



# Policy on Election of President and Vice-President by Province-wide Vote

## 1. PROCEDURES FOR CONDUCTING THE ELECTION

### a) Eligibility of Candidates

Candidates for the office of President and Vice-President must be active members of the Newfoundland and Labrador Teachers' Association in good standing (a member who has the proper proportion of his/her dues paid) in accordance with By-Law III.

### b) Nominations

- i) Nominations for the office of President and Vice-President of the Newfoundland and Labrador Teachers' Association shall be submitted on the official nomination form. In accordance with By-Law XII, nomination papers shall be signed by at least 10 members in good standing, each signature being witnessed by
  - an officer of a branch, or
  - a member of the NLTA Executive, or
  - a Commissioner for Oaths,and submitted to the Electoral Committee, appointed by the NLTA Executive under By-Law XV.B. Such nominations must be accompanied by a signed statement by the candidate of willingness to serve under conditions from time to time established by the Convention and applicable during the term sought. (The total length of the biographical data and policy statement must not exceed 800 words for presidential candidates and 600 words for vice-presidential candidates.)
- ii) The Electoral Committee shall receive nominations for the office of President and Vice-President up to thirty (30) days before the date of the election. Nomination forms must be delivered to the NLTA Office via mail, courier or in person. Nominations will be accepted by facsimile or other electronic means provided the original nomination form is received at the NLTA Office within ten (10) days of the receipt of the facsimile/electronic nomination.
- iii) Subject to b) i) above, the name of each candidate shall be released by the Electoral Committee within two weeks of receipt of each nomination. For publication in The Bulletin, a nomination, a short biographical sketch and an election statement must be postmarked not later than the date which is two months prior to the date of the election.
- iv) Nomination forms may be obtained from the NLTA Office or from any branch president.

### c) Returning/Electoral Officers

- i) The Chairperson of the Electoral Committee, as appointed by Executive, shall be the Provincial Returning Officer for the election.
- ii) The Electoral Committee, the President of each NLTA branch (or designate) and the school representative (or

designate) of each school or school board office shall conduct the vote in accordance with this policy and the voting instructions outlined by the Association.

### d) Ballots

Ballots shall be printed with candidates listed in alphabetical order using the full name of the candidate as it appears on the nomination form.

### e) Distribution of Ballots

- i) The branch executive shall ensure that the school representative (or designate) is fully aware of the duties involved in conducting the vote.
- ii) Ballots will be distributed by the NLTA Office to school representatives (or designates) in each school and board office in numbers sufficient for each teacher in that school and allowing extra ballots for substitute teachers, teachers on leave, teachers from other schools or branches, and spoiled ballots. The number of ballots sent to each school shall be recorded on the appropriate form supplied to the school. The package shall also include the appropriate forms as supplied by the NLTA office, any background materials needed and a voting instructions sheet.
- iii) A record of the total number of all ballots issued to each school shall be maintained by the NLTA Office.
- iv) School representatives (or designates) shall complete the acknowledgement of receipt of ballots form included in the electoral package and fax it to the NLTA Office.

### f) Eligibility to Vote

All NLTA members who satisfy the requirements of active membership in the Association, in accordance with By-Law III.A., shall be eligible to vote, including substitute teachers who have taught for at least one day during the school year.

### g) Voting

- i) Voting shall take place on the first Tuesday in December.
- ii) Voting shall be by written secret ballots issued to active members as defined by By-Law III.
- iii) Voting by proxy is not permitted.
- iv) Each member must have the opportunity to vote in secret, and every effort shall be made by the branch executive to ensure confidentiality at an individual, school, and branch level.
- v) A faxed ballot is permissible if it is not possible for a member to be physically present in any branch on voting day, provided that the completed ballot which is returned by facsimile is accompanied by a signed statement from the member in question stating that the ballot was indeed cast personally by him/her. Such vote

will be administered by the Electoral Committee and the completed ballot received only at the NLTA head office.

- vi) The branch executive shall ensure that the organizational structure is in place within the branch and each school so that the vote can be conducted on the designated date. Voting should take place on the date designated by the NLTA office, unless special circumstances at a school require the vote being conducted at another time. With the approval of the Electoral Committee, a vote may be conducted on a date other than the designated date only if required by conditions of geography, weather, school closure, etc.

