



SPECIAL ELECTION Rules and Requirements



I. Term of Office

Pursuant to the PEF Constitution and Bylaws, the term of office for all Officers, Regional Coordinators, Trustees, and Executive Board Representatives will be until the next regular election.

II. Election Period

The election period begins the first day of petitioning and ends when petitioning is complete. If balloting is needed the election period will end the day the ballots are certified.

III. Candidate Eligibility Requirements

1. Candidates for Officer and Trustee positions must have been **active** members of PEF, as defined in Article V.B.2. of the PEF Constitution. Candidates for Executive Board representative must have been regular members of PEF as defined in Article VII.B.1. Members may request information from PEF Headquarters regarding the length of their membership in the Union.
2. A person may seek the nomination for only one office or position.

IV. Definitions

1. A **certified candidate** is any member who meets the eligibility requirements for the position he/she is seeking; who fulfills the requirements for nomination; and whose nomination is certified by the Special Elections Committee.
2. A **majority** is established at that point which exceeds fifty (50) percent of the valid ballots cast for a given office.
3. **Received** means in hand, not mailed, post-marked, faxed or e-mailed.
4. **The Petition I. D. # consists of up to the first four letters of your first name and up to the first four letters of your last name - - AS THEY APPEAR ON YOUR PAYCHECK- - followed by your five – digit home zip code.**
5. **Regular** membership shall be open to any person employed by the State

of New York in the Professional, Scientific, and Technical Unit, and additionally those in comparable titles employed by New York State Public Authorities, New York State Benefit Corporations, Political Subdivisions of the State of New York, and not-for-profit/charitable and for-profit organizations which provide services to New York State citizens by virtue of direct or indirect contractor relationships with NYS, its Public Authorities, Public Benefit Corporations and/or Political Subdivisions, including those laid off, on paid leave or unpaid leave, or any duly elected officer of PEF.

6. An **active** member shall be a regular member who has performed paid services during the preceding two years, plus one day, in a job title represented by PEF, or a duly elected Officer or Trustee of PEF.

V. Mailing of Campaign Literature

1. All payments must be received at the time of the request for services.
2. PEF will honor any reasonable request by a potential candidate to mail campaign literature to members at the potential candidate's expense. These requests will be honored from the eligibility date for signing petitions to the last day of petitioning in the order received. The campaign literature must be provided to the Special Elections Committee in sealed, stamped (postage paid) envelopes which are ready for mailing. Each potential candidate must check with postal officials to determine the proper postage.
3. Potential candidates must pay for each mailing to cover the cost of address labels. Arrangements will be made for PEF to put address labels on the envelopes containing campaign literature at a rate of \$14.00 per hour. Potential candidates should contact the Special Elections Committee at (518) 785- 1900 or 1-800-342-4306 Ext. 231 to arrange a mailing.

VI. Special Elections Committee

The President shall appoint, and the

Executive Board shall approve, a minimum of three (3) and a maximum of five (5) PEF - members - **who - are - not - seeking an office or position in the election** to serve as the Special Elections Committee. This Committee will fulfill the duties and responsibilities outlined in these Special Election Rules & Requirements and the Regular Election Committee Guidelines. A quorum shall consist of a majority of the members of the committee.

VII. Campaign Rules

1. The conduct of PEF elections shall be consistent with the standards for such elections developed under the Labor Management Reporting and Disclosure Act (LMRDA).
NOTE: PEF elections are governed by the requirements of the LMRDA and PEF's internal rules on elections.
2. Nominating signatures may not be solicited for an individual for more than one office or position.
3. Pursuant to Section IX.B.1. of the PEF Constitution, individuals must obtain the valid signatures of at least five percent (5%) of the appropriate constituency on official nominating petitions (or copies thereof) only, in order to appear on the ballot. A membership list with addresses will be available for review (no photocopies, pictures or digital recording of membership lists) twice within 30 days prior to the election period. No member is entitled to receive a copy of the list. The membership list will be available for review **by appointment only** at PEF Headquarters or PEF Regional Offices between 9:00 am - 5:00 pm, Monday through Friday. If you wish to view a list contact the Special Elections Committee at (518)785-1900 or 1-800-342-4306.
4. Only official nominating petitions may be used to gather signatures. Although reproductions of the official form may be used, the Committee will accept only those forms containing original nominating and circulator signatures. Reproduced (i.e. photocopied, faxed,

