

HGEA PRESIDENT AND BOARD OF DIRECTORS
REGULAR AND SPECIAL ELECTION POLICY
RULES AND PROCEDURES

The nomination and election process for the president and board of directors' regular election and special election shall be conducted in accordance with the HGEA Bylaws and these election rules and procedures, as well as the AFSCME International Constitution and the AFSCME Local Union Election Manual. Should there be a conflict between this policy and the AFSCME International Constitution, the language in the AFSCME International Constitution shall prevail.

1. Composition

The board consists of the corporate officers and directors. The president is elected by the active members of HGEA. The at-large directors are elected by the active members working within the respective geographical jurisdiction of Oahu, Kauai, Maui-Molokai-Lanai, and Hawaii. The ex-officio retiree director is the elected president of the retirees unit. Each collective bargaining unit exclusively represented by HGEA shall be represented by respective directors elected by active members in the respective collective bargaining unit in accordance with the following formula:

Units with membership up to 2,500 – 1 director
Units with membership between 2,501 and 5,000 – 2 directors
Units with membership between 5,001 and 7,500 – 3 directors
Units with membership between 7,501 and 10,000 – 4 directors
Units with membership between 10,001 and 12,500 – 5 directors
Units with membership between 12,501 and 15,000 – 6 directors
Units with membership between 15,001 and 17,500 – 7 directors

2. Term

Each director is elected for a term of two (2) years. Each term begins on July 1 and ends on June 30. If a director fills an unexpired term of more than one (1) year, such term constitutes a full term of two (2) years.

3. Limitation

No person shall be re-elected as a director for more than two (2) consecutive full terms of two (2) years each, but after an interval of one (1) term, may be re-elected as a director for another two (2) consecutive full terms. If a director does not take office on July 1, or is elected to fill an unexpired term of more than one (1) year, such term constitutes a full term.

4. Eligibility

- a. Active members may vote and be elected officers, directors and general assembly delegates and hold any official position in the HGEA. Only active members belonging to a collective bargaining unit exclusively represented by the HGEA may be corporate officers or directors.

- b. An active member may be a candidate for only one (1) corporate office, including the board, in any election. An active member may be a candidate for any office of a subordinate body.
- c. The Election Committee shall certify the number of directors to be elected from each bargaining unit in accordance with the formula established in HGEA bylaws Article V, Board of Directors (Board). The membership count as of December 31 of the previous calendar year shall be used to determine the number of directors to be elected from each bargaining unit.

5. Election Date

The election shall be held in odd-numbered years. Ballots shall be mailed or made available electronically to all active members at least fifteen (15), but not more than forty-five (45) days before the first Tuesday of May. Completed ballots must be returned and postmarked, and/or electronic voting must be completed by the first Tuesday of May. Should a run-off election become necessary, it will be done within forty (40) days from the date of the counting of the election ballots for the regular election. The run-off election date shall be determined prior to each election cycle and included in the election schedule.

In the event of a board vacancy, filling the vacancy shall be done in accordance with HGEA bylaws Article V, Board of Directors (Board), Section 10 Vacancies. If a special election is necessary, the Elections Committee will meet, by order of the chairperson, to determine the special election schedule. The notice of nomination shall be mailed to affected members within forty-five (45) days from the date of the board vacancy.

6. Third Party Elections Organization

The executive director shall contract a reliable, independent third party organization to perform the distribution, collection, counting and/or online voting of ballots and verification of election results for the election.

7. Corporate Funds

Funds of the corporation including those of any subordinate body shall not be used to support any candidate for elective office. HGEA staff shall not endorse or support any candidate for elective office nor distribute campaign literature for any candidate.

8. Union Publications, and Campaign Literature

- a. Publications sponsored or supported by the corporation of any subordinate body shall not endorse or support any candidate for elective office.
- b. Candidates for elective office shall be allowed once prior to the election to have their campaign literature mailed by the union to eligible members at the candidate's expense.

