

## VIII - ELECTIONS

### 8.1 Campaign rules and regulations for elections conducted at the Delegate Assembly

#### 1. Definitions:

- a. **CCC** shall mean the KEA Compliance/Constitution Committee.
- b. **Campaign expenses** shall mean expenditures by a candidate for KEA office or the candidate's representative or agent that have the purpose or effect of advancing the candidate's campaign for election to KEA office, and shall include, by way of illustration and without limitation: money spent and other resources used to solicit voluntary contributions to the candidate's campaign; money spent for travel, meals, and lodging; money spent for printed material; money spent for mailing and other forms of distribution of printed material; money spent for electronic services and products, including email and Web site development and/or maintenance; money spent for buttons, pins, articles of clothing, candy, posters, banners, signs, announcements, invitations, pens, candy, and fans; money spent for operation of hospitality suites during the campaign period; and money spent on entertainment. **All campaign expenses are reportable, although not all count against the spending limit.**
- c. **Campaign materials** shall mean any document, electronic transmission, object, or other material that has the purpose or effect of promoting the candidacy of an individual for a KEA office, and shall include, by way of illustration and without limitation, billboards, newspaper advertisements, audiotapes, videotapes, emails, brochures, position papers, buttons, pins, articles of clothing, candy, and posters.
- d. **Campaign revenues** shall mean financial contributions to a candidate for KEA office or the candidate's representative or agent, and goods and/or services in-kind given or made available to the candidate or the candidate's representative or agent, by an individual or group of individuals for the purpose, or having the effect, of promoting the candidate's campaign for election.
- e. **Candidate** shall mean a person running for KEA statewide elected office, unless otherwise indicated in this document.
- f. **Ethnic-minority** shall mean those persons designated as ethnic-minority by statistics published by the United States Bureau of the Census, including American Indian/Alaska Native, Asian, Native Hawaiian or other Pacific Islander, Black, and Hispanic.

- g. **“In-kind” contributions** shall mean contributions of goods, services or other things of value, excluding cash.
- h. **Resources** shall mean anything of value, including, by way of illustration and without limitation, money, services, use of facilities or equipment, or the like.
- i. **Statewide elected office** shall mean KEA President, KEA Vice President, KEA Ethnic-Minority Director at Large or NEA State Director.
- j. **Travel expenses** shall mean mileage at the prevailing IRS rate or the actual cost of fuel, food for the candidate, and any room expense incurred for the candidate as a result of attending campaign events. Travel expenses for the candidate do not count against the \$2500 limit, but the value of all travel expenses must be reported on the candidate disclosure form.

## **2. Eligibility**

- a. All candidates for the office of President, Vice President, KEA Ethnic-Minority Director at Large or NEA State Director shall be Active members of the Association.
- b. Eligibility for the position of NEA State Director is determined by NEA policy. Candidates for NEA State Director must have been an Active member of KEA and NEA for at least two years immediately preceding the election.
- c. Once elected, all executive officers shall maintain Active membership in the Association.

## **3. Declaration of candidacy**

- a. The earliest date prospective candidates for any statewide elected position may declare their intent to seek office is October 1 prior to the Delegate Assembly at which they will stand for election. Candidates who choose to declare early must do so in writing on the official form and must deliver the completed form to the Chair of the Compliance/Constitution Committee or his/her designee.
- b. The latest date prospective candidates for any statewide elected position may declare their intent to seek office is January 15 or the first business day thereafter of the year in which the election will occur. Candidates must timely submit the completed official declaration form to the Chair of the Compliance/Constitution

Committee or his/her designee in order to be eligible to be nominated at the Delegate Assembly.

- c. No candidate for office can begin campaigning until he or she meets with the Chair of the CCC or his/her designee and acknowledges receipt of the election rules.

#### **4. Acknowledgement of election rules**

- a. The chairperson of the Compliance/Constitution Committee shall be responsible for delivering a copy of these rules and regulations along with a copy of the required financial report form and notice of the deadline for submission of the financial report to each candidate as soon as possible after the announcement of his or her candidacy. The chairperson shall notify each candidate that he or she may have one observer at the counting of the ballots. The observer shall not be the candidate.
- b. All candidates who declare their intent to run for statewide office must meet with the Chair of the Compliance/Constitution Committee or his/her designee at a time and place to be determined by the Chair. The required meeting may occur electronically. The purpose of the meeting shall be to inform candidates of these election rules and to obtain written acknowledgement thereof.

