



HPAE 5094 LOCAL UNION ELECTION RULES

- 1) No HPAE funds, resources, personnel, or facilities may be used to promote the candidacy of any person, and no candidate may receive any Union contributions made to promote his or her candidacy. This prohibition includes a ban on monetary contributions and the use of the Union's stationery, equipment, facilities, personnel, or other resources to promote a candidate. The following examples of the use of Union funds, resources, personnel, and facilities are strictly prohibited:
 - a. Use of the Union office or telephones for campaigning.
 - b. Use of Union office equipment to prepare, fax, email, or copy campaign material.
 - c. Use of Union stationery for campaign purposes.
 - d. Use of the Union's logo or name, which could be construed as an endorsement.
 - e. Use of Union publications to promote a candidate.
 - f. Use of union staff to assist with the preparation or distribution of materials.
- 2) By law, no member may campaign for themselves or for any other candidate during time that is paid for by any employer provided, however, that campaigning incidental to work or during paid vacation, paid lunch hours or break, or similar paid time off is permitted.
- 3) The Union has an obligation to communicate with the membership about normal union activities. The following non-election related communications are permitted during the election period (i.e., the period that begins immediately following the established deadline for the receipt of nominating petitions in the mail ballot election and ends on the ballot tabulation date).
 - a. Inclusion of the names of members who also are candidates in communications regarding negotiations.
 - b. Reporting of or communications about significant newsworthy events that include references to members who are or may be candidates for Union office.
- 4) Electioneering on the Union's Facebook page, bulletin boards, on union premises or at union meetings is strictly prohibited. Communications promoting the candidacy of any person constitutes electioneering. There may be a "Meet the Candidates" event or other communication in which all candidates are afforded an equal opportunity to address the membership. Reasonable advance notice of the opportunity to participate in such an event must be provided to all candidates.

Campaign Statements. Candidates were previously advised that campaign statements could be submitted no later than September 25, 2023. Submitted campaign statements will be placed on the local's webpage. Statements should be 500 words or less and provided in electronic form to jball@hpae.org. Confirmation of receipt will be sent. Candidates were notified to contact jball@hpae.org or the Union office if they did not receive confirmation.

- 5) No employer or Union funds, resources, personnel, or facilities may be used to promote the candidacy of any person, and no candidate may receive any employer or union contributions made to promote his or her candidacy. This prohibition includes a ban on monetary contributions and the use of a union's or employer's stationery, equipment, facilities, personnel, or other resources to

promote a candidate. The prohibition on employer contributions extends to every employer, and to other unions outside of HPAE.

- 6) Campaign materials. Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his or her literature sent via mail or e-mail (“candidate mailings”) at the candidate’s expense. ***All costs are payable by check to "HPAE."*** Each candidate is entitled to a reasonable number of candidate mailings/e-mailings, regardless of whether any other candidate makes a request. Such request(s) for candidate mailings shall be made in writing by the candidate to HPAE Elections, 110 Kinderkamack Road, Emerson, New Jersey 07630, or to elections@hpae.org, and shall specify the desired date of the mailing or emailing.

With respect to requests to distribute candidate literature via e-mail, HPAE will make available to all candidates the opportunity to send campaign communications by e-mail to all eligible voters who have provided a personal e-mail address to the Union. E-mail distribution of literature will be by an independent company designated by HPAE. The e-mail message must identify the candidate and be in rich text format. The message may not include attachments although it may include a website’s URL in rich text format. The subject line will read “HPAE Election Campaign Literature.”

All communications sent at the candidate’s request must contain the following statement: “This is not an official communication from HPAE and has not been transmitted at HPAE’s expense. HPAE is required by federal law to comply with all reasonable requests by candidates for union office regarding the distribution of campaign literature at the candidate’s expense. The communication has been prepared by the candidate and is not endorsed or reviewed by HPAE. Email transmissions will not receive any responses.”

- 7) Membership List. Candidates are not entitled to a copy of or to utilize a mailing list for the candidate’s own use. Each candidate shall have the right, on one occasion during the thirty (30) days before the ballot count, to inspect, not copy, a list containing the names and last known addresses of all members of the Union. HPAE shall not discriminate in favor of or against any candidate with respect to the membership list. A request to inspect the membership list shall be made in writing to either HPAE Elections, 110 Kinderkamack Road, Emerson, New Jersey 07630, or by email sent to elections@hpae.org. **In a contested race in which incumbent officers have a membership list, the list should be made available to all other candidates and may be utilized to contact members individually to campaign. The candidate may not contact individual members on behalf of HPAE or Local 5094 and should be clear that the candidate is a candidate for elected union office only.**
- 8) Conduct of the Mail Ballot Election. All ballots will be mailed to the last-known home address of each member in good standing.
- 9) Order of Placement. The order of candidates on the ballot shall be alphabetical.
- 10) Write-Ins. Write-in votes will not be permitted.

- 11) Observers. Each candidate shall have the right to be present and/or to designate observers during the election process.
- 12) Unopposed Candidates. An unopposed candidate shall be deemed elected.
- 13) Ballot Count. All candidates are permitted to be present during the counting of ballots. The ballot count shall begin as soon as practicable following the deadline for the return of the ballots. Any ballot marked in such a way as to reasonably indicate the intent of the voter will be counted. The Election Committee will resolve questions as to the intent of a ballot. The eligibility of all voters will be determined prior to the opening and tabulation of the ballots. Members may challenge the eligibility of a voter by identifying the voter and clearly specifying the basis for the objection before any envelopes are opened. All decisions on voter eligibility will be made by the Election Committee. In the event of a tie a runoff election will be conducted. The Election Committees will oversee any re-run elections that are conducted.
- 14) Election Protest. Any protest regarding an alleged violation of the election provisions of HPAE, the Local, these Local Election Rules, or applicable law must be filed with the Election Committee within 10 days after the close of the election. The protest shall state with reasonable specificity the nature of the alleged violation, the facts underlying it and how it may have affected the outcome of the election. The burden of proof is on the candidate or member filing the protest. If a protest is filed late or is incomplete, the Committee may choose to take no further action, in which case the member submitting the protest will be informed in writing by the Committee. Please mail or email the protest to: HPAE Elections, 110 Kinderkamack Road, Emerson, New Jersey 07630, or to elections@hpae.org.

The Election Committee will review the allegations raised in the protest. If the Election Committee finds merit to any allegation, and the violations were of such a nature that they may have affected the outcome of the election, the Election Committee may order the election, or any part of it, set aside and a new election held. If a rerun election is necessary, it will only be for those races affected by the irregularity. The Election Committee will notify the protesting member of its decision in writing.

If a protest is denied by the Election Committee, the protesting member may appeal the decision. That appeal should be submitted by mail or email within 10 days of receiving the Election Committee's decision to the HPAE State Executive Committee in care of Debbie White, HPAE President, 110 Kinderkamack Road, Emerson, NJ 07630. The State Executive Committee's decision is final and binding.
- 15) Results Announced. Upon completion of the vote count, results shall be certified by the election company in writing to the Local Election Committee. Results will be distributed at tabulation, emailed to candidates, and posted on the HPAE local website.

If you have any questions regarding the “Local Union Election Rules” please contact elections@hpae.org.