



SPECIAL ELECTION Rules and Requirements



I. Term of Office

Pursuant to the PEF Constitution and Bylaws, the term of office for all Officers, Regional Coordinators, Trustees and Executive Board Representatives will be until the next regular election.

II. Election Period

The election period begins the first day of petitioning and ends when petitioning is complete. If balloting is needed the election period would end the day the ballots are counted.

III. Candidate Eligibility Requirements

1. Candidates for Officer and Trustee positions must have been **active** members of PEF, as defined in Article V.B.2. of the Constitution and By-Laws, for two years prior to the close of petitioning. Candidates for Executive Board representative must have been active members since of PEF for 180 days prior to the close of petitioning. Members may request information from PEF headquarters regarding the length of their membership in the Union.
2. A person may seek the nomination for only one office or position.

IV. Definitions

1. A **certified candidate** is any member who meets the eligibility requirements for the position he/she is seeking; who fulfills the requirements for nomination; and who is certified by the PEF Elections Committee.
2. A **majority** is established at that point which exceeds fifty (50) percent of the ballots cast.
3. **Received** means in hand, not mailed or post-marked.
4. **Member I.D. number** consists of the first initial of your first name and up to the first four letters of your last name AS THEY APPEAR ON YOUR PAYCHECK and the last four numbers of your social security number.
5. **Regular** membership shall be open to any person employed by the State of New York in the Professional, Scientific, and Technical Unit, and additionally those in comparable titles employed by New York State Public Authorities, New York State

Benefit Corporations, Political Subdivisions of the State of New York, and not-for-profit/charitable and for-profit organizations which provide services to New York State citizens by virtue of direct or indirect contractor relationships with NYS, its Public Authorities, Public Benefit Corporations and/or Political Subdivisions, including those laid off, on paid leave or unpaid leave, or any duly elected officer of PEF.

6. An **active** member shall be a regular member who has performed paid services during the preceding two years, plus one day, in a job title represented by PEF, or a duly elected Officer or Trustee of PEF.

V. Mailing of Campaign Literature

1. All payments must be received at time of request.
- 2a. PEF will honor any reasonable request by a potential candidate to mail campaign literature to members at the potential candidate's expense. These requests will be honored from the eligibility date for signing petitions to the last day of petitioning in the order received. The campaign literature must be provided to the Election Committee in sealed, stamped (postage paid) envelopes which are ready for mailing. Each potential candidate must check with postal officials to determine the proper postage.
- 2b. Potential candidates must pay for each mailing to cover the cost of address labels. Arrangements will be made for PEF to put address labels on the envelopes containing campaign literature at a rate of \$14.00 per hour. Potential candidates should contact the Election Committee at [518-785-1900] 1-800-342-4306 Ext. 231 to arrange a mailing.

VI. Elections Committee

The President shall appoint, and the Executive Board shall approve, a minimum of three (3) and a maximum of five (5) PEF members **who are not seeking an office or position in this election** to serve as the PEF Elections Committee. This Committee will fulfill the duties and responsibilities outlined in these Election and Campaign Rules and the Regular Election Committee Guidelines. A quorum shall consist of a

majority of the members of the committee.

VII. Campaign Rules

1. The conduct of PEF elections shall be consistent with the standards for such elections developed under the Labor Management Reporting and Disclosure Act (LMRDA).
NOTE: PEF elections are governed by the requirements of the LMRDA and PEF's internal rules on elections.
2. Nominating signatures may not be solicited for an individual for more than one office or position.
3. Pursuant to Article IX.B.1. of the PEF Constitution, individuals or slates must obtain the signatures of at least ten percent (10%) of the appropriate constituency on official nominating petitions only, in order to appear on the ballot. A membership list with addresses will be available for review (no photocopies) twice within 30 days prior to the election period. No member is entitled to receive a copy of the list. The membership list will be available for review **by appointment only** at PEF Headquarters or PEF Regional Offices between 9:00 am - 5:00 pm, Monday through Friday. If you wish to view a list contact the Election Committee at [518-785-1900] 1-800-342-4306 Ext. 231.
4. Only official nominating petitions may be used to gather signatures. Although reproductions of the official form may be used, the Committee will accept only those forms containing original nominating and circulator signatures. Reproduced (photocopy, Fax, etc.) signatures will be invalid.
5. Potential candidates are solely responsible for insuring that only acceptable petitions are submitted.
6. **Nominating Signatures.** If any of the following conditions and requirements is not fulfilled, the signature will be invalid:
 - a. Only **regular** PEF members in good standing, from the appropriate constituency, shall be eligible to sign nominating petitions. Forty-five (45) days prior to the close of petitioning is the cutoff date for membership.
 - b. All nominating petitions will require the signature, printed name, and

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correct member I.D. number of the member signing. The printed name and member I.D. number must be legible for the signature to be valid.

