

# MINNESOTA ASSOCIATION OF PROFESSIONAL EMPLOYEES

## ELECTION RULES

Amended at Delegate Assembly, Sept. 18, 2021

### Article I Definitions

1. **Candidate** means a member seeking an elective position.
2. **Days** refers to calendar days, unless stated otherwise.
3. **Election Cycle** means the frequency at which an election is held for a particular position.
4. **Elective Position** means a position usually filled by an election. This includes officers, trustees, delegates and alternates to the Delegate Assembly, and members of the Statewide Negotiations Committee.
5. **Eligible Voters** means members as of the date specified on the MAPE Election Timetable.
6. **Election** means an electronic election in which voters receive instructions and access to a ballot electronically, typically via an email containing a link to a secure website for voting.
7. **Incumbent** means a member currently holding an elective or appointive position, regardless of the term's anticipated ending date.
8. **Office** means an elective position held by an officer.
9. **Mail** means U.S. mail or other secure means approved by the Board of Directors.
10. **Reasonable Notice** means notifying all affected members, at their home or work addresses, such that the notice is timed to arrive prior to the opening of nominations for an election. This shall be done by electronic methods, and may be supplemented by hand, or by posting notices on bulletin boards at all affected work locations. It must include arrangements to notify members routinely assigned away from their work address for prolonged periods. The notice shall include:
  - a) the open positions,
  - b) a description of the duties of each position,
  - c) the date nominations open and close,
  - d) the date(s) of the election,
  - e) the method of balloting, which will be electronic,
  - f) when, where, and how ballots will be tabulated.
11. **Election(s) Committee Report** means the report announcing election results.
12. **Special Election** means an election other than a regularly scheduled election.
13. **Vacancy**. A vacancy exists when:
  - a) there is no incumbent in the elective position;
  - b) the incumbent has delivered a letter of resignation, in writing or electronically, to the Elections Committee; or
  - c) the incumbent is no longer eligible to hold the elective position.

## **Article II Nomination and Elections Committees**

1. **The statewide Nominations Committee and the Elections Committee** will be appointed per the Bylaws.
2. **Local nominations committees** will be appointed by the local president as close to the beginning of their term as practicable.
3. **Local election committees** will be appointed by the local president before nominations open for local regular or special elections. The election committee shall consist of at least two members; none of the members may be candidates for a position.
4. **The election committee for Local Charter Elections** shall consist of a representative from each impacted Local (the existing Local(s) and the local seeking a charter) and a statewide officer to be selected by the MAPE president.
5. **Statewide, Regional, and Local Elections** must be completed by June 1<sup>st</sup>, through the 2022 election cycle. Starting in 2023, elections must be completed by December 15<sup>th</sup>.
6. **In even years through the 2022 election cycle**, the President, Treasurer, Meet and Confer Chairs, Negotiations Representatives, Organizing Council Members, Political Council Members, Delegate Assembly Delegates and Alternates, odd-numbered region local officers and chief stewards, and even-numbered regional directors will be elected. Starting in 2023, Meet and Confer Chairs and Negotiations Representatives will be elected in odd-numbered years.
7. **In odd years**, the Vice President, Secretary, Organizing Council Members, Political Council Members, Delegate Assembly Delegates and Alternates, even-numbered region local officers and chief stewards, and odd-numbered regional directors will be elected.
8. **Setting Dates.** The Board of Directors shall fix all dates concerning regularly scheduled elections in accordance with the MAPE Election Timetable. The Board will use the MAPE Election Timetable (Appendix A) and only add the actual dates.

The Elections Committee shall set dates concerning statewide, regional, and local special elections.

If a deadline falls on a day the MAPE office is closed, that deadline will be moved to the next day the office is open, and subsequent dates will be set based on the moved deadline.

## **Article III Nominations**

1. **Nominees.** The Nominations Committee and local nominations committees shall seek out and encourage qualified persons to run for elective positions.
2. **Conditions of Candidacy.** Members must meet the eligibility requirements defined in MAPE Bylaws (ELECTIONS AND VACANCIES, Eligibility).
3. **Nomination Procedure.**
  - a) Nominations for local positions shall be submitted by the local nominations committee or individual members to the local election committee in writing. The local election committee shall forward the nominations to the Elections Committee. Individual members may only nominate a member from their local.
  - b) Nominations for regional positions shall be submitted by the Nominations Committee or by individual members to the Elections Committee in writing. Individual members may only nominate a member from their region.

