



Great Public Schools for Every Student

NATIONAL EDUCATION ASSOCIATION

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

2022 NEA Representative Assembly

Timeline for the Allocation and Election of Delegates to the 2022 NEA Representative Assembly

September 2021	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.
October 2021	NEA sends each state affiliate U.S. Census data on race and ethnicity and information on submission of state affiliate plans for achieving representation goals at 2022 RA.
December 1, 2021	State affiliate plans for achieving NEA Bylaw 3-1(g) representation goals are due to NEA by this date, or if eligible, notification of intent to implement previously approved plans.
January 15, 2022	<p>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 Aspiring Educator members).</p> <p>Deadline for requests of delegates who waived delegate status to resume their delegate position if elected for multiple years.</p> <p>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.</p> <p>All allocation and election information, including this policy booklet, is updated and available on nea.org.</p>
January 30, 2022	NEA sends notifications during this week 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, 2022	NEA sends to each state report forms containing delegate allocations based on Aspiring Educator membership received as of March 15.
April 10, 2022	Deadline for local affiliates to send delegate and successor election report forms to their state affiliates.
May 15, 2022	<p>State affiliates forward to NEA delegate report forms for all elected local, clustered, state, Retired member, Aspiring Educator member, and successor delegates.</p> <p>Delegate report forms are filed with NEA for delegates and successor delegates representing Aspiring Educator, Retired, and Active members employed in higher education and education support professional positions who are denied active membership in local affiliates.</p> <p>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.</p>
June 1, 2022	<p>Deadline for submitting challenges to the NEA Credentials Committee pertaining to alleged violations of election requirements.</p> <p>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.</p>
May/June 2022	NEA sends credentials and registration packets to delegates.
May/June 2022	Delegate Registration
July 2022	NEA Representative Assembly

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

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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. THE GOVERNING REQUIREMENTS

All elections for Representative Assembly (RA) delegates must comply with NEA's governing documents and Title IV of the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. 481, *et seq.* (LMRDA). The failure to adhere to these requirements could result in denial of delegate credentials at the RA or a meritorious challenge to the election. The key requirements for these elections are highlighted below and discussed in detail in subsequent sections of this booklet.

A. Notice to All Eligible NEA Members of Nominations and the Election

Nominations and voting for NEA delegates must be open to all NEA Active, Active Life, Aspiring Educator, and Retired members ("eligible NEA members") regardless of whether they are members of a state or local association. (*See* Section III.B.)

All eligible NEA members¹ must receive notice of the date, time, place and format for making nominations and notice of the election. The election notice must be sent by U.S. mail, to all members' last known home addresses, at least 15 days prior to the election. The nominations notice and election notice may be combined, and may be included as part of a newsletter or other regular member mailing, as long as the notice is prominently placed within the publication. If the election is being conducted by mail ballot, the notice of election may be included in that mail ballot provided it is sent at least 15 days before the date by which ballots must be returned. (*See* Section III.C.)

B. Fair Election Procedures

There must be a reasonable period prior to the election during which candidates and their supporters may campaign.

No union or employer funds or resources (including equipment, information technology resources, and paid time) may be used to support any candidate. Unions may sponsor events or publications in which all candidates may communicate about their campaigns (such as space in a union newsletter or a forum for candidates at a union meeting), provided the same opportunity is provided to all candidates. Unions must distribute campaign material for candidates upon reasonable request that complies with the union's reasonable deadlines and procedures, provided the candidate pays the costs of any such distribution.

Voting must take place separately for each NEA delegate position. Slate voting in which certain nominees are presented as a unit or a block as the "endorsed slate" of candidates is not permitted. (*See* Section III.M.)

Individuals responsible for conducting delegate elections must allow observers representing the candidates to be present for the voter eligibility verification process, in the polling place, and during the tabulation of the ballots. (*See* Section III.T.)

State and local associations should establish procedures to hear and decide challenges to the conduct and/or results of an election. Members should be advised of these procedures, including the format and deadline for submitting challenges. Appeals from these procedures are resolved by the NEA Credentials Committee. (*See* Section III.A.)

C. Secret Ballot

Delegate elections must be conducted by secret ballot, except if the number of candidates equals or is less than the number of positions to be filled, in which case, the election may be declared by acclamation. (*See* Section III.L.)

