

**RULES FOR CONDUCTING THE 2016 ELECTION OF ASSOCIATION  
OFFICERS AND EXECUTIVE BOARD MEMBERS**

In accordance with provisions set forth in Article VII of the PSCOA Constitution and existing written Policies adopted by the Executive Board, the Executive Board, upon the recommendation of the Election Committee, has adopted the following rules, processes and procedures to govern the election process and assure a fair and impartial procedure that will protect the rights of all members of the Association.

**I. OFFICES AND POSITIONS TO BE FILLED BY ELECTION**

The offices and/or positions to be filled by election are:

- (1) President;
- (2) Executive Vice President;
- (3) Two (2) Vice Presidents;
- (4) Secretary/Treasurer; and
- (5) Eight (8) At-Large Executive Board positions [at least two (2) of the eight (8) at large Executive Board positions shall be filled by members who are not Corrections Officer I or Corrections Officer II]\*

**II. NOTICE OF NOMINATIONS AND ELECTION**

On March 29, 2016, or at such earlier time as the Election Committee may determine, a notice of the nomination meeting and these rules shall be provided to members of the Association by posting at each facility and/or by posting such notice and Election Rules on the Association website.

**III. ELIGIBILITY TO RUN AS A CANDIDATE FOR ASSOCIATION OFFICE OR EXECUTIVE BOARD POSITION**

An active member in good standing shall be eligible to be nominated for and hold the position of Association Officer or Executive Board member if:

- (1) The member has been an active member in good standing of the Association for at least two (2) years prior to the date of the Nomination Meeting and has been employed as a member of the HI bargaining unit for at least five (5) years prior to that date; and
- (2) The member has maintained his or her good standing continuously during the two (2) years immediately preceding the nomination; and
- (3) The member has served as an Association officer or Executive Board member, or a Local Union officer or Executive Board member, for two (2) years. For the purpose of this requirement, the term "Local Union Officer or Executive Board member" shall mean that the member has served as a Local Union officer or Executive Board member of a Local Union that has been duly certified and chartered by the PSCOA under provisions set forth in the Constitution. Service as an Association officer or Executive Board member shall be computed commencing with the date that the PSCOA was certified as bargaining unit representative by the Commonwealth of Pennsylvania.

\* See **Constitution, Article V**, Section 1; Article VI, Section 1

- (4) The term “good standing,” as used in subparagraphs (1) and (2) above, shall mean that the member, during the two (2) continuous years immediately prior to the nomination, has maintained his/her active membership status throughout that time frame, has not been suspended or expelled and has not resigned his/her membership during that time frame and the member has, continuously and in, a timely manner, paid any and all dues and/or other financial obligations owing to the Association during the two (2) year time frame.

Incumbent Association officers and Executive Board members shall be presumed to satisfy all requirements for eligibility for nomination and candidacy. Service as an Association officer or Executive Board member shall also be construed as satisfying the requirement(s) for active service and/or service as a HI bargaining unit member.

Active members in good standing, who have questions concerning whether they may satisfy the eligibility requirements for seeking Association office and/or Executive Board positions may request an advance determination by the Election Committee concerning their qualifications by forwarding a written request for an advance determination to the Chairman of the Election Committee at the following address. Such members should include in their request as much information concerning their qualifications as they possess, including, where appropriate, a description (including time frames) of any and all Local Union officer and/or Executive Board positions under the PSCOA that they may have held. The Election Committee will attempt to issue written responses to such requests as expeditiously as possible, but, depending upon the time frame in which the request is received by the Committee and the need for the Committee to satisfy its other responsibilities, a written response cannot be guaranteed prior to the date of the nomination meeting. The Committee will, however, attempt to expeditiously process all such requests and respond as promptly as possible.

Chairman of Election Committee: Bill O'Donnell  
Address of Chairman: 2421 N. Front Street, Harrisburg, PA 17110  
Fax No of Chairman: (717) 364-1705

#### **IV. NOMINATION PROCESS**

A Special Meeting of the membership will be held on May 4, 2016, at the Smithfield Fire Company, 10 Firehouse Lane, Huntingdon, PA 16652 for the purpose of conducting nominations for the positions of Association officers and Executive Board members. This will be a specially noticed meeting and the only subject on the agenda shall be the receipt of nominations.