- c) Nominations for statewide positions shall be submitted by the Nominations Committee or individual members to the Elections Committee in writing.
4. **Withdrawal of Nomination.** A person nominated may withdraw their name from nomination at any time before or after nominations are closed.
5. **Closing of Nominations.** Nominations close according to the MAPE Election Timetable (Appendix A).
6. **Candidate Compliance.** In addition to other requirements of the governing documents, all nominees for an elective position, shall accept the nomination via electronic form, containing all election rules, guidelines, and policies thereby affirm their intent to comply with the requirements of MAPE's governing documents and procedures.
7. **Candidate Eligibility Report, Publication.** The Elections Committee shall declare the candidates to appear on the ballot upon completion of the Candidate Eligibility Report. The report shall include the names of all eligible nominees and the position sought. If an eligible nominee's name is missing from the report or the report contains inaccurate information or some other error, the nominee must protest no later than 3 days after the report is published or their nomination is withdrawn, and their name shall not appear on the ballot. A revised Candidate Eligibility Report may be completed if a valid protest is filed by the stated deadline. If the revised Candidate Eligibility Report contains inaccurate information or some other error and the nominee wishes to correct this error, the nominee must protest the Revised Candidate Eligibility Report no later than 3 days after the report is published.
8. **Uncontested Elections.** The Candidate Eligibility Report shall also include the names and positions sought of persons nominated in uncontested elections.
9. **Personal Statements.** Candidates whose names will be on the ballot must prepare and submit a personal statement to be included with the ballots. Each candidate must submit their personal statement 14 days after the nominations close, otherwise the candidate is disqualified, and their name will not be on the ballot. For candidates who will appear on the ballot, each candidate's personal statement shall be published on the MAPE website.

#### **Article IV Campaign Support**

1. **General Resources.** Candidates shall not accept support of money, facilities, paid labor, or other goods or services for the benefit of their campaign from any profit or non-profit corporation, unit of government, political action committee, or collective bargaining representative or an affiliate thereof.
2. **MAPE Resources.** Except as provided in these rules; the funds, staff, materials, equipment, and facilities of MAPE shall not be used with the purpose or clear effect of benefiting or harming any candidate's campaign. Candidates shall not solicit campaign contributions at MAPE's offices or during the official business portions of MAPE sponsored events. MAPE's offices may be used for candidate forums. MAPE shall provide technology to facilitate video conferencing at campaign forums for statewide races. Upon request, locals shall be allowed to use MAPE offices and/or technology to hold local candidate forums for statewide races.
3. **Campaign Forums.** The Elections Committee may arrange forums to allow candidates to express their views. Any such forums shall be made available on an equal basis to all candidates. Locals shall not schedule forums for statewide elections at the same time another local is holding their forum. The statewide elections committee will provide an online location for locals to reserve their forum time. Locals shall reserve forum times in the same order locals notify the statewide elections committee of the formation of their local elections committee. The statewide elections committee shall hold a candidate forum for each contested statewide election, prior to the voting window opening. These

statewide campaign forums sponsored by the statewide elections committee shall be held in a manner that allows members to interact with the candidates from remote locations. The MAPE portal shall be used to show the schedule of all campaign forums.

4. **Distribution List Security.** MAPE shall maintain control of election lists. No access to MAPE election lists for campaign purposes shall be permitted except for the following: a list of members' personal email addresses comprised of members who have opted-in to receive campaign materials from candidates. A list of statewide candidates and their personal contact information shall be provided to local elections committees for the purpose of facilitating local campaign forums. A list of local elections committees personal contact information shall be provided to statewide candidates to facilitate local campaign forums. The MAPE portal may be used to publish these lists.

## **Article V Campaign Conduct**

1. **General Conduct.** All candidates shall conduct their campaigns in a manner that promotes the welfare of MAPE and does not subject MAPE to liability.
2. **False Claims.** Candidates shall not knowingly make false or clearly misleading claims.
3. **Undue Influence.** Candidates shall not use coercion, bribery, or a promise of future consideration in an attempt to influence an election.
4. **E-Mail Use.** State e-mail or equipment (including printers and fax machines ) may not be used for MAPE campaign purposes. Campaign e-mail messages shall not be sent or forwarded from state or non-state systems to state systems.
5. **Campaign Literature.** All campaign literature shall bear the name of the author(s), the funding source, and the candidate(s) and/or issue(s) it supports. Candidates are solely responsible for the content of their campaign material.
6. **Social Media in Campaigns Policy.** Candidates must comply with the Social Media in Campaigns Policy.
7. **Personal Statements.** Personal statements may not contain photographs, graphics or artwork. Personal statements shall include the candidate's name and information about the candidate and the candidate's ideas relating to the office sought and may not contain references to other candidates. Personal statements may include the candidate's department, work city, years of state service and years as a MAPE member. Personal statements shall be no longer than 300 words..

Candidates who submit a personal statement which exceeds the word limit will be given an opportunity to shorten their statement. If a revised statement is not submitted or the revised statement exceeds the word limit, the personal statement will be truncated. The truncated personal statement will be published on the MAPE website and included with the ballot.