Affiliates may choose to conduct elections in person at one or more polling location(s) or by mail ballot, but in either case must assure the secrecy of individual members' ballots. For detailed explanations as to how to do this, *see*

¹ Unless otherwise specified, references in this booklet to NEA members refers only to those members who are eligible to vote in NEA RA delegate elections as defined in this section.

Sections III.E and III.L, as well as the U.S. Department of Labor’s Office of Labor-Management Standards (OLMS) “Checklist for Conducting Local Union Officer Elections” (<https://www.dol.gov/olms/regs/compliance/elecchk.htm>) and guidance on “Conducting Local Union Officer Elections.” (<https://www.dol.gov/olms/regs/compliance/localelec/localelec.pdf>). Remote electronic voting is not recommended unless the association, in consultation with legal counsel, can ensure vendor compliance with the requirements summarized in OLMS guidance: https://www.dol.gov/olms/regs/compliance/catips/CompTip_ElectronicVotingSystems_2019.pdf. (See Section III.E.)

II. ALLOCATION OF DELEGATES

Delegate allocations are governed by NEA Bylaw 3-1, the key requirements of which are outlined below. The full Bylaw can be found in Appendix 1.

This document uses the term *state delegation* to mean all delegates elected by the state affiliate and by NEA local affiliates in the state.

A. State Delegate Allocations

Except as provided in Section C below, state affiliates are allocated delegates 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 provided in Section C below, local affiliates are allocated delegates as specified below. If a member holds membership in more than one local affiliate, they 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 fewer than 226, members will be entitled to one delegate. A local with more than 225, but fewer 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 Fewer than 76 Members

Locals with fewer 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 fewer 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.²

3. All-inclusive Locals

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. For an explanation of the difference between Category 1 and 2 members *see* Section III.N. 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

² Unless otherwise identified, all references to membership classes indicate NEA membership classes.

delegate if its Category 2 members are clustered.

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 that affiliated after September 1, 1999. This adjustment reflects the reduction in Association dues paid by Active members of such affiliates pursuant to NEA Bylaw 2-7(m).

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. Aspiring Educator Delegate Allocations

Delegate credentials for Aspiring Educator members will be based on membership enrolled through the state affiliate as of March 15. Allocation of delegate credentials to state affiliates for Aspiring Educator 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 Aspiring Educator members may nominate, vote for, or serve as Aspiring Educator delegates. Aspiring Educator groups shall comply with their state affiliate's plan to achieve racially and ethnically diverse representation as required by NEA Bylaw 3-1(g).

E. Retired Delegate Allocations³

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 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

³ 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.

organizations shall comply with their state affiliate's plan to achieve racially and ethnically diverse 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 Active Life membership, provided that during the period of such membership, the member 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 the following 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 racially and ethnically diverse 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 Aspiring Educators Committee. NEA directors and state and local affiliate officers who are elected by vote of all NEA Active members in the state and in compliance with the requirements of the LMRDA, shall have full voting rights in the Representative Assembly. NEA directors and state and local affiliate officers who are elected by their state or local 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, at-large directors, Aspiring Educator and Retired directors, the president of NEA-Retired, and the chairperson of the Aspiring Educators Committee also have limited voting rights.

III. STATE AND LOCAL DELEGATE ELECTION REQUIREMENTS

To qualify for full voting credentials to the NEA Representative Assembly, all delegates must be elected in compliance with Title IV of the LMRDA and the Association's governing documents.⁴

A. Procedural Requirements

Affiliates function as agents of NEA in the conduct of elections for NEA Representative Assembly delegates, including elections for affiliate officers who serve as NEA RA delegates ex officio. Affiliates may promulgate procedural rules to facilitate the election process, so long as the procedural rules are:

1. Consistent in all respects with NEA eligibility and election requirements.
2. Consistent with the requirements of Title IV of the LMRDA.
3. Reasonable in light of all relevant circumstances.
4. Uniformly applied in a nondiscriminatory and non-arbitrary 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 remedy 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 for a hearing or other meaningful opportunity for the challenger(s) to present evidence and for an accused candidate or the election facilitators to present rebuttal evidence 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 affiliate procedural rule, 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.

