

# **The Service Employee International Union**

## **Local 509 General Election Policies and Procedures**

*Approved by the SEIU 509 Joint Executive Board on  
May 8, 2012. Amended August, 2019.*

### **Introduction**

All SEIU Local 509 election procedures must be in full compliance with the provisions of the Labor Management Reporting and Disclosure Act (LMRDA) and the SEIU Local 509 and SEIU International Constitutions. Copies of both constitutions can be obtained by contacting SEIU Local 509 or searching the SEIU International or SEIU 509 websites. More information about LMRDA can be found on the Department of Labor's website.

These procedures and policies, approved by the SEIU Local 509 Joint Executive Board and reviewed by the SEIU Local 509 General Counsel, are meant to supplement, not supplant, the SEIU Local 509 Constitution and Bylaws.

### **Election Committee**

The Election Committee will be responsible for overseeing and administering the SEIU Local 509 election of officers in accordance with federal law and the SEIU Local 509 constitution and bylaws. The SEIU Local 509 President shall appoint an Election Committee before the end of the month of June in the year prior to each SEIU Local 509 General Election. The Committee will be made up of five (regular) members and two alternates.

The SEIU Local 509 Recording Secretary shall be a non-voting, ex-officio member of the Election Committee and shall be the official recorder at meetings. In addition, the Election Committee shall elect one of the regular members to chair Election Committee proceedings. Minutes of all SEIU Local 509 Election Committee meetings will be available to all members. Notice of Election Committee meetings will be posted on the events calendar on the SEIU 509 website.

When necessary, replacement of a (regular) Election Committee member shall be from the pool of alternates; replacement of alternates shall be appointed by SEIU Local 509 President to serve for the remainder of the term.

All members of the Election Committee shall be members in good standing in SEIU Local 509; however, no member of the Committee, excepting the Recording Secretary, may be a candidate for local wide office, a candidate for the Joint Executive Board, or actively involved in a member candidate's campaign for office.

The SEIU Local 509 President shall appoint a staff member to serve as the Administrator of the Election Committee. The appointee shall not be a candidate, nor be a supporter of a candidate, for an office covered by this document. The work of the Election Committee will be guided by three principles. The Committee will:

- Be fair and impartial, treating all candidates equally and avoiding any acts of favoritism or even the appearance of favoritism;
- Follow the election provisions of the SEIU Local 509 Constitution and Bylaws as well as any other union election rules as consistent with federal law; and
- Uphold American democratic traditions by protecting the right of every member in good

standing to nominate candidates, run for office, and vote by secret ballot for officers of the Local.

For one year prior to the General Election, the Election Committee's responsibilities shall include, but not be limited to, the following duties:

- Establishing nomination and election timelines in accordance with the constitution and by-laws of SEIU International, SEIU Local 509 and the LMRDA;
- Preparing a request for proposal (RFP) to be submitted to prospective vendors;
- Reviewing and evaluate all bidders. Recommend to the President and the Joint Executive Board a third party vendor to conduct SEIU Local 509 elections;
- Coordinating all aspects of the election with the third party vendor chosen to conduct the elections;
- Working with the SEIU 509 Director of Administration to ensure that membership lists are up-to-date and revised with current addresses for mailing election notices/ballots;
- Assisting SEIU Local 509 officers in the nomination process at the Annual Meeting/Nominating Convention; and approving all general communication about the election to the general membership.

### **The Election**

The SEIU Local 509 General Election will be conducted by an independent organization, as determined by a process established by the Election Committee and approved by the Joint Executive Board. The SEIU Local 509 elections must comply with the SEIU Code of Conduct and the Department of Labor's regulations.

If decided that a third party vendor is needed to assist the Election Committee or Trustees in conducting a general or interim election, the decision on vendors shall be based on bids solicited from multiple vendors.

### **Eligible Candidates**

In order to run for office, a candidate must be a "member in good standing" six months prior to the date of nominations.