8. **Financial Report Required.** Candidates for a statewide office shall file a financial report with the Elections Committee no later than 10 days following the tabulation of ballots. A winning candidate in a statewide, contested election will not be seated until the financial report has been filed and accepted by the Elections Committee. The report shall be in the format prescribed by the Elections Committee and shall include a list of contributions and expenses. For all contributions over \$100, the contribution list shall show the name of contributors and the amount of the contribution. For contributions under \$100, only the total amount of contributions is required. The report shall contain a list of expenses, including the vendor and amount of each expense. The amount of contributions reported must equal the amount of expenses reported. The candidate shall sign and date the report, attesting that Campaign Support requirements in Election Rules Article IV section 1 were followed. A

copy of the form will be provided to any MAPE member upon request, provided the request is made within 30 days after ballots are tabulated.

9. Candidates communicating with MAPE members while carrying out their duties either as a state employee or as a MAPE officer shall not be considered campaigning and shall not be prohibited.

## **Article VI Election Procedure**

1. **Write In Candidates.** Write-In candidates are prohibited.
2. **Individual Position.** To be elected to an individual position requires a majority vote.
3. **Preferential Balloting.** When a majority vote is required and more than two candidates are seeking one office, preferential balloting will be used. Voters will be instructed to indicate the order in which they prefer all the candidates for that office by placing or indicating the numeral 1 beside their first preference, the numeral 2 beside their second preference, and so on for every possible choice.  

When counting the votes for that office, all ballots will be electronically sorted according to the first preference, and then the ballots are counted. If one candidate has a majority (over 50%), that candidate is the winner. If no candidate has a majority, the ballots for the candidate with the fewest first place votes will be redistributed according to the names marked as second choice on those ballots, and all ballots are recounted. If no candidate has a majority, the process will be repeated using third and subsequent choices until one candidate has a majority of the remaining ballots counted. When ballots are being redistributed, a ballot with no remaining choices is exhausted and not counted. The results of all counts will be reported.
4. **Ties.** In case of a tie, the Elections Committee shall prepare and draw lots immediately after tabulation of the ballots.
5. **Multiple Identical Position** (i.e., Delegate, Trustee). All candidates for multiple identical positions shall be voted on simultaneously. To be elected to a multiple identical position requires a plurality vote. For such positions, a plurality means more votes than other candidates for the position, up to the number of positions open. For example, if there are three positions, the three candidates receiving the most votes are elected.
6. **Seating.** Newly elected persons shall be seated immediately after the Election(s) Committee Report is released, unless another date is provided in the governing documents.

## **Article VII Election Mechanics**

1. **Eligible Voters.** The Vice President shall submit an accurate list of eligible voters to the Elections Committee.
2. **Balloting Method.**
  - a) Statewide and Regional elections (regularly scheduled and special) shall be electronic elections.
  - b) Regularly scheduled local elections and local special elections shall be electronic elections.
3. **Secret Ballot.** All voting shall be by secret ballot.
4. **Ballot Security.** The Elections Committee and their designees (which may include a third-party vendor) shall adopt, oversee, and maintain reasonable safeguards to protect ballot integrity and confidentiality.
5. **Ballot Format.**

- a) The order of names shall be varied such that, when considering all of the ballots, every name appears in each position of the list approximately the same number of times.
  - b) Incumbents and agencies shall not be designated on the ballot.
  - c) When preferential balloting is not used, instructions on the ballot will state that voters will “vote for no more than” the number of positions to be filled.
6. **Tabulation of Ballots.** The Elections Committee shall oversee the tabulation of ballots prepared by a third-party vendor.
7. **Ineligible Apparent Winner.** If an apparent winner is ineligible, as defined in Bylaws Article VIII, at the time vote counting is completed, the Elections Committee or local election committee, as appropriate, will declare the election for that position void, nominations for that position will be reopened, and a special election will be held. This procedure will be followed even if the apparent winner has been seated but is found to have been ineligible when the votes were counted.
- In a multiple identical position race, if an apparent winner is ineligible at the time vote counting is completed, the election of that candidate will be declared void. Other apparent winners are elected and will be seated in accordance with the governing documents.
8. **Election(s) Committee Report.** This report will include:
- a) the percentage and actual number of final votes;
  - b) the winner(s) of each race;
  - c) the number of spoiled ballots; and
  - d) for preferential balloting, each iteration’s results.
- This report will be posted on the MAPE website. This report is released by being sent to the members of the Board of Directors and MAPE Central (for posting and further notifications).
9. **Other Procedures.** The Elections Committee may adopt other election procedures as described in the parliamentary authority or as are reasonable and necessary.

