

## 2016-2017 ELECTIONS MANUAL

Approved by the UTLA Board of Directors on June 1, 2016

This Elections Manual constitutes the ongoing rules by which the elections described below are conducted. This Manual has been adopted by the UTLA Board of Directors and may only be modified by that Board. Except as provided in Article III and Article IV of this Manual, the Board of Directors of UTLA has the obligation to determine when to hold those elections that are required by the UTLA Constitution. This Manual does not supersede or modify the UTLA Constitution in any way. This Manual provides rules to implement the constitutionally mandated elections to ensure that those elections are conducted in a way that is fair and in accordance with rules that are known to all candidates and members.

### I. Elections Covered

This Elections Manual is applicable to all UTLA elections for the offices of UTLA President, NEA Affiliate Vice President, AFT Affiliate Vice President, Elementary Vice President, Secondary Vice President, Secretary, Treasurer, and Board of Directors members representing UTLA Areas and Special Categories, including filling vacancies, except for the Director representing UTLA-Retired, and for the Area Chairpersons.

### II. Elections Committee

A. The UTLA Elections Committee is a standing Committee elected by the House of Representatives in accordance with Article XVI of the UTLA Constitutional Implementation. Members of the Elections Committee shall conduct themselves in a non-partisan fashion, keeping in mind at all times the best interests of UTLA and shall at all times endeavor to ensure that UTLA elections are conducted in a manner that provides no unfair advantage to any candidate and encourages the full participation of the membership in the election process. No member of the Elections Committee shall be a candidate for office in the election that they are supervising nor shall they be the spouse, partner, parent, child, or sibling (full or half) to any candidate for office. The Chair or Co-Chairs of the Elections Committee shall be selected by the Committee each year. No later than September 30th of the year prior to the year in which elections are to take place, the Elections Committee shall establish all other dates for the conduct of the Election, including the deadline for the filing of Declaration of Candidacy forms, the date of mailing of ballots, and the date by which ballots must be returned. The Elections Committee shall work with UTLA staff to ensure that notice of these dates is provided to the membership no later than 45 calendar days after the start of the school year in which elections are to take place.

B. The Elections Committee members shall not endorse, discuss nor participate in any campaign or candidacy during the election process.

C. The Elections Committee (and not the Board of Directors—including the Officers) shall have the authority to supervise the conduct of the election in a manner that is consistent with this Manual and the UTLA Constitution. The authority of the Elections Committee shall include, but is not limited to, the following:

1. After the Board of Directors has determined the dates and offices of those elections that are required by the UTLA Constitution, the Elections Committee has the authority to determine all other dates and procedures pertaining to the election
2. The Elections Committee has the authority to retain an election services company to print, mail and tabulate ballots in city-wide elections.
3. The authority to conduct an election for Board of Directors vacancies by printing, mailing and tabulating ballots by retaining an election services company only after the Board of Directors has declared a vacancy, when a written, mailed ballot is authorized.
4. The authority to review and resolve any challenges pertaining to the conduct of the election, including challenges regarding the intent of any ballot.
5. The authority to hear and decide any charges alleging violations of the UTLA Constitution or this Manual in the conduct of the election.
6. The authority to determine that an election must be rerun, in whole or in part, but only if the Committee has determined after a hearing (as provided below in section XII) that a violation of the UTLA Constitution or of this Manual may have affected the outcome of the election.
7. The authority to adopt procedures during an election to remedy unanticipated problems that arise during the election, provided that such remedies will be adopted only if there are no material disputed facts regarding that problem and the fairness of the election might be compromised if a remedy were not adopted. Furthermore, such remedies may be adopted only if approved by a vote of 75% of the Elections Committee.
8. The authority to determine voter eligibility, in accordance with section V of this Manual and the UTLA Constitution.
9. The authority to determine candidate eligibility.
10. The authority to present a report to the BOD regarding elections that are being challenged, or are in arbitration, so that candidates who have been elected may be seated, and the authority to presents a report to the BOD when elections have been completed so that candidates who have been elected can be certified.