- c. Members may sign petitions only for those individuals for whom they are eligible to vote.
- d. Members may not sign more than one nominating petition for any individual elective position. Members may sign petitions for up to three individuals each for Vice President and Trustee. (In the case of duplicate signatures, the signatures on the first petition **received** by the Elections Committee shall be valid.)
7. Nominating petitions may be circulated only by **regular** PEF members. The circulating member must legibly complete the information on the bottom of each petition submitted; only original circulators' signatures will be accepted. Failure to do this will render the entire petition invalid.
8. The use of union funds or facilities to promote the candidacy of any person is prohibited regardless of whether union officials know about or approve of the use. It is not the intent of this rule to limit candidate forums at which all candidates have equal access.
9. The prohibition against the use of union funds applies to direct expenditures from the union including but not limited to:
 - a. use of union owned or leased equipment such as telephones, fax machines, copy machines, etc., or use of conference rooms.
 - b. use of union supplies such as stamps, paper, envelopes, etc.
 - c. giving free services or special discounts to a candidate customer such as printing, photocopying, etc.
10. a. No PEF staff, office, equipment, material or electronic media (e.g., e-mail and internet) may be used for electioneering. No PEF dues money shall be expended for the purpose of electioneering. This applies to PEF headquarters, regional offices, and local divisions, or councils. For purposes of this election, regular PEF members on union leave working in a non-elected position for PEF or serving in positions funded by joint

contract funds shall be considered PEF Staff, unless the position is specifically protected by the PEF Constitution.

11. All funds and resources used by individuals and/or slates in support of their election efforts shall be donations from PEF members only.
12. No person shall use the PEF logo or letterhead on any written or printed material for endorsement or campaign purposes in any PEF election process.
13. During the election period, no PEF publications may endorse, or contain material that appears to endorse, overtly criticize, or overtly praise any potential candidate for PEF offices covered by these election rules.
14. In accordance with the collective bargaining agreements between PEF and any employer of workers represented by PEF, no material which constitutes election material for or against any person, organization or faction thereof shall be allowed on PEF bulletin boards, if such postings are prohibited by the pertinent collective bargaining agreement(s).
15. No PEF member may knowingly misrepresent the candidacy intentions of any other PEF member.
16. In addition to the above rules, the following PEF Code of Ethics will apply to all election activities: (*Note: Ethic charges arising as a result of this election process will be processed by the Elections Committee*)
 - a. No member shall use the PEF name or logo for other than official PEF business.
 - b. Only official PEF literature shall be posted on PEF bulletin boards provided under contractual rights by the collective bargaining agreement with the State of New York.
 - c. Only official PEF business shall be conducted at meetings arranged in the name of PEF. Meeting space at PEF-operated facilities shall be allocated in a fair and equitable manner.
 - d. No member shall commence litigation against PEF or any of its Officers, Executive Board members or general members, without first seeking redress from the procedures set forth herein.
 - e. All members shall conduct

themselves in a manner that is conducive to fairness and fair play working only for the good and welfare of the membership.

- f. No official PEF letterhead or PEF publication will be used to endorse a PEF member for union election.
- g. Official PEF publications will not be utilized for individual accusations which are slanderous or which effectively amount to character assassination of other PEF members.
- h. No steward shall be denied the opportunity to have a meeting convened to deal with issues of interest to that steward or his/her constituency.
- i. No member or officer shall bring charges of a malicious or frivolous nature against another member or officer.
- j. No elected official shall engage in corrupt or unethical practices by taking money, books, records, or other property belonging to PEF or its divisions. The unauthorized destruction; alteration; or mutilation of records, vouchers, or receipts will constitute a violation of this code.
- k. No officer or member shall abridge the rules and procedures adopted by the PEF Convention or Executive Board, nor violate an oath of office.
- l. No member or officer shall engage in corrupt practices or racketeering.
- m. No elected PEF official shall engage in dual unionism or advocate secession from PEF.
17. Gifts which have monetary value exceeding \$2.00 may not be given to PEF members during the election period. This is not intended to prohibit distribution of traditional campaign item such as key chains, magnets, pencils, bookmarks, pens, etc.

