



*Great Public Schools for Every Student*

## **NATIONAL EDUCATION ASSOCIATION**

### **Requirements for the Allocation and Election of Delegates to the NEA Representative Assembly**

**2015 NEA Representative Assembly  
Orlando, Florida**

**Timeline for the Allocation and Election of Delegates to the  
2015 NEA Representative Assembly  
Orlando, Florida**

September 2014	NEA sends reminder to state affiliates requesting that they review affiliate listing to ensure that all affiliated locals are appropriately recorded and that local president information is up-to-date.
Nov-Dec 2014	NEA sends each state affiliate 2010 Census data on ethnic-minority population and the annual publication <i>Requirements for the Allocation and Election of Delegates to the NEA Representative Assembly</i> .
December 1, 2014	State affiliate plans for achieving ethnic-minority representation goals are due to NEA by this date, or if eligible, notification of intent to implement previously approved plans.
January 15, 2015	Last postmark date for states to forward individual membership (not a statistical report of membership) to NEA as the basis for delegate allocations (except for Student members).  Deadline for requests of delegates who waived delegate status to resume their delegate position if elected for multiple years.  Deadline for submitting applications for local affiliation to NEA. Only locals affiliated with NEA will be included in delegate allocation and be eligible for local representation.
February 15, 2015	NEA sends to each state and local affiliate report forms containing delegate allocations based on Active and Retired membership received as of January 15. Reports are available to each state affiliate providing a summary of local affiliate allocation.
March 15, 2015	NEA sends to each state report forms containing delegate allocations based on Student membership received as of March 15.
April 10, 2015	Deadline for local affiliates to send delegate and successor election report forms to their state affiliates.
May 15, 2015	State affiliates forward to NEA delegate report forms for all elected local, clustered, state, retired, student, and successor delegates.  Delegate report forms are filed with NEA for delegates and successor delegates representing Student, Retired, and Active members employed in higher education and education support professional positions who are denied active membership in local affiliates.  Delegate report forms postmarked after May 15 are considered late and must be accompanied by a statement of reasons for the late submission. The Credentials Committee will consider each case on its own merit.
June 1, 2015	Deadline for submitting challenges to the NEA Credentials Committee pertaining to alleged violations of election requirements.  Based on review of delegate report forms submitted by May 15, the Credentials Committee authorizes the release of credentials or notifies affiliates of the reasons for withholding credentials.
June 2015	NEA sends credentials and registration packets to delegates.
July 1–2, 2015	Delegate Registration
July 3, 2015	Preliminary report of the Credentials Committee is made to the Representative Assembly prior to the adoption of the order of business.

## Requirements for the Allocation and Election of Delegates to the NEA Representative Assembly

I.	ALLOCATION OF DELEGATES.....	5
A.	State Delegate Allocations.....	5
B.	Local Delegate Allocations.....	5
C.	Dual-National Affiliate Delegate Allocations .....	6
D.	Student Delegate Allocations.....	6
E.	Retired Delegate Allocations .....	6
F.	Other Delegate Allocations.....	7
G.	Ex-Officio Delegate Positions .....	7
II.	STATE AND LOCAL DELEGATE ELECTION REQUIREMENTS .....	8
A.	Procedural Requirements .....	8
B.	Election By All NEA Members Eligible To Vote .....	8
C.	Notification and Reporting of Elections .....	9
D.	Structuring Elections.....	9
E.	Election of All Allocated Delegate Positions .....	10
F.	One-Person–One-Vote.....	10
G.	Election to Office and as a Delegate.....	11
H.	Membership in Affiliate Represented.....	12
I.	Open Nominations .....	12
J.	Election by Majority or Plurality Vote .....	13
K.	Election by Secret Ballot for Each Office.....	13
L.	Voting for Each Individual Office .....	14
M.	Proportional Representation by Education Position .....	14
N.	Ethnic-Minority Representation.....	15
O.	Designation of Race/Ethnicity .....	16
P.	Terms of Elected Delegates .....	16
Q.	Successor Delegates.....	17
R.	Election to Multiple Delegate Positions .....	17
S.	Observers .....	17
T.	Registration.....	17

III. SUPERVISION OF DELEGATE REGISTRATION AND SEATING .....18

    A. Jurisdiction of Credentials Committee.....18

    B. Challenge Procedure.....19

    C. Procedure at the Representative Assembly.....20

Appendix 1. Text of Bylaw 3-1 .....21

Appendix 2. Criteria for Bylaw 3-1(g) Implementation Plans .....23

    1. Evidence of Commitment by State Association .....23

    2. Responsibility, Accountability, and Leadership for Implementation of Plan.....23

    3. Identification of Ethnic Minorities, Involvement, and Outreach .....23

    4. Media, Messaging, and Engagement .....23

    5. State Association/Local Association Collaboration and Relationship Building.....23

Appendix 3. Suggested Measures to Increase Ethnic-Minority Participation in Organizational Activities .....24

Appendix 4. Guidelines for the Allocation of Delegate Credentials to a State Affiliate for NEA Active Members Who Are Not State Affiliate Members .....28

Appendix 5. Text of NEA Bylaw 2-1(d) .....30

It is unlawful to expend association funds to directly promote the candidacy of any person. NEA policy regarding the use of dues money for campaign activities in delegate elections is based on NEA Standing Rule 11.B(4)a, which states that no money or resources of NEA, an NEA affiliate, a labor organization, an employer, or an entity related or controlled by any of the above, shall be used to promote the candidacy of any individual for an NEA office.

An affiliate may impartially use its resources to provide information about all of the candidates for a particular office. An affiliate is prohibited from using its name, logo, or other association assets on behalf of the candidacy of any individual.

## **I. ALLOCATION OF DELEGATES**

Delegate allocations are made in accordance with the provisions of Bylaw 3-1 as shown in Appendix 1.

As used in this document, a *state delegation* is defined as including all delegates elected by the state affiliate and by NEA local affiliates in the state, as described in Sections A, B, and C below.

The NEA Constitution does not provide for the transfer of delegate credentials between or among state and local affiliates.

### **A. State Delegate Allocations**

Except as otherwise provided in Section C below, delegates shall be allocated to state affiliates in the ratio of one delegate for each 1,000 NEA Active members provided that every state shall receive a minimum of fifteen (15) delegates. Allocations are not made for fractions of 1,000. State delegate allocations are based on the number of NEA Active members within the respective state affiliates that have been recorded as of January 15 of the calendar year in which the Representative Assembly convenes.

A state affiliate receiving an additional allocation of delegate positions for NEA members not eligible for Active membership in the state association shall restrict eligibility for such positions to the NEA members in the group denied state membership.

### **B. Local Delegate Allocations**

Except as otherwise provided in Section C below, delegates shall be allocated to local affiliates as follows: (1) single locals with more than 75 members, and (2) combined locals, each with fewer than 76 members. If a member holds membership in more than one local affiliate, he/she will be counted in the local that forwards the dues for NEA membership.

#### **1. Locals with More than 75 Members**

Delegates will be allocated in the ratio of one delegate for each 150 NEA Active members or major fraction thereof. A local with more than 75, but less than 226, members will be entitled to one delegate. A local with more than 225, but less than 376, members will be entitled to two delegates, and so on. Locals with more than 75 members may not cluster with other locals.

#### **2. Locals with Less than 76 Members**

Locals with less than 76 members may join together to form membership units for the purpose of representation. Each local in a cluster of two or more must have less than 76 members. Allocation of credentials for such clustered locals shall be based on the ratio of 1:150 NEA Active members or major fraction thereof.<sup>1</sup>

#### **3. All-inclusive Locals<sup>2</sup>**

All-inclusive local affiliates may cluster their Category 2 members with Category 2 members in counterpart locals, if a governing body of the state affiliate has provided for such clustering. Delegates will be allocated in the ratio of 1:150 Category 2 members in the cluster. For this specific delegate allocation, the major fraction concept does not apply. Category 2 members, in locals that cluster for this purpose, shall not be counted in the delegate allocation for Category 1 delegates nor be permitted to vote for Category 1 delegates. It is possible that a local may lose a delegate if its Category 2 members are clustered.

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<sup>1</sup> Unless otherwise identified, all references to membership classes indicate NEA membership classes.

<sup>2</sup> This section should be read in conjunction with Section II.M, which defines Categories 1 and 2.

## **C. Dual-National Affiliate Delegate Allocations**

This section concerns the allocation of delegate credentials to dual-national (i.e., merged) affiliates.

In accordance with Article III, Section 2(c) of the NEA Constitution, the ratios set forth in Sections A and B above for the allocation of delegate credentials to state and local affiliates shall be proportionately adjusted for (1) certain non-dual-national state affiliates in states that have dual-national local affiliates (2) dual-national state affiliates, and (3) certain dual-national local affiliates. This adjustment reflects the reduction in Association dues paid by Active members of such affiliates pursuant to NEA Bylaw 2-7(m).

Article III, Section 2(c) does not require any adjustment in the ratios set forth in Sections A and B above for the allocation of delegate credentials to reflect the reduction in Association dues paid by Active members of a dual-national local affiliate (1) in a state that does not have a dual-national state affiliate, and (2) that became affiliated with the Association as a dual-national local affiliate before September 1, 1999.

