

MSCA ELECTION RULES FOR MEMBERS SPRING 2010 MSCA OFFICER ELECTIONS

**Approved by the MSCA Board of Directors – November 6, 2009
(Rule #14 Revised by the MSCA Board of Directors – February 5, 2010)**

1. Candidacy for election to a position as MSCA Officer in the Spring 2010 MSCA elections shall be open to any MSCA Member in good standing, except for current members of the MSCA Elections and Credentials Committees.
2. Nomination papers for each MSCA Office will be accepted only from individual members seeking that particular office as per Article IV of the MSCA Constitution. No individual may be a candidate for more than one office. Upon receipt of a request for nominations papers, the Elections Supervisor will transmit nomination papers to the candidate (as prescribed in the MSCA Constitution) and subsequently report the name and office sought to the members of the Elections Committee, the MSCA Board of Directors, and any MSCA member who requests such information.
3. Candidates for each MSCA Office shall file nomination papers with the Nominations and Elections Supervisor as specified in the MSCA Constitution and the Spring 2010 Elections Calendar (attached to these Rules). The Nominations and Elections Supervisor shall certify each candidate, who will thereafter be designated a *Certified Candidate* for that MSCA office. After the certification of candidates, write-in candidates shall be designated as *Nominees*.
4. Certified Candidates will be informed of the date and location of the constitutionally mandated lottery to determine the order of names on the ballot. Certified Candidates (or a representative designated by a Certified Candidate) may be present at the lottery.
5. A draft copy of the ballot, voting instructions, and the outer envelope (mailed by the vendor) will be available for Certified Candidates to review one week before these materials are sent to the printer. The Elections Committee will consider any feedback or requests to these materials.
6. MSCA Chapters, Standing Committees, Ad Hoc Committees and/or the Board of Directors may not endorse or oppose a particular candidate or nominee in their collective capacities. Individuals serving on such bodies are free to engage in any activity not otherwise prohibited by these rules to advance or oppose the candidacy of any candidate or nominee.
7. Neither the Elections Committee in its collective capacity, nor its individual members, may endorse or otherwise engage in any activity to advance or oppose the candidacy of any candidate or nominee.
8. No Chapter funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate or nominee.
9. No MSCA funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate or nominee.
10. No state college funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate or nominee. Distribution of materials through the campus mail system, in accordance with the collective bargaining

agreement, is allowed.

11. The use of state college technology (“use” is defined as using state owned property, technology or electronic media controlled by the state colleges, including the origination of messages or the forwarding of messages originated by others) –
 - A. is prohibited to send or receive messages or to create a web page advancing or opposing the candidacy of any candidate or nominee.
 - B. is allowed for logistical information about the election itself (e.g., announcements concerning the election process, candidate forums, materials submitted to the *Perspective*, questions and non-sensitive communications among the members of the Elections Committee). Such communication is for informational purposes and must not contain any information that would advance or oppose the candidacy of any candidate or nominee. The Chapter President (or Chapter Vice-President, if the Chapter President is a candidate) will disseminate this information to chapter members.
12. Each Certified Candidate may choose to receive not more than two sets of mailing labels and/or an electronic database, with the name, address, and chapter affiliation of all members. The MSCA Treasurer will send these to each Certified Candidate as soon as practicable after candidates have been certified. To the extent deemed practicable by the MSCA Treasurer, the names will be separated by campus/unit member status (full-time and non-full-time). Certified Candidates will also be sent a list of eligible voters (i.e., the list submitted to the MSCA Election vendor) that contains updates and changes since the original mailing labels were produced.
13. Certified Candidates and Nominees shall conduct their campaigns in a positive manner with due regard for the high professional standards expected of college educators and shall refrain from personal attacks. All campaign materials supporting or opposing a Certified Candidate or Nominee must be signed by at least one MSCA member in good standing.
14. A candidate forum at each campus may be arranged by the Nominations and Elections Supervisor at the request of and in consultation with a Chapter President. The Nominations and Elections Supervisor, working with the MSCA President’s secretary, shall establish a date and place for each forum that is, to the extent possible, agreeable to the Certified Candidates. The Nominations and Elections Supervisor shall notify each Certified Candidate of the date and place of each forum. So that each forum provides consistency for Certified Candidates and MSCA members, the following rules will govern the conduct of each campus forum:
 - A. The Chapter President (or a designated member of the Chapter Executive Committee who is not a member of the MSCA Elections Committee) shall preside as Moderator of the forum.
 - B. The Moderator will be a neutral party to the forum and shall neither pose nor answer questions asked during the forum, nor allow members present to answer questions directed to the Certified Candidates. The Moderator will ensure that each Certified Candidate has an equal opportunity to address the members.
 - C. Within a 60 to 90 minute time frame, the forum structure should allow for opening and closing statements from the Certified Candidates along with questions from the members. The order of statements shall be determined in a random fashion. Certified Candidates shall refrain from questioning each other but should direct their responses to the members’ questions.

- D. In the event a Certified Candidate cannot attend a forum, s/he may send a statement to the Chapter President for distribution (at the start of the forum) by the Moderator.
 - E. The Chapter President shall inform each Certified Candidate of any additional format information of the forum (that is consistent with the above parameters) at least twenty-four hours in advance.
15. So that all voting members receive the same information regarding election procedures, the membership will be informed of the procedures for the election in a mailing prepared by the Nominations and Elections Supervisor for distribution by Chapter Presidents. This does not preclude others (e.g., Certified Candidates and Nominees) from including voting instructions and procedures to union members in their correspondence, provided that the procedures and instructions are not misrepresented.
16. Each election contest shall be decided by a plurality, *i.e.* the individual receiving the most votes shall be elected.
17. Challenge Procedure
- A. Any Certified Candidate or Nominee may challenge the election by filing a written challenge with the Nominations and Elections Supervisor no later than 5:00 PM on the sixth day following the official ballot count.
 - B. The Nominations and Elections Supervisor shall notify the designated Arbitrator* that a challenge (or challenges) has (have) been received.
 - C. The Arbitrator* shall prepare a notice of hearing including the date and place of the hearing. The notice, including a copy of the challenge(s), shall be mailed to each Certified Candidate and Nominee.
 - D. At the hearing any Certified Candidate or Nominee may be represented by a representative of his/her choosing and may present documents and witnesses relevant to the challenges filed. Each Certified Candidate or Nominee will be permitted to make an opening and closing statement to the Arbitrator*.
 - E. The Arbitrator* shall file a written report with the Elections Committee. For each challenge filed, the Arbitrator* shall determine whether the challenge has merit and whether the facts as found by the Arbitrator* affected the outcome of the election.
 - F. The Nominations and Elections Supervisor shall promptly provide a copy of the report to each Certified Candidate.
18. The Elections Committee shall meet to consider the report and certification of the election. The Elections Committee will make a report to the Board of Directors at its next meeting.

* to be recommended by the MSCA Elections Committee and approved by the MSCA Board of Directors no later than their December 2009 meeting.