Affiliates should 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. Members must be provided with reasonable notice of any such procedures and the deadlines for invoking them. Decisions regarding election challenges must be provided in writing to the complaining party, and should contain notice of the right to appeal to the NEA Credentials Committee.

B. Election By All NEA Members Eligible To Vote

The state affiliate has the responsibility to ensure that all eligible NEA 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 Members⁵

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, but shall not

⁴ The election of all delegates, including those delegates representing Aspiring Educator, Retired, or other member groups, must comply with the Association's governing documents. Election of delegates who will have full voting rights (that is, those who have the right to vote for NEA officers) must comply with the LMRDA.

⁵ See Section III.N for additional information with respect to NEA Active Life members who are retired.

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.

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.⁶

C. Notification and Reporting of Elections

Affiliates must provide timely notice to all eligible NEA members of nominations and of the election itself for RA delegate positions. The nominations notice must include the date, time, place and format for making and accepting nominations. The elections notice must be provided to all eligible voters by U.S. mail to members' last known home addresses no fewer than 15 days prior to the election. The elections notice (which may be combined with the nominations notice) can be included as part of a newsletter or other regular mailing, as long as such notice is prominently placed in the document so as to be visible to a casual reader. In the event that the affiliate is conducting the election by mail ballot, the mail ballot itself may provide the required notice of election so long as it is sent to voters at least 15 days before the ballot return date.

Election results must be announced 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 member, Aspiring Educator member, and successor delegates to NEA by May 15.

D. Structuring Elections

Affiliates may conduct elections through at-large elections, through creating smaller geographic 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.

2. Elections from Smaller Constituencies

When smaller geographic constituencies, such as regions, districts or schools, 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.

⁶ See Bylaw 2-1(d), Appendix 4.

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

E. Means of Conducting Elections

Affiliates may conduct RA delegate elections through in-person voting or via mail ballot, but in either case should pay particular attention to complying with the relevant LMRDA requirements. Affiliates should avoid the use of remote electronic voting systems unless they have consulted with legal counsel, and that counsel has worked with the vendor of the voting system to ensure that the system meets the requirements for electronic voting established by the U.S. Department of Labor.

1. In-Person Voting

Elections conducted by in-person voting must comply with the LMRDA requirements for (i) confirming voter eligibility; (ii) providing a secret ballot for all eligible voters; (iii) allowing for observers at all critical stages of the election process; and (iv) ensuring the security of the ballots and an accurate tally of ballots cast.⁷

The affiliate may hold elections at a general membership meeting if such a procedure will reasonably allow all members to vote and can be conducted in conformance with the requirements of the LMRDA.

In the election of state delegates, a state association may send ballots to each local affiliate in the state to conduct the actual election. In order for those state delegates to have full voting rights, however, the election must be conducted in accordance with the requirements of the LMRDA and NEA governing documents.

If a substantial number of eligible voters or a particular segment of the membership will not be able to vote in person, absentee ballots should be made available, and members should be so notified of the option to vote by absentee ballot. The use of absentee ballots should be conducted in accordance with the procedures for mail ballots referenced below.

2. Mail Ballots

Elections by mail ballot are the easiest way to conduct an LMRDA compliant election. For a step-by-step guide as to how to conduct a valid mail ballot election, see this helpful guide from the Department of Labor, Office of Labor-Management Standards (OLMS) on “Electing Local Union Officers by Mail” (available at <https://www.dol.gov/olms/regs/compliance/elecblm.htm>) as well as this quick “Checklist for Conducting Local Union Officer Elections” from OLMS (available at <https://www.dol.gov/olms/regs/compliance/elecchk.htm>).

3. Electronic Voting

Some unions have moved to conducting elections using electronic voting systems that allow members to vote remotely by telephone or personal computers. Although such voting systems are intuitively appealing, the Department of Labor (“DOL”) has made clear—through both its enforcement actions against unions that have used remote electronic voting systems and its guidance on the use of remote electronic voting systems—that it is difficult to design and implement electronic voting systems that comply with the requirements of the LMRDA as the DOL understands them. If the DOL takes enforcement action to challenge an election, such an election can be overturned and must then be rerun under the DOL’s supervision. For this reason, NEA cautions affiliates against using remote electronic voting systems for NEA RA delegate elections unless, with the guidance of legal counsel, they are fully satisfied that the system meets all of the requirements spelled out in the DOL’s guidance.⁸

⁷ For comprehensive guidance from the DOL, see “Conducting Local Union Officer Elections,” at <https://www.dol.gov/olms/regs/compliance/localelec/localelec.pdf>

⁸ The DOL’s guidance, published in the form of a “Compliance Tip,” can be found at https://www.dol.gov/olms/regs/compliance/catips/CompTip_ElectronicVotingSystems_2019.pdf.