An officer must be a "member in good standing" to remain an officer. This includes, among other requirements, that the officer pay at least the minimum dues amount regardless of current employment status (i.e., full time, part time, relief, unpaid leave, etc.). In other words, even if you do not work a full 12 months, to remain an officer, you must pay at least the minimum dues, set by the SEIU International Constitution, of either \$36 or \$32 per month as noted above.<sup>1</sup>

If an SEIU Local 509 officer employed by a Local 509 jurisdiction has 1.5% of their gross income above the minimum threshold noted above, their full dues obligation has been met.

If an SEIU Local 509 officer employed by a Local 509 jurisdiction has 1.5% of their gross income below the minimum thresholds noted above, they are responsible for the difference in dues to meet their full dues obligation.

If an SEIU Local 509 officer employed by a Local 509 jurisdiction is not being paid by that jurisdiction, they are responsible for paying the minimum dues threshold noted above.<sup>2</sup>

<sup>1</sup> SEIU International Constitution, Article XV, Section 6(a)

<sup>2</sup> The SEIU International Constitution allows for locals to establish a lower minimum dues amount for those earning less than \$5,500 annually – This is spelled out in Appendix C of the SEIU Local 509 Constitution

<sup>3</sup> This does not apply to retired members

Nominations will be made from the floor of the Annual Meeting/Nominating Convention in October. A member does not need to be present to be nominated. All nominations must be made and be seconded by a member in good standing; if the nomination is for a chapter office, the nomination and the second must come from within the same chapter.

In the event that no more than one nomination is received for a particular office, the SEIU Local 509 President shall declare that nominee elected. As per the SEIU Local 509 Constitution Article V, Election of Officers, Section 6.

### **Who is a "Member in Good Standing?"**

Only a "member in good standing" may be a candidate for office in SEIU Local 509 or may cast a ballot in a SEIU Local 509 election. In general elections, the following criteria must apply:

- Dues must be deducted (where payroll deduction is authorized) or paid (where dues are paid directly) for four weeks prior to the Annual Meeting in order to vote – and six months prior to the Annual Meeting in order to be a candidate. If an employer has failed to remit dues in a timely fashion the most recent remission will be used.
- The member must be employed within, retired from or on an approved leave of absence from a jurisdiction represented by SEIU Local 509 (for at least) four weeks prior to the Annual Meeting in order to vote – and six months prior to the Annual Meeting in order to be a candidate. This applies equally to members who have had dues deducted and those who have paid directly, including members who have retired, continue to pay full dues and maintain privileges as a member. Retired members who are paying the \$1.25 per week that constitutes a retired member's dues to SEIU Local 509 will be eligible to attend the annual meeting and vote in the SEIU Local 509 election for Local-wide offices and Constitutional Amendments. However, the member will not be eligible to be nominated for SEIU Local 509 office. Retired members who wish to run for SEIU Local 509 or chapter office must have continuously paid a higher "full" dues rate for six months. This condition is required by the SEIU Constitution in order to be nominated.

### **Eligible Voters**

Only "members in good standing" who are full dues paying members the month ending prior to the Annual Meeting/Nominating Convention will be eligible to vote. Retiree dues paying members shall be eligible to vote in Local-wide elections and Constitutional Amendments.

### **Election Process**

The official campaign period will begin at the conclusion of the Annual Meeting/Nominating Convention. The campaigns will run for three weeks. At the end of the third week, ballots will be mailed to each member's last known address. Members are responsible for notifying the SEIU Local 509 office if their contact information has changed.

The Election Committee shall provide all candidates with notice of the date, time and place of the preparation and mailing of ballots as well as all phases of the counting of ballots.

Ballots must be returned by mail to the independent third party vendor chosen to conduct the election no later than three weeks after being mailed. The ballots shall be counted two working days after the return date, at a place determined by the Election Committee and the third party vendor chosen to conduct the election. The SEIU Local 509 Election Committee has the right to change date to remedy mailing issues should they arise.

