

**MANHATTAN BEACH UNIFIED TEACHERS ASSOCIATION  
BYLAWS**

Amended November 26, 2018

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**Article I. – NAME & LOCATION**

The name of this Association shall be the Manhattan Beach Unified Teachers Association (MBUTA) /SBUT/CTA/NEA in Los Angeles County.

**Article II. – PURPOSES**

The primary purposes of this Association shall be:

- A. To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
- B. To form a representative body capable of developing group opinion on professional matters to speak with authority for members;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To promote cooperation and communication between education support professionals and certificated educators;
- E. To provide a means of representation for its ethnic-minority members;
- F. To promote professional attitudes and ethical conduct among members;
- G. To encourage cooperation and communication between the profession and the community; and
- H. To foster good fellowship among members.

**Article III - AFFILIATION WITH THE CTA/NEA**

- A. The Manhattan Beach Unified Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Manhattan Beach Unified Teachers Association shall be an affiliated local association of the National Education Association (NEA).

**Article IV. – MEMBERSHIP**

- A. The primary category of membership shall be Active members.
- B. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Manhattan Beach Unified School district, and whose primary assignment is such as not to hold evaluative responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit.
- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual MBUTA/CTA/NEA dues.
- D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- E. Active members receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
- F. Active members shall adhere to The Code of Ethics of the Education Profession.

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- G. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.
- H. No member of the Association may be disciplined by the chapter without due process. Due process includes the right to select representation, to present evidence on his/her behalf, to confront and cross-examine his/her accuser and any other witnesses against him/her, and to examine and refute all evidence considered by the hearing panel, whether or not such evidence is presented at a hearing. The member has the right to appeal the decision of the hearing panel to the governing body.
- I. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.

**Article V. - DUES, FEES, AND ASSESSMENTS**

- A. The basic annual dues level for Active members shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the dues of NEA.
- B. The Association's portion of the basic annual dues shall be established by action of the Representative Council at the last regular meeting of the school year.
- C. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.

**Article VI. - POLICY-MAKING BODY**

- A. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.
- B. The Representative Council shall be composed of the following Active members:
  - 1. Voting members of the Executive Board,
  - 2. Site Representatives elected on the basis of one-person one-vote,
  - 3. The following additional representatives:
    - a. MBUTA member who is a CTA State Council Representative, if any; and
    - b. Any members of the MBUTA who hold CTA/NEA offices or committee appointments, ex-officio non-voting.
- C. The Representative Council shall:
  - 1. Establish Association policies and objectives;
  - 2. Adopt the annual budget of the Association on or before the first meeting of the school year;
  - 3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and
  - 4. Establish the dues of the Association.
- D. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.

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- E. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.
- F. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.
- G. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.
- H. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.
- I. Representative Council meetings may be held in an electronic format, such as a webinar, only for the purpose of dispensing information to members, provided that all bargaining unit members are invited to be a part of the webinar with the ability to ask questions and hear all responses. Voting on action items during a webinar is strictly prohibited.
- J. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.

**Article VII. - SITE REPRESENTATIVES**

- A. Site representatives shall be elected by and from the Active membership for each district site. Such election shall be by open nominations and by secret ballot.
- B. Representatives shall serve a term of one year, commencing on July 1.
- C. Each site shall be entitled to at least one representative and shall have one representative for each 20 Active members on the faculty, or major fraction thereof.
- D. Active members who are itinerant teachers shall be considered members of the school site where they serve a majority of their assignment. Active members who are not represented through an individual school site group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual school site groups.
- E. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- F. Site Representatives shall:
  - 1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the district site;
  - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
  - 3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
  - 4. Perform such additional duties as prescribed by the Executive Board.
- G. A Site Representative may not conduct an election in which he/she is a candidate.

**Article VIII. - OFFICERS**

- A. The officers of the Association shall be a President, two Vice-Presidents, a Secretary, and a Treasurer.