Candidates with concerns or questions related to the procedures for conducting the vote in branches or schools shall direct such concerns or questions to the Electoral Committee only and shall not make contact with individual branch presidents, branch executives or school representatives (or designates) concerning such matters.

- vii) A voter who has inadvertently dealt with the ballot delivered to him/her in a manner that it cannot properly be used shall return it to the school representative (or designate) who shall destroy the ballot and provide another ballot to the voter.
- viii) A voting station will be provided at the NLTA office so that teachers on leave attending university will have the opportunity to vote.
- ix) If required, a deciding (run-off) ballot shall be conducted 14 days later, (i.e. the same day of the second week following the original voting day).
- x) All regulations governing the voting procedure are to be strictly followed.
- xi) Special Instructions for Coastal Labrador South, Nutak Labradorimi Branches and other isolated schools as designated by the Electoral Committee.
- The person designated to conduct the vote in each school will, with a witness, count the ballots, record the results, and telephone or fax the results to the branch president on the day of the count. All materials to be returned, as specified under i) vi) below, shall be sent directly by the school representative (or designate) to the NLTA Office via an Express Post envelope which will be provided.
  - Any other variations from the regulations for the province will be made in consultation with the Electoral Committee.

#### **h) Collection of Ballots**

- i) Each voter shall deposit his/her completed ballot into the envelope provided to the school representative (or designate) by the NLTA Office.
- ii) After the voting has been completed:
- The school representative (or designate) and a witness shall ensure that the number of ballots used corresponds with the number of teacher signatures on the registration of voters form. Should the number of completed ballots returned to the branch executive be

more than or less than the number of signatures on the registration of voters form, the vote from that school will be nullified.

- The completed ballots and accompanying forms shall be delivered to the branch executive by the school representative (or designate) or collected by the branch executive.

- iii) Ballots are not to be counted at the school but shall be counted by the branch executive in accordance with i) "Counting of Ballots", below.

#### **i) Counting of Ballots**

- i) Ballots shall be counted by the branch executive, in the presence of one representative for each candidate, if s/ he so desires.
- ii) On election day, or the day following, all completed ballots from all schools, once verified by the branch executive in accordance with h) ii) above, will be placed together to ensure that a total branch count is achieved, and not a school-by-school breakdown.
- iii) The branch ballots must be counted by a committee of the branch executive, with the results recorded on the appropriate form(s) and telephoned, faxed or e-mailed to the NLTA Office no later than 6:00 p.m. of the day following the election day.
- iv) The counting of the ballots will be done at a time and place designated by the Branch Executive. Each candidate may appoint one scrutineer to be present at the counting of ballots. All such scrutineers must complete an "Oath or Affirmation of a Scrutineer" form and present it to the Branch President or his/her designate. A scrutineer shall not interfere with the counting process in any manner, but is permitted to:
- observe the counting of all ballots cast in the branch (or coastal or isolated schools),
  - offer his/her opinion whether a particular ballot should be counted or should be rejected, (however, the decision of the Branch Executive Committee responsible for counting the ballots is final).
- v) In counting the ballots, the Branch Executive shall reject all ballots:
- that have not been marked for a candidate;
  - on which votes have been cast for more than one (1) candidate;
  - upon which there is writing or a mark or other means by which the voter could be identified; or
  - on which the intention of the voter is not clear and evident.
- vi) The branch executive will mail the ballots and all related forms to the NLTA office no later than the second day after election day, via Express Post envelopes provided, ensuring that all ballots are packaged in accordance with the voting instructions.
- vii) The branch executive may release the voting results of the branch to the members of the branch, only after the Electoral Committee has officially declared the name of the incumbent for that office. All results of the vote

which are released to the public will be released by the Electoral Committee.

#### **j) Election of Candidate**

In accordance with By-Law XII.D.:

- i) In order to be elected, a candidate must receive a majority of votes of the active members voting.
- ii) If no majority of votes of the active members voting is registered on the initial ballot, where more than two candidates are involved, all but the two candidates receiving the highest number of votes shall be dropped and a deciding ballot shall be held within fourteen (14) days of the original ballot.
- iii) In the event of a tie on a ballot with only two candidates, a vote of the Executive Council will decide the issue.