The Special Meeting shall convene at 12:30 p.m. and continue until 3:30 p.m. during which time nominations shall be made and received. Upon the completion of the nomination process, the meeting shall be adjourned, with no other business being conducted. If the Election Committee determines that additional time is needed in order to allow sufficient time for nominations to be made or determinations to be made, the Committee shall have the discretion to extend the closing, as required. (For example, if the Committee determines that the nominating process has not yet been completed among members present, it may determine to continue the meeting until all active members present have had an opportunity to make appropriate nominations and/or until all issues relating to such nominations have been resolved, however, the meeting(s) shall close promptly at the designated times if all business relating to the nominating process has been completed.)

The Secretary-Treasurer of the Association or his delegate shall be present at the Special Meeting and shall have access to appropriate Association records that may relate to a member's potential qualification as a candidate for Association office or Executive Board position. Such records shall be available, upon request, to the Election Committee.

The Special Meeting shall be convened by the President of the Association. Following opening remarks, the President shall yield the Chair to the Chairman of the Election Committee who shall thereupon preside over the nomination process. To insure an orderly process for the nominations for Association office and/or Executive Board positions, the following rules shall apply:

- (1) The Chairman may, in his discretion, make an opening statement that will describe the process for the nomination of candidates.
- (2) Following the opening statement, the nomination process shall commence by having the Chairman call for the nominations of candidates for the office of President. Members who seek to offer a nomination of a qualified member for the office of President shall be recognized in the order determined at the discretion of the Chairman. When recognized by the Chairman, a member seeking to make a nomination for the office of President shall rise and state: "I hereby nominate \_\_\_\_\_ as a candidate for the office of President" or words of similar effect. No campaign speeches or lengthy statements shall be permitted during the nomination process. The Chairman shall be empowered to cut off or refuse to recognize any individual that seeks to engage in lengthy statements or who otherwise interferes with or abuses the rules. The purpose of this limitation is to assure an orderly, non-political, nominating process that will enable the Committee and the Association to hear and receive all nominations in an expeditious manner.
- (3) When it appears that there are no other nominations for the office of President, the Chairman shall state three (3) times: "Are there any other nominations for the office of President" Upon hearing no other nominations, the Chairman shall declare that nominations for the office of President are closed.
- (4) After the nominations for the office of President are closed, the Chairman shall follow the same procedure for each respective office of the Association in the following order: The Chairman shall next call for nominations for the office of Executive Vice President; when such nominations are closed, the Chairman shall call for nominations for the offices of Vice President [two (2) Vice Presidents shall be elected]; when the nominations for the offices of Vice Presidents are closed, the Chairman shall call for nominations for the office of Secretary/Treasurer. In each instance, the rules and limitations set forth above concerning the process for nomination for the office of President shall apply.
- (5) After the nominations for the Association offices have been closed, the Chairman shall call for nominations for the eight (8) at-large Executive Board positions. The nomination process shall follow the same rules as set forth above concerning the office of the President, including limitations on political speeches, statements and the like.
- (6) A nomination need only be made by one member. No second for a nomination shall be required.

