PENNSYLVANIA STATE CORRECTIONS OFFICERS ASSOCIATION

RULES FOR LOCAL UNION ELECTIONS

AMENDED VERSION AUGUST 2013

RULES FOR THE CONDUCT OF LOCAL UNION ELECTIONS

The following rules and regulations shall govern all election for Officers and Executive Board members in the Local Union. The provisions set forth in Article VII, Section 2 of the PSCOA Constitution and provisions set for in the Local Union Bylaws are hereby incorporated by reference, as if fully set forth at length. To the extent that any rule or policy set forth herein is in conflict with provisions set forth in the Constitution or the Local Union Bylaws, the provisions of the Constitution or Bylaws shall govern the issue.

I. Officers and Executive Board Members

At each regularly scheduled election, the Local Union shall elect eligible member(s) to fill the following offices or Local Union positions:

(a) President

(b) Vice President

(c) Recording Secretary

(d) Treasurer

(NOTE: Under the provisions set forth in Article X, Section 8 of the Constitution, Local Unions may, in their Bylaws, combine the offices of the Recording Secretary and Treasurer.)

(e) Executive Board Members; in accordance with the Local Union Bylaws, _____ number of Executive Board Members.

II. Term of Office

The term of office of each Local Union Officer, unless elected to fill a vacancy, shall be for a period of two (2) years.

III. Eligibility

Members in good standing (including payment of all financial obligations) as of sixty (60) days prior to the nomination meeting shall be eligible to be nominated and hold the position of local Union Officer or Executive Board Member.

IV. Notice of Nomination Meeting and Election

The Election committee shall, at least fifteen (15) days prior to the nomination meeting and fifteen (15) days prior to the meeting during which the election will be held, notify members of the Local Union by mail or by posting a notice(s) at the facility, of the date, time and place of the nomination or election meeting. The notice shall inform the members of the identity of the Local Union offices of positions to be filled by election (e.g., the office of President, Vice President, Recording Secretary, Treasurer and _____ number of Executive Board positions). A single notice, designating dates, times and places for both the nomination and election meetings, shall be sufficient for the purpose of this rule if mailed to the members or posted at the facility at least fifteen (15) days prior to the nomination meeting.

V. The Nomination Meeting

The nomination meeting may be a specially convened meeting (in which event the only order of business shall be the conduct of nominations for Local Union Officers and Executive Board positions) or nominations may be held as a special order of business during

a regular Local Union meeting. If nominations are conducted as a special order of business at a regular meeting, the nominations shall take precedence over all other items or subjects on the agenda for that meeting, so that the business of nominations is completed before any other business of the Local Union is considered. During the nomination meeting (or during the special order of business when nominations are to be conducted at a regular Local Union meeting), the following rules will apply:

(a) The Chairperson of the Election Committee shall preside over all business relating to the nomination process.

(b) After explaining the procedures that will be followed for the nomination process, the Chairperson shall call for nominations from the floor.

(c) All members seeking to make a nomination shall be recognized by the Chair. Nomination for each respective office or position shall be called for by the Chair in the following manner and order. The Chair shall first call for nominations for the office of President by stating: "Nominations are now in order for the office of President." Members who see to nominate an eligible member for the office of President may then recognize by the Chair. A member may nominate another member by stating, for example, "I nominate brother (or sister) _____." No second shall be required for a nomination. After each nomination occurs, the Chair shall repeat each nomination by stating, "Brother (or sister) _____, has been nominated for the office of _____."

When there are no other nominations for the office of President, the Chair shall declare that nominations for that office are closed. The Chair shall then

state: "Nominations are now in order for the office of Vice President." The same process shall be repeated for the office of Vice President. After nominations are closed for the office of Vice President, the Chair shall follow a similar procedure for each office listed in Rule one (1) herein, in descending order, and shall conclude the process by receiving nominations for Executive Board positions.

(d) No member can nominate more than one person for a given office, if any objection is made, until every member is wishing to nominate has had an opportunity to do so.

(e) During the nomination process for each specific office or Executive Board position, when it appears that no one else wishes to make a nomination, the Chair shall ask twice if there are any further nomination for that office (or Executive Board position); and if there is no response, the Chair shall declare that nominations (for that office) are closed. No motion shall be required to close nominations when the Chair has followed this procedure. Once closed, nominations for a particular office may only be opened by a two-thirds vote of the members present and voting.

(f) In the event nominations for an office are closed and there is no opposition to the candidate(s) for the office or position, the Chair shall declare that the unopposed nominee(s) for the office or position has been elected by acclamation. No election for that office or position shall be required. [For example, if only one eligible member has been nominated for the office of President, the Chair shall declare that the nominee has been elected by

acclamation. In relation to Executive Board positions, however, an "election by acclamation" may only be declared in circumstances where the number of nominees is equal to or fewer than the number of Executive Board position to be filled. Where the number of nominees exceeds the number of Executive Board positions to be filled, an election must be conducted.]

(g) If a member is nominated for an office or position but is ruled by the Chair not to be eligible [for example, on grounds that the individual has been expelled from membership as a result of a conviction on charges brought pursuant to the Constitution or the individual has not been a member in good standing of PSCOA for a time period sufficient to be eligible to hold office under Local Union Bylaws or these election rules], the individual who is adversely affected by the ruling may appeal the ruling of the Chair to the PSCOA president within forty-eight (48) hours after the nomination meeting. The appeal should be in writing and state specifically the reasons for challenging the ruling of the Chair. The PSCOA President will investigate the matter and issue a prompt ruling concerning the qualification (or lack thereof) of the member to hold office. Such ruling shall be issued within five (5) working days. The decision of the PSCOA president shall be final and binding. During a time frame when such an appeal is pending, the Chair shall not declare any other candidate for that particular office as elected by acclamation. If the appeal to the PSCOA President is upheld, the Local Union election for that office or position shall continue through the normal election process. If the appeal is denied by the PSCOA President and, as a result, there is no contest

for the office or position, the Local Union President shall, at such time as the issues is clarified, inform the membership that an election by acclamation has occurred in relation to the office or position. All issues relating the eligibility of a candidate for office or Local Union position shall be determined based upon official records maintained by the Secretary/Treasurer of the PSCOA.