The computation of proportionately adjusted delegate credential allocations to dual-national affiliates begins with an adjusted NEA Active membership figure that reflects the number of NEA Active members within such affiliates that pay reduced dues to the association. The adjusted NEA Active membership figure is then increased to provide full representation for NEA Active Life members. The result is the Active membership figure upon which delegate credential allocations to dual-national affiliates are based.

### **Illustrative Examples**

1. State Affiliate A is a dual-national state affiliate. The state delegate credential allocation to State Affiliate A, and the local delegate credential allocations to all dual-national local affiliates in that state, will be proportionately adjusted—regardless of when State Affiliate A became a dual-national state affiliate of the Association, and regardless of when the local affiliates became dual-national local affiliates of the Association.
2. State Affiliate B is not a dual-national state affiliate, but there are two dual-national local affiliates in that state. One of these local affiliates became affiliated with the Association as a dual-national local affiliate before September 1, 1999. The state delegate credential allocation to State Affiliate B, and the local delegate credential allocation to that dual-national local affiliate, will not be proportionately adjusted, although members of the local affiliate are paying reduced Association dues. The other dual-national local affiliate in that state became affiliated with the Association as a dual-national local affiliate on September 1, 1999. The state delegate credential allocation to State B, and the local delegate credential allocation to that dual-national local affiliate, will be proportionately adjusted to reflect that members of the local affiliate are paying reduced Association dues.

## **D. Student Delegate Allocations**

Delegate credentials for Student members will be based on Student membership enrolled through the state affiliate as of March 15. Allocation of delegate credentials to state affiliates for Student members will be based on one position for the first 50 members, a second for 750 members, and an additional position for each subsequent 500 members. Only Student members may nominate, vote for, or serve as Student delegates. Student groups shall comply with their state affiliate's plan to achieve ethnic-minority representation as required by NEA Bylaw 3-1(g).

## **E. Retired Delegate Allocations<sup>3</sup>**

Allocation of delegate credentials to state affiliates for NEA-Retired members will be based on the state's NEA-Retired membership as of January 15. Delegate positions will be allocated to state affiliates in the ratio of 1:50 NEA-Retired members for the first 50 Retired members within the state and an additional delegate

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<sup>3</sup> When referring to retired members: "Retired" when capitalized is used as a proper noun and refers to retired membership programs. When "retired" is not capitalized the word is used as an adjective to refer to a member who has retired from work.

position for each 1,000 NEA-Retired members thereafter. Each state affiliate shall receive from NEA the number of allocated delegate positions based on its total number of NEA-Retired members and shall either conduct a delegate election among the NEA-Retired members or assign the responsibility to the NEA-Retired organization in the state. Only NEA-Retired members may nominate, vote for, or serve as NEA-Retired delegates. State NEA-Retired organizations shall comply with their state affiliate's plan to achieve ethnic-minority representation as required by NEA Bylaw 3-1(g).

NEA policies provide that NEA-Retired Members for Life, who joined prior to the effective date of unification of Retired members in their state affiliate, shall under certain conditions be exempt from unification requirements. Such an exempted NEA-Retired Member for Life may not serve as an NEA-Retired delegate but is counted in the allocation of positions and may nominate and vote for NEA-Retired delegates.

NEA-Retired members in state affiliates that have no membership for retired educators or offer no governance rights to retired members are not required by NEA Bylaw 2-1(d) to join that state affiliate. NEA-Retired members in such states shall be allowed to serve as delegates and otherwise participate in the elective process without respect to membership status in the state affiliate.

A person who is eligible for Association membership in both the Retired and Active membership categories shall have the option to join the Association as a Retired or as an Active member.

An Active Life member who is eligible for Retired membership may join the Association as a Retired member while retaining his or her Active Life membership, provided that during the period of such membership, he or she shall be counted for the allocation of delegate credentials, be eligible to participate in Association governance, be eligible to receive Association benefits and services, and be treated for all other Association purposes only as a Retired member, as required under Bylaw 2-1(d).

## **F. Other Delegate Allocations**

NEA Bylaws provide for the allocation of delegate credentials to certain member groups that may be denied membership in local affiliates: higher education, Active members employed in education support professional positions, and school nurses. For each individual group of such members denied local affiliate membership, the NEA shall allocate delegate positions on the ratio of 1:150 such members enrolled in the state affiliate as of January 15. Such allocations do not reflect the major fraction concept. Allocations of delegate positions to any of these three groups will not reduce the number of delegates that state or local affiliates are otherwise eligible to receive.

Nomination and election procedures for these three groups must be restricted to those eligible to run for delegate positions within them. For example, only Active members employed in education support professional positions, who are denied local membership, may nominate, vote for, or serve as delegates representing education support professional members so denied.

Any member group established under this provision shall comply with its state affiliate's plan to achieve ethnic-minority representation as required by Bylaw 3-1(g).

## **G. Ex-Officio Delegate Positions**

Pursuant to Article III, Section 3, of the NEA Constitution, the following groups are eligible for ex-officio delegate status to the NEA Representative Assembly: members of the NEA Board of Directors, NEA executive officers, NEA Executive Committee members, presidents of state affiliates, the president of NEA-Retired, and the chairperson of the Advisory Committee of Student Members. NEA directors and state affiliate presidents who are elected by vote of all NEA Active members in the state shall have full voting rights in the Representative Assembly. NEA directors and state affiliate presidents who are elected by their state representative body shall have limited voting rights in the Representative Assembly (that is, all rights except voting for Association officers). NEA executive officers, NEA Executive Committee members, Student and Retired directors, the president of NEA-Retired, and the Student chairperson also have limited voting rights.



## **II. STATE AND LOCAL DELEGATE ELECTION REQUIREMENTS**

To qualify for credentials to the NEA Representative Assembly, all delegates<sup>4</sup> must be elected and delegations formed subject to certain requirements of the Landrum-Griffin Act and the Association's governing documents. The following sections describe these requirements.

### **A. Procedural Requirements**

Affiliates function as agents of NEA in the conduct of elections for delegates to its Representative Assembly. In that role, affiliates have the authority to promulgate procedural rules to facilitate the election process. To be valid, the affiliate's procedural rules must be:

1. Consistent in all respects with NEA eligibility and election requirements
2. Reasonable in light of all relevant circumstances
3. Uniformly applied in a nondiscriminatory and nonarbitrary manner.

If an affiliate determines that a candidate for an NEA delegate position has violated a rule meeting the above-mentioned criteria, it may attempt to impose a remedy for that violation prior to the election being held. If a pre-election remedy is not possible and, if after the election, the affiliate concludes that the violation might have affected the outcome of the election, the affiliate shall take appropriate steps to remedy the violation. Such a remedy might include holding a new election or, if that is impossible, denying delegate certification to the affected individual. The affiliate, when considering charges that a violation occurred, must provide the accused candidate with a hearing or other meaningful opportunity to defend his or her actions prior to imposing a remedy or penalty. Any such decision by an affiliate may be appealed to the NEA Credentials Committee.

An affiliate may waive, or choose to take no action, as the result of an infraction of an NEA procedural (as opposed to a "substantive") requirement, provided such a waiver or infraction reasonably could not have affected the outcome of the election. A person who is aggrieved by the affiliate's action, or failure to act, may appeal to the NEA Credentials Committee.

Implementation of these provisions will require that the affiliate have procedures to hear and decide challenges that election requirements were violated. Such procedures should specify the affiliate body vested with the authority to hear and decide challenges and what standards of evidence and timeliness must be met.

### **B. Election By All NEA Members Eligible To Vote**

The state affiliate has the responsibility to ensure that all NEA Active and Active Life members within the state, including any of those members who do not belong to the state affiliate, are informed of their right to participate in the nomination and election of state delegates. An affiliate conducting an election for NEA delegates, therefore, shall include all NEA Active and Active Life members in the elective process regardless of their membership status in the affiliate. This requirement will affect individuals holding NEA Active membership who are ineligible for state membership and may include NEA Active Life members and NEA Active members employed in education support professional and administrator positions.

#### **1. Election and Position Eligibility for NEA Active Life Members<sup>5</sup>**

NEA Active Life members who are not members of the state affiliate shall be counted for NEA state delegate allocation purposes, shall be eligible to nominate and vote for candidates for state delegate positions, and shall not be eligible to serve as state NEA delegates.

NEA Active Life members who are not members of a local affiliate shall not be counted for NEA local delegate allocation purposes, shall not be eligible to nominate or vote for candidates for local NEA delegate positions, and shall not be eligible to serve as local NEA delegates.

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<sup>4</sup> Including those delegates representing Students, Retired, or other member groups.

<sup>5</sup> See section II.M for additional information with respect to NEA Active Life members who are retired.



NEA Active Life members who have retired and do not hold an NEA-Retired membership, but are members of the state affiliate, are eligible to serve as a Category 2 delegate for that affiliate.

NEA Active Life members, who have a unified state affiliate Retired membership, are subject to NEA Bylaw 2-1(d) and shall be counted for the allocation of delegate credentials, be eligible to participate in Association governance, be eligible to receive Association benefits and services, and be treated for all other Association purposes only as a Retired member.<sup>6</sup>

### **C. Notification and Reporting of Elections**

Notification of the opportunity to make nominations for all allocated state and local delegate positions must be provided to all eligible NEA members in a timely manner. Notice of pending elections shall be provided to all eligible voters in a manner that reasonably ensures that all voters will know of the election. Such notice shall be provided no less than 15 days prior to the election.