- scanned) signatures will be invalid. Correction fluid/correction tape may not be used anywhere on the petition or it will be invalidated.
5. Potential candidates are solely responsible for insuring that only acceptable petitions are submitted.
 6. **Nominating Signatures.** If any of the following conditions and requirements are not fulfilled, the signature will be deemed invalid:
 - a. Only **regular** PEF members in good standing, from the appropriate constituency, shall be eligible to sign nominating petitions. Forty-five (45) days prior to the close of petitioning is the cutoff date for membership.
 - b. All nominating petitions will require the signature, printed name, and the correct Petition I. D. of the member signing. The printed name and Petition I. D. number must be legible for the signature to be valid.
 - c. Members may sign petitions only for those individuals for whom they are eligible to vote.
 - d. Members may not sign more than one nominating petition for any individual elective position. Members may sign petitions for up to three individuals each for Vice President and Trustee. (In the case of duplicate signatures, the signatures on the first petition received by the Elections Committee shall be valid.)
 7. Nominating petitions may be circulated only by **regular** PEF members. The circulating member must legibly complete the information on the bottom of each petition submitted; only original circulators' signatures will be accepted. Failure to complete this will render the entire petition invalid.
 8. The use of union funds or facilities to promote the candidacy of any person is prohibited regardless of whether union officials know about, or approve of, the use. It is not the intent of this rule to limit candidate forums at which all candidates have equal access.
 9. The prohibition against the use of union funds applies to direct expenditures from the union including but not limited to:
 - a. Use of union owned or leased equipment such as telephones, fax machines, copy machines, etc., or use of conference rooms.
 - b. Use of union supplies such as stamps, paper, envelopes, etc.
 - c. Giving free services or special discounts to a candidate customer such as printing, photocopying, etc.
 10. No PEF staff, office, equipment, material or electronic media (e.g, e-mail and internet, including websites, blogs, and social media sites controlled or sponsored by PEF) may be used for electioneering. No PEF dues money shall be expended for the purpose of electioneering. This applies to all official bodies of PEF, including but not limited to regional offices, local divisions, councils or committees. For purposes of this election, regular PEF members on union leave working in a non-elected position for PEF or serving in positions funded by joint contract funds shall be considered PEF Staff, unless the position is specifically protected by the PEF Constitution.
 11. All funds and resources used by individuals in support of their election efforts shall be donations from *regular* PEF members only.
 12. No person shall use the PEF logo or letterhead on any written or printed material for endorsement or campaign purposes in any PEF election process. No person shall use their PEF Division name or number to support or oppose any candidate(s) for PEF office on social media.
 13. During the election period, no PEF publications, including websites, blogs and social media sites controlled or sponsored by PEF may endorse, or contain material that appears to endorse, overtly criticize, or overtly praise any potential candidate for PEF offices covered by these election rules. This applies to all official bodies of PEF, including but not limited to: regional offices, local divisions, councils or committees.
 14. In accordance with the collective bargaining agreements between PEF and any employer of workers represented by PEF, no material which constitutes election material for or against any person, organization or faction there of shall be allowed on PEF bulletin boards, such postings are prohibited by the pertinent collective bargaining agreement(s).
 15. No PEF member may knowingly misrepresent the candidacy intentions of any other PEF member.
 16. In addition to the above rules, the PEF Code of Ethics will apply to all election activities: (Note: Ethics charges arising as a result of this election process will be processed by the Special Elections Committee). If the charges are against the Special Elections Committee, then they will be processed by the Ethics Committee.
 - a. No member shall use the PEF name or logo, for anything other than official PEF business.
 - b. Only official PEF literature shall be posted on PEF bulletin boards provided under contractual rights by the collective bargaining agreement with the employer.
 - c. Only official PEF business shall be conducted at meetings arranged in the name of PEF. Meeting space at PEF-operated facilities shall be allocated in a fair and equitable manner.
 - d. No member shall commence litigation concerning a union matter against PEF or any of its Officers, Executive Board members or members, without first seeking redress from the Executive Board or its duly appointed committee(s).
 - e. All members shall conduct themselves in a manner that is conducive to fairness and fair play working only for the good and welfare of the membership.
 - f. No official PEF letterhead, PEF publication, PEF Internet website (including but not limited to Divisional and Regional websites, Facebook pages, etc.), or any other PEF electronic media, shall be used to endorse a PEF member for union election.
 - g. No official PEF letterhead, PEF publication, PEF Internet website (including but not limited to Divisional and Regional websites, Facebook pages, etc.), or any other PEF electronic media, shall be used to make an accusation against another PEF member which is defamatory.
 - h. No steward shall be denied the opportunity to have a PEF meeting convened to deal with

