

# **SECTIONS FROM THE MCCC BYLAWS AND POLICIES MANUAL (2018) SPECIFICALLY APPLICABLE TO ELECTIONS**

## **FROM THE BYLAWS**

### SECTION 3. NOMINATIONS AND ELECTIONS COMMITTEE

It shall be the purpose of this committee to provide equal access to nomination procedures to all members of the Council and to assure each candidate for office equal treatment in the election process. This committee shall consist of five members appointed by the President, with the advice and consent of the Board of Directors. The term of office shall be for two years and shall begin on September 30th of the year in which the appointments are made. The committee shall have the authority and responsibility to:

- A. Place in nomination for President, Vice-President, Secretary and Treasurer candidates who have submitted at least fifty (50) signatures of active members in support of their candidacy, and for At-large Part-Time/Adjunct Director, candidates who have submitted at least ten (10) signatures of active members in support of their candidacy.
- B. Publish the names of those candidates for elective office, together with information about each candidate, no later than two weeks preceding the date of the election.
- C. Supervise elections and conduct all voting by secret ballot.
- D. Conduct the elections during the month of March.
- E. Count the ballots and certify as elected to the Board of Directors a candidate who receives a plurality of the votes cast for an office. If no candidate for an office gets 33 percent or more of the votes, a run-off election will be held with the top three (3) ranked candidates.
- F. Safeguard the ballots for a period of one year and allow inspection of the ballots by any active member of the Council.

## FROM THE POLICIES

### ELECTIONS

#### PART I - POLICIES RELATED TO STATEWIDE AND CHAPTER OFFICER ELECTIONS

#### INTRODUCTION

The following campaign and election principles are intended to foster a fair and open election process for officers of the Massachusetts Community College Council in both statewide and chapter elections. MCCC chapters may specify additional requirements or procedures by chapter bylaw or policy.

#### I. Campaign Requirements

##### A. Association Resources:

1. No Association resources may be used to publicize or support specific candidates. The MCCC and its chapters may provide information about all candidates for particular positions. Association resources include but are not limited to use of the union (1) name, logo, or letterhead, (2) telephone, fax machines, and computers, (3) email addresses @mccc-union.org, (4) web site, and (5) funds, directly or indirectly.
2. An electronic file of member names, membership category, mailing addresses, and home colleges will be provided to all certified statewide officer candidates without cost. Candidates may request the mailing list by emailing the Nominations and Elections Committee chair. The email must include acknowledgement that this information will be used only for mailing election materials and only before the closing date of the election.

##### B. Campaign Revenues and Expenditures

1. Definitions
  - a. Campaign revenues include fundraising and financial contributions to a campaign.
  - b. Campaign expenditures include the cost of printing, mailing, telephone, travel, giveaways, social or fundraising events, and expenditures of a campaign committee.
2. No dues money shall be used to promote the candidacy of an individual for statewide or chapter office.
3. Campaign funds may be used only for campaign expenses.

##### C. Campaign Materials

1. Campaign materials include but are not limited to printed materials, electronic materials such as web sites and blogs, buttons, and/or giveaways bearing the name of a candidate.
2. Campaign materials must not attack the character of an individual or group. Campaigners must not remove or deface campaign materials belonging to any candidate.

##### D. Violation of Policies

Any infractions of these policies can be referred to the chair of the Nominations and Elections Committee for subsequent review and possible action by the Board of Directors.

## **II. CONDUCT OF ELECTIONS**

In MCCC elections, the main principle to be observed is that every member eligible to vote shall have a reasonable opportunity to make nominations, to run for office, and to vote.