### III. Time of Elections for UTLA Officers and members of the Board of Directors

A. Election ballots shall be counted during the month of February of the year of any regular election. The Elections Committee, in consultation with the elections services company and UTLA staff, shall set the exact date.

B. No later than 45 calendar days after the start of the school year in which elections are to take place, the Elections Committee shall establish all dates for the conduct of the Election, including the deadline for the filing of Declaration of Candidacy forms, the date of mailing of ballots, and the date by which ballots must be returned. The Elections Committee shall work with UTLA staff to ensure that notice of these dates is provided to the membership.

C. The Elections Committee shall set the date of Run-off elections or Rerun elections (that is, elections conducted after a determination by the Elections Committee or arbitrator that a violation of the applicable rules has invalidated an election).

D. The Elections Committee shall verify candidate eligibility within five (5) business days of the close of declarations. Candidates shall have five (5) business days to appeal the decision of the Elections Committee to the Elections Committee, or correct deficiencies in eligibility.

#### IV. Candidates elected

A. Uncontested elections. In the event that there are only three (3) NEA Board of Directors candidates in an area, they shall be declared winners by acclamation. In the event that there is only one (1) AFT Board of Director candidate in an area, s/he shall be declared the winner by acclamation. In the event that there is only one candidate in the special category Board of Directors, s/he shall be declared the winner by acclamation.

B. Contested elections: For NEA Board of Directors Area election the three (3) candidates receiving the highest number of votes shall be declared elected. For AFT Board of Directors and special category Board of Directors, the candidate receiving the highest number of votes shall be declared elected. For officer elections, the candidate receiving the highest number of votes who has received at least a majority of votes shall be declared elected. In the event that one officer candidate does not receive a majority of votes cast in the first balloting, a runoff election shall be held between the two candidates receiving the highest number of votes, unless there is a tie for the second highest, then the runoff will be the top three candidates.

C. Certification of Election. The official Elections Report must be completed by the Chairperson of the Elections Committee and sent to the UTLA Board of Directors and the House of Representatives after each ballot round.

#### V. Voter eligibility

A. In order to be eligible to vote in any round (i.e. in the first round, run-off or rerun) of any election, voters must be active members of UTLA one month prior to distribution of the ballots in that round (i.e. first round, second round run-off, or re- rerun) of balloting.

B. Members not assigned to a single work site a majority of the time or whose cost center does not accurately reflect their work site(s) shall be assigned to a UTLA Area based on where they actually work, and the principles adopted by the House of Representatives. If the designation is incorrect, the member must inform the UTLA Elections Committee of the correct area in which they worked the most and send notification to the Elections Committee at least one month prior to the mailing of the ballots. Prior to the opening of nominations, UTLA will provide in the United Teacher and on the UTLA Website a full explanation directed to members of their rights and obligations in this regard.

C. Upon publication of the election rules in the United Teacher or on the UTLA website, there will be communication to certificated employees who are eligible to join UTLA notifying them of how to confirm and/or correct their member status, including affiliation, special category, and UTLA Area. Affiliation changes must be submitted at least one month prior to the first mailing of the election ballots.

#### VI. Candidate eligibility

A. Membership in good standing. Any person who has been an active member in good standing for at least twenty-four months, and a member of his/her affiliate for twelve months, immediately preceding the last date for filing a Declaration of Intent to Run form shall be eligible to run for office.

B. Declaration of Intent to Run. Any eligible member must file the Declaration of Intent to Run form with the Elections Committee by the date established by the Elections Committee.