- issues of interest to that steward or his/her constituency.
- i. No member shall bring charges of a malicious or frivolous nature against another member.
 - j. No member shall engage in corrupt or unethical practices by taking money, books, records, or other property belonging to PEF or its Divisions, Committees or Regions. The unauthorized destruction, alteration, or mutilation of records, vouchers, or receipts will constitute a violation of this Code.
 - k. No member shall abridge the rules and procedures adopted by the PEF Convention or PEF Executive Board, violate an oath of office, nor disclose information obtained in Executive Session.
 - l. No member shall engage in corrupt practices or racketeering concerning a union matter.
 - m. No elected PEF official shall engage in dual unionism or advocate secession from PEF.
 - n. No member shall harass or assault another PEF member at a union meeting or event; and no member shall engage in discrimination or bigotry toward another PEF member concerning a union matter.
 - o. If a member is convicted in a court of law or enters into a plea bargain agreement for misuse or misappropriation of PEF monies; or if PEF obtains a civil judgment against a member for the misuse or misappropriation of PEF monies; or as part of a settlement agreement between PEF and the member, the member agrees to reimburse PEF for monies improperly obtained or disbursed; or if a court, tribunal, agency, board, administrative or regulatory body, finds that a member engaged in frivolous, malicious, vexatious, defamatory, or abusive conduct towards PEF or any of its members concerning a union matter, and the time to appeal such finding has expired, PEF's Secretary-Treasurer (or President if the Secretary-Treasurer is a party to such conviction, judgment, settlement

agreement or finding) shall be informed of the conviction, judgment, settlement agreement or finding. The Secretary-Treasurer (or President as the case may be) may file charges on behalf of PEF against the member with the Ethics Committee. Nothing herein should be construed to discourage legal action taken in good faith. This paragraph shall not preclude other members in good standing from filing charges with the Ethics Committee against a member for the alleged misconduct set forth in this paragraph.

17. Gifts which have monetary value exceeding \$5.00 may not be given to PEF members during the election period. This is not intended to prohibit distribution of traditional campaign item such as: key chains, magnets, pencils, bookmarks, pens, etc.
18. Consistent with prior practice and the New York State Election Law, the use of titles, initials or customary abbreviations of given names by the signer of a petition shall not invalidate such signature, as long as such name can be specifically matched to a PEF member's petition ID as provided from the payroll file.

VIII. Nominating and Campaign Procedures

Petitions will be available for download starting at 9AM on the first day of petitioning from www.pef.org/elections. Copies of the petitions and any election related forms may be requested to be mailed by contacting PEF Divisions Department at 800-342-4306 or email requests to SpecialElections@pef.org. Petitions will not be available before the first day of petitioning and cannot be picked up at PEF Headquarters or PEF Regional Offices. The quarterly election schedule will be announced in the PEF eCommunicator as well as mailed notification to each affected constituency.

All subsequent deadlines (dates and times) refer to received by the PEF Special Elections Committee by mail (not postmark), or emailed to SpecialElections@pef.org, by the specified deadline listed on the petitions/election forms. Petitions may not be returned in person to PEF Headquarters or PEF Regional Offices. It is the candidate's

responsibility to make sure that nominating petitions are submitted timely.

Petitions may be returned by certified mail, return receipt requested, although this is not required. However, certified mail sometimes takes longer than regular mail. Postal failures or inadequacies are not grievable situations.