F. 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 open for all allocated delegates within the constituency of voters for each delegate slot.

Affiliates must 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 III.L: “Election by Secret Ballot for Each Office.”

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

G. One-Person–One-Vote

The *one-person–one-vote* principle is established by 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 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 III.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 who will have full voting rights (specifically, the right to elect Association officers) 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 as 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.

H. 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 election must comply with Title IV of the LMRDA if the individuals are to serve as delegates with full voting rights.
3. The officers must have been elected by the membership “at large” and not by a delegate assembly or any smaller elected body.
4. 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.
5. 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). The NEA Executive Committee has determined 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.⁹

6. 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

Article III, Section 3, of the NEA Constitution provides that election to various offices, including the office of state affiliate president, shall constitute election as an NEA delegate. In order for the delegate position to be one that carries full voting rights, the election must meet all the requirements set forth immediately above in Section III.H. State affiliate presidents whose elections do not meet these requirements 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 will be accorded ex-officio status over and above the state's allocation of delegate positions and may not claim other credentials.

I. 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.¹⁰

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.

J. 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.

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 figure is smaller.

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., Aspiring Educator, 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 III.F).

⁹ See Section III.N and Bylaw 3-1(a) as shown in Appendix 1.

¹⁰ See Section II.B-3 and Bylaw 3-1(j), as shown in Appendix 1.

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 categories¹¹ 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.

K. 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.

L. 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 fewer 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.¹² 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.¹³

All election materials must be retained by local and state affiliates for one year, as required under the LMRDA. If a delegate is elected for a term that exceeds one year, the records of the election results must be retained until the expiration of the multi-year term as those records will be necessary for delegate selection purposes should the affiliate lose delegate seats due to membership loss (*See* Section III.Q. Terms of Elected Delegates).

M. 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

¹¹ Refer to Section III.N for the definition of Categories 1 and 2.

¹² For additional guidance on conducting an LMRDA-compliant election *see* the OLMS “Checklist for Conducting Local Union Officer Elections,” which can be found at <https://www.dol.gov/olms/regs/compliance/elecchk.htm>

¹³ *See* OLMS guidance on “Electing Local Union Officers by Mail”, which can be found at <https://www.dol.gov/olms/regs/compliance/elecblm.htm>

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.

N. 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...*¹⁴

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 Category 2 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 makes and reports back 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 they were 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 which they were 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.¹⁵

O. Delegate Representation and Bylaw 3-1(g)

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

¹⁴ See Bylaw 12.1(f).

¹⁵ See Section III.H-5.

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 racially and ethnically diverse 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 racially and ethnically diverse members; expenditures that directly or indirectly promote the candidacy of any person; the payment of travel or other delegate expenses for only racially and ethnically diverse 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 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 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 racially and ethnically diverse 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 to attend a workshop designed to assist states in identifying barriers and solutions to numerical 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 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.¹⁶

In order for a plan to be monitored, identification of diverse delegates in a state's delegation must be made. Therefore, state affiliates should encourage delegates to identify the appropriate self-identification 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.

P. 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, they 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 their race/ethnicity designation by self-identification for election as a delegate to a subsequent NEA Representative Assembly.

Q. 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). For that reason, it is important to preserve election result records for the duration of all multi-year terms.

R. 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

¹⁶ See Appendix 2.

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.

S. Election to Multiple Delegate Positions

It is permissible for a member to be nominated and run for election for as many positions as 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.