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- B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- D. Officers shall be elected for a term of two years, commencing on July 1 of any calendar year.
- E. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. If there is a vacancy occurring in the office of the President, one of the sitting Vice Presidents shall assume the office based on a vote of the Representative Council. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.
- F. The President shall be the chief executive officer of the Association and its policy leader. The President shall:
  - 1. Preside at all meetings of the Association, the Representative Council and Executive Board;
  - 2. Prepare the agenda for the meetings of the Association, the Representative Council and the Executive Board;
  - 3. Be the official spokesperson for the Association;
  - 4. Be familiar with the governance documents of the Association, CTA, and NEA;
  - 5. Appoint all chairpersons and members of committees, and of the bargaining team, subject to the approval of the Executive Board at the beginning of each school year;
  - 6. Call meetings of the Association, Representative Council and the Executive Board;
  - 7. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
  - 8. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
  - 9. Attend meetings of the Service Center Council of which the Association is a part; and
  - 10. Attend other CTA/NEA meetings as directed by the Representative Council.
- G. The Vice-Presidents shall:
  - 1. Serve as assistant to the President in all duties of the President;
  - 2. Serve as coordinators of committee activities at the direction of the President.
  - 3. Be responsible for the formation and distribution of the Association's calendar of activities; and
  - 4. In the temporary absence of the President, the Vice Presidents shall alternate assuming the duties of the President, by a mutually agreed upon schedule.
- H. The Secretary shall:
  - 1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;

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2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;
  3. Keep an accurate roster of the membership of the Association and of all committees; and
  4. Carry on the correspondence pertaining to the affairs of the Association as directed by the President;
- I. The Treasurer shall:
1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
  2. Pay out such funds upon orders of the President;
  3. Provide a written financial report for each regular meeting of the Representative Council and Executive Board;
  4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership; and
  5. Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law.

**Article IX. - EXECUTIVE BOARD**

- A. The Executive Board shall be composed of the elected officers and any MBUTA member who is a CTA State Council Representative.
- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.
- C. The Executive Board shall meet prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
- D. The duties of the Executive Board shall be to:
  1. Coordinate the activities of the Association;
  2. Act for the Representative Council when school is not in session;
  3. Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
  4. Approve by majority vote appointment and by two-thirds (2/3) vote removal of bargaining team members;
  5. Recommend a budget for the Association to the Representative Council;
  6. Approve by majority vote all appointment and removal of committee members, including chairpersons;
  7. Adopt the Standing Rules for the Association;
  8. Adopt grievance procedure
  9. Direct the grievance activities of the Association; and

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10. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.

E. A quorum for all meetings of the Executive Board shall consist of a majority of the elected members of that body.

**Article X. - MEETINGS OF THE GENERAL MEMBERSHIP:**

- A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the Active membership.
- B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.
- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
- D. General Membership meetings may be held in an electronic format, such as a webinar, only for the purpose of dispensing information to members, provided that all bargaining unit members are invited to be a part of the webinar with the ability to ask questions and hear all responses. Voting on action items during a webinar is strictly prohibited.
- E. A quorum for meetings of the Association shall be 20% of the Active membership.

**Article XI. - BARGAINING TEAM**

- A. The Bargaining Team and such alternates as the Executive Board deems necessary shall be appointed by the President and approved by the Executive Board.
- B. The President shall appoint the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- E. The duties of the Bargaining Team are to represent and to bargain for all bargaining unit members.
- F. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the Representative Council.
- G. Association members shall be surveyed to determine contents of the proposed contract demands. The Representative Council shall approve the contract articles to be bargained.
- H. The Bargaining Team shall report its activities to the Executive Board in such form and with such frequency as the Executive Board may require.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- J. The Bargaining Team is empowered to reach tentative agreements with the district. Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the Active membership in the appropriate units unless such

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ratification shall have been specifically waived or otherwise delegated by that active membership.

**Article XII. - GRIEVANCE PROCESSING**

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:
  - 1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
  - 2. Training for handling grievances; and
  - 3. Evaluation of the Association's grievance policies and procedures.