- c. Candidates for elective office may place campaign literature at HGEA offices for membership information purposes.
- d. Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member of the corporation, in all places where ballots bearing the candidate's name are to be cast or counted.
- e. For mailed ballots, observers may be present during addressing, stuffing and mailing of ballots. For electronic voting systems, observers may view the preparation, and mailing of ballot packets for the count and/ or tabulation of electronic votes either in person or by video.
- f. The union shall provide notice of nominations and election not less than fifteen (15) days prior to the holding of nominations for local union officers. The mailing of such notice shall be to all active members statewide, utilizing the United States Postal Service, and must be sent via first class mail.

9. Nominations

- a. Nomination petition forms are to be available online and at all HGEA offices to candidates at least ninety (90) days before the election date. Each nomination petition form that has been issued shall be recorded.
- b. Nomination petitions must be on forms as provided by the board and completed in accordance with HGEA bylaws Article III, Elections, Section 5 Nominations. Nomination petitions must be delivered to any HGEA office no later than 4:30 p.m., at least sixty (60) days before the election date. Facsimiles, photocopies, and mailed nomination petitions will not be accepted unless received and time stamped by any HGEA office before the 4:30 p.m. deadline.
- c. The candidate packet, which includes a questionnaire and information on the candidate, must be completed, signed, and delivered to any HGEA office no later than 4:30 p.m., at least sixty (60) days before the election date. Facsimiles, photocopies, and mailed candidate packets will not be accepted unless received and time stamped by any HGEA office before the 4:30 p.m. deadline.
- d. At least two (2) Elections Committee members are to certify the validity of nomination petitions.
- e. Any challenge to the eligibility of any nominee shall be filed in writing to the Elections Committee chairperson and delivered to any HGEA office no later than 4:30 p.m. at least fifty (50) days before the election date. Upon receipt of a challenge, the Elections Committee will meet, by order of the chairperson, within five (5) days of the challenge's receipt thereof for its disposition. The Elections Committee shall immediately report its ruling to the board.

10. Election Ballot and Ballot Information

- a. A candidate shall be given the opportunity to indicate how his/her name will appear on the ballot.
- b. A candidate shall be given the opportunity to submit a listing of the candidate's related background and qualifications limited to one hundred (100) words to be included in the ballot packet.
- c. Candidates shall be listed on the ballot in sequential order alphabetically, last name first, or randomly on the electronic ballot.
- d. At least two (2) Elections Committee members are to review the electronic and paste-up ballots before they are made electronically available or printed and are to inspect the printed ballots prior to mailing.
- e. Sufficient ballots are to be printed to manage the needs for: active members eligible to vote; ballots mailed but not received; spoiled ballots; lost ballots; and specimen ballots.

11. Electronic and Mailing of Ballots

- a. The election is to be conducted by secret ballot and only active members in good standing shall be eligible to participate in the election. All elections conducted by electronic voting or with electronic ballots shall comply with the provisions on voting by electronic voting systems set forth by AFSCME Local Elections manual and with Appendix D, Section 2, Subsection G of the AFSCME International Constitution.
- b. If using electronic ballots, they are to be made available to active members at least fifteen (15), but not more than forty-five (45) days before the election date using a voter list that is prepared not more than forty-five (45) days before the election date. At least two (2) Elections Committee members and one (1) representative from the third party elections organization are to observe and certify the electronic ballots made available to the membership.
- c. If mailing ballots, they are to be mailed at least fifteen (15), but not more than forty-five (45) days before the election date using the aforementioned voter list. At least two (2) Elections Committee members are to observe the mailing of said ballots and certify the distribution of the ballots to the membership.
- d. Persons whose application for membership are received by the HGEA Honolulu Office after the voter list cut off date may request to have a ballot electronically made available or mailed to them from the office of the third party elections organization. Requests must be received by the last work day on or prior to twenty (20) days before the ballot counting date. The membership application must be signed, dated, meet all of the membership eligibility requirements, and include a copy of the employer personnel action form to verify bargaining unit designation.