Election results shall be announced to the voters in a manner that allows members to obtain the information without unusual effort. Local affiliates shall forward delegate report forms to their state affiliates by April 10. State affiliates shall forward delegate report forms for all elected local, clustered, state, retired, student, and successor delegates to NEA by May 15.

### **D. Structuring Elections**

Affiliates may conduct elections through at-large elections, through creating smaller constituencies of members, or through a combination of the two. Small local affiliates typically use at-large elections for election of local NEA delegates. Larger locals and state affiliates, however, usually use smaller constituencies for some or all of their allocated delegate positions. These smaller constituencies may be ones formed for other affiliate governance purposes or they may be established solely for the election of NEA delegates. In either case, the constituencies must conform with the *one-person-one-vote* principle.

#### **1. At-large Elections**

Affiliates using at-large elections for all of their allocated positions should recognize the “winner take all” characteristic of at-large elections, which may prevent the representation of significant political minorities within the affiliate and of viewpoints from lesser populated areas of an affiliate. Larger affiliates may wish to combine the at-large election of some allocated delegate positions with elections from smaller constituencies.

At-large elections may be conducted in any of the following ways. The affiliate may hold elections at a general membership meeting if such a procedure will reasonably allow all members to vote. Nominations and elections may be conducted through an official publication that is regularly sent to all members or through special communications provided to all members. In the election of state delegates, a state association may send ballots to each local affiliate in the state to conduct the actual election.

#### **2. Elections from Smaller Constituencies**

When smaller constituencies are used in the election of delegates, the right to make nominations or to be nominated for delegate positions allocated to the constituency must be restricted to members within the constituency. Nominations may be solicited through official affiliate publications or through special communications. The affiliate may list nominations for candidates from all constituencies on a ballot with directions to voters to vote only for candidates from their respective constituencies or separate ballots for each constituency may be used. The affiliate may convene general membership meetings within each constituency if that procedure would reasonably allow all members to attend. In elections of state delegates, a state may assign the conduct of elections to the individual local affiliates grouped into a voting constituency.

#### **3. Elections by Job Category**

A state or local affiliate that includes in its membership more than one of the three job categories eligible for NEA Active membership (nonsupervisory preK-12 instructional personnel, education support professionals,

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<sup>6</sup> See Bylaw 2-1(d), Appendix 5.

and higher education faculty) may opt to divide its allocated NEA delegate positions proportionately among the job categories.

## **E. Election of All Allocated Delegate Positions**

State and local affiliates must provide for the election of all of the delegate positions they are allocated. Nominations must be opened for all allocated positions.

Affiliates may conduct elections for delegate positions that are funded by the affiliate and delegate positions that are not funded. All eligible members shall be afforded the opportunity to run for funded as well as unfunded positions in affiliates electing both. Affiliates must announce specific funding policies for all allocated positions prior to the call for nominations.

The requirement to provide for the election of all allocated positions will have been satisfied if the call for nominations results in no nominees. Provisions for write-in voting should be provided. Additional information concerning election practices is provided in Section II.K. Election by Secret Ballot for Each Office.

Clusters of locals with less than 76 members will similarly be required to provide for the election of all delegate positions. State affiliates that have not developed clustering plans are encouraged to do so. All states are requested to implement nomination and election procedures that afford opportunities for full representation of smaller locals.

## **F. One-Person–One-Vote**

The *one-person–one-vote* principle applies to several provisions of the NEA Constitution and Bylaws and is defined in Standing Rule 13.C as follows:

*One-person–one-vote principle shall mean a voting procedure by which the vote of each member of the constituency has equal weight, so that in the elected governing body, each delegate represents approximately the same number of constituents as each and every other delegate.*

Under this principle, state and local delegations may consist of delegates that are elected through either one of or a combination of two election processes. The two election processes include: (1) delegates that are elected by the entire membership and (2) delegates that are elected by voting constituencies, such as regions, districts, schools, and so on. State and local delegate elections can, therefore, be conducted either through the use of one type of election process or through a combination of both election processes. These election processes satisfy the principle of *one-person–one-vote* and are described below in detail.

### **1. Delegates elected by the entire membership**

Any at-large election will satisfy the requirement for one-person–one vote. Refer to Section II.D for a discussion of the shortcomings of at-large elections.

### **2. Delegates elected by voting constituencies such as regions, districts and schools**

Affiliates must ensure that each delegate elected in this manner represents approximately the same number of members. “Approximately” means as nearly the same as possible with no variation to exceed plus or minus 10 percent. Successors to delegates elected in this manner must also be elected from the same constituency. These successors may only succeed to delegate positions in the constituency from which they were elected.

Although each of the above categories of delegates will have been elected from different membership bases, combining the two methods of election is acceptable so long as the delegates within each category represent approximately the same number of members. For example, if candidates for executive office in an affiliate also run as NEA delegates, the election will of necessity be run at-large (elected by the entire membership). Other delegates, elected from districts within the affiliate, must have constituencies that are equal in size. In any case, each member must have the opportunity to vote. No delegate may be elected by a representative or other governance body or be appointed.

Since *one-person–one-vote* is also required for representation on the governing bodies of NEA affiliates (NEA Bylaws 8-7.a and 8-11.a) an affiliate may find it convenient to use the same election districts for electing delegates to the NEA Representative Assembly as well as its own governing bodies. If such election districts are used, the affiliate must ensure that all eligible voters—and only eligible voters—are allowed to participate.

In subdividing the affiliate for the purpose of making voting districts, the affiliate may either: (1) draw new district boundaries that conform to the *one-person–one-vote* principle or (2) use boundaries already existing for determining voting districts.

### **Single-delegate Districts**

Single-delegate districts are generally preferable to multi-delegate districts for the reasons mentioned earlier in the discussion of at-large voting, the smaller the voting district the less chance the “winner take all” characteristic prevails.

Under the single-delegate method each voting district must be as nearly equal as possible in its number of members. Any deviation greater than 10 percent below or above the representation ratio will not conform to the *one-person–one-vote* principle. For example, a local affiliate with 1,500 members would be allocated 10 delegates. The affiliate thus could be divided into 10 voting districts with an average size of 150 members. A 10 percent deviation from the average would allow voting districts varying in size from 135 to 165 members—15 below and above the average of 150.

### **Multi-delegate Districts**

Multi-delegate districts will generally be used in two types of situations: (1) when existing boundaries are continued for voting purposes or (2) when application of the single-delegate district undesirably results in dividing a constituency.

Multi-delegate districts may vary in size but must be directly proportional to the representation ratio. For example, a state affiliate with 20,000 members could set up seven districts—one district of 6,000 members, one district of 4,000 members, and five districts of 2,000 members. Using a representation ratio of 1 delegate per 1,000 members, the first district would be entitled to 6 delegates, the second to 4 delegates, and the rest to 2 delegates each. Application of the maximum deviation to each would result in variations ranging from 5,400 to 6,600 for the largest district (or 10 percent on either side of 6,000), 3,600 to 4,400 for the second largest district (or 10 percent on either side of 4,000), and 1,800 to 2,200 for the other districts (or 10 percent on either side of 2,000).

It should be noted that the use of multi-delegate districts may still require substantial revision of existing boundaries in order to comply with the *one-person–one-vote* requirement.

## **G. Election to Office and as a Delegate**

It has been the practice of some affiliates to provide that elected officers and/or the governing bodies of the affiliate (e.g., Board of Directors or Executive Committee) are automatically designated as delegates to the NEA Representative Assembly. The NEA Constitution does not prohibit this practice as long as the following conditions are met:

1. In an election of individuals who are intended to serve both as officers and as delegates, the ballot must clearly state that the successful candidates will serve in both positions.
2. The officers must have been elected by the membership “at large” and not by a delegate assembly or any smaller elected body. Thus, if an officer is elected at large, and if the election meets all other NEA requirements for election of delegates, it would be permissible for the individual to serve as a delegate as long as the ballot clearly states that the successful candidate(s) will serve in both positions. On the other hand, if the officer was elected by an assembly, such election would not qualify the officer as delegate. In such cases, nothing would prevent the officer from being a candidate for delegate in an at-large or regional election.
3. Candidates seeking simultaneous election as an affiliate officer and NEA delegate must currently

hold NEA Active membership. Further, election as an affiliate officer and NEA delegate cannot exceed the three-year limitation on delegate terms. There is no limitation on the number of terms a delegate may serve, but no one term can be longer than three years.

4. An officer cannot serve as delegate if the officer is in an educational position that is not entitled to delegate representation (e.g., a supervisor who is president of an all-inclusive local cannot run as a delegate from that affiliate if the affiliate does not qualify for a delegate position to be filled by a supervisor). However, the NEA Executive Committee has interpreted that any association officer who is on full-time leave of absence from a teaching or administrative position shall be designated as a classroom teacher for purposes of meeting any NEA requirements that call for proportional representation by education position.<sup>7</sup>
5. The constituency electing an affiliate officer must conform to the same constituency eligible to elect the NEA delegate.

#### **Ex-Officio Credentials for State Association Presidents**

As noted in Section I.F of this policy document, Article III, Section 3, of the NEA Constitution provides that election to the office of state affiliate president shall constitute election as an NEA delegate under the following conditions:

1. State affiliate presidents elected by all eligible members in the state shall serve as ex-officio delegates to the Representative Assembly with full voting rights.
2. State affiliate presidents elected by a state association representative body shall serve as ex-officio delegates to the NEA Representative Assembly for all purposes except nominating and voting for Association officers.

