



OFFICIAL ELECTION NOTICE RULES AND PROCEDURES

2022-2025 Term of Office

SEIU Local 521

Local-wide Officers,

Delegates and Trustees Election



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SEIU LOCAL 521 - OFFICIAL ELECTION NOTICE RULES, AND PROCEDURES FOR 2022-2025 ELECTION

PREAMBLE

1. All Election Committee members and candidates will receive a copy of the election rules. These rules will also be posted on the SEIU Local 521 website at <https://www.seiu521.org/521elections/> and on MemberLink at <https://members.seiu521.org>.
2. These election rules and procedures were approved by the SEIU 521 Executive Board Officers on September 25, 2021, and must be followed by candidates, members, and staff.
3. Candidates should be aware that Department of Labor (“DOL”) election guidelines forbid the use of union or employer resources in election campaigns. Campaigning at worksites during work hours and the use of employer or SEIU Local 521 email is a violation under Department of Labor (“DOL”) guidelines (see "[Section 12 Union/Employer Resources](#)" listed in this document).
4. These election rules and procedures are in effect for the 2021-2022 election of Officers, Executive Board Delegates, and Trustees to serve for the Executive Board term of March 1, 2022 – February 28, 2025.

SECTION 1: NOTICE OF ELECTION

All SEIU 521 dues paying members eligible to vote shall be notified of an election not less than 90 days prior to the commencement of voting and notified of nominations no less than 30 days before they are closed [SEIU Local 521 Constitutional Bylaws (“521CBL”) VIII, Section 4].

- a. The notice of election will be sent to all dues paying members eligible to vote during October 2021 via bulk mail (90 days prior to the commencement date of the election, which is October 12, 2021). The commencement date of the election is January 10, 2022. Notices of election will be sent to members’ last known address on file with SEIU Local 521. SEIU Local 521 will work to contact members whose

notices of election were returned due to SEIU Local 521 having an undeliverable address on file.

SECTION 2: NOMINATION PERIOD

The nomination period opens on Tuesday, October 26, 2021, and will close on Tuesday, November 30, 2021, at 5:00 p.m. It is the candidate's responsibility to meet the deadline.

SECTION 3: NOMINATION PETITIONS

Petition forms are available for download from the SEIU Local 521 website at <https://www.seiu521.org/521elections/> and on MemberLink at <https://members.seiu521.org>. They may also be picked up at your SEIU Local 521 Union office. (Contact your nearest office for current hours – See the list of offices and phone numbers at <https://www.seiu521.org/contact/>.)

- a. Local-wide & Regional Office positions: Nomination petitions require valid signatures from 25 members in good standing eligible to vote for the office nominated. [521CBL VIII, Section 1] For Local-wide positions, the signatures can be from any SEIU 521 Chapter. For Regional positions, the signatures must be from the candidate's Chapter or composition. For an explanation of Officers and Regional Vice President, Trustee & Caucus positions, see 521 CBL IX, Sections 1-8 and X, Sections 1 – 4.
- b. Chapter and Composite Executive Board Delegates:
 - Small Chapter or Composites (1 – 199 members): 10 signatures or half the Chapter or composite membership, whichever is smaller.
 - Medium Chapter or Composites (200 – 1,999 members): 20 signatures or half the Chapter or composite membership, whichever is smaller.
 - Large Chapter (2,000 or more members): 30 signatures or half the Chapter or composite membership, whichever is smaller.
- c. A member may nominate themselves and sign their own petition. Signatures may be collected on multiple forms.
- d. All original nomination petitions may be sent by U.S. mail to a SEIU Local 521

Union office (delivery confirmation service recommended, but not required), or scanned and sent by e-mail to elections@seiu521.org (for COVID safety reasons) or delivered in-person to one of the SEIU Local 521 Union offices listed on the nomination petition form by 5:00 p.m. Tuesday, November 30, 2021. (Contact your nearest office for current hours. Please see the list at <https://www.seiu521.org/contact/>.)