T. Observers

Each candidate must be permitted to have an observer at the polls, during each phase of the voter eligibility verification process, and at the tabulation of the ballots. In mail ballot elections, observers must be permitted at the preparation and mailing of ballots, during any visits to the post office to pick up ballot packages, and during the opening and counting of the ballots. Observers do not have the right to participate in the counting of the ballots, but must be permitted to be close enough to see each task being performed.¹⁷

U. 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.

IV. 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

¹⁷ For OLMS guidance on “Observer Rights and Responsibilities in Elections of Union Officers,” see the fact sheet found at https://www.dol.gov/olms/regs/compliance/Observer_FACT.htm

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 and applicable LMRDA requirements, such as 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. Grounds for Challenging 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 III. item I.)
- b. Sufficient notice of nominations and election. (*See* Section III.C.)
- c. Election by secret ballot for each individual office as set forth in Article III, Section 3.C., of the NEA Constitution. (*See* Section III.L.)
- d. One-person–one-vote as set forth in Article III, Section 3.a., of the NEA Constitution. (*See* Section III.G.)
- e. All eligible members provided the right to vote, as set forth in Article III, Section 3.C, of the NEA Constitution. (*See* Section III.B.)
- f. Proportional representation by education position, as set forth in NEA Bylaw 3-1(a). (*See* Section III.N.)
- g. Terms of delegates, as set forth in NEA Bylaw 3-3. (*See* Section III.Q.)
- h. Successor delegates, as set forth in NEA Standing Rule 1.B(3). (*See* Section III.R.)
- i. Ethnic-minority representation as set forth in NEA Bylaw 3-1(g). (*See* Section III.O.)
- j. Election for all allocated delegate positions. (*See* Section III.F.)
- k. Observers allowed. (*See* Section III.T.)

The NEA Credentials Committee will hear appeals from decisions of affiliates on election challenges that are brought by the member that pursued the challenge with the affiliate or that was aggrieved by the decision of the affiliate, or by a representative of the local affiliate that conducted the challenged election.

In resolving challenges, the Committee shall have the authority to modify or reverse the action of the affiliate if it concludes that the election was conducted in a manner that (a) violated NEA’s eligibility and election requirements or the applicable requirements of the LMRDA; or (b) was unreasonable, discriminatory or arbitrary; or (c) the affiliate’s challenge procedure denied accused members the required opportunity to defend themselves.

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 election requirements or violations of requirements of the LMRDA. 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.¹⁸

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 claim.
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 facts alleged in the challenge constitute *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 delegate(s) 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 upholds a challenge to a delegate(s)' credentials, it will take appropriate action.

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 numerical goals as specified in NEA Bylaw 3-1(g).

¹⁸ See Section III.A.

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) Aspiring Educator members of the Association. The state affiliate shall receive a second credential when Aspiring Educator membership in the state reaches seven hundred fifty (750) and an additional credential for each five hundred (500) Aspiring Educator members thereafter. The allocation shall be on the basis of Aspiring Educator 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. Suggested Measures to Increase Racially and Ethnically Diverse Participation in Activities

This is a comprehensive list of suggested actions and data points that have been identified by national, state, and local leaders in support of high quality 3-1(g) planning and implementation. Each area of focus represents a criteria used by the NEA Executive Committee to evaluate involvement plans that are submitted by State Associations for review and approval.

ACTIONS

Evidence of Policy Commitment by State Affiliate

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 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.

Other Actions and Indicators

1. Establish plan for achieving the level of racially and ethnically diverse members as delegates to state assembly.
2. Direct collaboration between Association's officers and diverse leaders in governance.
3. Record data on progress and achievement of 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 representation and involvement.
7. Record data for racially and ethnically diverse involvement on all state governance bodies.
8. Highlight organizational commitment to social justice.
9. Establish representation goals 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 diverse membership.
11. Recommend networking between racially and ethnically diverse leaders and members to promote conferences, trainings, and elections or other opportunities for involvement.
12. Direct the monitoring of involvement of racially and ethnically diverse 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 racially and ethnically diverse 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 representation and involvement.
19. Pursue partnerships with external organizations to develop/promote projects for increasing racial and ethnic diversity in the education professions.
20. Pursue partnerships with universities and teaching programs to promote mentorship and/or support programs for racially and ethnically diverse 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 involvement and representation throughout the Association.

Other Actions and Indicators

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).

Promising Strategies for 3-1(g) Success

Key Actions

1. Identification of, involvement with, and outreach to racially and ethnically diverse members.
2. Recruitment and retention of racially and ethnically diverse members.
3. Specific, measurable, achievable, realistic, and timely goals for increasing leadership opportunities for racially and ethnically diverse members.
4. Engagements designed to determine needs and concerns, and to gauge awareness of and interest in leadership opportunities for such members to demonstrate they have a place within the Association.