In either case, a state affiliate seeking ex-officio status for its president should ensure that the ballot used in the election for president indicates that the winning candidate will serve in both positions. State affiliate presidents using this provision will be accorded ex-officio status over and above the state's allocation of delegate positions and may not claim other credentials.

#### **H. Membership in Affiliate Represented**

NEA Bylaw 3-1(a) requires that "a delegate elected to represent an affiliate shall be a member of the affiliate." The NEA Constitution does not provide for the transfer of delegate credentials from a local affiliate to a state, or vice versa, or from one local affiliate to another. A delegate must be a member of the affiliate electing that delegate. In the case of clustered locals, the elected delegate(s) must belong to one of the locals in the cluster. In the case of clustered Category 2 members, the elected delegate(s) must be one of the Category 2 members in the clustered group.<sup>8</sup>

An exception to this requirement occurs when delegate positions are allocated to states for NEA members not eligible for state association active membership. Such positions must be filled by individuals from the group of NEA members for which the allocation was made.

#### **I. Open Nominations**

NEA Standing Rule 13.A provides:

*Open nomination procedure shall mean a procedure by which every eligible NEA member shall have the opportunity to nominate any NEA member who meets the qualifications for the elective position; subject, however, to any limitations required in the NEA Constitution and Bylaws and also to any other reasonable restrictions uniformly imposed.*

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<sup>7</sup> See Section II.M and Bylaw 3-1(a) as shown in Appendix 1.

<sup>8</sup> See Section I.B-3 and Bylaw 3-1(j), as shown in Appendix 1.

The main principle to be observed is that every member shall have a reasonable opportunity to make nominations and to be nominated. Any procedural requirements such as a petition in support of a member's nomination must be uniformly imposed. A nominating committee of eligible NEA members may be established provided that all members shall remain eligible to make nominations. If a petition is required in support of a member's nomination, a reasonable number of signatures shall be required. That number shall not exceed 10 percent of the membership eligible to vote for delegate positions or 50 members, whichever is less.

NEA eligibility requirements for delegate candidates are current membership in the affiliate and in the class and category of membership to be represented (e.g., Student, Retired, Local Category 1, State Category 2, etc.). No additional qualifications for nomination may be imposed by an affiliate.

Except as necessary to meet NEA eligibility requirements, the nomination form may not solicit any information that may be construed as prejudicial or as a qualification for office (e.g., present or previous office held, prior service as a delegate, length of membership, intent to vote in accordance with affiliate policy, candidate's ability to pay for convention expenses except as provided in Section II.E).

The names of all nominees must appear on the official ballot. The ballot may not identify the source of any nomination or indicate endorsing parties. The ballot must contain only the names of candidates. Where an affiliate seeks to achieve proportional representation by categories<sup>9</sup> the ballot may be designed as follows:

Category 1 delegates (vote for no more than \_\_\_\_\_ candidates) *list candidates*

Category 2 delegates (vote for no more than \_\_\_\_\_ candidates) *list candidates*

Similarly, ballots may indicate funded and nonfunded positions if both are offered.

The election procedure should provide all eligible voters with timely notice of the delegate positions to be filled and of the time, place, and proper form for submitting nominations.

As described above, departures from the open nomination principle are permissible only as necessary to meet the requirement of proportional representation by education position.

## **J. Election by Majority or Plurality Vote**

The NEA does not require a majority vote for the election of delegates. Each affiliate is free to elect delegates by majority or plurality vote consistent with the provisions of its own governing documents.

## **K. Election by Secret Ballot for Each Office**

An election by secret ballot may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing this provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.

The requirement that state and local NEA delegates be elected by secret ballot by the NEA membership makes either appointment or election of delegates by a representative governing body of an affiliate impermissible. Appropriate steps must be taken to maintain the secrecy of the ballot and to prevent abuses. The identity of the voter must not be disclosed as marked ballots are submitted and counted. The balloting procedure also should assure that each vote has been submitted by an eligible voter and that each voter has voted only once in a single election. For example, if mail ballots are used, the voter may be instructed to place the marked ballot in an unmarked, sealed envelope that is inserted into a larger envelope that identifies the voter with respect to eligibility to vote. Before tabulation, the inner envelope must be separated from the larger envelope identifying the sender.

All ballots and election records must be retained by local and state affiliates until the expiration of the term to which the delegate was elected. If a delegate is elected for a term that exceeds one year, the ballots and records must be retained until the expiration of the multi-year term. This is particularly important if an affiliate

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<sup>9</sup> Refer to section II.M for the definition of Categories 1 and 2.



were to lose delegates because of a membership loss (See Section II.P. Terms of Elected Delegates).

## **L. Voting for Each Individual Office**

Delegates to the NEA Representative Assembly are to be elected by secret ballot for each individual office. The term “each individual office” prohibits slate voting, also known as block or unit voting, in which a voter chooses two or more candidates by means of placing only one mark on the ballot. On the other hand, the provision does not require the labeling of similar positions as “Position 1,” “Position 2,” or “Position 3,” and so on. For example, if eight individuals are candidates for three delegate positions, a permissible ballot would enable the voter to cast votes for up to three candidates. It is not required that the candidates run for Position 1, Position 2, or Position 3. However, the voter would be prohibited from casting one vote to elect the three candidates.

The Association does not prescribe a procedure for placement of candidates’ names on the ballot. Names may be placed in an order determined by lottery, alphabetically by surname, in the order in which the candidates were nominated, or in accordance with any other procedure that is not designed to give preferential treatment to any candidate.

## **M. Proportional Representation by Education Position**

As set forth in NEA Bylaw 12-1(e), education position shall mean the following two categories:

*Category 1 shall include NEA Active members who are not supervisors; and category 2 shall include NEA Active members who are supervisors, NEA retired Life members, NEA staff Life members, and NEA Active members for life who are past presidents of the Association and who do not meet the requirements for membership set forth in Bylaw 2-1(b).*

The NEA Bylaws define supervisor as follows:

*Supervisor and administrator shall mean any person who has continuing authority to hire, evaluate, transfer, discipline, dismiss, or otherwise direct employees or to effectively recommend any of the aforesaid actions...<sup>10</sup>*

Bylaw 3-1(a) requires that delegate representation from each all-inclusive state and local affiliate be based on proportional representation by education position. In conducting delegate elections, therefore, each all-inclusive affiliate must ascertain whether it qualifies for one or more Category 2 delegate positions. This is done by multiplying the percent of its Category 2 membership against the total number of its allocated delegate positions, rounding up or down to the nearest whole number. Instructions as to the appropriate methods of calculation are included with the delegate report forms mailed to affiliate presidents by February 15 of each year.

In conducting the election, it is advisable for all-inclusive affiliates to designate seats specifically for Category 2 candidates in proportion to their membership in the affiliate. However, it should be noted that NEA computes Category 2 entitlement against the number of delegates elected rather than allocated. Therefore, if the affiliate elects fewer Category 1 delegates than the number to which it is entitled, the affiliate, as necessary, should adjust downward the number of elected delegates in Category 2 before certifying and sending the results to NEA. If an affiliate is eligible for Category 2 delegates but there are no candidates, the number of delegate positions the affiliate is entitled to must be left vacant.

After its review, NEA will inform the affiliate if the total number of reported delegates does not reflect the required ratio of Category 1 to Category 2 delegates. Credentials are withheld by the Credentials Committee until the affiliate reports any needed adjustment.

A person elected as a delegate in Category 1 or Category 2, either for one year or for multi-years, whose education position changes prior to the Representative Assemblies to which he/she was elected will not be eligible to serve in that category. Exceptions shall be made for the year in which a person elected as a delegate retires, resigns, or has been terminated through a reduction in force, effective as of the end of the school year in

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<sup>10</sup> See Bylaw 12.1(f).

which he/she was certified as a delegate.

By Executive Committee action, a full-time association officer is designated a classroom teacher for delegate election purposes irrespective of the education position formerly held or from which the officer is on leave of absence. Conversely, an officer who is not full time cannot serve as a delegate if the officer is in an education position for which there is no allocation.<sup>11</sup>

## **N. Ethnic-Minority Representation**

NEA Bylaw 3-1(g) provides as follows:

*It is the policy of the Association to achieve ethnic-minority representation at least equal to the proportion of identified ethnic-minority populations within the state. Prior to December 1 of each fiscal year, each state affiliate shall submit to the NEA Executive Committee for its approval a legally permissible plan which is designed to achieve a total state and local delegation to the Representative Assembly held that fiscal year which reflects these ethnic-minority proportions. If a state affiliate fails to submit such a plan, the NEA Executive Committee fails to approve a plan which is submitted, or a state fails to comply with an approved plan, the Representative Assembly may deny to the delegates from the state affiliate any right to participate in the NEA Representative Assembly at the Annual Meeting other than to (i) participate in elections for Association officers, and (ii) vote on increases in Association membership dues. Local affiliates shall comply with the approved plan of the state affiliate, and if a local affiliate fails to do so, the right of its delegates to participate in the NEA Representative Assembly at the Annual Meeting may be limited as indicated above. The failure of a state or local affiliate to comply with the provisions of this Bylaw shall in addition be grounds for censure, suspension, or expulsion pursuant to Bylaw 6-5.*

In order for a State Education Association (SEA) to be in compliance with Bylaw 3-1(g), its plan must be received by the NEA Executive Committee no later than December 1. An SEA should not, however, wait until December 1 to submit its plan but should do so at the earliest feasible date. An SEA must submit a plan each year even if it intends to use the same plan that was approved the year before. It also should be pointed out that the NEA Executive Committee will re-examine each plan and the fact that a plan was approved for the prior year does not guarantee that it will be subsequently approved.