- e. Candidates may also use a downloaded, fillable, PDF nomination petition form from <https://www.seiu521.org/521elections/> or MemberLink at <https://members.seiu521.org>, and collect signatures electronically. A candidate may email their completed electronic nomination petitions to elections@seiu521.org.

SECTION 4: NOMINATION MEETING

A nomination meeting is scheduled for Wednesday, November 17, 2021, at 5:30 p.m., via Zoom. SEIU 521 Dues Paying Members who wish to attend need to RSVP at <https://www.seiu521.org/521nominationmeeting111721>. At this meeting, a nomination and the required second motion may be made by SEIU 521 members in good standing eligible to vote for the office nominated.

- a. Membership eligibility will be checked at the time of registration for the Zoom meeting.
- b. Non-members will have an opportunity to sign an online membership card at <https://www.seiu521.org/membership> or <https://www.seiu521.org/seiu521membershipprivatesector/> to be approved to register for the Zoom meeting.

SECTION 5: ACCEPTANCE OF NOMINATION

A candidate who has been properly nominated must sign and submit the Acceptance of Nomination form no later than 5:00 p.m., Tuesday, December 7, 2021, in order to have

their name placed on the ballot. A candidate is considered bona fide upon signing and completing said [form](#). The form may be downloaded on SEIU 521 website at <https://www.seiu521.org/521elections/> or MemberLink at <https://members.seiu521.org>.

SECTION 6: ELECTION COMMITTEE

A five-member committee was appointed by the SEIU 521 President and approved by the Executive Board at the June 26, 2021, and September 25, 2021, meetings.

- a. The Election Committee members will not be candidates for, nor actively campaign for, any SEIU Local 521 or Chapter elected position during the term of their appointment.
- b. The Election Committee has established these rules and procedures for fair and democratic elections in accordance with the Local 521 Constitutional Bylaws, the Constitutional Bylaws of the SEIU International Union and labor law. [521CBL VIII, Section 9]
- c. The Election Committee will, as appropriate, be assisted by SEIU Local 521 Union staff or advisors in performing administrative and clerical functions, although at all times the Election Committee will be responsible for the conduct of the election. [SEIU International Guide to Union Elections ("SEIUEG"), pg.4] The staff or advisors assigned to support the Election Committee will not be candidates for, nor actively campaign for, any SEIU Local 521 or Chapter elected position during the term of their assignment.
- d. The Election Committee may select a chair and keep a record of all its decisions.

SECTION 7: ELECTION ADMINISTRATOR

The SEIU Local 521 Election Committee has authorized the contracting of the services of an Election Administrator who is responsible for the conduct of the election in accordance with these rules, and in consultation with the Election Committee as appropriate. Unilect has been selected by the Executive Board at the September 25, 2021, Executive Board meeting. Unilect's duties will include:

- a. Preparing ballot types, numerically coding the membership list, and preparing the ballot packets.
- b. Working with SEIU Local 521 Union administrative staff to verify union membership and ID ballot types for voting purposes.
- c. Receiving and securing ballots during the entire voting process from January 10, 2022, to February 9, 2022.
- d. Vote Count: The vote count is scheduled for February 9, 2022, and will commence once Unilect and the Election Committee return from the post office box. The vote count will be conducted by Unilect at SEIU Local 521 San Jose office located at 2302 Zanker Road, San Jose, CA 95131. The vote count will be recorded and uploaded to the election website upon completion. The process will consist of Unilect opening the returned envelopes, scanning the ballots under the observation of the Election Committee members, providing the certification of results at the end of the vote count, and retaining all ballots and related files for a one-year period.

SECTION 8: QUALIFICATION OF CANDIDATES

A person is eligible to be a candidate for office of the SEIU Local 521 Union if they have been a member in good standing of the SEIU Local 521 Union. The candidate must be in continuous good standing in the Local Union for at least two years immediately preceding nominations (i.e., September 1, 2019, through September 30, 2021) and have, during all that time, paid the full dues required for working members of the Local Union within each month when due. [521CBL Article VIII, Section 3]. The two-year requirement is waived if the candidate has been a full dues-paying member in good standing since the time of affiliation of their Chapter.