Other Actions and Indicators

1. Update and maintain data on race/ethnicity in Association membership and in the statewide education workforce.
2. Encourage local and state Association leaders to recommend racially and ethnically diverse members to appointed positions on state and national committees and other appointive bodies.
3. Expand outreach efforts with community-based organizations.
4. Engage with local school districts and other appropriate points-of-hire to assess and seek improvements on the number of racially and ethnically diverse job applicants entering the work force.
5. Develop grow-your-own programs to address shortages for diverse educators.
6. Develop strategies to connect with and retain early career educators and other segments that may be more vulnerable to exiting the professions.
7. Establish funding to support racially and ethnically diverse member participation in trainings and conferences.
8. Create coalitions designed to influence policy and funding for issues critical to diverse students and families.
9. Establish and/or reach goals for number of members to attend local, state, and national minority leadership trainings.
10. Identify members that have participated in such trainings and any subsequent leadership experiences acquired by these members.
11. Communicate and network with racially and ethnically diverse members about opportunities for local, state, and national involvement.
12. Establish goal for increasing the percentage of racially and ethnically diverse educators in the state.
13. Establish goal for increasing the percentage of racially and ethnically diverse enrollment at state colleges of education.
14. Involve local association presidents in promoting the importance of self-identifying race/ethnicity.
15. Monitor race/ethnicity percentages of student populations.
16. Strengthen membership outreach to underrepresented racial/ethnic groups and/or education employment categories.
17. Support local association and other related efforts for creating academies to improve pipeline of graduating educators.
18. Establish processes for local-to-state reporting of identified racially and ethnically diverse members by UniServ directors, local secretaries, treasurers and/or membership chairs.
19. Survey 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 members to encourage involvement.

Other Actions and Indicators

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 a mailing list of racially and ethnically diverse 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 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 diverse educators.
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 racially and ethnically diverse members to attend trainings and conferences.
8. Coordinate with all local associations to determine the anticipated number of successfully elected racially and ethnically diverse 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 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 diverse member involvement.
14. Coordinate with presidents of large local associations to develop messaging on diverse representation and leadership involvement.
15. Share lists of self-identified members by race/ethnicity with local association presidents and request periodic updates to maintain accuracy of race/ethnicity data within their respective memberships.
16. Promote networking between racially and ethnically diverse 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 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 racially and ethnically diverse 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 racially and ethnically diverse members.
22. Publicize best practices for increasing 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 diverse involvement.

Evidence of Statewide Commitment to Racial Justice in Education

Key Actions

1. Develop a comprehensive strategy for educating leaders, staff, and membership about racial justice in education.
2. Formally adopt a comprehensive plan for racial justice in education through state's RA or other governance body.
3. Take steps to highlight organizational commitment to racial and social justice.

Other Actions and Indicators

1. Ensure that racially and ethnically diverse educators have a forum to express concerns within the Association.
2. Link racial justice work to other policies (governing documents and other guidelines) that address and support representation and involvement by racially and ethnically diverse members.
3. Develop an equity lens that may serve as an analytical tool to aid in decision-making around all major facets of Association work such mission and strategic goals, governing documents, organizing, local association standards, and staff hiring practices.

DATA POINTS

National Governance Data

1. Number of racially and ethnically diverse members nominated to NEA delegate positions but not elected.
2. Number of such members elected to NEA delegate positions but did not attend.
3. Number of such 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 racially and ethnically diverse 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 racially and ethnically diverse members elected to delegate positions at state assembly.

3. Total number of state officer positions (State Board, Executive Committee, Officers, or other comparable positions).
4. Number of racially and ethnically diverse members currently serving in state officer positions.
5. Total number of appointed positions on state Association committees and related appointive bodies.
6. Number of racially and ethnically diverse members currently appointed to state Association committees and related appointive bodies.

Local Governance Data

1. Total number of local Associations.
2. Number of racially and ethnically members currently serving as local Association president.
3. Number of such 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 racially and ethnically diverse employed as full time staff with state Association.
2. Number of such members attending state-sponsored conferences other than state assembly.
3. Number of such members attending national conferences other than NEA RA.
4. Number of such members in their first year of membership.