**Article XIII - NOMINATIONS AND ELECTIONS**

The chapter shall follow and members are entitled to the rights contained in the *CTA Requirements for Chapter Election Procedures* published annually with the *CTA Elections Manual*.

The chapter president must provide all Active members an opportunity to vote. Chapter presidents do not have the option of deciding that such elections shall not be held.

- A. There shall be an appointed Elections Committee.
- B. Elections shall be conducted with:
  - 1. Open nomination procedure;
  - 2. Secret ballot;
  - 3. All Active member vote;
  - 4. Record of voters receiving or casting ballots;
  - 5. Majority vote, unless otherwise specified.
- C. State Council Representative elections shall be conducted in accordance with CTA rules after the chapter or service center council has been notified to do so by the CTA Elections Committee.
- D. NEA State Delegate elections shall be conducted in accordance with CTA/NEA rules.
- E. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA rules.
- F. The Elections Committee and Chairperson shall be appointed by the president and approved by the Executive Board at the beginning of each school year. The duties of the Elections Committee shall be to:
  - 1. Ensure that all chapter/CTA/NEA election codes and timelines are followed;
  - 2. Establish election timelines;
  - 3. Develop and carry out timelines and procedures;
  - 4. Prepare ballots for election of officers and such other elections as may be necessary;
  - 5. Count the ballots and certify the results;

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6. Handle initial challenges.

**Article XIV. - COMMITTEES**

- A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
- B. Each committee shall submit periodic reports to the Executive Board and Representative Council.

**Article XV. - PARLIAMENTARY AUTHORITY**

*Robert's Rules of Order, Newly Revised*, latest edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board.

**Article XVI. - AMENDMENTS/PROCEDURES:**

These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.



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**NOMINATIONS AND ELECTIONS**

**A. Elections Committee**

1. There shall be an Elections Committee.
2. The Elections Committee and Chairperson shall be appointed by the president and approved by the MBUTA Executive Board.
3. The Committee shall be composed of at least three members who are not on the Executive Board, who are familiar with MBUTA operations, and who are not seeking election.
4. The Elections Committee is charged with ensuring that elections are conducted in a fair and impartial manner.
5. A member shall abstain from participation in Elections Committee activities during the period in which s/he or her/his immediate family member is a candidate.

**B. Election Requirements**

1. MBUTA shall ensure that an open nomination procedure is in place (i.e., any member may nominate any member, including himself or herself). The only qualification for office shall be Active membership in MBUTA.
2. Every Active member shall be assured of voting by secret ballot.
3. There shall be at least a fifteen (15) calendar day period between notice of election and the actual voting.
4. There shall be an all Active member vote.
5. MBUTA shall provide means for all Active members to vote (including vote by mail), and it shall be the responsibility of the member to notify MBUTA if s/he desires a ballot at a site other than the regularly scheduled voting place.
6. An Active member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope when returning the voted ballot. If a roster of Active members is prepared for a school site ahead of time, initials of the member may be accepted.
7. All elections shall be decided by a majority vote, unless otherwise specified. In the event no candidate receives a majority vote, a run-off election shall be held between the candidates receiving the highest number of votes. The names on the ballot will be one more than the number of vacancies to be filled.

**C. Announcement**

1. The announcement of election shall include the offices, length of terms, that the names will be listed according to the CTA alphabet, and the election timeline.
2. The announcement shall be publicized in a manner that ensures every member has an opportunity to file a declaration of candidacy.

**D. Timeline**

1. Schools on alternative calendars shall be considered when setting election timelines.
2. The timeline for the election shall include dates for:

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- a. Time, date, and place where declarations of candidacy are to be received. Literature shall include information that date is receipt date and not postmark date.
- b. Date for acknowledgment of declarations from candidates.
- c. Date for preparation of ballots.
- d. Date on which ballots will be distributed.
- e. Date(s) when voting will take place no less than five (5) and no more than fifteen (15) calendar days for voting).
- f. Deadline date for requesting absentee ballot.
- g. Deadline date, time and place for return of ballots, (date received, not post-mark date), including absentee ballots.
- h. Date, time and place where ballots will be counted.
- i. Date(s) that announcement of results will be made to leadership, candidates and members.
- j. Dates and timelines for run-off election, if necessary.
- k. Deadline for filing of challenges (date received, not post-mark date).