- a. Definition of “Continuous Good Standing”: the member has paid all dues and other financial obligations on or before the last day of each month when due. It is the members’ responsibility to pay dues. In order to be a member in good standing, dues must be current and paid on time. If a member is on “lost time,” working on a

temporary basis for SEIU Local 521, dues will be deducted by SEIU Local 521 to ensure continual membership in good standing. [521CBL Article VII, Section 1]

- b. The good standing of a member should be determined by using the most recent records reflecting the payment of dues. Because nominations may be conducted in the middle of a month and members have until the end of the month to pay their dues, good standing should be determined based upon the last complete month for which SEIU Local 521 has records. [SEIUEG, p. 11]
- c. No person will be eligible to be a candidate for more than one office of SEIU Local 521 simultaneously. For purposes of this section, Chapter officers shall not be considered Local officers. [521CBL Article VIII, Section 3]
- d. In accordance with SEIU International Union Bylaws and federal law, a member who wishes to be a candidate for any office of the SEIU Local 521 Union shall not have been convicted of any applicable felony. [521CBL Article VIII, Section 3], [SEIU CB Article XV, Section 2], [Section 504, Labor Management Reporting and Disclosure Act - LMRDA].
- e. Eligibility of SEIU Local 521 Union employees to be candidates for office shall be limited to the positions of Chief Elected Officer and Delegate to regional, national, and international conventions. If a member of the union has previously been an employee, time spent as an employee shall be counted toward the two-year membership requirement if the person was a member of SEIU Local 521 when employed by SEIU Local 521 and was paying full dues. [521CBL Article VIII, Section 3]
- f. Write-in candidates and proxy voting shall not be permitted in any SEIU Local 521 Union election. [521CBL Article VIII, Section 6]
- g. If only one (1) eligible candidate is nominated for an office, they shall be deemed duly elected by acclamation.

SECTION 9: ELECTION COMPLAINTS OR PROTESTS

Any complaint or protest concerning the conduct of the nomination and campaigning period must be submitted in writing within five (5) working days of the incident to elections@seiu521.org. [521CB VIII, Section 10] The Elections Committee will respond to the complaint or protest within five (5) working days of receiving it. These timelines do not apply to inquiries or questions that do not rise to the level of a complaint or protest.

Any complaint or protest regarding an event that occurs during the voting period must be submitted in writing to elections@seiu521.org within five (5) working days after the date the election results are tabulated and announced. [521CB VIII, Section 10] At the end of the five (5) working day period, the Trustees and Election Committee shall have up to fifteen (15) working days to respond to the complaint or protest. These timelines do not apply to inquiries or questions that do not rise to the level of a complaint or protest.

Members who are not satisfied with a ruling may submit an appeal to the SEIU International President within fifteen (15) working days of the issuance of the ruling.

SECTION 10: CANDIDATE STATEMENTS AND PHOTOS

- a. Candidate statements are optional. A candidate may submit a statement of up to 75 words in length that will be included in the candidate booklet. It is the candidate's responsibility to submit their candidate statement by the deadline. Submission of candidate statements via electronic file are preferred. Candidates should email their statements to elections@seiu521.org. Microsoft Word format is preferred. Candidates may submit (typed or hand printed) statements as hard copies, via U.S. mail to the San Jose office, fax 408-954-1538 or hand delivery to your local office (Contact local office for hours. See a list of offices and phone numbers at <https://www.seiu521.org/contact/>). Hard copy statements will be scanned and added into the booklet as is. Candidate statements are due by 3:00 p.m. on Tuesday, December 14, 2021.
- b. Candidates are welcome to submit headshots (electronic files only). Photos must be submitted electronically via email to elections@seiu521.org. Submission of headshot must also meet the candidate statement deadline of Tuesday, December 14, 2021, by 3:00 pm. Full body shots and any graphics such as logos (including

SEIU logos) are not allowed. Acceptable electronic photo formats are JPEG, GIF, and TIFF.