**Top-Ranked 3-1(g) Practices:
Short-Term and Long-Term Activities
As Surveyed and Recommended by State Association Bylaw 3-1(g) Planning Teams**

Rank	Short-Term 3-1(g) Practice/Activity – September to July Implementation
1	Making the state's Bylaw 3-1(g) plan available to members.
2	Promoting member self-identification of race/ethnicity.
3	Taking formal action by state governance body to adopt 3-1(g) plan.
4	Having personal contact between State Association president and local presidents about 3-1(g) work.
5	Networking with potential candidates prior to nominations and election cycle for NEA delegate.
6	Scheduling regular meetings between State Association president and diverse leaders within the state.
7	Including content and articles on diverse issues and concerns in print and web.
8	Communicating with members that have participated in previous leadership trainings.
9	Communicating with racially and ethnically diverse members that have served in previous elected or appointed roles.
10	Designating responsibility for 3-1(g) plan to a specific governance body or committee.
11	Having Local Associations formally endorse the State Association's 3-1(g) plan.
12	Assigning mentors to racially and ethnically diverse members who have been newly elected to leadership positions.
13	Messaging about 3-1(g) during nomination and election processes for state and national office.
14	Establishing small Local Association clusters to increase opportunity for NEA delegate representation.
15	Encouraging Local Associations to establish local delegate seat ratios for proportionate representation.
16	Designating responsibility for 3-1(g) plan to a specific state officer.
17	Prioritizing 3-1(g) engagement with Local Associations based on their race/ethnicity membership levels.
18	Achieving your state's Bylaw 3-1(g) numerical goal at the RA.
19	Designating responsibility for 3-1(g) plan to specific State Association staff.

Rank	Long-Term 3-1(g) Practice/Activity – One to 10 Years Implementation
1	Supporting opportunities for racially and ethnically diverse students in colleges/universities.
2	Sending the full complement of funded participants to NEA-hosted Minority Leadership Trainings.
3	Having a high level of identification data on self-identified race/ethnicity in membership.
4	Increasing racially and ethnically diverse educator retention.
5	Achieving increases in diverse representation in state and local officer positions.
6	Having an Ethnic-Minority Affairs or comparable committee at the State Association level.
7	Increasing racially and ethnically diverse educator induction.
8	Establishing a network of diverse leaders for contact and engagement with members.
9	Promoting the importance of diversity in governance and other decision-making bodies of the Association.

10	Developing and promoting programs that engage diverse members on issues most important to them.
11	Having direct funding for racially and ethnically diverse member participation in trainings and conferences.
12	Supporting diverse candidates entering teacher preparation programs.
13	Providing training on how to run for association office.
14	Conducting surveys of self-identified racially and ethnically diverse members to determine their needs and concerns.
15	Setting goals for increasing the percentage of diverse enrollment in teacher preparation programs.
16	Setting goals for increasing percentage of racially and ethnically diverse educators in the state.
17	Having goals for the number of such members serving on state governance bodies.
18	Receiving Local Association assistance to increase the percentage of race/ethnicity "knowns" in our membership data.
19	Knowing the number of racially and ethnically diverse members elected to delegate positions at state assembly.
20	Having a 3-1(g)-style plan for involvement and representation at our state delegate assembly.
21	Connecting with state and community-based organizations on diverse concerns.
22	Achieving your state's Bylaw 3-1(g) numerical goal at the RA.
23	Knowing the number of racially/ethnically diverse members who ran for delegate position but were not elected.
24	Having an Ethnic-Minority Affairs or comparable committee in Local Associations.
25	Providing incentives to Local Associations to promote increases in leadership diversity.
26	Knowing the number of state governance positions that also constitute automatic election to an NEA delegate position.
27	Knowing the number of local governance positions that also constitute election to an NEA delegate position.
28	Providing special recognition to Local Associations that are successful at increasing leadership diversity.
29	Having requirements for the number of racially and ethnically diverse members appointed to state committees.
30	Having Local Associations develop and adopt their own 3-1(g)-style plans.

Questions on NEA Bylaw 3-1(g) policy may be sent to NEA Center for Governance / cfg_admin@nea.org

Appendix 3. 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 4. 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 them 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 Active Life membership, provided that during the period of such membership, the member 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.