VIII. Nominating and Campaign Procedures

Potential candidates may obtain all necessary forms from any PEF office by requesting them in person, by mail, or by phone. Forms will not be accepted if faxed from a PEF office. Forms will also be available from the PEF website www.pef.org 24 hours after their availability at the PEF offices.

All subsequent deadlines (dates and

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times) refer to **received** at PEF headquarters, postmarked or fax dated by the deadline specified here, and received within seven days or the deadline. Petitions may be returned by certified mail, return receipt requested, although this is not required. However, certified mail sometimes takes longer than regular mail. Postal failures or inadequacies are not grievable situations.

All mail concerning this election MUST be sent to PEF Headquarters, P. O. Box 12414, Albany, NY 12212-2414 ATTN: PEF Special Elections Committee.

Pursuant to the PEF Constitution, individuals must obtain the signatures of at least ten percent (10%) of the appropriate constituency on official nominating petitions only, in order to appear on the ballot.

The number of signatures required for each office and Executive Board seat will be noted on the nominating petition.

The Elections Committee recommends that nominating petitions be submitted throughout the nominating period.

It is the candidate's responsibility to make sure that nominating petitions are submitted or sent to the Elections Committee. Petitions may be mailed, faxed, scanned or e-mailed to PEF Headquarters or hand delivered to any appropriate PEF Regional office. Hand delivered petitions shall be faxed by the Regional Office to PEF Headquarters upon receipt, and it will be subsequently mailed to PEF Headquarters. Petitions mailed or faxed by candidate must be postmarked or fax dated by the petitioning deadline and subsequently received by PEF Headquarters within seven days of the deadline of the petitioning period.

All persons submitting nominating petitions will be given (or mailed) a receipt showing the date, time and sequence numbers of the petitions received. A receipt will also be sent to the potential candidate. Petitions will be available for review **ONLY** by prior appointment with the Elections Committee. Any member can view any member's petition upon reasonable request to the Elections Committee. Any member shall be allowed to review nominating petitions within two hours of arriving at PEF Headquarters and notifying the committee or staff of their intent to review petitions.

All petitions will be verified and valid

signatures tabulated by the Elections Committee, which will certify the signature tally and the validity of each nomination. Petitions will be available for review **only** by prior appointment with the Elections Committee.

Letters will be sent to all individuals for whom nominating petitions were submitted, notifying them whether or not they have been certified as candidates to appear on the ballot. No petitions will be available for review after the election period.

Labels for election purposes may be purchased **only** by certified candidates, by contacting the election committee. Priority for processing label requests will be given to those in contested elections. Candidates are solely responsible for the content of this material.

LABEL TYPE

The types of labels available to all certified candidates are as follows:

1. Cheshire – order this type of label for mailing house use
2. Peel and Stick
3. Electronic Format

LABEL COST

All labels must be paid for before they are generated. Mailing of labels to certified candidates is by first class; overnight/express mailing by prior request and payment only

0 to 1,000	–	\$ 25.00
1,001 to 3,000	–	\$ 50.00
3,001 to 10,000	–	\$ 75.00
10,001 to 20,000	–	\$100.00
20,001 to 55,000	–	\$180.00

For additional information, please refer to the Mailing Label Request Form for Certified Candidates.

On the petition verification date, the ballot positions will be determined by draw at **12:00 noon** at PEF Headquarters. These positions will be maintained through any runoff elections. Candidates are welcome to attend at their own expense.

IX. Election Procedures

The PEF Elections Committee will submit lists of certified candidates and eligible voters to the American Arbitration Association (AAA). Balloting will be conducted by AAA based on these lists, using a double envelope system to insure a secret ballot.

Unless otherwise specified in these rules, recommendations of AAA shall prevail.

In all cases, if a membership card is received at PEF headquarters from any person in a bargaining unit represented by PEF by the close of the petitioning process, he/she may vote in this election.

No candidate's professional title will appear on the ballot (i.e. PhD, M.D., etc.). No candidate's name will appear on any ballot in an **uncontested** election.