Ballots will be tallied by chapter and within the Department of Transitional Assistance, Mass Health, and Department of Children and Families chapters by region, and within other chapter's regions or agencies when there are contested elections. In each contest the candidate receiving the greatest number of votes will be declared elected.

If applicable, ballots and ballot instructions shall clearly convey that the ballot will also determine selection of delegates to the SEIU International convention.

### **Observers**

As stated in the SEIU Local 509 Constitution and Bylaws, union members that wish to attend may be present at the counting of ballots (article 5, section 12).

If a candidate chooses, observers (selected by the candidate) may be present at the preparation, mailing, receipt and/or counting of ballots. In addition:

- Candidates for Local-wide office may have no more three observers in addition to the candidate at any one time (selected from a list of observers as determined by the candidate); and
- Candidates for Chapter office may have one observer.
- Candidates running for office who have multiple regions may have up to three observers.

The SEIU Local 509 union office will announce location, time, and place of vote count to the general membership by e-mail, website and/or written materials.

### **Rules for Observers**

- Each observer shall identify himself/herself to the election officials, sign the observer log, and indicate which candidate he or she represents.
- An observer shall notify election officials if he or she is scheduled to be replaced later in the day by another observer.
- While present in the polling or tally area, each observer shall wear a badge provided by election officials clearly marked "Observer."
- Observers, accompanied by election officials, may inspect the preparation, mailing, receipt and/or counting of ballots.
- Observers must not campaign in the voting area in any way. They may not wear buttons or other campaign apparel, distribute campaign material, or engage in conversations with vote counters about candidates or the election campaign.
- Observers shall remain in the area(s) approved by election officials where they are able to see the preparation, mailing, and receipt and/or counting of ballots.
- Observers may not disrupt the preparation, mailing, receipt and/or counting of ballots in any way and should direct any questions or concerns directly to election officials as soon as possible so that any necessary corrective action can be taken.
- During the tally of ballots, observers may challenge the accuracy of the way votes are read from marked ballots and recorded on tally sheets and must state any objection to election officials immediately so that any necessary corrective action can be taken.
- Observers may not touch or handle ballots at any time or interfere with the tally process.

(Adapted from Conducting Local Union Officer Elections Office of Labor-Management Standards 2010, p. 52.)

If an observer does not comply with the aforementioned Rules for Observers, the SEIU Local 509

Election Committee can empower the 3rd party vendor to request that the observer leave the vote count.

SEIU Local 509 staff are permitted to be present if they are directly involved in the election process. Officers who are union staff but who are also candidates will be treated as candidates. The Election Committee shall observe the vote count. The Election Committee will resolve and offer rulings on voter intent. They will resolve challenge ballots after full investigation. They will receive per diem or leave time for the missed day of work.

### **Reasonable Notice of Nominations**

The SEIU 509 Annual Meeting shall act as the "nominating convention" for the SEIU Local 509 General Election that is required by the Department of Labor. The general membership will receive reasonable notice of nomination – 30 days.

Nominations for all SEIU Local 509 elective offices will take place at the SEIU Local 509 Annual Meeting. Notice of the Annual Meeting and open seats shall be posted in written materials on the SEIU 509 website no later than August 15 of that year.

These offices include all Local-wide offices: President, Treasurer, Recording Secretary, Trustees (3), and Sergeant-at-Arms, and other Joint Executive Board Members and all Chapter offices.

### **Campaign Rules**

It is expected that each candidate will run their campaign with respect for their fellow union members and candidates.

Distribution of campaign literature to members (mailing):

- This will be done by a professional mailing house or, if the committee agrees, by the vendor chosen to conduct the elections. The Election Committee will review bids from vendors.
- The candidate's campaign mailing will be conducted at the candidate's expense. Advance payment will be required.
- The candidate may choose to mail to all members eligible to vote in his/her election, or to a portion of those members defined by chapter or by region, by agency or elected office.
- Candidates are permitted to use online media or social networking.
- SEIU Local 509 will not examine or censor candidates' literature.
- SEIU Local 509 will provide a list of Stewards with workplace information.

