

Sierra Club San Francisco Bay Chapter

Election Rules and Guidelines

Based on National Sierra Club Model Rules

Approved by Chapter ExCom on June 8, 2020

Boxed additions are processes we are trying in 2022 to clarify roles of Chapter and Group committees

1. General

A. Oversight

- i. Nominations are required for a member to be a candidate for Chapter and Group Offices. General oversight for nominations for Chapter Offices within the SF Bay Chapter is the task of the Chapter's Nominations Committee. General oversight for nominations for Group Offices within the SF Bay Chapter is the task of the Group's Nominations Committee.
- ii. Campaigning is allowed for Chapter and Group Offices. General oversight for election campaigns for all offices within the SF Bay Chapter is the task of the Chapter's Election Committee.

B. Eligibility

- i. Only Chapter or Group members in good standing may be a candidate for, or hold elected positions on, their respective Executive Committee.
- ii. Club employees may not hold elected positions on their respective Executive Committee.

C. Notice to Membership Regarding Nominations and Elections.

Newsletter or website publication is sufficient for written notice to members. Chapters must publish this information for Groups without websites, newsletters, or mailing budgets.

2. Nominations

A. Nominations Committee

- i. The Nominations Committee is responsible to recruit, vet, and nominate candidates to fill all open Executive Committee seats.

All Group NomComs have the right and responsibility to encourage, recruit, consider and nominate candidates – and aim for two more candidates than open seats. They are encouraged to do their own outreach, be clear on their region's important issues, and create their Group's Nomination questionnaire. Group NomComs receive copies of all applications/questionnaires as submitted via the Chapter portal.

Chapter NomCom will handle all document submissions (both e-format and paper format) from applicants, and all interface with Chapter staff to do meet-and-greets and other election information and invitations via Chapter media.

- ii. The Nominations Committee shall report the nominees by committee to the Executive Committee at least two weeks before the deadline for submission of nomination petitions and at least 5 weeks prior to the ballot mailing date.
- iii. The Executive Committee may accept, but not modify, the Nominating Committee report. Formal acceptance of the report shall not be required for the election to proceed.
- iv. The Nominations Committee shall inform members who expressed an interest in being candidates but were not nominated by committee of their option to have their name placed on the ballot by gathering the required number of member signatures.
- v. An election should not be delayed if the Nominations Committee does not nominate at least two more candidates than the number of Executive Committee members to be elected.

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B. Nominations By Petition

Chapter NomCom handles the petition process for any applicant who wishes to follow that route. After SC staff verify the membership, member addresses and contact information will be redacted. Group NomComs may request to see names of petition signatories. Applicants will be informed that names of signatories may be shared with Group NomCom.

- i. The number of valid signatures needed to nominate by petition shall be set forth in the published information about the election as a number of members, not a percentage. This number shall be published at or before the opening of nominations.
- ii. The Nominations Committee shall select a date for the deadline of the delivery of petitions no less than two weeks after the date nominees by committee are due to be reported to the Executive Committee. This date shall be published at or before the opening of nominations.
- iii. For a signature to be valid, the signer must be a member of the relevant Chapter or Group on the date of the deadline to submit petitions. The signature of the petition candidate shall be counted.
- iv. Petitions may be executed physically or electronically, and shall be delivered in original, facsimile, or by electronic transmission capable of being printed in clearly legible form.
- v. The Nominations Committee is authorized to communicate with petition signatories to verify their signature and consent.
- vi. Petition signatories must provide valid contact information when signing a petition form. Any signature in a petition with invalid contact information shall be cause for the Nominations Committee to deem such signature invalid.

C. Ballot Statements

- i. The Nominations Committee shall specify a standard format (using a form or written guidelines) for each candidate's statement, which shall specify the maximum number of words for each statement.
- ii. The Nomination Committee may allow the candidate's statement as printed in the *Yodeler* to be posted electronically for the benefit of the membership.

3. Notifications

A. Candidates

The Committee shall provide nominees with a copy of these Rules and Guidelines at the same time as candidates are notified of their nomination by the committee or sooner. Petition candidates shall be provided with a copy at the same time as they are notified of their qualification or sooner.

B. Others

As soon as candidates are nominated or qualify by petition, the committee shall so notify all conservation issue subcommittees, activities sections, groups, and *Yodeler* editor, in order that news items by or about candidates shall not appear in any newsletters or other publications in conflict with Rule 7 herein.

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Chapter Elections Committee handles the election: campaigns, materials, ballots, vote-counting and verification of memberships, in coordination with Chapter staff.

4. Campaign Materials

A. Definition

Campaign materials are hereby defined as printed, electronic or reproduced material that advocates the election or defeat of any candidate or candidates for Chapter or Group Executive Committee, or Sierra Club Council, or any combination thereof.

B. Content Guidelines

Campaign materials should be positive, in keeping with the goals of the Club. Materials shall not be libelous and shall not contain assertions contrary to known fact. No provision of these rules is intended to abridge the First Amendment rights of any candidate or member.