If a certified candidate becomes ineligible to hold that office, his/her name will not be included on the ballot. If ballots have already been printed or mailed, **but before tabulation**, any votes cast for an ineligible candidate shall be void and shall **not** be considered in establishing a majority or determining election results. Any vacancy occurring after the ballot count is certified will be filled by special election, according to PEF's Constitution.

Votes for an office will be considered void if the votes cast are for more candidates than authorized for the office.

Write-in votes are not allowed.

Members receiving no ballot(s) or a ballot placing them in an incorrect Region or Executive Board constituency will be able to call the AAA hotline, (800) 529-5218, for a ballot or substitute ballot. All such ballots will be held unopened by AAA until just prior to the ballot count, when their validity is determined by the PEF Elections Committee. Any significant number of ballot problems in any one constituency should be reported immediately to the Elections Committee at PEF Headquarters.

It shall be the responsibility of a member of the PEF Election Committee to personally watch the ballot counting process and visually review the election results. A candidate or designated representative shall be able to watch the ballot counting process, as well as review the returned ballots and envelopes and appropriate constituency lists.

Policy on Ballot Recounts – Recounts will be held for any individual **only** under the following circumstances:

1. **1000 or more total valid votes cast** – Where the difference in the candidates' tallies is less than 2% of the total.
2. **999 or less total valid votes cast** – Where the difference in the candidates' tallies is less than 20 votes.

Pursuant to the PEF Constitution election **will be by majority of valid ballots** cast and if no majority is

achieved, a runoff election will be held as soon as possible.

In the instance of offices of President, Secretary/Treasurer, Regional Coordinator and Executive Board, if no majority is achieved on the first ballot, a runoff election shall be held between the two highest vote-getters.

In the instance of offices of Vice-President and Trustee, the basis for establishing a majority shall be determined by the number of members voting for that office, regardless of the number of candidates for whom they vote. If all positions are not filled on the first ballot, a runoff election shall be held using the AAA rule of two to determine the winners.

A complete list of the certified election results will be published.

X. Election Grievance and Appeals Procedure

Grievances to the Election Committee

1. Any current PEF member who believes he/she is aggrieved by anyone's alleged violation of the Election rules or any alleged misapplication or misinterpretation of the PEF Constitution or any PEF policy or procedure concerning Elections, may grieve such to the PEF Elections Committee.
2. Any ethics grievances arising as a result of the election process will be adjudicated by the Elections Committee.
3. The grievance shall be submitted on an Elections Grievance Form and filed with the Elections Committee in person or by mail at PEF Headquarters. The grievance shall contain a concise, factual statement of the facts of the alleged violation, misinterpretation or misapplication. Upon receipt of the grievance, the Elections Committee shall notify, in writing, persons as may be deemed appropriate, of the grievance. Such persons shall then have fifteen (15) working days from notification of the grievance to make a written response to the Committee.
4. The Elections Committee shall conduct an investigation of the grievance, if appropriate, and shall render a decision in writing as soon as possible. The Committee shall use its best

efforts to render a decision in writing within 60 calendar days of receipt of the grievance. The Committee's decision shall be mailed to the grievant and to such other persons as may be deemed appropriate.

5. The Election Committee may award appropriate relief in any grievance, including the following:
 - a. ordering compliance with the Constitution, policy, procedure or Election rule violated;
 - b. ordering, as deemed necessary, the conduct of a new election (petitioning and/or balloting);
 - c. suspending the ballot count until the grievance/appeal has been adjudicated.
 - d. referring a grievance to the President for a hearing before the Election Hearing Panel when the Elections Committee's recommendation for relief includes a reprimand, fine, suspension, expulsion or other discipline.

Hearings Before the Election Hearing Panel

6. a. Upon receipt by the President of a grievance referred by the Elections Committee for a hearing, the President shall appoint a five-person Hearing Panel, subject to confirmation by the Executive Board, to preside at the hearing or trial. The members of the Hearing Panel shall be members of the Executive Board. No party to the grievance or potential witness to the events at issue in the grievance may be a member of the Hearing Panel.
b. The accused may appear before the Hearing Panel in person and with witnesses to answer the grievance. A full and fair hearing will be conducted, with the accused afforded the right to question witnesses and examine any evidence presented by the party filing the grievance. Witnesses must be sworn in and testify under oath. The parties may select another PEF member to represent him or her in the presentation of a defense. The accused may elect to present a defense in writing rather than personally appear. In the of absence of a written or personal defense, the hearing or trial shall still proceed.
7. Judgment of the Hearing Panel