Each candidate will have the opportunity to inspect the current SEIU Local 509 membership lists once within 30 days before the election or 30 days before the mailing of ballots. This inspection does not include the right to copy the list. Candidates are not allowed to use any unauthorized membership list they may have in their possession for campaign purposes.

Campaigning cannot take place during official business of a chapter board meeting, only during a designated time. Chapter boards are not required to hold forums or welcome candidates, however if one candidate is invited or requests attendance, all candidates must be granted equal access.

Warning to prospective candidates: The SEIU Local 509 and International Union Constitutions incorporate the following provisions:

"No candidate (including prospective candidate) for any International office or office in a Local Union or affiliated body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the International Union."

## **The use of SEIU Local 509 or Employer Resources**

Although union funds may be used to pay for nomination and election notices and other expenses for conducting the election, federal law strictly prohibits the use of union and employer funds to promote the candidacy of any person in a union officer election.

SEIU Local 509 members and officers are encouraged to engage in vigorous debate during the campaign for SEIU Local 509 office. However, no member, elected officer, employee or other agent of SEIU Local 509 shall use SEIU Local 509's logo, stationery, lists (other than those provided by SEIU Local 509 expressly for this election) or other resources to communicate with the membership or the general public for gain (e.g. supporting or opposing a candidate for SEIU Local 509 elected office).

The prohibition against the use of union and employer funds applies to direct expenditures from the union or employer as well as indirect expenditures including:

- Campaigning on time paid for by the union or employer;
- Use of union/employer owned or leased equipment such as computers and email, telephones, fax machines, and copy machines;
- Use of union/employer supplies such as stamps, papers, and envelopes;
- Use of union employees to prepare campaign literature while on union time;
- Use of the union letterhead;
- Use of union/employer property or facilities;
- Printing articles which support or criticize an individual's candidacy in a union newspaper or other publication; or
- Giving free services or special discounts to a candidate customer such as printing, photocopying, etc.

(Conducting Local Union Officer Elections Office of Labor-Management Standards 2010, p. 25)

Candidates are advised to keep records of campaign contributions and expenses so that any allegation of improper use of union or employer resources can be resolved.

## **Candidates Statements**

A special edition issue of the "509 News" will be published for union wide elections. Candidates for contested Union office may submit a statement for publication. Candidates' statements must be transmitted by e-mail or typed, double-spaced. They may be e-mailed or mailed. The candidate must submit the copy in corrected proofread form. The editor will not make any changes including the correction of errors (i.e. misspelling, grammar or typing errors).

A union may not regulate the contents of campaign literature it is asked to distribute and may not require that it be permitted to read the literature before distribution. The union may not censor campaign literature in any way, even if the literature includes derogatory remarks about other candidates. A union's contention that mailing certain campaign literature may constitute libel does not justify a refusal to distribute the literature since the union is under a legal duty to distribute the material.

(Conducting Local Union Officer Elections Office of Labor-Management Standards 2010, p. 21)

The following rules govern the length of statements and pictures:

- President: 400 word limit, and photo;
- Treasurer, Recording Secretary, Chapter President: 300 word limit, and photo;
- All other officers 200 word limit, no photo.

If the statement exceeds the length specified above, the part at the end that exceeds the limit will be cut off even if the statement must be terminated in mid-sentence. If statement is not submitted by deadline, it will not be included for publication. A copy of the Election Issue of the SEIU 509 News will be available on the website.

### **Equal Access**

Equity for campaigning must be provided. For example, if one candidate is invited to speak at a meeting/forum, all candidates for that same position must be invited to speak at the meeting for the same length of time.

### **Election Protests**

Members who wish to protest an election shall petition the Election Committee in writing no later than 15 days after the election.