**E. Finances and Use of MBUTA Resources**

1. MBUTA monies received through dues, assessment or similar levy shall not be used to promote any candidate.
2. A candidate may not accept direct contributions from MBUTA's treasury or indirect contributions in the form of use of MBUTA's assets, facilities, staff, equipment, mailings, good will and credit.
3. MBUTA may not state or indicate its preference for a candidate in MBUTA publications.
4. The official logo of MBUTA or official Association title may not be used in a way that suggests that the candidate has the support of the MBUTA, CTA, or any of its affiliates. The use of links to any Association website by a candidate is prohibited.
5. The Association shall not make available personal emails to candidates.
6. District email addresses and/or electronic systems shall not be used for campaigning. Use of district school mailboxes for campaigning must follow district policy and contract language.
7. Candidates cannot campaign on any affiliated chapter social networking sites created for association/leadership members to communicate with each other.

**F. Candidate's Rights**

1. Privileges extended to one candidate shall be extended to all candidates.
2. Each candidate shall receive a copy of the election timeline, procedures and guidelines.
3. Each candidate shall have the right to a list of the name and address of school sites and the number of Active members at each site for the purposes of campaigning.
4. Each candidate shall be treated in a fair and equitable manner in the printing and distribution of campaign statements. MBUTA will honor all reasonable requests by a candidate to distribute campaign literature at his/her expense to all members in good standing, whether the distribution is by mail or other means. However, if distribution of campaign literature for one candidate is without charge, then distribution for all candidates must be without charge.

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5. All campaign flyers/materials must include the following disclaimer, which must be stated verbatim: "The views and opinions expressed are those of the candidate and not necessarily those of the unit, CTA, NEA or any of its affiliates."

**G. Ballot**

1. The names of the candidates shall be printed on the ballot in CTA alphabetical order. The name of each candidate shall be as printed on the declaration of candidacy. When a candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot.
2. The ballot shall state the name of the office, the term, and the names of the candidates.
3. The ballot shall include space for as many write-in candidates as there are positions open, except in run-off elections.

**H. Distribution of Ballots and Method of Voting**

1. Each member shall receive a ballot.
2. Voting shall be by one or a combination of the following methods:
  - a. At School Site/Specified Voting Site. If a Site Representative is a candidate, refer to *A. Elections Committee, 5.*

1) Voting At School Site(s)/Specified Voting Site

- a) Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot.

(1) Voter Roster – List of eligible voters.

(2) Voter Sign-up Sheet – List of eligible voters which includes a place for a signature.

- b) The marked ballot must be returned to a designated site representative or ballot box.
- c) Site representatives must return all voter roster/sign-up sheets and ballots to the Elections Committee by the designated date and time.
- d) Active members who are on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.

2) Voting At School Site(s)/Specified Voting Site Using Envelopes. When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows:

- a) A list of current Active members shall be prepared, which includes each member's name and school address and home address.
- b) The voter shall be provided with the following:

(1) A ballot;

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- (2) Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the outer envelope addressed to MBUTA; and deadline date for receipt of the voted ballot at the MBUTA office;
  - (3) A small envelope (inner envelope) in which to place the voted ballot; and,
  - (4) A larger envelope (outer envelope) addressed to MBUTA, on which the voter prints and signs his/her name.
- c) At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.
  - d) The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.
  - e) All inner envelopes shall be placed in a separate receptacle.
  - f) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked and then counted.
  - g) Active members who are on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote.
- b. By mail. When the voting is conducted by mail, the procedure shall be as follows: Active members who are on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote. Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:
- 1) A list of current Active members shall be prepared, which includes the following: name, school and home address. A determination shall be made prior to the election on whether the ballots shall be sent to the school or the home address.
  - 2) The mailing list shall exactly correspond to the current official roll of voting members.
  - 3) Each voter shall be provided with:
    - a) A ballot;
    - b) Instructions on:
      - (1) Folding and placing of the ballot in the unsigned inner envelope;
      - (2) Placing of the unsigned inner envelope into the outer envelope;
      - (3) Signature and school on the outer envelope addressed to MBUTA; and
      - (4) Deadline date for receipt of the voted ballot at the MBUTA office.
    - c) Inner envelope;
    - d) Outer return envelope, addressed to MBUTA.
    - e) Instructions on returning the voted ballot, including the signature.
  - 4) The ballot shall be date stamped when it is received in the MBUTA office and then put in a safe place until the votes are to be counted.
  - 5) At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members.