#### **k) Announcement of Balloting Results**

- i) The results of each ballot shall be announced by the Chairperson of the Electoral Committee at a time decided by the Electoral Committee and communicated to the membership.
- ii) The results shall be based on the telephone/faxed results received from branches unless, in the opinion of the Electoral Committee, the margin is too narrow thus requiring an official count at the provincial level.
- iii) If an official count is required at the provincial level, each candidate may appoint one scrutineer to be present at the counting of ballots by the Electoral Committee.
- iv) All candidates shall be notified of the vote results as soon as the results are known.
- v) The results of the ballot shall be made known to the membership by contact with Provincial Executive and branch presidents. In addition, the results shall be communicated to each school representative (or designate) by the NLTA Office.
- vi) The Electoral Committee is permitted to release the branch-by-branch breakdown of the vote to the candidates after the name of the incumbent is officially announced.
- vii) The NLTA shall issue a media release announcing the outcome of the vote but not containing the vote count.

#### **l) Recount of Ballots**

- i) A defeated candidate receiving at least ninety-eight percent (98%) of the votes cast for the leading candidate is entitled to appeal for a recount.
- ii) Notwithstanding i), a candidate receiving at least ninety-eight percent (98%) of the votes cast for the candidate receiving the second highest number of votes is also entitled to appeal for a recount.
- iii) A candidate requesting a recount of ballots must do so within forty-eight (48) hours of the notification of results. In such case, the Electoral Committee shall, as soon as possible, retabulate the ballots.
- iv) A request for recount must be made to the Electoral Committee.

- v) Each candidate may appoint one scrutineer to be present at the recounting of ballots by the Electoral Committee.

#### **m) Financial Guidelines**

- i) Financial limits on campaign spending by candidates will be set at \$5,000 per candidate excluding the cost of travel and unpaid leave. No campaign donations (including paid leave) will be accepted by candidates from an employer, an agent of an employer or an organization competing with the NLTA in a matter that is detrimental to the NLTA. All amounts spent by the candidate and all spending on behalf of the candidate, including the value of any 'in kind' contributions, are included in this limit for campaign spending.
- ii) The total campaign spending for candidates on a run off ballot may include an additional \$500 for a total of \$5,500. All amounts spent by the candidate and all spending on behalf of the candidate, including the value of any 'in kind' contributions, are included in this limit for campaign spending.
- iii) Candidates are entitled to reimbursement, subject to an audit of the disclosure of all financial contributions and expenditures, of the lesser of \$2,000 or forty percent (40%) of eligible expenses. Eligible expenses for reimbursement include the cost of travel, unpaid leave, printing and communications, but does not include the value of "in kind" contributions. The maximum funds to be made available to all candidates under this policy is set at \$10,000. In situations where the amount of eligible reimbursement for all candidates exceeds \$10,000, the reimbursement will be prorated as a share of \$10,000. For example, in a situation where six candidates are all entitled to the maximum \$2,000 reimbursement, each candidate will receive \$1666.66.
- iv) A series of "in kind" contributions will be offered by the Association for the electoral campaigns of candidates. [See Section n) v) - viii)]
- v) • Each candidate must disclose sources and amounts of all financial contributions and expenditures such to be verified within 60 days of the election and published to the membership.  
• The position of a successful candidate who fails to comply with the foregoing shall be declared vacant.

#### **n) Publicity**

- i) Candidates are free to contact teachers in any way they see fit, keeping in mind the professional Code of Ethics. Candidates and their supporters will be expected to observe accepted standards of conduct in accordance with the Association's overall objectives as outlined in the Constitution and By-Laws. No candidate or his/her supporters shall publish or circulate, either verbally or otherwise, information on another candidate that is false or defames that person's character and/or integrity.
- ii) Candidates may advertise in The Bulletin as per current advertising guidelines and subject to the NLTA policy on communications. Candidates may purchase two

one-quarter (¼) page advertisements in *The Bulletin* at one-half (½) the current advertising rates. Any additional advertisements will be subject to current advertising rates. All advertisements placed in *The Bulletin* by candidates must be prepaid.