All mail concerning this election MUST be sent to:

**PEF Headquarters
P. O. Box 12414
Albany, NY 12212-2414
ATTN: PEF Special Elections Committee**

Pursuant to the PEF Constitution, individuals must obtain the signatures of at least five percent (5%) of the appropriate constituency on official nominating petitions only, in order to appear on the ballot.

The number of signatures required for each office and Executive Board seat will be noted on the nominating petition.

The Special Elections Committee recommends that nominating petitions be submitted throughout the nominating period. See Article VII Section 6D (Duplicate Signatures).

It is the candidate's responsibility to make sure that nominating petitions are submitted or sent to the Special Elections Committee. Petitions may be mailed or scanned and e-mailed to SpecialElections@pef.org. All persons submitting nominating petitions will be mailed a receipt showing the date, time of receipt. Petitions emailed will receive an email acknowledgement of the receipt of the petition(s). A receipt will also be sent to the potential candidate. Petitions will be available for review ONLY by prior appointment with the Special Elections Committee. Any member can view any member's petition upon reasonable request to the Elections Committee.

All petitions will be verified and valid signatures tabulated by the Special Elections Committee's vendor. The Special Elections Committee will then certify the signature tally and the validity of each nomination – this day shall be known as the Petition Certification Date. Petitions will be available for review only by prior appointment with the Special Elections Committee.

Letters will be sent to all individuals, for whom nominating petitions were submitted, notifying them whether or not

they have been certified as candidates to appear on the ballot. No petitions will be available for review after the election period.

Labels for election purposes may be purchased only by certified candidates, by contacting the Special Elections Committee. Priority for processing label requests will be given to those in contested elections. Candidates are solely responsible for the content of this material.

LABEL TYPE-

The types of labels available to all certified candidates are as follows:

1. Cheshire – order this type of label for mailing house use
2. Peel and Stick
3. Electronic Format.

LABEL COST

All labels must be paid for before they are generated. Such labels shall be sent to certified candidates by first class mail. Overnight/express mailing of labels shall be done only by prior request and the pre – payment of such mailing costs.

0 to 1,000	\$25.00
1,001 to 3,000	\$50.00
3,001 to 10,000	\$75.00
10,001 to 20,000	\$100.00
20,001 to 55,000	\$180.00

For additional information, please refer to the Mailing Label Request Form for Certified Candidates.

On the Petition Verification Date, the ballot positions will be determined by draw at **12:00 noon** at PEF Headquarters. These positions will be maintained through any runoff elections. Candidates are welcome to attend at their own expense.

IX. Election Procedures

The Special Elections Committee will submit lists of certified candidates and eligible voters to the American Arbitration Association (AAA). Balloting will be conducted by AAA based on these lists, using a double envelope system to insure a secret ballot.

Unless otherwise specified in these rules, recommendations of AAA shall prevail.

In all cases, if a membership card is received at PEF Headquarters from any person in a bargaining unit represented by PEF by the close of the petitioning process, he/she may vote in that election.

No candidate's professional title

will appear on the ballot (i.e. PhD, M. D., Esq, etc.). No candidate's name will appear on any ballot in an uncontested election.

If a certified candidate becomes ineligible to hold that office, his/her name will not be included on the ballot. If ballots have already been printed or mailed, but before tabulation, any votes cast for an ineligible candidate shall be void and shall not be considered in establishing a majority, or determining election results. Any vacancy occurring after the ballot count is certified will be filled by Special Election, according to PEF's Constitution.

Votes cast on a ballot for a given office will be considered void if more votes are cast for candidates than the number of vacancies to be filled in that election.

Write-in votes are not allowed.

Members receiving no ballot(s) or a ballot placing them in an incorrect Region or Executive Board constituency will be able to call the AAA hotline, (800) 529-5218, for a ballot or substitute ballot. All such ballots will be held unopened by AAA until just prior to the ballot count, when their validity shall be determined by the Special Elections Committee. Any significant number of ballot problems in any one constituency should be reported immediately to the Special Elections Committee at PEF Headquarters.

It shall be the responsibility of at least one member of the Special Election Committee to personally watch the ballot counting process and visually review the election results. A candidate or designated representative shall be able to watch the ballot counting process, as well as review the returned ballots and envelopes and appropriate constituency lists.