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- 6) The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
- 7) All inner envelopes shall be placed in a separate receptacle.
- 8) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.

#### I. Vote Requirement

All vote requirements shall be established in accordance with CTA guidelines. Unless otherwise specified, all elections shall be decided by majority vote. Write-in votes are valid and must be counted.

1. A majority vote means more than fifty percent (50%) of the legal votes cast.
2. A plurality vote means the largest number of votes to be given any candidate or issue. When there is a tie in a plurality election and it is not feasible to conduct the election again because of the time factor, the following procedure shall be followed:
  - a. When there is a tie, the ballots shall be recounted.
  - b. If the result is still a tie, the elections committee chairperson shall:
    - 1). Call the candidates (according to the CTA alphabet) and inform them of the tie and that a coin toss shall be used to determine the winner.
    - 2). If the first candidate called wishes to remain in the race, the chairperson shall ask that candidate to choose "heads" or "tails" in the coin toss.
    - 3). The elections committee chairperson shall designate the time and place for the coin toss and inform the candidates, who may have an observer present. The observer may be the candidate.
    - 4). The elections committee shall note the coin toss on the official teller's report.
    - 5). The elections committee shall follow the established procedure in notifying the candidates of the results.
3. A two-thirds (2/3) vote means at least two thirds (2/3) of the legal votes cast,
4. For MBUTA officers, the election will be by majority.
5. An election for school site representatives may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of rep positions to be filled.
6. For State Council: See the CTA Elections Manual. Results must be sent to the Service Center Council Elections Committee to determine if a candidate has received a majority vote. This election is conducted by the Service Center.
7. If a candidate does not receive a majority vote, a run-off election shall be conducted among the candidates receiving the highest number of votes. The names on the ballot will be one (1) more than the number of vacancies to be filled. When there are only two candidates for an office, the candidate receiving the higher number of legal votes cast shall be declared elected. There shall be no provisions for write-in candidates in run-off elections.
8. For NEA Local Delegates, the election will be by majority vote. Results must be sent to the CTA Governance Department and to the Service Center Council.

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9. An election for NEA Delegates may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.
10. For NEA State Delegates: See the CTA Elections Manual. This election is conducted by the Service Center.
11. For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

**J. Counting of Ballots**

1. Upon receipt of ballots, tally sheets and signature sheets, the Elections Committee shall verify signature sheets with ballots received, and count the ballots in a secure area with only the Elections Committee members and observers present.
2. The Elections Committee shall count valid ballots and set aside any ballot(s) on which there is a question, such as:
  - a. Blank ballot;
  - b. More ballots than signatures;
  - c. Ballot submitted after deadline;
  - d. Voter not an Active member;
  - e. Voter's intent unclear;
  - f. Votes cast for more than number allowed;
  - g. Vote cast on unofficial ballot;
  - h. Vote cast for ineligible candidate.
3. The Elections Committee shall make a determination on whether the vote(s) in each category should be counted, and make a note of the decision. Each category of ballot shall be kept separate.
4. The Elections Committee shall prepare the Final Report, recording the following information:
  - a. Total number of ballots cast.
  - b. The number of set aside ballots with an explanation for each category of ballot not counted.
  - c. The number needed to win or pass.
  - d. The number of votes received by each candidate or issue.
  - e. A notation whether the set aside votes would affect the outcome.
  - f. Signature of each Elections Committee member present during the preparation of the report.
5. The Elections Chair shall submit the Final Report to the President or designee who shall inform all candidates of the results.
6. The President shall announce the results as prescribed by the timelines.
7. If the votes set aside could affect the outcome of the election, the President and the appropriate body shall decide:
  - a. to count the votes which have been set aside;
  - b. not to count the votes which have been set aside; or
  - c. if the election should be conducted again.