**This section was deleted, removing language related to petition for office. There is an important correction to the election rules as printed in the October 21 UNITED TEACHER and posted online at [www.utla.net/members/utla-elections/citywide-officer-elections](http://www.utla.net/members/utla-elections/citywide-officer-elections). The Election Committee has conferred with legal counsel and determined that the petition requirement for candidates conflicts with the UTLA Constitution. Candidates will not be required to submit petitions with their declaration of candidacy form to be eligible to run for office.**

C. Place of principal employment, affiliation and category requirements. A member must be qualified to hold the office by affiliation and/or category for which that person is running. Area Board of Directors candidates shall be principally employed (at least 50% of the time or the

largest percentage of hours in a multi area assignment) at any site or sites in the area in which they are seeking election, as consistent with the principles of Area assignment as adopted by the Board of Directors and the House of Representatives.

D. One office only: With the exception of Board of Directors Candidates who are also filing for Area Chairperson, a member shall file for no more than one office.

## VII. Campaign Materials

A. All candidates have the right to distribute campaign materials to UTLA members at any location (including school sites and in school mailboxes), subject to the restrictions provided in this Manual or restrictions imposed by the employer. The cost of distribution of those materials shall be borne by the candidate. Campaign materials shall be considered to be distributed by a candidate if; (1) those materials are distributed by the candidate; (2) by a slate of candidates that the candidate has joined; and/or (3) distributed at the request of a designee.

B. All campaign literature distributed by a candidate shall include the following statement: "The information herein represents the views and opinions of the candidates and does not necessarily represent or reflect the opinions of UTLA."

C. Campaign materials distributed by the candidate, or by anyone else, shall not have printed upon them, the UTLA, CTA/NEA, CFT/AFT, or AFL-CIO logo. Exempt from this requirement are signs, pins, stickers, buttons, pictures, t-shirts, hats and other materials worn by individuals, which appear in photographs.

### D. Distribution of campaign literature by UTLA

1. At no charge to the candidate, UTLA will post to the UTLA website one "flyer" no larger than 8-1/2 by 11 inches in PDF form per candidate, in a designated area, accessible to members.

c. A flyer submitted by a candidate may be a flyer for a slate of candidates or otherwise endorse other candidates.

E. At the request of a candidate, the candidate shall be provided at cost the constituency mailing list on mailing labels as well as members' telephone numbers on the condition that the candidate agrees in writing that the candidate will only use those labels or telephone numbers for the sole purpose of contacting those members to solicit their votes in connection with the election and that the candidate will return the list or unused labels and telephone numbers to UTLA no later than seven ( 7) working days from the day the ballots for the seat or office are counted, unless the candidate is involved in another round of elections. Any candidate failing to return the membership list shall not be permitted to assume the office to which that candidate has been elected unless and until the membership list is returned.

### F. Special Election Supplement of the United Teacher - Election Supplement

UTLA shall publish an Election Supplement of the United Teacher.

Candidates for UTLA President, NEA Affiliate Vice President, AFT Affiliate Vice President, Elementary Vice President, Secondary Vice President, Secretary, Treasurer, and Board of Directors may submit a statement for the Election Supplement which shall be published indicating each candidate and the position they are seeking, provided that the following conditions are met:

- a. Candidates must sign the statement that they submit;
  - b. Each statement will be printed in black and white and may be no longer than one (1) page, (8-1/2 x 11 inches).
  - c. If a candidate wishes to have a photograph as part of the 8-1/2 x 11 inch sheet, the candidate must provide a glossy print photograph or electronic file as specified by the Elections Committee, of only the candidate, which shall not be returned to the candidate.
  - d. The statement and photograph must be received by the UTLA office no later than ten (10) working days excluding holidays after the meeting in which the names of the candidates were announced. This is a firm deadline for the first and all subsequent rounds.
3. The Election Supplement, in a format determined by the Elections Committee, shall also be mailed to all voters with their ballot.

#### VIII. Ballots

- A. When an independent elections services company is contracted, it shall be responsible for the printing, mailing and tabulating of the ballots, subject to supervision by the UTLA Elections Committee.
- B. Candidates' names shall be listed on the ballot in a random order by drawing lots. If a run-off election is held, the order of names of the candidates shall not be changed.