- iii) No branch funds or branch assets may be used to support the campaign of a candidate for NLTA provincial office.
- iv) Branches, special interest councils or schools which choose to set up “Meet the Candidates” sessions must extend invitations to attend to all candidates.
- v) Photographs and information on candidates referred to in b) i) above will be published in *The Bulletin* at least one month prior to the date of the election.
- vi) The Association will provide web page space for all candidates through the NLTA web site that would include photo, biography, position statement and opportunities for updating at specific times during the campaign. The Association will also provide space on the web page for a five (5) minute video of each of the candidates. Candidates are responsible for the cost of production of such a video.
- vii) Two sets of school mailing list labels will be provided to each candidate.
- viii) For each candidate, Communications staff of NLTA will print and mail to each school and school board office an 8½” x 11”, one-sided poster.

#### **o) Campaign Irregularities**

Anyone alleging irregularities in nomination or election procedures must make such allegations known in writing to the Chairperson of the Electoral Committee within seven (7) days of the event on which the allegation is based. Upon receiving such allegation, the Electoral Committee shall investigate the allegations and report its findings and recommendations to the Executive Council within a further seven (7) days. In the event the allegation of irregularity is accepted as proved by a majority of the Electoral Committee, the Committee shall, by majority vote of its members, recommend to the Executive Council appropriate actions, including but not limited to setting aside the nomination or election, providing for new or further nominations or elections or any other act which will give effect to the by-laws, and the Executive Council shall act in accordance with that recommendation.

#### **p) Administration**

- i) After the vote is taken, ballots have been received from individual branches and any necessary provincial count or recount has been completed, the Electoral Committee, by Executive motion, shall be authorized to destroy the ballots in question, but not less than 30 days after the date of the ballot.
- ii) Following the election, the Electoral Committee shall conduct an evaluation of the election procedures and a report shall be made to the Provincial Executive. The evaluation report shall be kept on file to facilitate periodic overall reviews.

## **2. THE ELECTORAL COMMITTEE**

- a) In accordance with By-Law XV.B., the Executive Council shall appoint an Electoral Committee of three members, one of whom shall be named Chairperson (a Past President, if possible). The Chairperson of the Electoral Committee will be the Provincial Returning Officer.
- b) Members of the Electoral Committee shall not be candidates for election and shall maintain a position of neutrality in relation to the candidates for election.
- c) The duties of the Electoral Committee shall be:
  - i) To recommend to the Executive policies governing the conduct of elections such rules of conduct to be published not later than 30 days prior to the date of the elections.
  - ii) To hold the election on the first Tuesday in December in accordance with By-Law XV.A.
  - iii) To receive nominations for the offices of President and Vice-President as per the by-laws and policies of the Association.
  - iv) To confirm the eligibility of candidates for the election.
  - v) To release the name of each candidate within two weeks of receipt of each nomination.
  - vi) To oversee the printing and distribution of ballots to voters in accordance with the policy governing procedures for election of NLTA President and Vice-President by province-wide vote.
  - vii) To confirm the eligibility of voters, if required.
  - viii) To conduct the election of the President and Vice-President in accordance with By-Law XII and the policy governing procedures for election of NLTA President and Vice-President by province-wide vote.
  - ix) To receive the results of the balloting from branches.
  - x) To tabulate the results of the balloting for President and Vice-President.
  - xi) To conduct an official count or recount, if necessary.
  - xii) To release the results of the ballot to the candidates and to the NLTA Office for release of the results to the NLTA membership and the media.
  - xiii) To announce the date of the deciding (run-off) ballot to be held within fourteen (14) days of the original ballot if no majority of votes of active members voting is registered on the initial ballot and to conduct the deciding (run-off) ballot in accordance with the by-laws and policy governing the procedures for election of the NLTA President and Vice-President by province-wide vote.
  - xiv) To conduct a vote of the Executive Council to decide the issue in the event of a tie on a ballot with only two candidates.
  - xv) To receive and investigate allegations of irregularities in nomination or election procedures and to make recommendations to the Executive Council on appropriate actions regarding such allegations.
  - xvi) To release the branch-by-branch breakdown of the vote to the candidates after the name of the incumbent is officially announced.

- xvii) To ensure that all publicity guidelines as contained in the policy governing the procedures for election of President and Vice-President by province-wide vote are followed.
- xviii) To ensure that all financial guidelines are followed by the candidates and that all campaign expenditures are verified within 60 days of the election and published to the membership.
- xix) To recommend to Executive Council that the ballots from a vote be destroyed in accordance with the policy governing the procedures for election of President and Vice-President by province-wide vote.
- xx) To conduct an evaluation of the election procedures and make a report to the Executive Council.

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