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8. Any candidate who may be affected by the vote shall not be allowed to take part in the decision-making process.
9. The ballots and voter sign-up sheets shall be retained for one year after the election.

**K. Observers**

1. Each candidate shall be allowed to have an observer at the vote counting site and shall give the name of the observer to the Elections Committee before counting.
2. An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results and has notified each candidate of the results. Electronic devices of any kind are not allowed in the counting area.

**L. Challenge Procedure**

1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
2. The challenging party(ies) must notify the MBUTA president of a challenge in writing within ten (10) fifteen (15) calendar days after the announcement of the results of the election. The notification must:
  - a. Specify which requirement has been violated.
  - b. Include evidence, insofar as possible.
  - c. List names and addresses of parties who can give evidence.
3. Upon receipt of a challenge, the president shall notify the Elections Committee, who shall notify all the candidates that a challenge has been filed. The names of challengers and details of the challenge shall remain confidential. Within ten (10) calendar days after receipt of the challenge, the MBUTA Elections Committee shall, in accordance with the CTA Elections Manual, conduct an investigation and determine whether:
  - a. The challenge alleges a violation of the MBUTA's elections requirement.
  - b. The challenge is supported by appropriate documentation.
  - c. More information is needed, in which case, the information will be obtained via the most feasible method.
  - d. The alleged violation may have affected the outcome of the election.
4. The Elections Committee shall submit a report including issues and recommendations to the MBUTA President and the MBUTA Executive Board. The Board shall act on the report immediately at its first opportunity. Any member of the Executive Board who was a candidate on the ballot, was named in the challenge, was a witness in the challenge or whose immediate family member is a candidate on the ballot, shall abstain from voting on the report. If in the case where the majority of the Executive Board is unable to act on the challenge, the decision shall move to MBUTA's Representative Council.
5. If an individual wishes to appeal the decision of the MBUTA Governance Executive Board, or if the board fails to act, he/she may file an appeal within ten (10) calendar days from the date of the filing of the challenge by writing to the CTA President.

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6. The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly is outlined in the CTA Elections Manual.
7. In the circumstance where an election has been conducted to elect one or more officers, and the election results are challenged, the winner(s) of the election shall hold office until such time as the challenge is resolved.

**M. Initiative Procedures**

1. The Active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.
2. An Active member shall file a notice of the intent to circulate a petition with the MBUTA president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.
3. The MBUTA president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 45-school days shall be permitted to obtain the signatures of at least 10 percent or more of the Active members of MBUTA. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the MBUTA president the petition(s) containing original signatures.
6. The MBUTA president shall have 5 school days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator will be notified within 3 calendar days, that the petition failed for a lack of signatures. The petition circulator shall have an additional 7 school days in which to gather and submit the necessary signatures. The chapter president shall have 3 school days in which to verify the membership of the additional signers.
8. The MBUTA president shall cause a ballot to be furnished to the members no less than 15 school days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

**N. Referendum Procedures**

1. Any action or proposed action of the Representative Council or the Executive Board shall be referred to a vote of the Active membership upon two-thirds vote of the Representative Council at any valid meeting.
2. The referendum action shall prescribe the exact wording of the question to be posed to the Active membership on the ballot.
3. The MBUTA president shall cause a ballot to be furnished to the Active members no less than 15 calendar days after action by the Representative Council, provided that the period that school is officially not in session shall not be included in this count.
4. Regular election procedures (e.g., election of officers) shall be followed including voting times.
5. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.