#### IX. Procedures pertaining to the mailing and counting of ballots

- A. Rules governing the mailing and counting of the ballots are attached to this Manual as Attachment A.

#### X. Other Campaign Rules

- A. The Elections Manual shall be made available through the United Teacher and the UTLA Website to all UTLA members and upon request.
- B. The United Teacher, prior to opening of nominations, shall publish election procedures, rules, forms and the calendar. The election timeline shall be published in each issue and on the UTLA Website until the close of the election.
- C. Local, state, and/or national affiliate organizations shall not endorse, permit the provision of, or provide facilities or services to, financially contribute to, or be materially involved in any way

with the campaign of any candidate. The UTLA President shall request affiliates to honor this election rule.

D. UTLA staff and employees shall not be involved in any candidate's campaign.

E. UTLA Offices, materials, or other resources of UTLA shall not be used to support candidates. These resources include, but are not limited to UTLA copiers, telephones, computer systems, UTLA sponsored/affiliated websites (except as otherwise provided for in these rules). However, this shall not preclude the utilization of UTLA Meeting Rooms, to the extent that they are made equally available to all candidates.

F. UTLA shall create a video of the city-wide office candidates, whether contested or not. The Elections Committee shall determine the time, format, etc. with regard to the preparation and distribution of the video, in consultation with the UTLA Director of Communications. Video content shall not include language or references that is racist, sexist, homophobic, or otherwise offensive or contrary to UTLA guiding principles, as determined by the Elections Committee. Candidates shall have the opportunity to edit the video accordingly.

G. UTLA committees shall not endorse any candidates during the election process.

H. Candidates shall not seek or receive local, state or national affiliate financial support or any other form of support for his or her candidacy from vendors, UTLA staff, politicians or outside organizations and persons who stand to benefit financially or otherwise from their relationship with UTLA.

I. Candidate literature will not appear to be on any official UTLA publication, except the Special Edition of the United Teacher.

J. Campaigning at work sites

All candidates may campaign at work sites with the prior approval of the chapter chair. Such approval shall not be unreasonably denied by a chapter chair. Examples of unreasonable denial of approval would be because the chapter chair does not support the candidate or a denial of approval because the chapter chair does not like the candidate. Examples of a reasonable denial of approval would be because another candidate had already been granted approval on that day, or because the work schedule issues would make it impossible or disruptive for the candidate to campaign at that school on that particular day. Candidates are not permitted to combine campaign visits with official UTLA business.

K. Financial Reports

Candidates for all offices, and political committees formed by candidates or in which candidates are active participants, shall file at least two financial reports with the Elections Committee on a form approved by the Committee. The reports shall detail all expenditures, income and sources of income for a specific balloting in the election. The first report shall be due at the deadline for the

declaration of filing, on or before 5:00 p.m. The second report shall be due on or before 5:00 p.m. the day upon which the ballots are counted.

Each candidate must sign the following affirmation "I affirm that all of the information provided by me in this form is correct to the best of my knowledge. Financial reports pertaining to subsequent balloting shall be on file on or before 5:00 p.m. the day upon which the ballots are counted.

The financial statements of candidates and committees shall be printed in summary form in the next United Teacher issue after their due date, with a notice that originals are on file for inspection.

A candidate who has not filed a financial report shall not be permitted to assume the office to which that candidate has been elected unless and until the report is filed.

#### XI. Elections of Area Chairs

A. If all candidates for the office of Area Chair who have filed a declaration form have been elected by acclamation, then the Area Chair election will be held in the first round of balloting. In the event that all four (4) Directors in an area are elected on the first, citywide ballot, the Area Chairperson election for that area shall be conducted in the second round of balloting, if contested. In the event there is a run off for a Board of Directors seat, any election for Area Chair shall be conducted in a third round of balloting.