#### **5. Campaign Material**

- a. All printed campaign material larger than 3 1/2 x5 inches shall be properly identified as to source and sponsorship. Campaign items exempt from this rule are buttons, balloons, calling (business) cards, emery boards, bumper stickers, matchbook covers, pencils, pens, T-shirts and caps. The cost of items that do not include a disclaimer that are purchased directly by the candidate or donated to the candidate must be appropriately accounted for on the candidate's financial disclosure.
- b. The KEA logo (or any variation thereof) may not be used on any campaign material.
- c. Mailings shall be limited to three:
  - (1) Biographical sketch with picture, including professional activities and not to exceed two pages;
  - (2) Position paper on current issues;
  - (3) Candidate's choice.

- d. Campaign material shall not be distributed nor any posters placed within 50 feet of the Delegate Assembly meeting room or voting areas.
  - e. Election rules will not be any more stringent than rules established for general elections of the Commonwealth in requiring the removal of visible print materials bearing candidates' names upon voting.
  - f. No campaign materials may be distributed, posted, or displayed within the Delegate Assembly meeting room or where they are visible from the Delegate Assembly meeting room, provided that this prohibition shall not apply to the wearing of T-shirts, hats, pins, buttons, and the like.
  - g. Any item bearing the name or image of any candidate for office must be covered or removed before entering the voting area or upon request of a member of the Compliance/Constitution Committee. Delegates who refuse to comply with this rule shall be denied access to the voting area and will be disqualified from the round of voting. No alternative means of casting a ballot shall be available to persons denied access for this reason.
  - h. Candidates are responsible to remove all campaign material from the convention site and dispose of it properly within 90 minutes of the official adjournment of the Delegate Assembly. In the event KEA incurs any additional expense for removal of campaign materials, the amount will be billed to the candidate and must be reported as a chargeable campaign expense.
- 6. Campaigning at NEA, KEA or local affiliate functions other than the Delegate Assembly**
- a. Candidates planning to campaign at any event sponsored by KEA must contact the event coordinator in advance to indicate their intention to attend.
  - b. Campaign activities at any NEA, KEA or local function (meeting, conference, social event, and so forth) must be incidental to the function and must not intrude on the planned program. Campaigning may take place before or after the function and between sessions (for example, at meal breaks). For example, a candidate's campaign workers may place materials at the places of participants or observers before the opening of the meeting or may distribute material at the entrance of the meeting room. A campaign worker may not distribute campaign material once the meeting has begun or announce a campaign-related activity from the podium while the meeting is in session.

- c. KEA district or local governance may invite candidates to make an official appearance at any pre-delegate caucus or other association event to campaign on their own behalf during the time allowed. However, district or local governance must invite all candidates to appear at the same event and must offer equal time and opportunity to all candidates who choose to appear. A candidate may choose to send a designee to any event to act on his or her behalf.

## **7. Campaigning by Association Officials**

- a. Campaigning by KEA elected or appointed officials when on assignment for KEA or a local affiliate and traveling at KEA or local affiliate expense must be incidental to the assignment and must not interfere with the performance of official duties. For example, a KEA official who is a candidate for office and is assigned to represent the Association at a meeting is permitted to meet with supporters or campaign committee members during off-duty hours. All expenses incurred in connection with the campaign meeting are reportable campaign expenses and are not chargeable to KEA or the local affiliate.
- b. A candidate traveling at NEA, KEA or local affiliate expense on official business may use his or her hotel room for campaign purposes (*e.g.*, a meeting of the campaign committee or a social event) provided he or she reimburses KEA or the affiliate, as appropriate, on a pro-rata basis for the time the room was used for such purposes. The amount of the reimbursement is computed as follows: The daily rate for the room is divided by 24 to determine an hourly rate. That hourly rate is then multiplied by the number of hours the candidate's room was used for campaign purposes. The total amount should be remitted to NEA, KEA or the local affiliate, as appropriate, or deducted from the candidate's expense voucher before it is submitted for reimbursement.
- c. The cash value of room expense attributed to campaign activity under (a) or (b) is reportable and will count against the \$2500 limit.

## **8. Campaigning at the Delegate Assembly in the year during which the election will occur**

- a. The Compliance/Constitution Committee will conduct a briefing for candidates and their campaign managers, if any, before the first business meeting of the Delegate Assembly. The time and place of the briefing will be determined by the committee. Candidates who timely filed official declaration forms will be notified about the time and place of the briefing.

