



National Employment Lawyers Association Executive Board Election & Campaigning Policies and Rules

The purpose of the National Employment Lawyers Association's **Executive Board Election & Campaigning Policies and Rules ("Policies and Rules")** is to assure that all candidates seeking election or appointment to the National Employment Lawyers Association (NELA) Executive Board and the NELA members who assist them:

1. Engage in appropriate campaign activities and conduct;
2. Have an opportunity to campaign on an equal basis;
3. Can educate their NELA colleagues about their goals, views, and priorities for NELA; and
4. Ensure that procedures for electing and appointing members of NELA's Executive Board are fair, courteous, and conducted in a professional manner.

All candidates for NELA's Executive Board will receive the **Policies and Rules** and shall agree to abide by them.

I. Rules for NELA Executive Board¹ Candidates

1. Any questions or concerns about the **Policies and Rules** shall be directed to NELA's Executive Board President or NELA's Executive Director for appropriate action or response.
2. Candidates shall immediately report any actual or potential deviations from the **Policies and Rules** to NELA's Executive Director, the Executive Board President, or the Election Oversight Committee.
3. Candidates shall take steps to correct any actual or potential deviations from the **Policies and Rules**.
4. Candidates should endeavor to state their positions on issues and plans for NELA positively.

¹The composition of the NELA Executive Board, as defined in NELA's Bylaws, Article VII. Executive Board, Section 3. Composition, is as follows:

The Executive Board shall be composed of twenty-four (24) seats, consisting of seven (7) who are appointed by the Executive Board, fourteen (14) who are elected by Regular Members in good standing, the President of NELA, the Immediate Past President of NELA and NELA's founder, Paul H. Tobias. The members of the Executive Board, elected by the membership or appointed by the Executive Board, shall have staggered terms with one-third of the members standing for election or appointment each year. The President of NELA shall be elected by the Executive Board from among the Executive Board's members. Upon taking office, the President will vacate his or her seat on the Executive Board and it will be filled pursuant to the procedure described in Section 11 "Executive Board Vacancies."

5. Candidates will refrain from negative references to other candidates, NELA members, current and past NELA Executive Board members, and NELA staff.
6. Campaigning may begin after the Nominating Committee has developed the “Recommended Slate of Candidates” for the election and has notified all candidates.
7. Candidates may post one statement with a maximum of 750 words in a “Candidates’ Forum” on The NELA Exchange to which all Regular members in good standing have access. No other NELA communication vehicles, including but not limited to *The Employee Advocate*, NELA’s electronic weekly newsletters, NELA National electronic listservs, and forums on The NELA Exchange outside of the “Candidates’ Forum” shall be used for campaign or election purposes.
8. The NELA logo cannot be used for campaign purposes.
9. Candidates are prohibited from soliciting or listing current members of NELA’s Executive Board, Nominating Committee, Election Oversight Committee, and staff as endorsers in any campaign materials the candidate prepares for circulation to NELA members.
10. Candidates are permitted to solicit endorsements from all other NELA members, which must be done through an express agreement between the candidate and the endorser. Candidates who obtain endorsers must provide a copy of the **Policies and Rules** to their endorsers.
11. Candidates who wish to campaign through a NELA Affiliate must directly contact and receive permission from the Affiliate.
12. NELA Executive Board candidates and NELA members assisting them must use due diligence to issue accurate campaign-related communications to NELA members. Communications must comply with the **Policies and Rules** and be accurate as to endorsements, qualifications, accomplishments, and prior NELA, Affiliate, and other relevant service.
13. No candidate is permitted to entertain, host receptions, use placards or any other form of advertising for the purpose of campaigning for election.
14. No candidate may expend funds for campaigning except as permitted in these **Policies and Rules**. Campaign fundraising is not permitted.
15. Candidates may not enter into agreements to campaign together.
16. No candidate may engage services of a campaign, public relations, or advertising professional, whether paid or unpaid.
17. Except as permitted in these **Policies and Rules**, solicitations for votes must be made by the candidate or a supporter in a personal, informal capacity.
18. All campaign activities must adhere to the intent of these **Policies and Rules**.
19. Candidates will receive a copy of the **Policies and Rules**, and prior to being listed by NELA as candidates, will certify that they will read and agree to abide by the **Policies and Rules** by certifying as follows:

I certify that I have read and agree to abide by the **National Employment Lawyers Association’s Executive Board Election & Campaigning Policies and Rules**, with a date and signature line.