Policy on Ballot Recounts –

Recounts will be held for any individual only under the following circumstances:

1000 or more total valid votes

cast – Where the difference in the candidates' tallies is less than 2% of the total.

999 or less total valid votes

cast – Where the difference in the candidates' tallies is less than 20 votes.

Pursuant to the PEF Constitution, elections shall be won by the candidate(s) with the highest vote total of regular members of PEF voting in any election.

A complete list of the certified

election results will be published in the eCommunicator.

X. Election Appeals Procedure

A. *Appeals to the Special Elections Committee*

1. Any current PEF member who believes he/she is aggrieved by anyone's alleged violation of the Election rules, or any alleged misapplication or misinterpretation of the PEF Constitution, or any PEF policy or procedure concerning Elections, may appeal such to the Special Elections Committee.
 - a. There shall be a time limit of thirty (30) calendar days following the ballot count certification by AAA, for filing appeals to the Elections Committee. For nominating petitions the time limit will be thirty (30) calendar days following certification of the nominating petition.
 - b. To appeal the Committee's decision to the Executive Board: There shall be a time limit of thirty (30) calendar days following the date of the written decision of the Committee.
2. Any ethics appeals arising as a result of the election process will be adjudicated by the Special Elections Committee.
3. The appeal shall be submitted on a Special Elections Appeal Form and filed with the Special Elections Committee in person or by mail at PEF Headquarters. The appeal shall contain a concise, factual statement of the facts of the alleged violation, misinterpretation, or misapplication. Upon receipt of the appeal, the Special Elections Committee shall notify, in writing, persons as may be deemed appropriate, of the appeal. Such persons shall then have fifteen (15) working days from notification of the appeal to make a written response to the Committee. Any responses received will be distributed to all related parties of the original appeal.
4. The Special Elections Committee

shall conduct a review of the appeal, and shall render a decision in writing as soon as possible. The Committee shall use its best efforts to render a decision in writing within 60 calendar days of receipt of the appeal. The Committee's decision shall be mailed to the appellant and to such other persons as may be deemed appropriate.

5. The Special Elections Committee may award appropriate relief in any appeal, including the following:

- a. ordering compliance with the Constitution, policy, procedure or Election rule violated;
- b. ordering, as deemed necessary, the conduct of a new election (petitioning and/or balloting);
- c. suspending the ballot count until the appeal has been adjudicated;
- d. referring an appeal to the President for a hearing before the Election Hearing Panel when the Special Elections Committee's recommendation for relief includes a reprimand, fine, suspension, expulsion or other discipline.

6. The Special Elections Committee, without ruling on the merits of the appeal may deny any appeal which it deems is frivolous, repetitive or moot. A decision by the Committee to reject an appeal on one of these bases shall be appealable to the Executive Board.

7. In the event that it is necessary, the Special Elections Committee may refer an appeal to the President for a hearing before an Election Hearing Panel.

B. *Hearings Before the Election Hearing Panel*

1. Upon receipt by the President of an appeal referred by the Special Elections Committee for a hearing, the President shall appoint a five-person Hearing Panel, subject to confirmation by the Executive Board, to preside at the hearing. The members of the Hearing Panel shall be members of the Executive Board. No party

to the appeal or potential witness to the events at issue in the appeal may be a member of the Hearing Panel. The President shall appoint one Hearing Panel member to serve as Chair. The members of the Hearing Panel shall be members of the Executive Board. No party to the appeal or potential witness to the events at issue in the appeal, may be a member of the Hearing Panel.

2. The accused may appear before the Hearing Panel in person and with witnesses to answer the appeal. A full and fair hearing will be conducted, with the accused afforded the right to question witnesses and examine any evidence presented by the party filing the appeal. Witnesses must be sworn in and testify under oath. The parties may select another PEF member to represent him or her in the presentation of a defense. The accused may elect to present a defense in writing rather than personally appear. In the absence of a written or personal defense, the hearing or trial shall still proceed.