- b. Campaign activities at the convention site may begin with the opening of delegate registration and must cease during the business meetings of the Delegate Assembly.
- c. Campaign material shall not be distributed nor any print material posted within 50 feet of the Delegate Assembly meeting room or voting areas.
- d. Candidates, upon the invitation of the chairperson of a local delegation, may appear at a meeting of that local delegation at the convention site, provided that such meetings may not occur on the convention floor during any business session. A candidate may choose to send a designee to any event to act on his or her behalf.
- e. Candidates must adhere to the rules of the convention site regarding the distribution of materials and the display of posters. Pertinent convention site rules and information regarding the number, dimensions, and display of posters will be provided to candidates after January 1 of the election year, or as soon thereafter as available.
- f. Candidates are responsible to remove all campaign material from the convention site and dispose of it properly within 90 minutes of the official adjournment of the Delegate Assembly. In the event KEA incurs any additional expense for removal of campaign materials, the amount will be billed to the candidate and must be reported as a chargeable campaign expense.

## **9. Finances**

- a. A limit of \$2,500 for all expenses, excluding travel expenses, shall be adhered to by all candidates for statewide elected office.
- b. “Travel expenses” shall include mileage at the prevailing IRS rate or the actual cost of fuel, food for the candidate, and any room expense incurred by the candidate as a result of attending campaign events. Travel expenses for the candidate do not count against the \$2500 limit, but the value of all travel expenses must be reported on the candidate disclosure form.
- c. A final report disclosing all revenue, in-kind contributions of services and materials and all expenses, including travel expenses, shall be filed with the chairperson of the Compliance/Constitution Committee or his/her designee on the official form within fifteen (15) calendar days after the Delegate Assembly

adjourns. Only the official report form will be accepted. Final reports shall be published as soon as possible in the KEA News.

- d. The cost of the room rental, if any, for any campaign event must be borne by the candidate. All room rental fees are reportable expenses and are chargeable against the \$2500 expenditure limit. If a candidate rents lodging and uses it for campaign activities, the portion of the room expense attributable to the campaign activities must be calculated and reported in compliance with Section 8(b), above.
- e. Reportable campaign expenditures include, but are not limited to, items used to solicit voluntary contributions. The amount of money spent to purchase any item(s) for auction, giveaway, or other activity by a candidate for KEA office for the purpose of fundraising must be reported as a campaign expense. The amount collected from such activities must be reported as campaign revenue.
- f. No candidate, or a candidate's representatives or supporters, may use dues money, goods, services, or anything of value given directly or indirectly by KEA or its district or local affiliates or any other labor organization or employer (including school districts, commercial firms, and businesses) to promote any candidate for KEA office. Only voluntary contributions received from individuals or groups of individuals may be used for that purpose.
- g. KEA staff and management are strictly prohibited from contributing anything of value to any candidate for KEA elected office. Excepted from this rule is use of electronic equipment located in a KEA office that will be used to receive remote transmissions of any kind, audio or visual or both, from a candidate who has been invited to a meeting but cannot personally appear. For meetings held at other locations, candidates may request to appear by remote transmission and permission to do so shall be granted if the necessary technology is available for that purpose at no additional cost to the district or local.
- h. Candidates may accept cash donations from individuals or groups of individuals. Cash donations received are reportable as campaign revenue and cannot exceed a total of \$2500. Donations that exceed the \$2500 total cannot be accepted and must be returned to the donor.
- i. Candidates may accept "in-kind" donations of goods or services from individuals or groups of individuals. The actual or approximate value of in-kind donations must be reported but does not count against the \$2500 limit.

- j. Costs paid by KEA for the one-time publication and distribution of candidate information in the KEA News are offered to every candidate equally. Therefore, they are not expenses incurred by the candidate and need not be reported.
- k. Candidates are responsible to pay the cost of producing an appropriate number of flyers to include in the delegate packets, if they choose to do so, and that cost is reportable and chargeable against the \$2500 limit. However, the cost of postage paid by KEA to distribute the delegate packets is not an expense incurred by the candidate and need not be reported.
- l. Failure to timely file the financial report will automatically disqualify any candidate from holding the office that was being sought and to which the reporting applied. If a duly elected candidate is disqualified for failure to timely file the required financial report, the candidate who received the second highest number of votes shall fill the office. All candidates who fail to timely file the required financial report will be immediately ineligible to hold or run for any statewide office, the KEA Board of Directors or any KEA Standing Committee for a period of four (4) years, which time shall be calculated commencing on the date the financial report was due.

#### **10. Nominations and positions on the ballot**

- a. The President of KEA shall at the nominating session read the names of those eligible candidates who notified the Compliance/Constitution Committee in writing by the constitutional deadline of their intent to be nominated for office. The Chair of the CCC or his/her designee shall draw for ballot order. Candidates may be present to observe that process or may send a designee to do so. The candidates' acceptance speeches shall be in ballot order with nominating speeches in reverse order.