An SEA that has achieved its Bylaw 3-1(g) goal for three consecutive years and that intends to continue to implement the same plan as previously approved by the NEA Executive Committee, may satisfy submission requirements by so notifying the NEA Executive Committee in writing prior to December 1 of each year. Such annual notification shall constitute submission for as long as the SEA continues to achieve its goal. The SEA will continue to have responsibility for full achievement of all plan components, including annual distribution of the plan to all of its local affiliates and ethnic-minority caucus chairpersons prior to February 15 of each year. Failure to achieve the numerical goal in any given year shall require the SEA to resume submission of a written plan annually until it has again achieved goals for three consecutive years.

The NEA Executive Committee will act on an SEA's plan as soon as possible after it is received. An SEA should not, of course, wait until it hears from the Executive Committee before engaging in activities designed to achieve the desired level of ethnic-minority representation. On the contrary, efforts toward this end should be underway and, indeed, should be continuous in nature.

The NEA Executive Committee will not approve any plan that proposes unlawful actions, such as: the restriction of nominations for any delegate position to ethnic-minority members; expenditures that directly or indirectly promote the candidacy of any person; the payment of travel or other delegate expenses for only ethnic-minority delegates, even though affiliates may pay travel and other expenses of delegates on a reasonable basis; and the provision of space in association publications to some candidates that is denied to other candidates.

The general criteria for the plans, which are shown in Appendix 2, are designed to assist an SEA in developing its plan and to assist the NEA Executive Committee in approving plans. This is not to suggest that

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<sup>11</sup> See Section II.G-4.



an SEA's plan will be unacceptable unless it includes all of the items contained in the criteria or unless those that are included appear in precisely the form recommended.

Each plan will be assessed on its own merits. The ultimate test will be whether or not it reflects a meaningful effort by the SEA to achieve the desired level of ethnic-minority representation in the total state and local delegation to the NEA Representative Assembly. It is fair to say, however, that a plan that meets all of the criteria will in all likelihood be approved by the NEA Executive Committee.

It should be noted that the criteria do not, in and of themselves, constitute a "plan" within the meaning of Bylaw 3-1(g). The criteria provide a framework for developing a plan. The actual plan that an SEA submits should include names, dates, and so on.

It is recommended that ethnic-minority members of the SEA and at least one member of an appropriate governing body of the SEA be involved in the development of the plan submitted to the NEA. Consistent with this recommendation, the SEA is requested to submit, with its plan, a statement indicating how the plan was developed, including specifically the extent to which there was involvement of the type indicated above.

If an affiliate does not meet its numerical goals for three successive years, the NEA shall fund a state team of three members, including one officer, to attend a workshop designed to assist states in identifying barriers and solutions to ethnic-minority achievement, or provide alternative implementation activities to eligible states.

It is also important to emphasize that the criteria are keyed specifically to the plan required by Bylaw 3-1(g) and are not in any sense intended to indicate the full range of activities that a state affiliate should undertake in order to achieve meaningful ethnic-minority participation. In the final analysis, a state affiliate's ability to achieve the goal established in Bylaw 3-1(g) will not depend so much on a specific plan, but rather on the extent to which ethnic-minority members are regularly and meaningfully involved in all of its activities.<sup>12</sup>

In order for a plan to be monitored, identification of ethnic-minority delegates in a state's delegation must be made. Therefore, state affiliates should encourage delegates to identify the appropriate ethnic-minority code on the delegate forms submitted to NEA. The Association, in turn, will make every effort to notify state presidents of the extent to which delegates' ethnicity has been designated in order that complete data can be compiled.

## **O. Designation of Race/Ethnicity**

For purposes of NEA Bylaw 3-1(g), the race/ethnicity category of an NEA member shall, as a general matter, be determined by a process of self-identification. If an elected delegate to the NEA Representative Assembly is reported to NEA with a race/ethnicity designation, he or she shall continue to be so categorized for all purposes connected with the election unless it can be demonstrated that there was an error in the reporting. A member may change his or her race/ethnicity designation by self-identification for election as a delegate to a subsequent NEA Representative Assembly.

## **P. Terms of Elected Delegates**

State and local affiliates may vary the terms of delegates from not less than one to no more than three years. There is no limit on the number of terms an individual may serve as delegate. The length of term of individual delegate positions is a decision to be made by each affiliate. Not all delegates from the affiliate must be elected for the same length of term. The affiliate may have some delegates running for one-year terms, others running for two-year terms, and others running for three-year terms, all on the same ballot. If the length of term varies, the voter should be informed of the term for which each candidate is running or should be informed that terms will be assigned in order of votes received. If a delegate is elected for more than one term but the affiliate loses delegate positions because of membership loss, the multi-term delegate(s) may lose delegate status. The delegate(s), in order, with the smallest number of votes will lose the delegate position(s). Thus, it is important that election records be preserved for the duration of all multi-year terms.

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<sup>12</sup> See Appendix 3.

## **Q. Successor Delegates**

Successor delegates shall be elected in the same manner as the regular delegates and must meet the same requirements as regular delegates. Typically, however, separate successor delegate elections are not held and successors are delegate candidates who did not receive sufficient votes to be elected as a delegate. In either case, there is no limit to the number of successor delegates that may be reported. Since delegates are frequently unable to attend the Representative Assembly, the affiliate is encouraged to report as successors as many persons as received votes in the successor or delegate election. The names of successor delegates should be submitted at the same time as those of the delegates, listed in rank order of votes received.

Affiliates are encouraged to maintain lists of rank order of successor delegates for each group of members electing delegates. Successor delegates shall be elected in the order of votes received, except that only Category 1 successors may fill Category 1 vacancies, and only Category 2 successors may fill Category 2 vacancies. Each successor shall have been elected by the same constituency as elected the regular delegate.

According to NEA Standing Rule 1.B(3):

*A successor delegate shall serve for the remainder of the term of the delegate in whose place the successor delegate is serving. However, if a delegate is unable to attend one or more Annual Meetings by reason of uncontrollable circumstances, that delegate may resume service in the term of office to which the delegate was elected, commencing at the next Annual Meeting, provided that the delegate has submitted a statement to the Credentials Committee (no later than January 15 immediately preceding the Annual Meeting at which the delegate wishes to resume office) certifying that the delegate wishes to resume office and was unable to attend by reason of uncontrollable circumstances and the Credentials Committee concurs that such reason does in fact exist. If a registered delegate leaves the Representative Assembly for an emergency reason, the elected successor delegate may be registered as a voting delegate during the absence of the originally registered delegate. A successor delegate registered in accordance with this provision shall be credentialed to serve as a voting delegate only until the adjournment of the Representative Assembly.*

## **R. Election to Multiple Delegate Positions**

It is permissible for a member to be nominated and run for election for as many positions as he/she is eligible, e.g., local and state. A member elected to more than one position must decide which position to accept and must notify the state and/or local affiliate no later than May 15 of the position accepted and the one refused. This notification will release the unused position to the successor delegate. The member who chooses one position in preference to another relinquishes all claim to the released position.

## **S. Observers**

Each candidate must be permitted to have an observer at the polls, at the tabulation of the ballots, and at the preparation and mailing of ballots if a mail ballot is conducted. Observers do not have the right to participate in the counting of the ballots.

## **T. Registration**

NEA Standing Rule 1.C(2) provides that the registration of delegates begins on the first day of the Annual Meeting and that it is to be completed on the day prior to the first business meeting of the Representative Assembly. Other than the registration of a successor delegate, who is to take the place of a registered delegate who leaves the Representative Assembly for an emergency reason, as provided for under NEA Standing Rule 1.B(3), the only circumstance in which late registration will be permitted is when, in the judgment of the Credentials Committee, the lateness was the result of uncontrollable circumstances.

### III. SUPERVISION OF DELEGATE REGISTRATION AND SEATING

The NEA Credentials Committee has general responsibility for supervising the accreditation, registration, and seating of delegates to the Representative Assembly. The Representative Assembly itself, of course, has final authority in these matters.

#### A. Jurisdiction of Credentials Committee

The jurisdiction of the NEA Credentials Committee is set forth in NEA Standing Rule 1.A(2):

*The committee shall be responsible for the supervision of the accreditation and registration of delegates to the Representative Assembly . . . . The chairperson of the Credentials Committee shall give a preliminary report at the first meeting of the Representative Assembly. The preliminary report shall include information concerning compliance with all requirements required of delegations. Noncompliance by delegations will be specifically noted and reported. A final report will be given when the registration is complete.*

*The seating of a delegate, or delegates, may be challenged by means of a motion to amend such report. The action of the Representative Assembly, which has jurisdiction over the seating of its delegates, shall be final.*

A successful challenge under NEA Bylaws 3-1(g) or 2-9 may result in the issuance of a limited credential. Such a credential would enable the delegate only to participate in elections at the Representative Assembly for Association officers and to vote on increases in Association membership dues.