- c. No graphics, such as logos (including SEIU merchandise), are permitted in the candidate statement.
- d. SEIU Local 521 will include the candidate's full name, job classification, Chapter/employer, and years of continuous membership with SEIU Local 521. This information is not part of the 75-word count. SEIU Local 521 will also include the headshot, if any.
- e. Candidate statements will be published exactly how they were provided by the candidate. SEIU Local 521 will NOT edit, clarify, spell-check, or correct any statement. Statements exceeding 75 words will be cut off at the 75-word limit for the booklet. It is the candidate's responsibility to make sure everything is worded and spelled correctly, and the word limit is adhered to.
- f. A candidate may also electronically submit a statement of up to 500 words in length that will be posted on the SEIU Local 521 website at <https://www.seiu521.org/521elections/> and on MemberLink at <https://members.seiu521.org>. 500-word statements must meet the same statement deadline of 3:00 p.m. Tuesday, December 14, 2021.
 - If the candidate statement exceeds the 500-word limit, it will be cut off at 500 words.
 - A candidate who wishes to have their statement translated into another language must provide their own translated version at their expense.
- g. Candidate Statement Booklets: Candidates will be provided 10 candidate booklets (one commemorative color copy & nine black/white). Booklets will also be posted on the SEIU Local 521 website at <https://www.seiu521.org/521elections/> and on MemberLink at <https://members.seiu521.org>, and mailed to all members along with their ballot.

SECTION 11: CANDIDATE LISTING

Eligible candidates will be listed on the ballot in ALPHABETICAL ORDER by their last name.

SECTION 12: UNION/EMPLOYER RESOURCES

Section 401(g) of the LMRDA prohibits the use of any employer or union funds to promote the candidacy of any person to union office. This prohibition applies to in-kind contributions, as well as cash contributions and expenditures. It applies to indirect as well as direct expenditures and contributions. The monetary value of the union or employer funds or resources involved is not significant. Any expenditure on behalf of a candidate, even if the amount is small, is a violation and constitutes grounds to set aside an election. [SEIUEG, pg. 18]

- a. The use of union and employer funds (including cash, facilities, employer email, equipment, supplies, and campaigning on time paid for by the union or employer) to support any candidate is prohibited.
- b. Chapter/bargaining unit newsletters and publications cannot feature or provide unusual coverage of candidates during the election period, but Chapters/bargaining units are encouraged to remind members to vote and publish the election schedule in newsletters.
- c. SEIU Local 521 will not discriminate in favor of or against any candidate in any Local or Chapter election. For example, if a candidate is invited to speak at a union meeting, all candidates for the same position should be invited to speak at the same meeting.
- d. Candidates must campaign on their own time, which may include paid vacation time.
- e. Candidates must limit their campaigning to the non-work time of the members; for example, breaks or lunches, before or after work.
- f. Candidates cannot use any SEIU/Local 521/ logos or Local 521 letterhead for their campaign materials.

SECTION 13: NON-MEMBERS

No candidate or prospective candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the Service Employees International Union.

SECTION 14: INSPECTION OF VOTER LIST

A bona fide candidate has a right to inspect (but not photograph or copy in any manner) the list of SEIU 521 members eligible to vote for that office, once, within 30 days prior to the commencement of voting, between December 11, 2021, and January 9, 2022. [LMRDA Section 401(c)] Requests to review the list must be made by appointment only.

- a. Contact the staff member assigned to support the Elections Committee at 408-678-3300 to make an appointment, or email elections@seiu521.org.

SECTION 15: CAMPAIGN LITERATURE / ROBOCALLS

A candidate has the right to mail campaign literature to SEIU 521 members eligible to vote for that office entirely at the candidate's expense. [521CBL VIII, Section 8] To exercise this right, a candidate must use a mailing house approved by the SEIU 521 Election Committee. Upon payment by the candidate in advance, the mailing house will order lists from the SEIU 521 San Jose office.

The cost of a list and robocalls will be a \$50 setup fee and \$.02 per name for each type of request. All such campaign materials must state that they are solely paid for by the candidate. For robocalls, SEIU Local 521 will work with the candidate to get the message uploaded. A disclaimer will be required to indicate which candidate has paid for the call. To make arrangements for mailing assistance, contact the staff member assigned to support the Elections Committee at 408-678-3300 to make an appointment, or email elections@seiu521.org.