### **A. Nominations and Elections: Statewide Elections**

1. A Nominations and Elections Committee is mandated by the MCCC Bylaws (Art. VII, sec. 3) for statewide elections.
2. Statewide nominations are placed by mail or electronically.
3. Statewide elections are conducted by mail or electronically. Ballots and/or election materials are delivered to member home addresses or by email; votes are cast by mail or electronically or hand-delivered to the designated location.
4. The Committee will certify and place in nomination in accordance with the Board approved MCCC Nominations and Elections Timeline outlined in the election year and the submission of the MCCC Nomination Form: (1) the names of all officer candidates who have secured at least fifty signatures of active members in support of their candidacy, (2) and the names of all candidates for Adjunct/Part-time Board member who have secured at least ten signatures of active members in support of their candidacy, (3) the names of candidates for the MTA Annual Meeting, and (4) the names of candidates for the NEA-RA Delegate Assembly.
5. If the number of certified candidates for the MTA Annual Meeting is less than or equal to the number of delegates permitted, then those candidates are deemed elected. A ballot process will be conducted to permit write-in candidates for unfilled slots or to be names as successor delegates.
6. All communications with candidates on the statewide ballot may be by email.
7. Write-in candidates for delegate to the NEA-RA and the MTA Annual Meeting must submit a write-in candidate nomination form within five business days of the announcement of voting results. This form is to solicit the same information as a pre-election nomination form. Names written in but who do not fill in the write-in candidate nomination form within the time specified are ineligible for election. This policy will appear in the ballot materials and be referenced on the ballot.

*Approved by the MCCC Board of Directors August 17, 2016*

8. The Nominations and Elections Committee shall have the authority and responsibility to:
  - a. Provide a recommended nominations/elections schedule each year to the Board of Directors by the September meeting.

- b. Give notice of nominations and elections. Such notice should appear in the *MCCC News* and on the MCCC Website. Notice of nominations and elections shall appear at least ten weeks prior to the deadline for nominations. The notice should specify (1) open offices, (2) nomination procedures and deadline, (3) election procedures and timeframe, (4) the time and date by which ballots must be cast, and (5) the location to which ballots must be mailed or hand delivered.
- c. Publish the names and statements of candidates for each officer and part-time/adjunct position in the *MCCC News* and on the MCCC web site.
- d. Institute a balloting procedure assuring that each vote has been cast by an eligible voter and that each voter has cast only one ballot.
- e. Mail or email ballots or notification of electronic voting procedures in late February or early March, leaving at least twenty (20) days for voters to submit the ballots. NEA delegate candidate statements are included in the ballot material.
- f. Supervise elections and conduct all voting by secret ballot. In a mail election, the voter must be provided with a business reply envelope with the Association address used for the return address.
- g. Provide replacement ballot procedure. Replacement ballots are not reviewed or counted unless their numbers could affect the outcome of an election.
- h. Count the ballots. A reasonable number of observers are permitted at the counting of the ballots, to be determined by the chair of the Nominations and Elections Committee. An observer must be an MCCC union member.
- i. Certify as elected the candidate who receives the highest number of votes for each office and certify the candidates elected to serve as MTA and NEA delegates. Such certification is sent to the MCCC President within five working days of the vote count. The President then presents the certification to the Board of Directors and announces the election results to the members.
- j. Maintain the ballots or electronic election results at the MCCC statewide office for one year and allow inspection of the ballots by any active MCCC member, after reasonable notice.

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revised October 17, 2014*

- k. Attempt to contact write-in candidates as quickly as practicable to fill out the required form, but the responsibility is with the person who writes themselves or someone else in. Note: The committee may have a designee to complete this task.

*Amended by the Board of Directors on August 17, 2016.*

**B. Nominations and Elections: Chapter Elections**

- 1. It is strongly recommended that each chapter establish a Nominations and Elections Committee as part of its bylaws for the purpose of assuring equal access to all members of the chapter to the nomination

and election process. If a chapter chooses not to establish a Nominations and Elections Committee, the chapter has the responsibility, nonetheless, to follow the procedures indicated below.