VI. Nomination Acceptances

A candidate must accept or decline nomination at the nomination meeting. If a candidate, for a good and sufficient reason, cannot attend the nomination meeting, he or she must notify the Chair, in writing, that he/she will accept the nomination. Such notification must be received by the Chair within forty-eight (48) hours after the close of the nomination meeting. A candidate who fails to accept the nomination at the nomination meeting or by written notice as provided herein shall his/her nomination considered null and void and the election process shall proceed as if such nomination did not occur.

VII. Meeting Among Election Committee and the Candidates

On _____ (date) at _____ (time), the local Union Election Committee will meet with all interested candidates at _____ (place). The purpose of the meeting will be to discuss election procedures and other rules relating to the election process. At this meeting, a drawing will be held to determine the candidate position on the ballot. If a candidate is absent and does not have a representative at the meeting, an election official will represent the candidate in the drawing.

VIII. Campaign Rules

During the campaign, the following rules will apply to all candidates:

(a) The Local Union will honor any reasonable request by a candidate to distribute campaign literature to all members at the candidate's expense, in accordance with the procedure set forth herein. Request will be honored in the order received. Campaign literature must be provided to the Association Secretary/Treasurer in sealed, stamped envelopes which are ready for mailing. Each candidate should check with postal officials to determine the proper postage and place the proper postage on the sealed envelopes. Upon receipt of the sealed envelopes from a candidate(s), the Association Secretary/Treasurer shall, within seventy-two (72) hours of such receipt, fix mailing labels on each such envelope or otherwise address each envelope to the members of the Local Union and deliver such envelopes to the postal authorities. A candidate, or his/her representative, shall be entitled to be present, upon request, when the Association Secretary/Treasurer delivers the envelopes to the mailbox or to the Post Office.

(b) No funds of the PSCOA or employer funds may be used to promote the candidacy of any person in an election for the Local Union office or Local Union positions. The prohibition applies to cash, facilities, equipment, vehicles, office supplies and other property of the PSCOA or any of its subordinate bodies. Nothing in this rule shall prohibit, in any manner, an incumbent officer, employee or member holding any position with the PSCOA or any of its subordinate bodies from expressing their own opinions in relation to Union or campaign issues, at any time.

(c) All members may support the candidate of their choice without being subject to penalty, discipline, or reprisal of any kind.

IX. The Election

The election will be held from _____(time) to _____ (time) on _____ (date) at _____ (location), _____ (street), _____ (City), _____ (State/Zip Code). The following rules will apply during the election:

(a) Members will be asked to present appropriate identification at the polls. After determining that a member is eligible to vote, the Election Committee will mark the member's name off the eligibility list. The member will be asked to sign a Voter Register, be given a ballot, and instructed to vote in secret. A ballot box or voting booth will be available for the election.

(b) No campaigning will be permitted in the polling area or in any part of the meeting hall on Election Day. Only the Local Union Election Committee, tellers, judge, candidate observers and members who are voting or waiting in line to vote will be permitted in the polling area.

(c) Each candidate shall be entitled to have one (1) observer present at the polls and the tally of ballots. Observers must be members of the PSCOA. Candidates should submit the names of their observers in writing to the Chairperson of the Election Committee prior to Election Day.

(d) Ballot will be counted by the Election Committee after the polls are closed on _____ (date) at the meeting hall where the election is held.

(e) Write-in votes are not permitted in the election pursuant to Article VII, Section 2(h) of the Constitution.

(f) The election results will be announced by the presiding official.

(g) The election of all Local Union Office positions (except in instances where an election by acclimation 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.

(h) Executive Board positions will be filled by plurality vote. The number of candidates receiving the most votes for the positions available shall be deemed elected. A majority of votes cast shall not be required for election to an Executive Board position.

X. Election Records

The Recording Secretary is responsible for maintaining all nomination and election records for at least one (1) year after the election.

XI. Questions, Issues or Problems Relating to the Nomination or Election Procedures

Candidates and members with questions, issues or problems relating to the nomination or election procedures should contact a member of the Election Committee. The members of the Election Committee are _____, _____ and _____. Any violation of these rules should be reported promptly to the Election Committee so that the corrective action can be taken, if necessary.

XII. Protest

Pursuant to Article VII, Section 2(e) of the Constitution, a member may file a written protest concerning the conduct of the election with the President of the Association within five (5) working days after the election. The President is authorized to investigate and determine the election protest and his or her decision will be issued within thirty (30) days, unless the President specifically determines that additional time is needed to investigate the matter. Any member who is aggrieved by a ruling of the President under this provision may appeal the matter in writing to the Association Executive Board within five (5) working days following the President's written determination. The Executive Board will issue a written determination concerning the appeal in a timely manner, in accordance with its policies and procedures. A ruling by the president under this provision shall be final and binding, unless appealed. Following a timely appeal (of the President's ruling), the decision of the Executive Board will be final and binding on all parties.

APPROVED AND ISSUED by the Association Executive Board this **19TH DAY OF AUGUST 2013.**

Roy Pinto
President, PSCOA