- e. Members who have lost, spoiled, or not received a ballot may request to have a ballot electronically made available or mailed to them from the office of the third party elections organization. Requests must be received by the last work day on or prior to twenty (20) days before the ballot counting date. Thereafter, requests to replace lost, spoiled, or ballots that have not been received, will not be considered. The third party elections organization shall implement procedures to assure that original ballots being replaced are not counted.
- f. Persons whose applications for membership are received by any HGEA Office after the last work day on or prior to twenty (20) days before the ballot counting date will not be eligible to vote.

12. Ballot Packet

- a. Each member is to receive the following items electronically or by mail:
 - 1) The election ballot(s).
 - 2) Voting instructions describing how the ballot is to be marked, what to do in the event of a spoiled ballot and the voting deadline.
 - 3) A list of the candidates' related background and qualifications up to one-hundred (100) words.
 - 4) One postage paid envelope, if voting by mail.
 - 5) A second envelope with "secret ballot" printed on the face into which the ballot is to be placed if voting by mail.
- b. The voting member shall (for electronic voting only item #1 is necessary):
 - 1) Mark the choice of candidate(s) on the ballot;
 - 2) Place the completed ballot(s) into the "secret ballot" envelope and seal; and
 - 3) Place the sealed "secret ballot" envelope into the return-addressed envelope, seal this envelope.
 - 4) Name of member should be written on the outside of the envelope and mailed to be received by the specified deadline.

13. Counting of Ballots

- a. Electronic ballots must be completed by 4:30 p.m. on the election date. All mailed ballots must be postmarked on the election date and received by the third party elections organization office by 4:30 p.m. on the day before the ballots are counted.
- b. At least seven (7) days but not more than fifteen (15) days after the election date, the third party elections organization shall open the ballot box and begin counting the ballots. The first day of ballot counting is considered the ballot counting date.
- c. The Elections Committee will oversee the activities of the third party elections organization.

- d. The procedures for the counting of the ballots shall be determined by the Elections Committee.
 - e. If there is a difference of twenty-five (25) or less votes between the first and second place, the ballots are to be recounted.
 - f. The candidate for each office receiving a majority of the votes cast for that office shall be declared elected. Any remaining unfilled offices shall be filled through a run-off election.
 - g. The word majority by dictionary definition means more than one-half (1/2). Majority does not mean fifty-one (51) percent. Majority does not mean fifty (50) percent plus one (1). The following formula is utilized to calculate majority vote. Take the total of all votes cast for all candidates. Divide it by double the number to be elected. Any candidate who has more votes than the resulting figure has a majority and has been elected.
 - i. The third party elections organization shall certify the results of the election.
14. Sole Candidate
- A sole candidate for an office, after the close of filing of nomination papers, is deemed to be duly and legally elected to the office for which the person is a candidate.
15. Protests
- a. Protests concerning the conduct of the election must be submitted in writing to the Elections Committee chairperson and delivered to any HGEA office by the tenth day after the election results are certified.
 - b. Upon receipt of a protest, the Elections Committee and at least one (1) representative from the third party elections organization shall meet, by order of the chairperson, within five (5) days of the protest's/challenge's receipt thereof for its disposition. Expeditious adjudication is to prevail.
16. Election Reports and Records
- a. The Elections Committee shall report to the board of directors the results of all protests/challenges, and the results of the election.
 - b. All election records, including ballots, shall be retained for at least one (1) year after the election.

Adopted by the HGEA Board of Directors September 30, 1994
Amended September 25, 1998
Amended November 22, 2002
Amended November 7, 2003

Amended January 16, 2009
Amended January 22, 2011
Amended May 20, 2011
Amended September 27, 2013
Amended May 11, 2016
Amended September 26, 2020
Amended January 29, 2021
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