#### **11. Services provided to declared candidates**

- a. After January 15 of the year in which the election will be held, each candidate will be provided one set of address labels to local association presidents and KEA delegates.
- b. KEA will publish a candidate statement or biographical material along with a photo in the KEA News timed to reach delegates prior to the Delegate Assembly. Candidates will be informed of the publication deadline after January 15 of the year in which the election will be held.

- c. Candidates will be provided the opportunity to include one 8.5 x 11 page election flier in the KEA packet mailed to delegates. Candidates must bear the cost of reproducing an appropriate number of flyers and delivering them to KEA by the submission deadline; the expense of reproduction is reportable and chargeable against the \$2500 limit. Candidates will be informed of the submission deadline after January 15 of the year in which the election will be held. If a candidate submits an election flyer for distribution by KEA to the delegates, it will count as one of the three allowed mailings under Section 5(b) of these rules.
- d. KEA will provide, at no cost to each candidate, one draped six or eight foot table (depending upon availability on site) and two chairs to be located in the Exhibit Hall of the Delegate Assembly. Any other items the candidate may require at the convention site must be procured by the candidate at his or her own expense and any items so procured are reportable and chargeable against the \$2500 limit.

## **12. Voting, Tabulation and Reporting**

- a. The Compliance/Constitution Committee shall have charge of voting and tabulation of votes after the polls have closed.
- b. Votes shall be cast by secret ballot in a booth located in a convenient and conspicuous place. Each voting area shall be separated from other voting areas. Voting instructions shall be posted in each designated voting area.
- c. Voting hours shall be indicated on the agenda. The regular election shall commence 15 minutes after the recess of the second business session. The times of run-off elections, if necessary, shall be announced by the presiding officer.
- d. In order to vote, delegates may be required to submit picture identification.
- e. Only one voter at a time shall be allowed in the voting booth, and no campaigning for candidates shall be allowed in the vicinity of the voting booths.
- f. No ballots shall be tabulated until the balloting is officially declared closed.
- g. Each candidate may designate an election observer to monitor voting and vote tabulation. The observer may not be the candidate. All designated observers shall be sequestered with the CCC until tabulation is complete and the election results have been reported to the Delegate Assembly.

- h. The Chair of the CCC or his/her designee shall be responsible to report election results to the Delegate Assembly.
- i. The Chair of the CCC may designate a member of the CCC to read new business items during the time the CCC is sequestered. The designated member of the CCC will leave the voting area immediately after voting concludes and will not observe any tabulation.
- i. Any voting irregularities identified by the CCC shall be brought to the attention of the presiding officer before any election results are announced.

### **13. Complaints of violations**

- a. Any allegation that a candidate has violated any of these rules must be made in writing to the Chair of the CCC within twenty-one (21) days of the date the violation is alleged to have occurred. A challenge to any candidate's final financial report shall be made to the chairperson of the Compliance/Constitution Committee, in writing and signed by the complaining party, not later than twenty one (21) days after the report is published in a KEA publication. The complaint must be signed by the person asserting the violation and must include current contact information for the complainant. The complaint must contain facts sufficient to notify the candidate and the CCC of the date, time, place and nature of the violation and must specify which of these rules the candidate is alleged to have violated.
- b. The Compliance/Constitution Committee shall afford due process and shall issue a written decision on the challenge within thirty (30) days of the date it is received. The written decision will be delivered to the challenger and to the challenged candidate by certified mail, return receipt requested or by any other means that clearly establishes the date of receipt.
- c. Either party may appeal the written decision of the Compliance/Constitution Committee to the KEA Board of Directors. The appeal must be submitted in writing to the KEA Executive Committee within ten (10) days of the date of receipt of the written decision of the Compliance/Constitution Committee. Failure to timely file an appeal will render the decision of the Compliance/Constitution Committee final.
- d. The KEA Board of Directors will hear any timely filed appeal at its next scheduled meeting. The KEA Board of Directors will issue a written decision

within thirty (30) days of the date of the hearing. The decision of the KEA Board of Directors is not appealable and will be final on the date it is issued.

- e. Any candidate who is found to have knowingly violated these election rules will be immediately ineligible to hold or run for any statewide office, the KEA Board of Directors or any KEA Standing Committee for a period of four (4) years, which time shall be calculated commencing on the date the final written decision was issued.
- f. If the successfully challenged candidate has already been elected to office at the time the final decision is rendered, the candidate who received the second highest number of votes shall fill the office.

*Entire Section (A) revised and adopted by KEA Board 02/18/2012*

*Selected provisions revised and adopted by the KEA Board 01/10/2014*