SECTION 16: CAMPAINING – SEIU LOCAL 521 UNION STAFF

While performing their duties, all SEIU Local 521 Union staff must remain uninvolved and neutral in relation to candidate endorsements and campaign activities.

- a. Union staff must be a SEIU 521 dues paying member to donate to, or campaign for or against any candidate, or vote in the Executive Board/Officers/Trustees elections.
- b. To balance the rights of Union staff who are Local Union members, to run for office and participate in SEIU 521 Local-wide elections with the potentially unfair advantage they may have by virtue of their temporary or permanent role as staff in the union, there must be strict adherence to the DOL Rules.
- c. The appearance of violations must be strictly avoided. Therefore, the SEIU Local 521 Union has established strict rules and policies to monitor and to implement the DOL rules as they pertain to staff participation in Local-wide elections.
- d. Union staff are required, per the SEIU Local 521 Bylaws, to sign a document stating that they understand the rules and will abide by the rules. Violation of the campaign election rules could lead to possible discipline up to and including termination.
- e. Staff must be on pre-approved time off for campaigning. Approvals should be made in advance.
- f. Exempt SEIU Local 521 union staff must take the entire day off using either their compensatory time or vacation time accruals. Requests for time off cannot be fewer than 8 hours. Sick leave cannot be used to campaign for a candidate.
- g. Any activities they perform on behalf of themselves, or another candidate must be clearly understood as their own position, not that of SEIU Local 521.
- h. During the election cycle, the Election Committee will be available to answer questions, complaints, and concerns about any such possible infractions and will take immediate action where necessary.

SECTION 17: BALLOT PROCEDURES FOR MAIL BALLOT VOTING

On Monday, January 10, 2022, Unilect will mail members in good standing a ballot, ballot instructions, a return envelope, and the language of the proposed Bylaws amendment. Unilect has the discretion to determine the date, time and place of the preparation and mailing of the ballot packages, subject to the requirement that the ballot packages be placed in the mail on Monday, January 10, 2022.

- a. Election Observers: A candidate may designate one or more persons to observe all phases of the election process. A designee need not be a SEIU 521 Union member or may be the candidate her/himself. [LMRDA Sec. 401 (e)] Either a candidate or one voter appointed by the candidate may observe the preparation and mailing of the ballot packages. Such observing may be made via a videoconference or other online platform if necessary.
- b. Double Voting: If more than one vote has been cast by a voter, the most recent ballot cast will be counted.
- c. Mail Ballot & Duplicate Ballot requests: Unilect has provided a toll-free phone number for ballot resolution which is available 24 hours a day, 7 days a week, throughout the election period. If a member requires a duplicate ballot, they should contact Unilect at 866-466-6455 for further assistance.

SECTION 18: BALLOT COUNT

All ballots will be delivered to the SEIU Local 521 office at 2302 Zanker Road, San Jose, CA 95131 upon return from the assigned post office box. The ballots will be opened and counted by Unilect in consultation with the Election Committee. Candidates, members, SEIU Local 521 staff and approved Unilect are permitted in the vote count room. Candidates may also send an observer to witness the count on their behalf. The Election Committee reserves the right to adopt safety protocols relating to COVID-19.

SECTION 19: CHALLENGED BALLOTS

In the event any ballots are challenged by candidates or observers or the Election Committee at the counting of ballots, said challenged ballots shall be set aside prior to

opening and counting of unchallenged ballots, and Unilect in consultation with the Election Committee shall determine the validity of the challenges. Unresolved challenged ballots that are insufficient in number to affect the election results shall not be counted.

SECTION 20: ELECTION PROTESTS – POST-ELECTION

Any complaint or protest regarding an event that occurs during the voting period must be submitted in writing to elections@seiu521.org within five (5) working days after the date the election results are tabulated and announced. [521CB VIII, Section 10]

Election challenges must be received by the Election Committee c/o SEIU Local 521, 2302 Zanker Road, San Jose, CA 95131 no later than 5:00 p.m. on Wednesday, February 16, 2022.