Jurisdiction of the Committee includes authority over eligibility requirements and election requirements.

##### 1. Eligibility Requirements for the Election of Delegates

The NEA Credentials Committee issues credentials consistent with the NEA eligibility requirements for the election of delegates to the Representative Assembly. Credentials will not be issued if: (a) an individual listed on the delegate report form is not an Association member in the appropriate NEA membership category, (b) the delegate report form fails to certify election in accordance with NEA requirements, such that proportional representation by education position has not been met according to the statistics submitted or such information has not been provided, or the president of the affiliate fails to indicate that all election requirements have been met.

##### 2. Procedural Requirements for Delegate Elections

The NEA Credentials Committee will consider allegations that the following provisions were not satisfied in the election of delegates to the Representative Assembly:

- a. Open nominations (As set forth in NEA Standing Rule 13.A. *See Section II.(item I).*)
- b. Election by secret ballot for each individual office (As set forth in Article III, Section 3.C., of the NEA Constitution. *See Section II.K.*)
- c. One-person–one-vote (As set forth in Article III, Section 3.a., of the NEA Constitution. *See Section II.F.*)
- d. All eligible members provided the right to vote (As set forth in Article III, Section 3.C, of the NEA Constitution. *See Section II.B.*)
- e. Proportional representation by education position (As set forth in NEA Bylaw 3-1(a). *See Section II.M.*)
- f. Terms of delegates (As set forth in NEA Bylaw 3-3. *See Section II.P.*)

- g. Successor delegates (As set forth in NEA Standing Rule 1.B(3). *See Section II.Q.*)
- h. Ethnic-minority representation (As set forth in Bylaw 3-1(g). *See Section II.N.*)
- i. Election for all allocated delegate positions (*See Section II.E.*)
- j. Observers allowed (*See Section II.S.*)

The NEA Credentials Committee will consider appeals from decisions of affiliates regarding alleged violations of their election procedure requirements. Such appeals may be brought by the candidate accused of the violation or by the accuser. The Committee shall have the authority to modify or reverse the action of the affiliate only if the rule in question was not: (a) consistent in all respects with NEA eligibility and election requirements; (b) reasonable in light of all relevant circumstances; and (c) uniformly applied in a nondiscriminatory and nonarbitrary manner, and/or if the accused was denied the required opportunity to defend himself or herself.

The NEA Credentials Committee also will consider appeals from persons aggrieved by an affiliate's waiving, or failing to take action as the result of infractions of, NEA procedural requirements. In these appeals, the Committee will sustain the position of the affiliate, unless the Committee determines that such waiver or infraction reasonably could have affected the outcome of the election.<sup>13</sup>

## **B. Challenge Procedure**

In accordance with NEA Standing Rule 1.A(2), any complaint or question regarding the issuance of credentials should be submitted in writing to the NEA Credentials Committee no later than June 1. After that date, the NEA Credentials Committee will not entertain a challenge if it is based on information known or that reasonably should have been known prior to that date.

1. Upon receipt of a challenge the Committee shall determine whether: (a) the challenge alleges a violation of an NEA election requirement, as listed above; (b) an appropriate party has brought the challenge to the attention of the Committee; and (c) the challenge is supported by *prima facie* evidence of a violation, i.e., evidence that is sufficient on its face to support the fact until it is contradicted and overcome by other evidence.
2. If the challenge is insufficient under item (a) or item (b) above, the party submitting the challenge shall be so informed. If the challenge is insufficient under item (c) above, the party submitting the challenge shall be so informed and shall be asked to promptly resubmit the challenge with sufficient evidence.
3. If the challenge submitted constitutes *prima facie* evidence of a violation of an NEA election requirement, the NEA Credentials Committee shall so notify the party submitting the challenge, the officer who certified the challenged delegates, and the party(ies) challenged. If no specific delegate is challenged, or if the delegates have not yet been certified, the president of the affiliate shall be notified. The Committee shall ask each party for all information that would be of assistance to the Committee in rendering a decision.
4. The NEA Credentials Committee shall in all cases determine the most appropriate method to be used in responding to a challenge.
5. If, after review, the Committee determines that an NEA requirement has not been met, it will take appropriate action regarding the credentials of the delegate or delegates in question.

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<sup>13</sup> See section II.A.

### **C. Procedure at the Representative Assembly**

According to NEA Standing Rule 1.A(2), the preliminary report of the NEA Credentials Committee to the Representative Assembly must include specific information concerning the compliance of delegations with election requirements.

Specifically, this report shall include the number and names of states that are not in compliance with the NEA Constitution and Bylaw provisions pertaining to open nominations, elections by secret ballot for each individual office, *one-person-one-vote*, proportional representation by education position, terms of delegates, and successor delegates.

The adoption of the preliminary report of the NEA Credentials Committee shall be made at the Representative Assembly prior to the adoption of the order of business. At the time the motion is made to adopt the preliminary report, challenges to the seating of a delegation, to the denial of credentials, or to the issuance of limited credentials shall be made by amendment to the report. No delegates affected by an amendment proposing changes in the preliminary report shall vote on that amendment.

A final report will be given when the process of delegate registration has been completed. This report shall also include information on the achievement by the respective state delegations as of the time of delegate registration at the annual Representative Assembly of ethnic-minority goals as specified in NEA Bylaw 3-1(g).

## **Appendix 1. Text of Bylaw 3-1**

### **Bylaw 3. Representative Assembly**

#### **3-1. Allocation of Delegates**

a. Allocation of delegate credentials to state and local affiliates shall be on the basis of Active membership in the Association as of January 15 of the calendar year in which the Representative Assembly convenes.

Representation from state and local affiliates which provide all-inclusive membership shall be on the basis of proportional representation by education position. Representation from state and local affiliates which include in their membership more than one (1) of the three (3) job categories eligible for Association Active membership (i.e., nonsupervisory Active members in prekindergarten through secondary instructional positions, education support professional positions, or higher education faculty positions) may, at the option of the state and local affiliates, be on the basis of proportional representation by job category. A delegate elected to represent an affiliate shall be a member of that affiliate, provided that if additional delegate positions are allocated to a state affiliate on the basis of Active members of the Association within a state who are not also members of the state affiliate only the latter members may be elected to such additional delegate positions.

b. Article III of the Constitution shall provide for the allocation of delegate credentials to local affiliates.

c. Article III of the Constitution shall provide for the allocation of delegate credentials to state affiliates.

d. Except as otherwise provided in Bylaw 3-1.k., each state affiliate shall be allocated one (1) delegate credential for the first fifty (50) Student members of the Association. The state affiliate shall receive a second credential when Student membership in the state reaches seven hundred fifty (750) and an additional credential for each five hundred (500) Student members thereafter. The allocation shall be on the basis of Student membership in the Association as of March 15 of the calendar year in which the Representative Assembly convenes.

e. Except as otherwise provided in Bylaw 3-1.k., allocation of delegate credentials for Retired members of the Association within each state shall be made to state affiliates based on the ratio of 1:50 for the first 50 Retired members and an additional delegate for each 1,000 Retired members thereafter.

f. Except as otherwise provided in Bylaw 3-1.k., allocation of delegates to school nurse members denied Active membership in local affiliates shall be based on the ratio of 1:150 school nurse members so denied.

g. It is the policy of the Association to achieve ethnic-minority delegate representation at least equal to the proportion of identified ethnic-minority populations within the state. Prior to December 1 of each fiscal year, each state affiliate shall submit to the NEA Executive Committee for its approval a legally permissible plan which is designed to achieve a total state and local delegation to the Representative Assembly held that fiscal year which reflects these ethnic-minority proportions. If a state affiliate fails to submit such a plan, the NEA Executive Committee fails to approve a plan which is submitted, or a state affiliate fails to comply with an approved plan, the Representative Assembly may deny to the delegates from the state affiliate any right to participate in the NEA Representative Assembly at the Annual Meeting other than to (i) participate in elections for Association officers and (ii) vote on increases in Association membership dues. Local affiliates shall comply with the approved plan of the state affiliate, and if a local affiliate fails to do so, the right of its delegates to participate in the NEA Representative Assembly at the Annual Meeting may be limited as indicated above. The failure of a state or local affiliate to comply with the provisions of this Bylaw shall in addition be grounds for censure, suspension, or expulsion pursuant to Bylaw 6-5.

h. Except as otherwise provided in Bylaw 3-1(k), allocation of delegates to higher education members denied Active membership in local affiliates shall be based on the ratio of 1:150 higher education members so denied. The state affiliate shall determine the most appropriate unit for this purpose.

i. Except as otherwise provided in Bylaw 3-1(k), allocation of delegates to Active members employed in educational support positions who are denied active membership in local affiliates shall be based on the ratio of



1:150 such members so denied.

j. Except as otherwise provided in Bylaw 3-1(k), allocation for Category 2 delegates in local units which have all-inclusive membership shall allow for clustering with Category 2 members from other local units. In such local units, Category 2 members shall not be counted in the allocation for Category 1 delegates. Delegates for clustered Category 2 members shall be based on the ratio of 1:150. This section shall apply only in those states where the state affiliate has determined that it shall be applicable.

k. The ratios to be used for the allocation of delegate credentials pursuant to Bylaw 3-1.d., e., f., h., i., and j. for members of a dual-national state affiliate or a dual-national local affiliate shall be proportionately adjusted to reflect the reduction in Association dues paid by such members pursuant to Bylaw 2-7(m), provided that this Bylaw 3-1(k) shall not apply to members of a dual-national local affiliate (i) in a state that does not have a dual-national state affiliate, and (ii) that became affiliated with the Association as a dual-national local affiliate prior to September 1, 1999.