2. The chapter Nominations and Elections Committee or the chapter, if no committee exists, shall have the authority and responsibility to:
  - a. Give notice of nominations and elections. Notice of nominations and elections shall be distributed or mailed at least two weeks prior to the deadline for nominations. The notice should specify (1) open offices, (2) nomination procedures and deadline, (3) election procedures and timeframe, (4) the time, date, and place of the election if it is to be an on-site election, OR the time and date by which mail ballots, either through campus mail or U. S. Postal Service, must be received.
  - b. Post the names of candidates for each elective office at least five working days before the start of the election.
  - c. Supervise elections and conduct all voting by secret ballot.
    - (1) In an on-site election the voter must be provided an area where the ballot may be marked with reasonable privacy. No campaigning shall be allowed within a polling area. Neither campaign literature nor materials may be distributed, posted, or worn within the polling area on the day of the election. Maintaining a physical presence in a polling area shall be construed as campaigning.
    - (2) In a mail election, the ballot and other materials must be designed to protect the integrity of the voting process.
  - d. Provide an absentee ballot procedure for on-site elections. Such ballots must be received by the closing time for voting.
  - e. Provide a replacement ballot procedure. Replacement ballots are not reviewed or counted unless their numbers could affect the outcome of an election.
  - f. Conduct the elections during the period from April 1 through May 15. In the case of mail elections, a reasonable time should be allowed between the mailing of ballots and the deadline for returning ballots.
  - g. Institute a balloting procedure assuring that each vote has been cast by an eligible voter and that each voter has cast only one ballot. Membership lists provided by the MCCC office must be the source for voter lists.
  - h. Count the ballots and certify as elected the candidate who receives the highest number of votes for each office. A reasonable number of observers are permitted at the counting of ballots. An observer must be an MCCC member.
  - i. Announce the election results, including the vote count, to chapter members no more than three working days after the close of the election.

- j. Maintain the ballots for one year and allow inspection of the ballots by any active member of the chapter, by the chair of the MCCC Nominations and Elections Committee, or by a designee of the MCCC President.
- k. Rely on the statewide MCCC Nominations and Elections Committee as a resource on nominations and election procedure.

### **III. Election Challenge Procedure**

A challenge to a statewide or chapter election must be conducted according to the following process. Any union member may file a challenge.

#### **A. Statewide Elections**

1. A union member who wishes to challenge an election of an MCCC officer, part-time/adjunct Director, or the outcome of an election for delegates to the MTA Annual Meeting or the NEA Representative Assembly must file the challenge with the MCCC President no more than five (5) working days from the day the vote count is announced to the membership. If the challenge involves the office of the MCCC President, the challenge should be filed with the MCCC Vice President, Secretary, or Treasurer. If the challenge involves all four MCCC offices, the challenge may be filed with any MCCC Board member.
2. The MCCC Board of Directors must conduct a hearing on a challenge to an election no more than sixty (60) days from the documented receipt of that challenge and must issue a decision no more than ten (10) working days from the date of the hearing. Multiple challenges may be consolidated and/or handled at the same hearing.
3. An appeal of the decision of the MCCC Board of Directors may be made to the Massachusetts Teachers Association. It must be filed no more than five (5) working days from the documented receipt of the MCCC Board decision.

#### **B. Chapter Elections**

1. It is strongly recommended that each chapter establish a process to address a challenge to an election of officers. A union member from that chapter must utilize the chapter's challenge process before appealing to the MCCC Nominations and Elections Committee. If a chapter lacks a challenge process, a union member from that chapter may appeal directly to the MCCC Nominations and Elections Committee.
2. A challenge to an election must be filed no more than five (5) working days from the day the election results are announced.
3. The MCCC Nominations and Elections Committee must conduct a hearing on a challenge or appeal no more than thirty (30) days from its documented filing. It must issue a decision no more than five (5) working days from the date of the hearing. Multiple challenges may be consolidated and/or handled at the same hearing.
4. The decision of the MCCC Nominations and Elections Committee may be appealed to the MCCC Board of Directors no more than five (5) working days from receipt of the decision.

5. The MCCC Board of Directors must consider an appeal of the decision by the MCCC Nominations Committee no more than sixty (60) days from the documented receipt of that appeal. The MCCC Board must take such steps as it deems appropriate to make a final resolution to the challenge. Multiple appeals may be consolidated and/or handled at the same hearing.

## PART II - OTHER ELECTION POLICIES

### **Election Of At-Large Executive Committee Members**

A Board member need not be present in order to be nominated to serve on the Executive Committee, provided that the individual has indicated a willingness to serve to the President, in writing.

***NOTE: Candidates should consult the MCCC Bylaws and Policies (the complete manual) regarding other information pertaining to their eligibility to run for a statewide position, the duties connected with various positions, and any other information that might be pertinent to their candidacy. The complete document is available online in the Members Only section of the MCCC website.***