- (7) A member who is qualified to hold office or an Executive Board position may not be nominated for, or accept nomination for, more than one (1) such office or position. After a candidate has been nominated from the floor, the Chairman shall ask whether the candidate is present. If the candidate is present, the Chairman shall ask whether the candidate accepts the nomination. A failure by the candidate to accept the nomination shall result in having the nomination stricken and be considered as null and void. A candidate who is nominated must accept the nomination or he/she shall not be eligible to be on the ballot. If a candidate is not present when he/she has been nominated, the candidate shall be obligated to inform the Chairman of the Election Committee, in writing, that he/she accepts the nomination. Such written acceptance must be received or postmarked within seventy-two (72) hours following the conclusion of the nomination meeting. A member who does not accept the nomination pursuant to this provision shall not be eligible to be a candidate for office. The Election Committee (or the Association) shall *not* be responsible for communicating with any nominee/candidate concerning the nominee/candidate's nomination, or the requirements for the nominee/candidate's "acceptance" of the nomination. When the nominee/candidate is not present at the nomination meeting to state his/her acceptance or rejection of a nomination, the communication of the nominee/candidate's "acceptance" of the nomination to the Election Committee, within the stated seventy-two (72) hour time frame, shall solely be the responsibility of the nominee/candidate.
- (8) The Election Committee shall make every effort, based on Association records and other information available, to determine whether a candidate satisfies the requirements for eligibility for office or Executive Board position during the nomination meeting. However, if the Election Committee determines that it cannot make a final determination on the eligibility of a candidate during the nomination meeting, the Election Committee shall expeditiously resolve any such issues within seven (7) days after the close of the nomination meeting. Such determinations shall be based upon available Association records and other relevant information that shall be made available to the Committee. All Local Unions that may have information relating to a candidate's eligibility for office shall be required to cooperate and provide information as requested by the Committee. If a member believes that an individual who has been nominated for office is not eligible for nomination or to hold such office or Executive Board position, he/she may seek to be recognized by the Chairman and raise a challenge at the nomination meeting. However, the absence of a specific challenge to a nomination shall not impede the Election Committee's ability to raise its own challenges to individuals who may have been nominated. It shall be the duty of the Election Committee to assure that all individuals whose names appear on the ballot are qualified to hold Association office or Executive Board positions.
- (9) At the conclusion of the Special Meeting, if the Election Committee determines that, in relation to any office or Executive Board position, there does not exist a contest for such office or position following the close of nominations, the Election Committee shall declare that such individual, having no opponent for the office or position (and assuming that he/she has been determined to be qualified to hold office by the Committee) shall be declared elected by acclamation, If an office has been filled by election by acclamation, there shall be no need to list that office as a contested office

on the ballot.

- (10) The rules set forth in this Section IV shall govern the nomination process. These rules shall be construed as superior to any other rules of parliamentary procedure. In the event that issues may arise during the nomination meeting that are not otherwise mentioned in this provision, the issue shall be determined in the following manner: First, by reference to the PSCOA Constitution — the Constitution shall be the supreme document governing all rules and regulations when it addresses a specific issue or subject, and, if an issue is not otherwise addressed in these rules or the Constitution, the issue shall be determined by application of *Roberts Rules of Order*. In all instances, in relation to any issue or subject that may arise concerning the nomination process, the Election Committee shall be the final arbitrator of any and all such disputes, by majority vote.
- (11) After the nomination process has been completed for Association offices and Executive Board positions, prior to adjourning the meeting, the Chairman shall ask whether any group of candidates for office and Executive Board positions seeks to run as a “slate.” In order to qualify as a “slate,” the slate must include individuals who are running for each contested Association officer position and at least eight (8) at-large Executive Board positions. Partial slates shall not be recognized or eligible to be designated as a “slate” on the ballot. (For example, one, two or three (or more) individuals cannot consider themselves as a “slate” for designation purposes on the ballot — only a full “slate,” consisting of candidates for all contested officer and Executive Board positions can be so designated.) If a member, who has otherwise been nominated for office, rises to address the Chair to announce that he/she will run as part of a “full slate,” he/she shall inform the Chairman and the Committee of the identities and respective offices of the nominees who shall comprise the slate. When a group of candidates comprising a full slate, consisting of nominees for all contested Association offices and At Large Executive Board positions has been so designated, the Election Committee and the AAA shall assure that the mail ballot is designed in such a manner that the identity of the particular “full slate” is clear and in a manner so that members, should they so desire, can vote for the entire slate or otherwise, in their discretion, vote for individual members of the slate.

## **V. ELECTION PROCESS**

The balloting/election process for Association offices and Executive Board positions shall be conducted by means of a mail ballot during June 2016. The actual conduct of the mail ballot process shall be performed by the American Arbitration Association (“AAA”), under contract with the PSCOA. The AAA shall be authorized to control issues relating to the design of the ballot, the mailing of ballots, the receipt of ballots, the counting of ballots and shall provide a report, in writing, concerning the results of the balloting to the Election Committee.

Although more specific rules will be developed following additional consultations with representatives of the American Arbitration Association who shall actually control the conduct of the mail balloting process, the following rules, to assure fairness and consistency with the PSCOA Constitution shall be applied:

- (1) Candidates, or designated observers on behalf of candidates, shall be entitled to be present during the counting of the ballots by the American

Arbitration Association. Each candidate shall be limited, however, to one (1) person, either the candidate or one (1) observer, during this process. The projected date and time for counting of the ballots shall be June 27, 2016 at 9:00 am. The ballot count will occur at the offices of the American Arbitration Association, 230 S. Broad Street, 12<sup>th</sup> Floor, Philadelphia, PA 19102-4106. Confirmation of the projected date for counting of the ballots shall be posted on the Association website following consultations with the American Arbitration Association.