II. Election Rules for NELA Affiliates

NELA Affiliates may determine when and how candidates for the NELA Executive Board may contact or communicate with their members. Affiliate rules, guidelines, or activities, however, may not conflict with these **Policies and Rules**. These **Policies and Rules** establish a baseline for campaigning activities. Affiliates are strongly encouraged to give all candidates equal access to campaign to the Affiliate's membership.

III. Election Rules for NELA Executive Board, Nominating Committee, Election Oversight Committee & Staff

A. General Principles

1. Members of NELA's Executive Board, Nominating Committee, Election Oversight Committee, and staff may not endorse candidates or campaign for them.
2. Members of NELA's Nominating Committee, Election Oversight Committee, and staff shall remain neutral in elections.

B. NELA Executive Board

1. NELA Executive Board members may not endorse candidates on their own or otherwise campaign for candidates. This restriction does not preclude private discussions or the expression of an Executive Board member's individual opinion in the form of voting or discussion with Executive Board members in connection with the appointment of Executive Board members or matters regarding the Nominating or Election Oversight Committees.
2. Nothing in these **Policies and Rules** precludes current NELA Executive Board members (with the exception of those who are Nominating and Election Oversight Committee members) from making personal comments or any other non-campaign-related communication about any candidate's qualifications or ability to serve as a Board member. A "non-campaign-related communication" shall be defined as any communication other than a communication initiated by, or in coordination with, a candidate.

C. Nominating Committee²

1. The Nominating Committee's role is to recruit and screen candidates for the NELA Executive Board. The objective is to propose a slate of nominees who meet the minimum qualifications for service on the Executive Board and are very well qualified to serve. In carrying out this objective, the Nominating Committee will be guided by NELA's Bylaws, Executive Board resolutions and other directives, and these guiding principles:
 - a) Nominate the best qualified candidates.
 - b) Nominate individuals whose legal professional focus has been representation of employees and/or their interests. This is a much higher standard than the standard for membership.
 - c) Prior service and contributions to NELA are important considerations. The Nominating Committee will give no particular weight to incumbency, but service on NELA's Executive Board is a significant contribution and will be a factor considered. If standards for Executive Board participation are established, the extent to which incumbent Executive Board members have met those standards will be an important factor.

²The Nominating Committee is described in NELA's Bylaws, Article VII. Executive Board, Section 7, Nominations, as follows:

A Nominating Committee will be established by the President to develop a slate of candidates for: (1) election to the Executive Board by Regular Members in good standing; and (2) appointment to the Executive Board by members of the Executive Board. The Nominating Committee shall consist of the Executive Director, two members of the Executive Board, and two individuals from the NELA membership.

- (a) The Nominating Committee shall be charged with:
 - (i) Soliciting the names of potential candidates from the Executive Board, Affiliate Representatives, the Chairs of NELA's committees, and from NELA's general membership preceding the election;
 - (ii) Causing to be distributed a questionnaire to be completed by potential candidates regarding their qualifications to serve on the Executive Board; and
 - (iii) Developing a list of candidates from the names resulting from the solicitation. The Nominating Committee should be encouraged, but shall not be required, to recommend two to three candidates for each vacancy each year.
- (b) Ballot. The ballot shall list all candidates nominated by the Nominating Committee and separately list any "write-in" candidates. Each list shall be in alphabetical order.
- (c) Diversity. In developing the slate of candidates, the Nominating Committee, and all members of the Executive Board, shall endeavor to identify, recruit and nominate individuals who enhance the diversity of the Executive Board. For members of the Executive Board, an important consideration in appointing individuals to the Executive Board shall be enhancing the diversity of the Board.

2. The Nominating Committee shall endeavor to obtain complete and accurate information about candidates and the extent to which they meet the standards set in the Bylaws and resolutions of NELA's Executive Board.

D. Election Oversight Committee³

The Election Oversight Committee oversees campaigns for election to the Executive Board.

1. The Election Oversight Committee shall ensure a fair voting system that protects each NELA voter's right to a confidential and secret ballot and assures the integrity of the election process. When the Election Oversight Committee determines, after a fair and prompt inquiry, that a violation of these **Policies and Rules** has occurred, it shall report its investigative determinations in writing to the Executive Board and make recommendations as to what actions, if any, should be taken. Such actions may include, but are not limited to, a warning, formal statement by NELA, or disqualification of the candidate.
2. If an alleged violation of the **Policies and Rules** is brought to the attention of NELA staff, the NELA Executive Board, or the Election Oversight Committee, the Election Oversight Committee shall meet and decide whether to investigate the allegation.
 - a) Investigations of **Policies and Rules'** violations shall remain strictly confidential throughout the investigation process. During the investigation, the candidate or anyone else subject to investigation shall be permitted to seek confidential advice from others. Such persons who are NELA members will be held to the rule on confidentiality.
 - b) Should the Election Oversight Committee determine that the candidate or a NELA member assisting a candidate violated the **Policies and Rules**, it shall report in writing to the Executive Board the violations and recommendations as to what actions, if any, should be taken to rectify the situation.
 - c) The Executive Board has the discretion to follow, modify, or reject the Election Oversight Committee's recommendations and to impose sanctions, ranging from an informal warning for minor infractions to public reprimands or disqualification of the candidate for more serious infractions.