The Club requests that all campaign materials, including mailers, list the identity of the sponsor(s) on the material or mailer.

To avoid any misunderstanding, any material or mailer must say “This [mailer, publication, poster, etc.] is not sponsored or supported or endorsed by the Sierra Club.”

C. Candidate Approval

Campaign materials produced and/or distributed not by, but on behalf of, a candidate or candidates should not be distributed without the candidate’s or candidates’ approval(s).

D. Ballot Statement

The Election Committee shall review candidates’ ballot statements for compliance with the prescribed format, length, and to correct significant errors of fact about the Club. If a candidate fails to revise the statement to conform to the prescribed format or length within five (5) days of a request by the Election Committee, it shall change the statement to do so. If the candidate refuses to correct a significant error of fact about the Club, the Election Committee shall publish a correction below the candidate’s statement in the ballot materials. Candidates must submit with their statements evidence that each listed endorser has agreed to be so listed.

E. Content of Campaign Material

Candidates are legally responsible for the content of their campaign materials, including ballot statements, and will indemnify and hold the Club harmless for any legal claims, such as libel, and related costs that arise out of the Club’s publication thereof.

5. Distribution of Campaign Material

A. Mailing

i. Discouraged

Mailing of campaign material to Club membership lists, or portions thereof, is discouraged, but it is allowed. Mailings are discouraged in order to minimize the influence of money in the election

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process. This policy is similar to the Club policy for Board of Directors elections and to the Council guidelines, which state: “While campaigning for the Executive Committee is permitted, extensive expenditures of human and financial resources in such campaigning, such as mailings to the general membership, are not ordinarily in the best interests of the Sierra Club, and are to be discouraged.”

ii. **Labels**

Labels for mailings may be purchased at rates set by the Club pursuant to National Sierra Club Standing Rules Regarding Mailings Applicable to Chapter and Group Elections

SR 4.1.2: Access to Membership List:

(a) A Club member in good standing may request access to the names and postal addresses of Club members for a purpose reasonably related to that member’s interest as a Club member. All requests must: (i) be made in writing; (ii) include the Club member’s name, address and, if known, Club membership number; (iii) be directed to the Club Secretary, care of the Executive Office; (iv) specify the entire list or that portion of it, based solely on criteria discernible from postal address, being requested; and (v) clearly state the purpose for which access is requested. To assist in showing that the request is made for a purpose reasonably related to the member’s interest as a Club member, a copy of the material to be mailed may be submitted with the request. In any event, a copy of the material must be sent to the Executive Office at the time it is mailed to Club members.

(b) Access to the membership list will be provided through a Club-approved mailing house for one-time use. The Club will charge a fee for its cost of compiling and supplying the requested list to the mailing house. All other costs associated with the mailing, including printing and mailing house fees, are the sole responsibility of the Club member and should be arranged with and paid directly to the mailing house. Adopted 11/19-20/04, 05/19-20/06, 02/24/07.

And also pursuant to National Sierra Club Standing Rules Regarding Mailings Applicable to Chapter and Group Elections SR 5.6.1(h):

iii. **Promotion of Candidates**

A Club member in good standing may use published Club lists, including the Leader Directory, to communicate with Club leaders about Club elections. However, e-mail addresses and telephone numbers from the Leader Directory may not be used by a Club member for fundraising of any kind.

B. Distribution to Other Candidates

Sufficient copies of any campaign materials, prior to being mailed or otherwise distributed, shall be supplied to the Election Committee to be distributed to all other candidates for their information.

Candidates are encouraged, at any time, to share campaign materials with other candidates. Chapter EleCom will work with Chapter and National staff, as needed, to assure any mailings or other materials follow the rules. Chapter EleCom will advise all candidates of the filing of any mailer as soon as the mailer is submitted to the Club. Chapter EleCom will share any material for mailing with Group NomCom Chairs as soon as it is set for mailing.

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C. Use of Club lists or listservs or membership information

Use of Club lists or listservs or membership information to phone or email members by a candidate is prohibited.

6. Response to Campaign Material

Proposed responses to campaign material by other candidates shall be submitted in identical manner as other campaign materials.

7. Rules Regarding Campaigning

A. Club Publications and Websites

- i. Club publications such as newsletters and websites, as well as “Letters to the Editor”, not identified as campaign materials, but identified as by or about individual candidates, shall NOT be published in Club publications during the period between the close of nominations and the date set for counting Club ballots, except for routine articles or messages (defined below).
- ii. If Club publications such as newsletters and websites are made available for candidates to campaign, all candidates must be informed and given an equal opportunity to make statements or have statements made on behalf of their candidacy.