### **Article VIII Electronic Elections**

- 1. **Reasonable Notice.** Reasonable notice shall be given that an election will be held.
- 2. **Electronic Ballots.** The e-mail must include instructions on how to access the secure balloting website. The website shall include an electronic ballot and candidates’ personal statements.
- 3. **Uncontested Election.** If only one eligible person is nominated for a position, no balloting is conducted for the position and the person is seated in accordance with the MAPE Election Rules.

### **Article IX Special Elections**

- 1. **Purpose.** A special election is held to fill an existing vacancy or when prescribed by the governing documents.
- 2. **Reasonable Notice.** Reasonable notice shall be given that an election will be held.
- 3. **Uncontested Election.** If only one person is nominated for a position, the person is seated immediately after:

- Nominations are closed, and
- Candidate eligibility is determined.

## **Article X**

### **Violations, Protests, and Appeals**

1. **Submitting Protests.** Protests concerning campaign support, campaign conduct, or election conduct may be submitted only by members who are eligible to vote in the race being protested. Protests must be in writing, indicate the nature of the violation, and provide supporting information. Protests shall be submitted to the Elections Committee no later than five days after announcement of the results.
2. **Hearing of Violations and Protests.** Any alleged violation of MAPE Election Rules or other action which may compromise the integrity and validity of an election shall be investigated by the Elections Committee. ~~The committee shall conduct investigations it considers appropriate.~~ The committee shall allow affected parties a reasonable opportunity to be heard. The findings of the Committee shall be provided, in writing, to all affected parties. Protests found to be unsubstantiated by the Committee may be appealed to the Board of Directors. ~~The Elections Committee's findings may be appealed to the Board of Directors.~~
3. **Penalties and Remedies.** Penalties or remedies for violations of MAPE's Election Rules shall be appropriate and proportional to the nature of the violation and its materiality to the election's outcome. Penalties and remedies include, but are not limited to: retractions of false claims, reimbursement of misused MAPE resources, censure, fines, candidate disqualification, or invalidation of all or part of an election.
4. **Filing a Judicial Complaint.** Following the investigation, the Election Committee shall, by majority vote, determine whether the alleged violation was substantiated. Upon determination an alleged violation was substantiated, the Elections Committee shall file a complaint pursuant to the Judicial Procedure, Article XVIII of the Bylaws. The Elections Committee shall be the complainant of all Elections Rules violations.
5. **Enforcement report.** The statewide elections committee shall submit an enforcement report to the board of directors at the first board meeting after the election. The enforcement report shall contain a complete list of all complaints submitted to the statewide elections committee and any actions taken by the statewide elections committee in response to those complaints

## **Article XI**

### **Changes to the Election Rules**

1. **Changes.** Changes to the Election Rules shall be approved by the Delegate Assembly by a majority vote.

	<b>MAPE ELECTION TIMETABLE</b> Appendix A	
<b>Last Possible Date</b>	<b>Action Items</b>	<b>No Later Than</b>
	Announce Opening of Nominations	30 days before nominations close
	Membership deadline to be eligible as candidate	30 days before nominations close
	Nominations Close	60 days before the voting window opens
	Candidates accept nomination and affirm their intent to follow MAPE's rules or decline nomination	7 days after nominations close
	Candidate Eligibility Report Report to be published on the MAPE website	14 days after nominations close
	Deadline to Protest Candidate Eligibility Report	3 days after Candidate Eligibility Report is published
	Revised (if necessary) Candidate Eligibility Report Report to be published on the MAPE website	3 days after Deadline to Protest Candidate Eligibility Report
	Deadline to Protest Revised Candidate Eligibility Report	3 days after Revised Candidate Eligibility Report is published
	Membership deadline to be eligible to vote	14 days before the voting window opens
	Personal Statements Due Statements to be published on the MAPE website	14 days after nominations close.
	Statewide Elections Committee Candidate Forum(s)	Between the date Personal Statements are due and the voting window opening
	Voting Opens	10 days before closing the voting window



	Voting Closes	No later than May 27 through the 2022 election cycle and no later than December 15 starting with the 2023 election cycle.
	Ballots Tabulated	5 days after voting window closes
	Elections Committees Reports	5 days after ballots tabulated
	Results posted on the website	As soon as practical after Elections Committees Reports
	Protests	5 days after the results are posted on the website
	Seating	<p>Statewide Officers: First Executive Committee meeting after Elections Committee Report.</p> <p>Trustees: Immediately after the Elections Committee Report.</p> <p>Council Members: Immediately after the Elections Committee Report.</p> <p>Regional Directors: Immediately after the Elections Committee Report.</p> <p>Negotiations Representatives: In accordance with Bylaws Article VI.</p> <p>Local Officers: Immediately after the Elections Committees Reports.</p>
	Enforcement report	First Board of Directors meeting after. <u>Elections Committee Report.</u>
	Financial Report	10 days after ballots tabulated