a. Upon completion of the hearing, the Election Hearing Panel shall vote on whether to sustain the grievance in whole or in part. A majority vote of the Election Hearing Panel shall be required to sustain the grievance. The Election Hearing Panel shall use its best efforts to render a decision in writing within thirty (30) calendar days of the end of the hearing or trial. The Election Hearing Panel's decision shall include a summary of the evidence presented and shall state the basis upon which the decision is made. The Election Hearing Panel's decision shall be mailed to the accused, the party who filed the grievance, and to such other persons as may be deemed appropriate. If the grievance is not sustained, it shall be dismissed.
b. If the grievance, or any portion thereof, is sustained, the Election Hearing Panel shall render judgment and may impose discipline. Discipline may include:

1. Requirement that the guilty party or parties conform to the Constitution, policy, procedure Election Rules, or Code of Ethics violated.
2. Commands to do or perform or restrain from specific acts.
3. Fine.
4. Reprimand.
5. Deprivation of PEF privileges.
6. Removal from office.
7. Suspension or expulsion from PEF.
8. Judgments of the Election Hearing Panel are final unless a party to the grievance appeals the decision to the Executive Board.
9. Hearings before the Election Hearing Panel shall be conducted pursuant to the rules of Procedures for Election Hearings.

Appeals to the Executive Board

1. The Election Committee's decision or the Election Hearing Panel's decision may be appealed to the PEF Executive Board. The appeal shall be filed in writing with PEF's Secretary/Treasurer, delivered in person or by mail.
2. The appeal shall be considered at the next scheduled meeting of the Executive Board, provided the appeal is postmarked at least twenty (20) calendar days prior to that meeting.

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Upon receipt of the appeal, the Secretary/Treasurer shall promptly give written notice of the pendency of the appeal to the Elections Committee or the Election Hearing Panel and to such other persons as may be deemed appropriate. These persons may make written submissions to the Board concerning the appeal.

3. It shall require an affirmative vote of one third (1/3) of Executive Board members present and voting to hear an appeal. If the Executive Board votes not to hear the appeal, the decision of the Elections Committee or the Election Hearing Panel shall be final.
4. If the Executive Board votes to hear the appeal, in considering the appeal, the Executive Board shall allow the Elections Committee or the Election Hearing Panel, the appellant and such other persons as shall be deemed appropriate to present oral arguments. The appellant shall be granted equal time as allotted to the Elections Committee or the Election Hearing Panel, but not less than 10 minutes, for presentation of the appeal. It is the appellant's responsibility at his/her own expense, to be present at this meeting for presentation of any oral

argument.

5. The Secretary/Treasurer shall notify the appellant, the Elections Committee, or the Election Hearing Panel and any other parties as may be deemed appropriate, of the Executive Board's decision on an appeal.
6. The Board may affirm, reverse or modify the decision of the Election Committee or the Election Hearing Panel, including the Election Hearing Panel's award of relief. The decision of the Board shall be final.

Representation

Members shall have the right to present their own case or have another PEF member present the case. Outside attorneys will not be present during any proceedings.

Time Limits

1. For specific electoral races: There shall be a time limit of thirty (30) calendar days following the ballot count for filing appeals to the Elections Committee. Should balloting not be necessary, the time limit will be thirty (30) calendar days following the last day of petitioning.
2. For other than specific electoral races: The time limit for filing grievances with the Elections Committee shall be thirty (30) days after the ballot

certification.

3. To appeal the Committee's decision to the Executive Board: There shall be a time limit of thirty (30) calendar days following the date of the written decision of the Committee.

Miscellaneous

1. The Elections Committee or the Executive Board may, however, without considering the merits of the grievance, deny any grievance which it deems is frivolous, repetitive, moot or brought in an unduly delayed fashion. A decision by the Committee to reject a grievance on one of these bases shall be appealable, as provided above, to the Executive Board.
2. Nothing in the procedure shall in any way impair the authority of any PEF officer, body or committee from fulfilling normal obligations during the pendency of an appeal.
3. Any questions related to these rules and procedures should be directed to the Elections Committee (not PEF staff) through PEF headquarters.

Craig Walek, Chair

SPECIAL ELECTION COMMITTEE

Anna Schrom

Kristie Shapiro, PEF Staff

Karl Berger