C. *Judgment of the Hearing Panel*

1. Upon completion of the hearing, the Election Hearing Panel shall vote on whether to sustain the appeal in whole or in part. A majority vote of the Election Hearing Panel shall be required to sustain the appeal. The Election Hearing Panel shall use its best efforts to render a decision in writing within thirty (30) calendar days of the end of the hearing or trial. The Election Hearing Panel's decision shall include a summary of the evidence presented and shall state the basis upon which the decision is made. The Election Hearing Panel's decision shall be mailed to the accused, the party who filed the appeal, and to such other persons as may be deemed appropriate. If the appeal is not sustained, it shall be dismissed.

2. If the appeal, or any portion thereof, is sustained, the Election Hearing Panel shall render judgment and may impose discipline.

Discipline may include, but is not limited to:

- a. Require that the guilty party or parties conform to the Constitution, policy, procedure Election Rules, or Code of Ethics violated.
 - b. Direct a party to perform or restrain from specific acts.
 - c. Censure a party.
 - d. Deprive a party of specified PEF privileges for a specified time period.
 - e. Suspend a party from membership in PEF for a specified period of time.
 - f. Revoke a party permanently from membership in PEF.
 - g. Recommend removal from office in accordance with the PEF Constitution.
3. Judgments of the Election Hearing Panel are final unless a party to the appeals the decision to the Executive Board.

D. *Appeals to the Executive Board*

1. The Special Election Committee's decision or the Election Hearing Panel's decision may be appealed to the PEF Executive Board. The appeal shall be filed in writing with PEF's Secretary/Treasurer, either in person or by mail.

2. The appeal shall be considered at the next scheduled meeting of the Executive Board, provided the appeal is postmarked at least twenty (20) calendar days prior to that meeting. Upon receipt of the appeal, the Secretary/Treasurer shall promptly give written notice of the pendency of the appeal to the Special Elections Committee or the Election Hearing Panel and to such other persons as may be deemed appropriate. These persons may make written submissions to the Board concerning the appeal.

3. It shall require an affirmative vote of one third (1/3) of Executive Board members present and voting to hear an appeal. If the Executive Board votes not to hear the appeal, the decision of the Special Elections Committee or the Election Hearing Panel shall be final.

4. If the Executive Board votes to hear the appeal, in considering the appeal, the Executive Board shall allow the Special Elections Committee or the Election Hearing Panel, the appellant, and such other persons as shall be deemed appropriate to present oral arguments. The appellant shall be granted equal time as allotted to the Special Elections Committee or the Election Hearing Panel, but not less than 10 minutes, for presentation of the appeal. It is the appellant's responsibility at his/her own expense, to be present at this meeting for presentation of any oral argument.
5. The Secretary/Treasurer shall notify the appellant, the Special Elections Committee, or the Election Hearing Panel, and any other parties as may be deemed appropriate, of the Executive Board's decision on an appeal.
6. The Board may affirm, reverse or modify the decision of the Special Elections Committee or the Election Hearing Panel, including the Election Hearing Panel's award of relief. The decision of the Board shall be final.
7. The Executive Board, without ruling on the merits of the appeal, may deny any appeal which it deems is frivolous, repetitive or moot.

E. *Representation*

Members shall have the right to present their own case, or have another PEF member present their case for them. Member may not be represented by outside attorneys during these proceedings.

F. *Time Limits*

1. For specific electoral races: There shall be a time limit of thirty (30) calendar days following the certification of the ballot count for filing appeals to the Special Elections Committee. Should balloting not be necessary, the time limit will be thirty (30) calendar days following the last day of petitioning.
2. For other than specific electoral races: The time limit for filing appeals with the Special Elections

Committee shall be thirty (30) days after ballot certification.

3. To appeal the Committee's decision to the Executive Board: There shall be a time limit of thirty (30) calendar days following the date of the written decision of the Committee.

G. *Miscellaneous*

1. The Special Elections Committee or the Executive Board may, however, without considering the merits of the appeal deny any appeal, which it deems is frivolous, repetitive, moot, or brought in an unduly delayed fashion. A decision by the Committee to reject an appeal on one of these bases shall be appealable, as provided above, to the Executive Board. Nothing in the procedure shall in any way impair the authority of any PEF officer, body, or committee from fulfilling normal obligations during the pendency of an appeal. Any questions related to these rules and procedures should be directed to the Special Elections Committee (not PEF staff) through PEF Headquarters.