## **Appendix 2. Criteria for Bylaw 3-1(g) Implementation Plans**

### **1. Evidence of Commitment by State Association**

An appropriate governing body of the state association should take an official action (a) endorsing the policy set forth in Bylaw 3-1(g) and (b) committing the state affiliate to take “legally permissible steps” to achieve the desired level of ethnic-minority representation. For example—

It is the policy of NEA that the delegation from each state to the Representative Assembly shall include ethnic-minority delegates in numbers commensurate with the population of the state, and the (name of affiliate) is committed to the achievement of this goal in the (name of the state) delegation.

### **2. Responsibility, Accountability, and Leadership for Implementation of Plan**

- a. The plan should assign an appropriate officer or committee the overall responsibility for implementing the plan.
- b. The plan should assign staff as needed to successfully implement the plan. The plan should identify a person who is available as may be necessary to work with NEA in regard to the implementation of Bylaw 3-1(g).
- c. The plan should provide that ethnic-minority members of the SEA and at least one member of an appropriate governing body of the SEA will be involved in the implementation of the plan.

### **3. Identification of Ethnic Minorities, Involvement, and Outreach**

- a. The plan should define a meaningful policy and programmatic commitment (including goals and means of achievement) to ethnic-minority involvement in SEA activities permissible under the Landrum-Griffin Act (i.e., leadership training programs, PAC governance, committees, delegations to NEA conferences, etc.).
- b. The plan should commit the state to the cosponsorship of an NEA Minority Leadership Program (MLP) in the state at some time prior to the next nominations for delegate elections if in any year the affiliate fails to achieve its goal. The obligations of the cosponsoring affiliate include logistical support; prominent encouragement of participation by officers, staff, official publications, and other appropriate means; and significant participation by state affiliates.

### **4. Media, Messaging, and Engagement**

The plan should define a means and schedule by which the SEA will advise all members of the association’s policy commitment to ethnic-minority involvement, special opportunities for ethnic-minority involvement, and the steps to specific involvement. In particular, this communication effort will encourage ethnic minorities to seek election as delegates to the NEA Representative Assembly and will advise them as to positions available, the NEA election requirements, nomination procedures, and election procedures.

### **5. State Association/Local Association Collaboration and Relationship Building**

The plan should define the SEA’s expectations of the local affiliates and the means by which the SEA will assist the locals with their ethnic-minority involvement efforts.

## Appendix 3. Suggested Measures to Increase Ethnic-Minority Participation in Organizational Activities

### Actions and Data Points: 2014–2015

A Comprehensive List of Actions and Data Points Identified by National, State, and Local Leaders in Support of High Quality 3-1(g) Planning and Implementation

#### ACTIONS

##### Evidence of Commitment by State Affiliates

###### Key Actions

1. Direct an appropriate governing body to take action to formally adopt the Association's state 3-1(g) plan
2. Link 3-1(g) work to your Association's policies that further address or support ethnic-minority representation and involvement (e.g., mission/strategic goals, governing documents, local requirements, affirmative action for staff hiring)
3. Set 3-1(g) plan goals for current membership year

###### Additional Actions

1. Establish plan for achieving desirable level of ethnic-minority members as delegates to the state delegate assembly
2. Direct collaboration between Association's officers and ethnic-minority leaders in governance
3. Record data on progress and achievement of ethnic-minority numerical goals at past NEA Representative Assemblies
4. Identify specific 3-1(g) strategies and actions for current fiscal year
5. Define both short-term and long-term goals for 3-1(g) work
6. Encourage personal commitment by state association leaders in reaching out to local associations about increasing or enhancing ethnic-minority representation and involvement
7. Record data for ethnic minority involvement on all state governance bodies
8. Highlight organizational commitment to social justice
9. Establish goals for numbers of ethnic minorities on governance bodies and committees, or participating in conferences
10. Direct or link 3-1(g) work with the allocation of funding and leader/staff resources to increase ethnic-minority membership
11. Recommend networking between ethnic-minority leaders and members to promote conferences, trainings, and elections or other opportunities for involvement
12. Direct the monitoring of involvement of ethnic-minority members in all levels of Association activities
13. Outline future 3-1(g) activities
14. Summarize Association commitment, expectations for annual implementation, and perspectives on policy compliance
15. Survey ethnic-minority members to determine their needs and concerns
16. Establish or link 3-1(g) work with ethnic-minority affairs engagements at state assemblies
17. Establish or link 3-1(g) work with a statewide ethnic-minority leadership training program
18. Annually budget activities designed to increase ethnic-minority representation and involvement
19. Pursue partnerships with external organizations to develop/promote projects for increasing ethnic-minority presence in the education professions
20. Pursue partnerships with universities and teaching programs to promote mentorship and/or support programs for ethnic-minority students

##### Responsibility, Accountability, and Leadership for Implementation of Plan

###### Key Actions

1. Assign a governance body, committee, task force, or other appropriate group to review annual implementation of 3-1(g) activities
2. Seek input on annual plan development from key stakeholders (e.g., officers, NEA and state board members, state ethnic minority affairs committee, large local association presidents)
3. Highlight areas of annual progress and improvement through multiple measures that track ethnic-minority involvement and representation throughout the Association

###### Additional Actions

1. Establish formal procedures for adoption of 3-1(g) plan by state governance body
2. Define roles, responsibilities, and resources needed for leaders, members, and staff involved in 3-1(g) work
3. Develop internal monitoring tools intended to evaluate the success of 3-1(g) plan's annual implementation and/or effect on organizational diversity and involvement
4. Assign a state association officer to directly manage plan development and implementation
5. Assign a staff member to manage plan development and implementation
6. Incorporate annual timeline for 3-1(g) activities throughout membership year
7. Specify amount or percentage of state association staff work assigned to 3-1(g)

## Identification of Ethnic-Minority Members, Involvement, and Outreach

### Key Actions

1. Update and maintain data on ethnic minorities in Association membership and in the statewide education workforce
2. Encourage local and state Association leaders to recommend ethnic-minority members to appointed positions on state and national committees and other appointive bodies
3. Expand outreach efforts with community-based ethnic-minority organizations

### Additional Actions

1. Establish funding to support ethnic-minority member participation in trainings and conferences
2. Create coalitions designed to influence policy and funding for issues critical to ethnic minority students and families
3. Establish and/or reach goals for number of members to attend local, state, and national minority leadership trainings
4. Identify ethnic-minority members that have participated in trainings and any subsequent leadership experiences acquired by these members
5. Communicate and network with ethnic-minority members about opportunities for local, state, and national involvement
6. Establish goal for increasing the percentage of ethnic-minority educators in the state
7. Establish goal for increasing the percentage of ethnic minority enrollment at state colleges of education
8. Involve local association presidents in promoting the importance of self-identifying race/ethnicity
9. Monitor ethnic-minority student populations
10. Strengthen membership outreach to underrepresented racial/ethnic groups and/or education employment categories
11. Support local association and other related efforts for creating academies to improve pipeline of graduating educators
12. Establish processes for local-to-state reporting of identified ethnic-minority members by UniServ directors, local secretaries, treasurers and/or membership chairs
13. Survey ethnic-minority members to gauge awareness of and interest in leadership opportunities

## Media, Messaging, and Engagement

### Key Actions

1. Provide for educational opportunities among leaders and members about the purpose and meaning of Bylaw 3-1(g) and/or the importance of diversity in the Association and education workforce
2. Link 3-1(g) work with awards or special recognitions established for excellence in diversity efforts and/or social justice issues
3. Recommend personal contacts by state, local, and/or ethnic-minority caucus leaders with ethnic-minority members to encourage involvement

### Additional Actions

1. Develop content and publish articles on diversity issues and concerns through print, web, and/or other media sources
2. Promote aspects of 3-1(g) work through Association's print, web, and/or other media sources
3. Create accessible information about available positions and nomination and election procedures for state and national offices; and about appointments to state and national committees
4. Communicate about 3-1(g) work and leadership diversity in conjunction with delivery of nomination and election procedures for state and national offices
5. Link 3-1(g) work with promotion of organizational statements or positions on diversity issues
6. Promote the availability and means of contacting representatives of EMAC, human rights, multicultural committees, and other similar state groups to share information about their work, charges, awards given, goals and priorities, and opportunities for involvement
7. Recommend the inclusion of ethnic-minority observances and/or multicultural activities at governance meetings, conferences, and/or other events
8. Create of a mailing list of ethnic-minority members for key communications
9. Use traditional (e.g., direct mail and email campaigns) and/or alternative media (e.g., social, video) to promote organizational and leadership diversity and opportunities for involvement
10. Distribute 3-1(g) media (e.g., brochures, briefs) at state association-sponsored conferences and governance meetings
11. Deliver presentations at state conferences, assemblies, and/or NEA RA state delegate assembly meetings on aspects of state 3-1(g) work
12. Schedule training session at state association assembly on nomination and election processes for NEA delegates