- (2) Ballots shall be mailed to all active members eligible to vote on or prior to June 1, 2016.
- (3) The balloting process, to be established and governed by the American Arbitration Association, shall include a two envelope process in which the eligibility of the member to cast a ballot can be assured, but in which the manner in which the individual member may have voted will be secret and/or anonymous.
- (4) Pursuant to provisions set forth in the PSCOA Constitution, once ballots have been mailed to the membership, a member must return his or her mail ballot within fourteen (14) days from the date the ballot was mailed. The postmark on the return envelope shall be sufficient evidence of compliance (or lack thereof) with this provision.
- (5) Write-in ballots shall not be permitted in the election. Only the names of candidates who have been duly nominated for office shall appear on the mail ballot.
- (6) A member who is nominated, but who fails to accept the nomination at the nomination meeting or in writing [within seventy-two (72) hours following the conclusion of the nomination meeting] as provided in these rules shall not be eligible as a nominee. The Election Committee shall have no responsibility to communicate with a candidate to determine whether he or she accepts a nomination. The responsibility for advising of the "acceptance" of a nomination is solely the responsibility of the candidate.

## **VI. ELECTIONEERING/CAMPAIGN MATERIAL**

Candidates for office shall be free to speak to or communicate with active members of the Association in order to promote their candidacy. While it is recognized that, in election campaigns, candidates may sometimes be critical of their opponents, the distribution of slanderous or defamatory material is considered improper and is to be discouraged.

The Association will *not* provide to any candidate or any member a list of the names, addresses, telephone numbers, e-mail addresses or other identifiers relating to the membership in general. This rule is established to insure the privacy of our members and to assure, to the extent possible, that all candidates that may seek to distribute written material are treated equally.

Following nomination for office, each individual candidate for office may, should he or she so desire, utilize the mailing facilities available at the PSCOA office, at his or her own expense. In order to assure the privacy of the membership lists, etc., the following procedure for such

mailings of campaign literature shall be observed:

- (1) A candidate who seeks to mail written literature to the membership shall prepare, on his or her own time and at his or her own expense, the literature that he or she seeks to have mailed. The literature should then be stuffed into sealed envelopes by the candidate (the Association will not assist in this process). The candidate should also attach proper postage (stamps or metered postage) to each envelope that he or she seeks to have mailed to the membership.
- (2) When a proposed mailing has been prepared by a candidate, he or she should communicate in writing with the Chairman of the Election Committee to indicate that he or she would like to send a mailing to the membership. A time will be promptly arranged by the Chairman of the Election Committee at which the candidate can deliver the material, with postage affixed to it in sealed envelopes, to the Association office. Under the direction of the Election Committee, the Association office will, in such circumstances, affix mailing labels to the literature. The mailing labels will be placed on the envelopes by the Association office. The candidate(s) may have an observer present during this process. A representative of the Election Committee will then deliver the proposed mailing to the Post Office.
- (3) Mailings of campaign literature under the above-noted process shall be limited to a maximum of **three (3) mailings (slate). Two (2) mailings prior to the nomination of officers and one (1) mailing after the close of nominations for the 2016 election year.**

Rules amended **to include the** language of the March 17, 2010 Court Order.

The Association shall have no responsibility to mail any literature, or affix mailing labels to envelopes, where the envelopes have not been pre-sealed and pre-posted or stamped. No member of the Association administrative staff will assist any candidate in sealing envelopes, stuffing envelopes, affixing postage to envelopes or in any other manner engage in electioneering on behalf of a candidate. (This rule is not intended to limit an Association officer or Executive Board member who is otherwise a candidate from working on his/her own time to promote his/her candidacy; however, the Association facilities shall not be used by such officers/candidates except in the manner set forth above that applies to all candidates.)

## **VII. ELECTION PROTESTS**

If conduct occurs during the course of the election campaign or process that an active member in good standing believes affected the results of the election, he/she may file a written protest. Such protest, and the determination of such protests, shall be subject to the following rules:

- (1) A protest concerning the election must be in writing. The protest must be signed by the individual member and must state specific reasons and facts that support an allegation that the election process was not fair or that the results of an election should be overturned. Mere rhetoric should be avoided. It is emphasized that specific facts, including dates, times and places, as well as the nature of the alleged misconduct, the identity of

witnesses, etc. should be set forth in the protest.

