



Guidance regarding NEA RA delegate elections & other region/local elections

The following is guidance we received from NEA regarding school closures affecting delegate elections and after the NEA guidance is additional guidance from IEA given the current IEA office closures.

As set out in the NEA RA Delegate Elections Requirements guidance, there are several means by which state and local NEA delegates can be elected, with the recommended methods being in-person or mail ballot elections. For affiliates that have not yet conducted regularly scheduled in-person elections of NEA delegates, and who are considering cancelling in-person polling in response to concerns about the COVID-19 pandemic (e.g., because schools have been closed or in order to observe social distancing recommendations), NEA recommends the following:

- 1) Review your bylaws. If the bylaws specify that elections are to be held in-person, the best practice is to amend the bylaws immediately to provide for the option of a mail ballot election.
- 2) If you are able to convert the election to a mail ballot election, prepare and mail ballots as soon as possible. Although you will also want to alert the membership by whatever means you typically use to communicate with members (e.g., email, website, etc.), the mail ballot itself may serve as the required election notice, as long as it is mailed at least 15 days prior to the ballot return date.
- 3) If amending the bylaws is not possible, because, for example, the bylaws provide that they may only be amended at the state RA or a membership meeting, we recommend proceeding with in-person polling essentially in form only. The affiliate can advise members of its recommendations regarding social distancing, based on CDC and any state advisories, and explicitly provide and emphasize that the affiliate will make absentee ballots available to all members who request one. Absentee ballots can then be mailed out and returned using the same protocols as would be used in a full mail ballot election.

The provision of absentee ballots to those who are unable to vote in-person is consistent with the requirements of the LMRDA. Although the use of absentee ballots is not intended to apply to circumstances where it is expected that almost all voters will vote absentee, we are recommending this course of action because of the extraordinary circumstances presented by the current public health emergency and the Department of Labor's stated position that unions must make a good faith effort to conduct elections in compliance with the LMRDA, despite circumstances such as natural disasters.

We understand that due to the closure of schools and IEA offices, it may not be feasible to conduct a mail ballot election or absentee voting because accurate membership lists and supplies needed to conduct a mail ballot election are not readily available. Also, many regions do not have a Post Office Box that is required for mail ballot elections. If, because of the current circumstances your region can't conduct a mail ballot election, we suggest the following if schools are closed on the day of the scheduled election:

- Conduct election on the next day school is in session
- Conduct election on runoff date approved by the region in its election plan
- If schools are closed on the original election date and the runoff election date, conduct the election on the next day school is in session after the runoff date.

You should notify all locals of the delay in the elections due to school closures and indicate that the election will be held on the next day school is in session or on the runoff date (list date).

Tallies

We understand some regions have already conducted elections, and the scheduled tally date is now falling during a time that the IEA offices and schools are closed.

If you have locals that can't deliver ballots for the tally because they are locked in a school building, or if you can't conduct your tally because you do not have access to the IEA office, we advise that you postpone the tally until after the IEA offices are open and schools are back in session so that all local's ballots can be delivered and counted. You should conduct the tally within seven days of when schools are back in session and/or the rescheduled election date.

Voted ballots should be kept in a sealed container and secured location until the tally can be completed.

Delegate Reporting

We understand that some elections and tallies will be conducted after the deadline to report delegate information to the IEA. If necessary, IEA will be able to request an extension from NEA to submit delegate information.

If you have any questions about the delegate and region elections, please contact Kim Trader at kim.trader@ieane.org.