B. An Area Chairperson's election shall be held. Area Chairpersons shall be elected from among the four (4) Board of Directors Members, newly elected to each UTLA area. The candidates for Area Chairperson in each area shall be those newly elected Board of Directors members who have also filed as candidates for Area Chairperson. In the event that no newly elected Board of Directors member has filed as a candidate for Area Chairperson, all four (4) newly elected Board of Directors names shall appear on the ballot for the office of Area Chairperson and shall be candidates for that office. If only one of four elected persons files, that person shall be declared the winner without balloting.

#### XII. Challenges to the Election

A. Only candidates may file challenges, and only to the office in which they are running.

B. In the event that any candidate claims that any violation of any provision of this Manual or of the Constitution has taken place in connection with an election in which that person is a candidate, that candidate may request a hearing by the Elections Committee by filing a written challenge no later than 5:00 p.m. on the fifth working day after election results are stated for the round of the election in which the candidate claims that there has been a violation, setting forth with reasonable certainty the nature of the alleged violation and the facts constituting the alleged violation.

C. No later than 10 working days after the final election results for the position for which the challenge has been filed, the Elections Committee shall set a time and place for a fact finding hearing. That fact finding hearing shall take place no more than 30 working days following the final election results. The fact finding hearing shall not take place until after all run-off elections for the position for which the challenge has been filed.

D. At least a majority of the Elections Committee must attend each day of the fact finding hearing and only those members who attend each day of the fact finding hearing may participate in the decision of the Elections Committee.

E. The Elections Committee shall function in a manner similar to a committee of a legislative body and therefore shall be entitled to consider all facts and witnesses that the Committee, in its discretion believes would inform it of those facts relevant to a decision, including facts and circumstances that it becomes aware of outside of the fact finding hearing itself.

F. The Elections Committee shall declare the election for any particular position void and shall direct and set procedures for the conduct of a rerun election if there has been a violation that may have affected the outcome of that election. In addition, if the Elections Committee finds by clear and convincing evidence that (a) a candidate had knowingly received financial support from a vendor or any other person or entity that the candidate knew stood to benefit financially from their relationship with UTLA or (b) knowingly accepted the endorsement of, or support of, any local, state or national affiliate organization, the Elections Committee shall disqualify the candidate and there shall be a rerun election among all other candidates for that position. If there is only one remaining candidate for that position, that candidate shall be declared elected without a rerun election. Any determination of disqualification may be appealed to arbitration in accordance with subparagraph I of this section.

G. In any rerun/run-off election ordered by the Elections Committee after a challenge, the election rules of this Manual shall be applicable.

H. As soon as a decision by the Committee is made with regard to a challenge, the Elections Committee shall immediately inform all affected candidates of the decision. The Committee shall provide that notice by Certified Mail and by any other reasonable means that the Committee believes will ensure that the member has actual notice of the decision.

I. A candidate who has filed a claim of an election violation with the Elections Committee may withdraw that claim at any time before a decision by the Elections Committee.

#### J. Arbitration

If a candidate is dissatisfied with the decision of the Elections Committee, the candidate may appeal that decision to arbitration by filing notice of appeal with the Elections Committee. That notice of appeal must be received at the UTLA offices no later than 10 working days after the date the Elections Committee decision is delivered to the member who has filed the charges and

must be accompanied with a non-refundable deposit of \$1,000 by cashier's check or money order for those candidates who were seeking citywide officer positions, and a non-refundable deposit of \$600 by cashier's check or money order for those candidates who were seeking Board of Directors positions. If the decision is not hand delivered to the member who has filed the charges, it shall be presumed that the decision was received 3 days after the decision is mailed by registered or certified mail to the member. The Elections Committee shall immediately request a list of names of neutral labor arbitrators in the Southern California area from the American Arbitration Association ("AAA"). The Elections Committee shall determine a neutral method of striking names from the list of arbitrators provided by AAA. An arbitrator shall not be considered eligible unless that arbitrator is available to hear the matter three months from the date that the list of arbitrators was provided by the AAA.