## State/Local Collaboration and Relationship Building

### Key Actions

1. Engage specific local Associations periodically to build awareness about 3-1(g)
2. Deliver presentation and/or provide informational resources to local leaders at state meetings that outline your Association's 3-1(g) plan and expectations
3. Establish local delegate seat ratios for proportionate ethnic-minority representation for which local Associations are encouraged to reach

### Other Actions and Indicators

1. Support local Associations in development and implementation of 3-1(g) activities
2. Communicate 3-1(g) commitment and delegate election procedures through statewide print and web media, and regional/local media
3. Emphasize importance of formulating local Association strategies for outreach to educators of color
4. Encourage local Association governing bodies to take formal action to endorse the state association's annual 3-1(g) plan
5. Recommend that all local association governing bodies take formal action to adopt their own local 3-1(g) plans
6. Establish early-in-cycle communications to local association presidents and state assembly delegates regarding 3-1(g) planning and efforts
7. Receive input from local association leaders for recommendations of ethnic-minority members to attend trainings and conferences
8. Coordinate with all local associations to determine the anticipated number of successfully elected ethnic-minority members to locally allocated NEA delegate positions that will be needed within the total seated delegation to achieve numerical goal at NEA Representative Assembly
9. Promote the establishment of ethnic minority affairs and/or human and civil rights committees at the local association level
10. Encourage collaboration between state and local association staff, building representatives, and other local contacts designed to build awareness about 3-1(g) work
11. Establish opportunities for state recognition of local associations that successfully implement 3-1(g) activities and/or meet prescribed goals for ethnic-minority representation and involvement
12. Establish opportunities for state recognition of local associations that participate in state and/or NEA ethnic-minority leadership training
13. Encourage personal contact by state association leaders with local association presidents regarding aspects of 3-1(g) plan implementation and/ or approaches to ethnic-minority involvement
14. Coordinate with presidents of large local associations to develop messaging on diverse representation and leadership involvement
15. Share lists of self-identified ethnic-minority members with local association presidents and request periodic updates to maintain accuracy of race/ethnicity data within their respective memberships
16. Promote networking between ethnic-minority leaders and members about election notices, particularly for leadership positions that also constitute election to the NEA Representative Assembly
17. Concentrate 3-1(g) strategy and resources on activities designed to increase ethnic-minority involvement and representation within locally-allocated delegate positions
18. Establish local association incentives for successful 3-1(g) planning and engagement
19. Recognize formally through state assemblies those local associations that have developed quality approaches to and/or increases in ethnic-minority member representation and involvement
20. Work with local associations to establish and promote human and civil rights awards at local and/or state levels
21. Strengthen 3-1(g) engagement specific to all large local associations and/or large locals with significant numbers of ethnic-minority members
22. Publicize best practices for increasing ethnic-minority involvement that have been successfully implemented by local associations
23. Establish small local association clusters to increase opportunity for NEA delegate representation
24. Maintain local clustering plans that emphasize ethnic-minority involvement

## DATA POINTS

### National Governance Data

1. Number of ethnic-minority members nominated to NEA delegate positions but not elected
2. Number of ethnic-minority members elected to NEA delegate positions but did not attend
3. Number of ethnic-minority members elected to NEA successor delegate positions
4. Number of state governance positions, other than state association president, that also constitute election to NEA RA
5. Number of ethnic-minority members elected to NEA Board of Directors (past and current)

### State Governance Data

1. Total number of delegate positions at most recent state assembly meeting
2. Number of ethnic-minority members elected to delegate positions at most recent state assembly meeting
3. Total number of state officer positions (State Board, Executive Committee, Officers, or other comparable positions)
4. Number of ethnic-minority members currently serving in state officer positions
5. Total number of appointed positions on state Association committees and related appointive bodies
6. Number of ethnic-minority members currently appointed to state Association committees and related appointive bodies

### Local Governance Data

1. Total number of local Associations
2. Number of ethnic-minority members currently serving as local Association president
3. Number of ethnic-minority members currently serving as local Association vice president, treasurer, or comparable positions
4. Number of local governance positions that also constitute election to NEA RA

### Additional Data

1. Number of ethnic minorities employed as full time staff with state Association
2. Number of ethnic-minority members attending state-sponsored conferences other than state assembly
3. Number of ethnic-minority members attending national conferences other than NEA RA
4. Number of ethnic-minority members in their first year of membership

Send questions to [pbirkmeier@nea.org](mailto:pbirkmeier@nea.org) / NEA Center for Governance

## **Appendix 4. Guidelines for the Allocation of Delegate Credentials to a State Affiliate for NEA Active Members Who Are Not State Affiliate Members**

The 1993 NEA Representative Assembly amended Bylaw 3-1(a) to provide that “if additional delegate positions are allocated to a state affiliate on the basis of Active members of the Association within a state who are not also members of the state affiliate, only the latter members of the Association may be elected to such additional delegate positions.”

This provision will be implemented in accordance with Article III, Section 2.a., of the Constitution, and other provisions of Bylaw 3-1(a). The following guidelines will be followed in the application of the provision.

- The provision shall become operative when a number of Active NEA members in the state who are not members of the state affiliate (“NEA members/state affiliate nonmembers”) reaches 1,000. At that point, the NEA members/state affiliate nonmembers shall become eligible for one (1) delegate position to the NEA Representative Assembly. When the number of NEA members/state affiliate nonmembers reaches 2,000, they shall become eligible for a second delegate position, and so on. The major fraction provision shall not apply.
- By February 15 of the year in which the Representative Assembly convenes, the NEA executive director shall notify state affiliates of their special allocations based on the number of NEA members/state affiliate nonmembers in the state. The executive director’s communication shall specify the number of delegate positions in the special allocation. The number shall be based on the number of NEA members/state affiliate nonmembers in the state as of January 15 of that year.
- The state affiliate shall be responsible for soliciting nominations and conducting the elections for the special allocation for NEA members/state affiliate nonmembers in conjunction with its regular delegate elections.
- In those states in which NEA and the state affiliate have negotiated a service agreement by which the state affiliate provides for the delivery of service to NEA members/state affiliate nonmembers, the terms and conditions of the nominations and elections process for such delegate positions (for example, costs incurred for the extra mailings) may be covered in the service agreement.
- In any state in which NEA and the state affiliate have not entered into a service agreement, the terms and conditions of the nominations and elections process (for example, costs) shall be negotiated by NEA and the state affiliate.
- If a state affiliate receives a special allocation on the basis of NEA members/state affiliate nonmembers in the state, but the state’s regular allocation or special allocation remains unfilled, neither allocation shall be filled by individuals eligible for the other delegate allocation. NEA members/state affiliate nonmembers may not fill the state’s regular allocation because they are not members of the state affiliate. Similarly, NEA members/state affiliate members may not fill the special allocation reserved for NEA members/state affiliate nonmembers. (See Bylaw 3-1.a)
- The state affiliate shall determine how the election shall be conducted and who shall comprise the voting constituency. In this regard, the state affiliate shall have two options:
  1. The affiliate may permit all NEA members in the state (both members and nonmembers of the state affiliate) to vote for all delegates positions—both the regular allocation and the special allocation for NEA members/state affiliate nonmembers.

2. The affiliate may limit the voting constituency for the regular allocation to NEA members who are members of the state affiliate and may restrict the voting constituency for the special allocation to NEA members/state affiliate nonmembers.

In either instance, candidates for delegate positions shall be identified according to the delegate position sought (i.e., regular or special allocation), and the ballot shall explain that the individuals receiving the highest number of votes in each category will be elected to that category. It is possible that some individuals in one category who are not elected will receive more votes than individuals elected in the other category.

- The requirement of proportional representation by education position set forth in Bylaw 3-1(a) shall be applied separately to the state affiliate's regular allocation and to the special allocation for NEA members/state affiliate nonmembers.
- The ethnic-minority goal set forth in Bylaw 3-1(g) shall be applied to the combined allocation to the state affiliate, regular and special.



## **Appendix 5. Text of NEA Bylaw 2-1(d)**

### **Bylaw 2. Membership**

#### **2-1. Categories**

d. Retired membership shall be open to any person who is at least forty-five (45) years of age or who is eligible to receive a pension from an educational employment retirement system (including Social Security), and who was employed for at least five (5) years in a position that qualified him or her for Active membership but who is no longer so employed or who retires and returns to either day-to-day or regular full- or part-time educational employment as part of an early retirement agreement with the local school district. Retired membership is limited to persons who support the purposes and programs of the Association. Retired members shall maintain membership in the state affiliate provided the affiliate has a membership category for retired members and provided the affiliate grants such members at least the right to serve as delegates to its delegate assembly or equivalent body and to be counted toward the representation entitlement for such body.

Retired members shall have the right to vote, to hold elective or appointive positions in the Association, and to be counted toward the representation entitlement for the Board of Directors and the Representative Assembly as provided in the Constitution and Bylaws.

Retired members shall be eligible to receive Educators Employment Liability Coverage and other benefits and services of the Association authorized by the Board of Directors.

Unless these Bylaws provide otherwise, a person who is eligible for Association membership in both the Retired and Active membership categories shall have the option to join the Association as a Retired or as an Active member.

An Active Life member who is eligible for Retired membership may join the Association as a Retired member while retaining his or her Active Life membership, provided that during the period of such membership, he or she shall be counted for the allocation of delegate credentials, be eligible to participate in Association governance, be eligible to receive Association benefits and services, and be treated for all other Association purposes only as a Retired member.