- a. Untimely challenges or protests will not be considered. Challenges to the election will be considered only if they cite specific violations of election rules and procedures and/or the SEIU Local 521 Bylaws, and if the alleged violation may have affected the outcome of the election.
- b. At the end of the five (5) working day period, the Trustees and Election Committee shall have up to fifteen (15) working days, i.e., Thursday, March 10, 2022, to investigate and respond to the complaint or protest in writing. These timelines do not apply to inquiries or questions that do not rise to the level of a complaint or protest.
- c. The officers who are elected will be sworn in and take office at the time provided for in the SEIU Local 521 Bylaws even when a protest has been filed over the election. The filing of a protest does not stay the normal process for certifying the election results and for swearing in new officers. If the protest is ultimately sustained, the final decision will dictate whether a new election should be held or whether different individuals should assume office. If a new election is ordered, the officers who won the contested election will continue in office until the re-run election has been completed, at which time the winners in the re-run election, if different, should be sworn in and assume office.

SECTION 21: ADDITIONAL RULES AND PROVISIONS

The Election Committee and Unilect may establish other procedural provisions as may be necessary for the proper conduct of this election. Candidates and their supporters are urged to adhere to these rules and procedures, as proven violations may cause election results to be set aside.

SECTION 22: QUESTIONS

Members should call the Chief of Talent and Operations at 408-678-3300 or email to elections@seiu521.org with questions regarding the election.

ELECTIONS COMMITTEE & TRUSTEE CONTACT INFORMATION

Elections Committee

Name	Chapter	Contact Info
Vaughn Flaming, Elections Committee	Santa Clara County	elections@seiu521.org
Rogenia Cox, Elections Committee	Fresno County	elections@seiu521.org
Raul Carbajal, Elections Committee	Monterey County	elections@seiu521.org
Shari Johnson, Elections Committee	Stanislaus County	elections@seiu521.org
Karen Bussard, Elections Committee	Kern County	elections@seiu521.org
Crystal Baughman, Staff to Elections Committee	SEIU Local 521 Database Administration	408-678-3300 elections@seiu521.org
Sarah Bacon, Staff to Elections Committee	SEIU Local 521 Chief of Talent and Operations	408-678-3300 elections@seiu521.org

CALENDAR OF IMPORTANT DATES

<u>OCTOBER 2021 – NOVEMBER 2021</u>	
October 2021	Notice of Election mailed to all members' last known address
October 26 – November 30	Nomination period
November 12:	Veteran's Day; SEIU 521 offices closed
November 17:	Nomination meeting, 5:30 p.m. – Via Zoom (RSVP: https://www.seiu521.org/521nominationmeeting111721)
November 25-26:	Thanksgiving Holiday; SEIU 521 offices closed
November 30:	Deadline to turn nomination petitions into SEIU 521 office, 5:00 p.m.
<u>DECEMBER 2021</u>	
December 7:	Deadline to turn in Acceptance of Nomination, 5:00 p.m.
December 14:	Deadline to submit candidate statements/photos, 3:00 p.m.
December 11 – January 9:	Inspection of voter list permitted by bona fide candidates
December 24-27:	Christmas Eve; Christmas; SEIU 521 offices closed
December 31:	New Year's Eve; SEIU 521 offices closed
<u>JANUARY 2022</u>	
January 3	New Year's Day; SEIU 521 offices closed
January 10 – February 9	Voting Period
January 31:	Deadline to request replacement ballot, 11:59 p.m.
<u>FEBRUARY 2022</u>	
February 9	Deadline to submit ballot; Ballot must be returned to P.O. Box, 9:00 a.m.
February 9	Ballot count and certification of vote – upon arrival to office from P.O. Box
<u>MARCH 2022</u>	
March 1:	New officers and delegates are seated
March TBD:	Executive Board Training (more details to follow)

PR:SEIU 521/CTW / CLC

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