If there are multiple requests for arbitration, the Elections Committee has the discretion to determine that those arbitrations should be consolidated into one arbitration hearing and attempt to obtain the agreement of the candidates to such consolidation. Where the Elections Committee determines that the arbitration involves a challenge to a policy, decision or action of the Elections Committee itself, the Elections Committee may participate in the arbitration as a full party.

Otherwise, the Elections Committee shall participate in the arbitration only to the extent necessary to ensure that UTLA interests are protected and, in such case, the full parties shall be the candidates involved in the challenge.

If the arbitrator upholds the challenge of a candidate in substantial part, the deposit provided by the candidate shall be returned to the candidate. The arbitrator shall determine whether such a refund is applicable.

A candidate who has appealed a decision of the Elections Committee to arbitration may withdraw that appeal at any time before the decision of the Arbitrator.

As soon as a decision by the Arbitrator is received by the Elections Committee, the Elections Committee shall immediately inform all affected candidates of the decision. The Committee shall provide that notice by Certified Mail and by any other reasonable means that the Committee believes will ensure that the member has actual notice of the decision.

J. Presumption of validity: Elections challenged by a member are presumed valid pending a decision of the Elections Committee or arbitrator. Until such time as either the Elections Committee or an arbitrator finds that the results of an election are not valid, those who have been elected shall take office and shall have the full authority of that office while any challenges are being considered.

## RULES PERTAINING TO THE MAILING AND COUNTING OF BALLOTS

## I. BALLOT MAILING

Ballots will be mailed at a date established by the Elections Committee at a location established by the Elections Committee. The mail will be printed and assembled prior to this date during a time established by the Elections Committee and at a place established by the Elections Committee. Candidates and observers designated by candidates, at their own expense, may be present to observe the process and accompany the mail to the post office, provided that the names of any such observers have been provided to UTLA in a manner and by a date established by the Elections Committee. Persons whose names have not been provided as required will not be permitted to act as observers.

## II. RE-MAILS AND/OR SPOILED BALLOTS

Any eligible UTLA member may request a replacement ballot for any reason. Replacement ballots will be available from the elections services company only. Requests for replacement ballots are to be made in a manner established by the Elections Committee. Replacements for any reason will be sent in an entire package. Replacement envelopes will be a different color. Replacements will be mailed within 24 hours of the request. Requests for replacements will be accepted no later than a date established by the Elections Committee.

At no time will UTLA have any unmarked original or replacement ballots in its possession. Ballots that are returned to a location other than the assigned P.O. Box (e.g. to UTLA offices) will remain unopened and be forwarded immediately to the elections services company for handling in accordance with Paragraph IV.E. of these Procedures. Ballots with bad addresses will be returned to the elections services company. UTLA will be provided with information about the undelivered ballots. The elections services company will re-mail ballots when corrected addresses become available.

## III. PICKUP OF BALLOTS FROM POST OFFICE

Ballots will be retrieved from the designated Post Office on a date to be established by the Elections Committee in the presence of at least one member of the Elections Committee.

Observers may be present at the time that the ballots are retrieved. Only ballots that have arrived in the official P.O. Box by the time of pickup will be picked up. They will be transported to the ballot counting room in the presence of at least one member of the Elections Committee. Observers may be present during the time that the ballots are transported to the ballot counting room, although observers will not be permitted to be in the same vehicle as the ballots. Ballots will be counted at UTLA. Observers may be present throughout the counting process, provided, however, that those observers shall be required to observe all rules of decorum and procedure that may be established by the Elections Committee. The names of all election day observers,

and the names of candidates for whom they are acting as observers, must be provided to an individual designated by the Elections Committee no later than the time established by the Elections Committee or they will not be permitted to act as observers. The Elections Committee may limit the number of observers if there are more designated observers and candidates than space permits.

Eligibility for voting was determined prior to mailing out the ballots. Ballots arriving in an official return envelope are presumed to have been returned by eligible voters. Candidates have the right to inspect a list of all members eligible to vote once within 30 days before the election. Challenges to voter eligibility must be presented prior to opening the envelopes.