³The Election Oversight Committee is described in NELA's Bylaws, Article VII. Executive Board, Section 8(c). Election Oversight Committee, as follows:

Election Oversight Committee. The President shall appoint an Election Oversight Committee to ensure the integrity of the election process. The Election Oversight Committee shall consist of the Executive Director, one member of the Executive Board, and one Regular Member in good standing from the NELA membership. It shall be the duty of the Election Oversight Committee, among other things, to cause official ballots to be prepared, sent to Regular Members eligible to vote by postal or electronic mail, and tabulated.

3. If a candidate in an election is removed from the ballot during the period of member voting, whether due to disqualification or withdrawal following allegations of misconduct, a new vote for the NELA Executive Board will occur. All NELA members who are eligible to vote will be able to participate in a new voting period. The re-voting process will not require NELA to identify who voted for a withdrawn or disqualified candidate, nor will it reveal any voter's candidate preferences.

4. Election Results

- a) Vote counts will be revealed to the NELA Executive Board and to all candidates. All such information will remain confidential unless the candidate wishes to release his/her own vote totals.
- b) Vote counts of the winners of the NELA Executive Board election will be revealed to the NELA membership; vote counts of the losers will not.

IV. NELA Administrative Procedures for Elections

A. NELA Ballot & Candidates' Statements

NELA will email or print and mail the official ballot and candidate's statements at NELA's expense. All candidates for NELA's Executive Board are required to submit a "Candidate's Statement" for distribution with the official ballot. If desired, a candidate may have his/her picture included with the Candidate's Statement. Candidates will appear on the official ballot in alphabetical order; the names of those who are recommended by the Nominating Committee (i.e., the "Recommended Slate of Candidates") shall appear before those candidates who are not on the recommended slate. The consolidated "Candidates' Statements" shall appear in the same manner.

B. NELA Website

NELA will include information on all candidates (e.g., Candidate's Statements and photos) and the NELA Executive Board Election (e.g., **Policies and Rules**, ballot mailing, and return date) on the NELA website. This election information will be located together in one place on the website and also linked to other information as appropriate.

C. Election E-Announcement

Prior to the election, NELA will send an electronic announcement (e-announcement) to all NELA members who are eligible to vote. The e-announcement will include the candidate's name, date of admission to practice, present position, firm/organization name, size of firm/organization, and a photo of the candidate (if provided). The e-announcement will also include a link to the Candidate's Statement; the Candidate's Statement will not be published in the e-announcement itself. The e-announcement will

advise NELA members that candidate information also appears in the “Candidates Forum” on The NELA Exchange.

D. Mailing & Email Addresses

At no cost, NELA will provide all candidates with the physical mailing and email addresses of all eligible voters (in electronic format) for the sole purpose of sending one mailing and/or one email to most or all of the eligible voters in support of his/her candidacy. Candidates are prohibited from providing the physical mailing and email addresses furnished to them by NELA for this sole purpose to any third party. There are no other restrictions on mass mailings and mass emails by candidates and third party NELA members in support of the candidates. Candidates and third party NELA members, however, are strongly discouraged from sending repetitive mass mailings and mass emails.

E. Accessibility & Distribution of Policies and Rules

NELA’s **Policies and Rules** and related materials will be easily accessible and widely distributed. This will include postings on The NELA Exchange and the NELA website, included in search functions, provided to candidates and those indicating an interest in being a candidate, provided to endorsers and supporters of candidates, and hyperlinked in NELA election communications.

F. Use of NELA Resources or Funds

Except as specified above and in these **Policies and Rules**, no NELA resources or funds shall be used for the distribution of any other campaign materials.



National Employment
Lawyers Association

CANDIDATE CERTIFICATION

I, _____, certify that I have read and agree to abide by the National Employment Lawyers Association's Executive Board Election & Campaigning Policies and Rules.

Print Name: _____

Signature: _____

Date: _____