GOTV drawing or raffle. Your local may sponsor a GOTV incentive ONLY if the activity is neutral, the local is the identified sponsor of the incentive, and advertising of the incentive is on a stand-alone document. For example, a local could not advertise its endorsements and then advertise an incentive to vote, in the same document. A GOTV incentive cannot require the voter's disclosure of how they voted.

**16. It seems the best time to talk to members about my campaign is during lunchtime at the school. I can do that, right?** Not during the student day. You may only campaign in schools outside of the student day.

**17. I have a photo of myself shaking the NEA President's hand, during her last visit to Anchorage. She is not wearing any NEA logo, but I am wearing my NEA-Alaska board member fleece jacket and the NEA-Alaska logo shows prominently in the picture. Can I use this photo in my flyer for statewide president?** NEA-Alaska's logo cannot be used by a candidate on campaign material. Also, although less relevant here, NEA-Alaska's name cannot be used to suggest endorsement by NEA-Alaska. Because your opponent could file a complaint about "using" the NEA-Alaska logo, you should carefully assess the risks presented by your material. You might want to seek "pre-distribution review" of your material from the Chair of the EPVRC. If the material passes review, the review will protect you in case of a complaint. NEA has similar rules about its logo, which don't appear to be violated by this example.

**18. I'm a release time president. I have time during the day available to campaign. Can I campaign while in office?** Your time as release time officer of the local or statewide association is paid for by dues dollars. Therefore, your business day is a union resource. Accordingly, the following restrictions have been adopted to balance your right to campaign with your official responsibilities:

-You may not personally campaign for office or seek the support of others during the normal operating hours of NEA-Alaska.

-If you take *leave* time in accordance with local or state policy, or if there is no leave policy in place but you report to your governing body in writing the date and times of personal campaign activity during operating hours, you may campaign during those hours.

**19. I'm attending an NEA-Alaska event, and have prepared some campaign materials to distribute and display. What are the rules?** No campaigning may occur while the state, local, or national event is in session, except nomination speeches and acceptance speeches at DA (see time limits in *Question #4*). This restriction means, for example, that during a board meeting, a

director may not stand up and announce his or someone else's candidacy, seek support for his candidacy or announce a campaign event. During recesses, and before/after the event, non-disruptive campaigning may occur, and campaign materials may be placed on tables or displayed in designated locations. This activity must be reasonable – for example, large or voluminous voter incentive items or papers, and loud or aggressive campaign communications will be prohibited. The DA candidate forum will permit candidates to speak generally about their position, but because this is a voter education event and not a campaign event, speeches may be subject to reasonable rules established by the host or moderator for all candidates.

**20. My opponent is already in office, and has constant opportunities to meet and greet members that I do not have, at least not without spending money to travel. Are there limits on this activity?** Yes, limits have been adopted to promote a level playing field without penalizing leaders who have a job to do. NEA-Alaska must continue its regular business – which is conducted by incumbents and local leaders, to a large degree – during elections. That balance is shown in the following rules:

- Travel and appearances sponsored by NEA-Alaska must be by virtue of the office already held by a candidate.
- If a candidate wants to serve as a trainer or presenter/participant in an Association program, the candidate must be qualified to do the work, and will not be selected if other qualified individuals are available.
- As a member, you can attend any NEA-Alaska function regardless of your candidacy. However, campaigning cannot occur while trainings and events are in session.
- If you are an incumbent, and after an NEA-Alaska event decide to hold a campaign event in your hotel room, you must pay NEA-Alaska the pro-rated cost for the room use. This includes payment of the room's value, if the room has been "comped" by the hotel.

## **OTHER SUPPORT**

**21. Can my local endorse me? And if so, what can they do to publish the endorsement?**

Yes, in the regular course of business the local may endorse a candidate for NEA-Alaska office. The local can't call a meeting specifically for that purpose, and can't spend any funds to support or endorse the candidate. The endorsement may, however, be published in regularly published communications to the local's members.

**22. I want to hold a campaign event at the local's office. Is that allowed?** A local affiliate may make available to ALL candidates for a particular office, certain of its resources as it may designate. Resources include interschool mailbags, presentation time at the local's meetings, local voter forums, and publications. The resources must be free of charge or offered to all candidates at the same rate. The local may not prefer its endorsed candidates over other candidates for the same office. However, it can decide that only candidates for particular offices will be granted access to the local's resources. For example, a local could hold a forum for the President's race alone, and exclude candidates for Vice President or NEA Director.