#### IV. POLICIES REGARDING BALLOTS RECEIVED AND FINAL PROCESSING

A. Retrieved ballots will be sorted. Ballots returned in the distinct replacement envelopes will be segregated. After resolving any voter eligibility challenges, the return envelopes will be opened and the contents removed. The secrecy envelopes will be opened and the ballots removed and inspected.

B. Unless otherwise provided by these Rules or by determination of the Elections Committee, all ballots will be counted where the intent of the voter can be ascertained. Any issues regarding the intent of the voter shall be resolved by the Elections Committee.

C. A search of the returned envelopes (by Voter ID#) will be conducted to assure that a replacement ballot is not a duplicate vote. Should two (2) return envelopes be found from the same voter (an original and a replacement), the ballot in the original envelope will be counted.

D. Ballots in return envelopes that are unidentifiable (not an official return envelope), shall be set aside and not counted.

E. Ballots returned to a location other than assigned P.O. Boxes (e.g. UTLA offices) will not be opened or counted. UTLA Offices will not accept ballots.

F. The return envelopes will be opened and the contents removed.

G. Each secrecy envelope will be opened and the ballot removed and inspected.

H. Return envelopes that contain a voted ballot without a secrecy envelope will be counted.

I. Ballots that are not machine readable or are damaged (e.g. torn, eaten, etc.) will be repaired or duplicated in the presence of the Elections Committee. If the Elections Committee determines that member/voter intent is apparent, the ballot will be counted.

J. If a ballot contains votes for more candidates for an office than there are positions to be filled by election, the ballot for that office will not be counted.

K. If no voting boxes on a ballot are marked but are rather underlined or circled, and if the Elections Committee determines that member/voter intent is apparent, the ballot will be counted.

L. Any ballot returned that is not in its appropriate return envelope shall not be counted.

M. Ballots mailed to the wrong P.O. Box will not be counted. UTLA Offices will not accept ballots.

N. If more than one (1) ballot is returned in the same return envelope, even in separate secrecy envelopes, no ballots in that envelope will be counted.

O. The interpretation and application of these rules, and any other issues pertaining to counting ballots or election procedures shall be made by the Elections Committee only.

#### V. ACCURACY CERTIFICATION

Before any ballots are counted, the elections services company will test the ballot counting system for accuracy. If the test properly demonstrates the accuracy and program logic of the system, the elections services company will certify the system ready for ballot tabulation. This accuracy and logic test will be conducted in the presence of UTLA Elections Committee Representatives and official observers. The same test will be conducted following the tabulation of the Official Ballots and the results of the two tests will be compared.

#### VI. BALLOT TABULATION

After accuracy certification, the elections services company will tabulate the ballots. The tabulation process involves four steps.

- Scanning the ballot
- Reading the ballot image
- Reviewing and tallying any other ballots in question, including write in ballots
- Tabulation of results

Following the completion of the post-count accuracy and logic testing, the official results including the ballot inventory will be given to the Elections Committee which shall certify the results. The elections services company will certify as to performance in accordance with the foregoing procedures and as to the accuracy of the tabulated results, it being understood that the elections services company cannot certify the eligibility of any candidate or member to whom ballots were issued.

#### VII. PACKAGING AND SEALING

The ballots, which have been tabulated, will be placed in special containers and sealed with a permanent storage seal bearing the signatures of UTLA Elections Committee Representatives and the election services company representative who tabulated the ballots. The unused/spoiled ballots will be packed in cartons with the eligibility lists used for ballot verification, the empty return envelopes, undeliverable envelopes, invalid or challenged ballots not counted, a copy of the results, and the original of each of the forms and certificates used.

#### VIII. STORAGE

Storage of the ballot materials shall be the responsibility of the elections services company. At the completion of the tabulation process, all materials will be boxed and sealed and will be transported and stored at the facilities of the elections services company. Ballots shall be stored for three years.