- (2) The protest, in writing, together with all evidence in support thereof, must be received by the Chairman of the Election Committee not later than five (5) working days (not to include Saturday or Sunday) following the date on which the election results were certified and announced by the Election Committee. A lack of timeliness in the submission of an election protest shall result in its dismissal.
- (3) Upon receipt of a timely election protest, the Election Committee shall review the protest. The Committee may, in its discretion, conduct its communications electronically, telephonically, or by other means that it deems appropriate. The Committee shall be empowered to determine all election protests based upon the written submission itself (for example, the Committee shall not be required to investigate further a protest that appears to be unmeritorious on its face), or it may conduct further inquiries or investigations, including interviewing witnesses, in its discretion. All election protests shall be determined by the Committee not later than thirty (30) days following their receipt. The Committee shall not be required to conduct hearings or any other formal proceedings to determine election protests. It may conduct formal proceedings, including hearings, only if, in its sole discretion, such proceedings are deemed necessary to resolve outstanding issues. Determinations of election protests shall be issued in writing by the Committee, with a copy to the individual(s) that filed the protest and the PSCOA Executive Board.
- (4) In considering an election protest, the Committee shall not recommend the overturning of an election result or order a rerun election unless it has concluded, with absolute certainty, that the alleged misconduct was so severe as to have clearly affected the outcome of the election. Less severe instances of alleged misconduct that did not clearly affect the outcome or results of the election may be dealt with in other ways by the Committee, including reprimands to individuals who may have acted improperly, recommendations for stricter rules to govern such conduct in future elections, etc. The Election Committee shall make final and binding dispositions relating to any and all protests relating to the election. Its decision shall be final except in relation to cases in which the Committee may determine that an election should be overturned or rerun. In such event, the determination of the Committee may be appealed to the State Board, in accordance with provisions set forth in the PSCOA Constitution. The State Board shall be the final arbitrator in such instances, concerning whether an election result will be overturned and a rerun election ordered.

#### **VIII. CERTIFICATION OF ELECTION RESULTS**

The election of all Association officer and Executive Board positions (except in instances where an election by acclamation has occurred) shall be the candidate who receives the most votes. A candidate receiving the most votes cast in the election for any of the positions available shall be deemed elected to that position. A majority of votes cast shall not be required for election to an officer or Executive Board position.

Candidates shall be certified as duly elected by the Election Committee if:

- (1) The candidate was unopposed and elected by acclamation; or

- (2) The candidate receiving the most votes cast for a particular Association office or Executive Board position.

In the event of a tie for any of the positions available, a rerun election (by mail ballot) shall occur as promptly and efficiently as may be possible. In such a rerun election, the candidates for the unfilled office or Executive Board position who tied shall be the only candidates for such office listed on the new/rerun ballot. The winner of the rerun election shall be the candidate receiving the most votes for the particular office or Executive Board position in the rerun election.

Not later than ten (10) days after receiving a written report from the American Arbitration Association concerning the results of the balloting, the Election Committee shall issue a written certification of election results and post same on the Association website. Each candidate that is certified as elected by the Committee shall be sworn in to his/her office or Executive Board position within thirty (30) days following such certification, as provided in the PSCOA Constitution.

If a protest to the election is pending before the Election Committee or the State Board, the Election Committee shall withhold the certification of the results of the election in relation to the affected office or Executive Board position until the completion of its (or the State Board's) decision regarding the protest.

All decisions by the Election Committee to dismiss an election protest shall be final and binding. As required by the PSCOA Constitution, only determinations to conduct a rerun election or set aside the results of an election shall be reviewable by the State Board.

The Election Committee shall not delay the certification of election results relating to any office or position that is not affected by a pending protest.

#### **IX. SUPPLEMENTAL RULES GOVERNING THE FAIRNESS AND CONDUCT OF THE ELECTION**

The Election Committee shall be empowered to adopt such other rules, substantive or procedural, that may be necessary to assure the conduct of a fair and impartial election process. Following the certification of the election results, the Election Committee may also, in its discretion, issue a report and recommendation to the PSCOA Executive Board concerning the procedures and processes in this election, with recommendations, where appropriate, for improvements in the Rules for future elections.