Reasons for challenging an election:

- Use of union or employer funds, facilities, equipment, or supplies to support a candidate;
- Non-uniform application of candidate eligibility requirements;
- Denying eligible members the right to vote or permitting ineligible persons to vote;
- Lack of secret ballot;
- Failure to provide adequate safeguards to ensure a fair election, including failure to safeguard ballots properly; and/or
- Failure to follow provisions of the union's constitution and bylaws or state or federal law.

The Election Committee will follow seven steps in resolving each election allegation that is properly raised:

1. Review the election protest thoroughly to decide what information is needed to resolve the allegation.
2. Talk to the protesting member in order to clearly understand the allegation and to obtain any specific information needed.
3. Review the Constitution/Bylaws and the election rules to determine if there were irregularities.
4. Review election records for irregularities.
5. Interview members and other persons, as necessary including candidates.
6. Decide if the allegation is true by reviewing all the information gathered by the election officials and discussing the findings as a team.
7. Determine how many votes may have been affected if the allegation is true.
8. The Election Committee will investigate and issue a decision as quickly as possible.

After all allegations have been reviewed and the facts determined, election officials must decide what action is appropriate.

- If an allegation has no merit and no corrective action is necessary, election officials will deny the protest.
- Any allegation which has merit will be closely analyzed to determine the number of votes affected and the possible impact on the election results. For example, if 16 ineligible members voted, then 16 votes were affected. Consequently, any race decided by 16 or fewer votes should be rerun.
- If an irregularity affects only one race or some races, only the affected race(s) should be rerun.

The Election Committee will notify any protesting member of its decision in writing, regardless of whether a

protest is denied or a decision is made to rerun the election or take other corrective action. If a protest is denied, the member will be apprised of the basis for the decision and the procedures and time limits in the constitution and bylaws that must be followed to appeal the decision, such as an appeal to the SEIU International President or executive board.

If a rerun election does become necessary, the same procedures and requirements which applied to the initial election again apply to the rerun. Of course, special precautions should be taken to ensure that the problems which caused the need for the rerun do not happen again.

(Adapted from Conducting Local Union Officer Elections Office of Labor-Management Standards 2010, Section 15: Election Protests)

### **Vacancies/Interim Elections**

As per the SEIU Local 509 Constitution Article V, Election of Officers Article Section 14:

In between general elections when there is a vacancy in a Local or Chapter office, nominations to fill vacant positions shall be solicited in at least one of the following ways: 1. They shall be printed in the union newspaper. 2. They shall be posted on the SEIU Local 509 website and notices shall be sent by e-mail or mail to all members eligible to run and vote for the vacant position. The notice shall include the title of the vacant office, its chapter and region (if applicable) and the closing date for nominations.

Nominations shall be submitted in writing and shall state:

- The title of office
- The name of the nominee and the name and signature of the nominator
- Candidates for chapter office must be nominated by a member of that chapter – no second shall be required
- If no more than one qualified member is nominated for a vacant office the President shall declare that nominee elected

If there is a contest for the vacant office, a mail ballot election shall be conducted as soon as possible. The Trustees of SEIU Local 509 shall supervise the election. They shall oversee the mailing of ballots and open and count the ballots, and announce the results. Members shall be permitted to attend. Ballots must be returned to a third party where ballots will be held until the date the Trustees have set for the counting of the ballots.

In accordance with Article V, Section 14 of the Local bylaws, offices unfilled 75 days, or less, prior to the Annual Meeting shall be held for nomination and second at that meeting. The provisions of Sections 1, 2, 6, 7, 8, 9, 11 and 13 of that Article shall apply. In the event that the position of Sergeant-at-Arms becomes vacant in mid-term, it shall be filled by vote of the Joint Executive Board from amongst its members.

In the event of challenge and protest in an interim election, the Election Committee shall conduct an investigation and issue a decision in the same manner as in a general election.

*"The Service Employee International Union Local 509 General Election Policies and Procedures" is adopted by action of the Local 509 Joint Executive Board on 5/8/12 and is in force until amended by the Local 509 Joint Executive Board.*