**23. I'm a former local president, now the local vice president. My local president and some board members of my local have asked what the local can do to help me get my name out and my face known. Are there restrictions on what we can do?** Yes. Remember that locals

are allowed to endorse candidates, announce their endorsement (subject to certain limits), perform GOTV efforts, voter education, and provide resources equally to all candidates. As a local officer and candidate, you should recuse yourself from discretionary decisions and actions that could suggest a conflict of interest. For example, proposing an early endorsement process, a particularly large font announcement of endorsements on the website, or that a regular meeting be used to host a voter forum on a date convenient for you is problematic. If you initiate the local's discretionary actions relating to an election, the local's decision will appear less neutral. Your opponent could file a complaint that your actions were not "by virtue of your office" but due to your candidacy. Delegate these decisions to another local officer, who does not have a potential conflict.

**24. I need help formatting and printing my campaign flyer and poster. Then I need it to be stuffed into the interschool mailbag. Is it ok to ask NEA-Alaska staff to help me?** No. The *Local affiliate* can stuff the interschool mailbag if all candidates are given that opportunity. See answer to *Question #22*, above. This means that the local president, board, or volunteers can stuff the mailbag, but only if this local affiliate resource is offered to all candidates. NEA-Alaska staff members are not permitted to be involved in any local GOTV or "equal access" activities of the local affiliate. The reason is that NEA-Alaska staff must act in a consistent manner throughout all NEA-Alaska offices, and have clear direction from NEA-Alaska management. Management has pre-authorized NEA-Alaska staff to perform certain voting tasks, such as the voter education efforts listed in XX above. Such actions of the statewide association are the only activities considered to be neutral at this time. If you have a question about protocol, contact the Executive Director of NEA-Alaska or the President first for clarification: avoid putting an individual staff member on the spot.

**25. I feel I need a few thousand dollars in order to produce flyers and campaign materials. Can I seek donations from non-members and some local businesses? Or from my brother's business?** No. Only NEA-Alaska members and your relatives can provide donations to your campaign. Your relative's company is not your "relative." NEA rules also restrict what donations a candidate for NEA Director can seek or accept.

## COVERAGE OF ELECTION RULES

**26. I'm running for local president. Do NEA-Alaska's practices apply?** Local affiliates are encouraged to adopt their own guidelines. If they do not adopt their own guidelines, NEA-Alaska's campaign practices apply to local races. The exception is that campaign violations will be governed by the local's governance, not NEA-Alaska's EPVRC committee.

## ELECTION COMPLAINTS

**27. I'm concerned about some campaign practices my opponent is engaging in. What should I do?** You can talk directly to your opponent about the possible violation. If you and your opponent just have different interpretations of the same rule, or are dealing with an issue not addressed by the rules, you may be able to reach an agreement. You may consult the Chair of the EPVRC if the question involves campaign materials. And, NEA-Alaska has a detailed election complaint process in Section 10 of the Election policy. If you are interested in filing a complaint,

review the complaint form on NEA-Alaska's website. The form follows the complaint policy and should help you make your decision.

**28. I'm not sure I'm ready to file a complaint, since the election results haven't come out yet and I think I'm going to win despite my opponent's tactics. What is my deadline for filing a complaint?** A complaint must be filed by the *earlier* of two dates:

- 1) 10 days after you knew or reasonably should have known about the violation, or
- 2) 5 days after the polls close.

Remember, any member eligible to vote in an affected race may file a complaint. A complaint does not have to be filed by a candidate.

**29. When will my complaint be processed?** A complaint triggers several important steps, which are completed as expeditiously as possible but can take unpredictable amounts of time. Within 3 days after the complaint is filed, the candidate who is the subject of the complaint will be notified. The EPVRC Chair decides if the complaint states a *prima facie* violation, and if so, the candidate is given an opportunity to respond, and the committee investigates and makes factual findings. (If the complaint doesn't state a violation, the Committee notifies the filer and the candidate). Once the Committee completes fact-finding regarding an accepted complaint, it makes a recommendation to the Board of Directors, through the President. The Board meets and makes the final decision by a two-thirds vote. Remember that if there is a pending complaint on a particular race, that race will not be certified until the complaint process is finished. This creates a strong incentive to complete the complaint process promptly.

**30. Will there be a hearing?** The Committee investigates and gives material witnesses an opportunity to provide relevant information. Once the Committee completes its written findings and recommendations to the Board, the candidate who is the subject of the complaint will be given an opportunity to respond (in person or in writing) before the Board. The candidate will receive an advance copy of the Committee's findings only if the candidate agrees to confidentiality.

**31. Who decides the merits of an election complaint?** The EPVRC is the investigator, and makes recommendations on the Complaint. The Board of Directors considers the EPVRC's fact-finding and recommendations, and makes the final decision on an election complaint.