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**O. Recall Procedures**

1. The Active membership shall have the authority to recall from office any person or persons having been elected thereto by MBUTA's Active members.
2. An Active member shall file a notice of the intent to circulate a petition to recall with the MBUTA president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed recall and responsible for its circulation. If the proposed recall is for the person holding the office of president, the request shall be made to the next ranking officer.
3. The MBUTA president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 60 calendar days shall be permitted to obtain the signatures of at least 25 percent or more of the Active members of MBUTA. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the MBUTA president the petition(s) containing original signatures or the vice president if the MBUTA president is the person being recalled.
6. The MBUTA president shall have 10 school days in which to verify the membership of the signers of the petition or the vice president if the MBUTA president is the person being recalled.
7. If there are insufficient signatures, the petition circulator shall be notified by mail that the petition failed for a lack of signatures. The petition circulator shall have an additional 15 school days in which to gather and submit the necessary signatures. The chapter president shall have 5 school days in which to verify the membership of the additional signers.
8. The MBUTA president shall cause a ballot to be furnished to the Active members no less than 20 school days after verification of membership. The period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted and published within the same publications and by the same manner as are prescribed for other elections within the Association.
11. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

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**POLITICAL ACTION COMMITTEE**

**A. Purpose**

The MBUTA Political Action Committee (MBUTA-PAC) shall be a component of the South Bay United Teachers Political Action Committee (SBUT-PAC) and the South Bay United Teachers Issues Political Action Committee (SBUT-IPAC), which are established to serve as a-voluntary funding structures through which members of MBUTA may give direct and indirect financial contributions to support/oppose local and state candidates for office (SBUT-PAC) or to support/oppose state and local issues, including ballot measures (SBUT-IPAC).

**B. Officers & Members**

1. The two MBUTA members of the South Bay United Teachers Board of Directors shall serve as MBUTA-PAC co-chairs.
2. The term of office for MBUTA-PAC co-chairs shall run concurrent with the term of office for South Bay United Teachers Board of Directors.
3. The MBUTA president shall appoint, and MBUTA Executive Board approve, up to 4 additional MBUTA-PAC members to serve with the co-chairs for the duration of individual chapter campaigns.

**C. Funding & Spending**

1. A voluntary "negative check-off" dues amount of \$3 per member per month will be placed in the SBUT-PAC account, credited to the MBUTA-PAC.
2. There shall be two categories of possible expenditures. The general category shall include those campaigns that affect all member chapters of SBUT-PAC and SBUT-IPAC (statewide campaigns). The local category shall include those campaigns that affect only MBUTA members (local bond measures or school board campaigns).

**a) General Campaigns**

- 1) The MBUTA members of SBUT-PAC and SBUT-IPAC may authorize expenditures to campaigns of a general nature (state legislators, state issues) from the MBUTA portion of the SBUT-PAC and SBUT-IPAC monies. These expenditures shall be reported to the MBUTA Representative Council.

**b) Local Campaigns**

- 1) For each campaign that is deemed consistent with the statement of purpose of the committee, a budget shall be established by the MBUTA-PAC, with the approval of the MBUTA Executive Board, not to exceed the amount of funds credited to the MBUTA-PAC that are available in the SBUT-PAC and SBUT-IPAC accounts.
- 2) Spending by the MBUTA-PAC may occur within the constraints of the established campaign budget.
- 3) Reports of all expenditures will be provided to the MBUTA Representative Council on a monthly basis.
- 4) Spending guidelines may be adjusted by the MBUTA Executive Board with

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approval from the MBUTA Representative Council.

- 5) No amount of funding or support in kind can be given to support or oppose a candidate unless they are endorsed by the Manhattan Beach Unified Teachers Association.

**D. Endorsement Process**

1. The MBUTA-PAC or the MBUTA Executive Board will forward recommendations to the MBUTA Representative Council for endorsement or opposition of candidates, issues or measures, who shall approve the recommendation by a majority vote.
2. The MBUTA-PAC will be involved in the endorsement process of officeholders by interviewing candidates and forwarding recommendations to the MBUTA Representative Council.

**E. Membership**

1. Any MBUTA member may serve with the MBUTA-PAC in a capacity which most effectively supports the statement of purpose.