B. Articles

- i. No articles or messages by or about individual candidates shall be published in *SIERRA*, Club newsletters, web pages, or other Club publications between the close of nominations and the date set for counting Club ballots, except for routine articles or messages (defined in ii. below).
- ii. An article or message is "about" a nominee or petition candidate if it either mentions the fact that the member is a candidate or has as its principal focus the candidate, as opposed to an incidental reference. An article or message is not “about a candidate” if it merely discusses the Club’s elections, the functioning of the Board of Directors, or issues presented by the election without mentioning the names of any individual candidate or expressly advocating that members vote for or against any identifiable subset of candidates. An article or message is "routine" if it (a) does not mention the fact that the author or subject is a candidate, (b) does not mention the election, (c) relates to the candidate’s performance of duties in an elected or appointed Sierra Club capacity, (d) is timely for Club purposes, and (e) is sent or published only to members who would normally receive similar articles or messages.

C. Discussion Lists

Germane discussion of candidates (for example, discussing forestry aspects of a candidacy on a forestry list) may take place on any Chapter or Group Club discussion list, subject to the usual rules of the list and unless barred by the sponsor/owner of the list. The rules may limit the length and frequency of messages from a discussant. The poster of a message about a candidate shall send a copy of the message to the candidate.

D. Meetings

Candidates or their proxies may speak to groups of Club members about their candidacy at regularly scheduled meetings and outings as long as no additional Club funds are spent. Candidates or proxies who travel to meetings at Club expense may not discuss their candidacy on the floor of the meeting

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other than a brief announcement that the member is a candidate. Club entities may hold scheduled candidate forums provided that all candidates are given adequate notice and an opportunity to participate.

E. Candidate Websites

Individual candidates or groups of candidates may have their own promotional websites. To avoid any misunderstanding, the opening page of any such site must say “This site is not sponsored or supported by the Sierra Club.”

F. Advertising

No Club publication, including chapter and group newsletters, web pages and electronic bulletin board systems, shall carry advertising for or against a candidate.

G. Endorsements

Chapters and Groups may not endorse candidates in Chapter and Group elections. Club members acting on an individual basis and not in a Club capacity may endorse candidates, however. Club leaders may use their Club titles to endorse candidates only in the candidate’s ballot statement.

8. Voting and Ballots

- A.** Members on the list for sending the election materials (or for the newsletter in which the election materials appear) constitutes the list of members of record eligible to vote in the election. This voter list must be obtained no earlier than one week prior to the date election materials are mailed. Any member on this list shall be deemed a member of record. The list or copy of the list shall be retained for ballot verification.
- B.** Separate ballots must be supplied for each member. Joint members must be provided with two ballots, or a place for each member to vote separately.
- C.** Election materials may be made available in any of the following ways or in any combination thereof:
 - i. A ballot mailed separately to each eligible member.
 - ii. A ballot included in a chapter newsletter mailed or electronically dispatched to each eligible member. A newsletter containing ballots shall display a prominent notice that the ballots are included, which is visible without opening the newsletter. A single mailing or newsletter suffices to make ballots accessible to joint members.
 - iii. Electronic notification of a voting website that includes candidate statements, all other election materials, and a dedicated page for casting votes by each eligible member.
- D.** Club members in any membership class (Regular, Life, or Introductory) are eligible to vote in Chapter and Group elections.
 - i. Group members shall be those Club members of record who reside within the Group boundaries, except that upon written application to the principal office of the Club, a member may join any Chapter and any Group. Only Group members may vote or hold Group office. Only Sierra Club members in good standing may act on behalf of the Group. (By-laws 2.1)
- E.** Club members who do not receive a ballot, lose the ballot, or spoil the ballot may obtain a replacement from the Election Committee. The Election Committee will control the supply of

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replacement ballots (including extra copies of newsletters if used to deliver original ballots) until after the closing date of the election.

- F.** Each vote must be accompanied by the membership number or other identifying number of the voting member(s). The Election Committee shall be responsible for ensuring that each vote cast corresponds to legitimate number(s) of eligible voters.
- G.** The Election Committee shall announce the date, time and location of the ballot counting to the candidates and invite them to attend the ballot counting, or to send a representative to the ballot counting on their behalf.
- H.** After ballots are verified, such as by review of address labels, labels shall be removed before counting to preserve secrecy.
- I.** If there is a tie vote, the tie shall be resolved immediately, first by a recount, then, if necessary, by lot at the ballot counting.
- J.** After the ballot counting, the Election Committee shall immediately notify the candidates, the Executive Committee members, and other interested parties of the election results.

The Chapter EleComm will report first to the Chapter Chair, Vice-Chair and Director. All Group NomCom Chairs will the second to know the results of the chapter election and can/should notify Group candidates.

- K.** The Election Committee, only after hearing any complaints from candidates or others, shall formally report the results to the Executive Committee at the Executive Committee's next meeting.
- L.** The Election Committee shall provide for retaining ballots and nomination petitions until their destruction is directed by the Executive Committee.
- M.** Electronic Voting
 - i. Online voting is allowed as an addition to, not a replacement of, a paper ballot mailed to all members. Since not all members have provided the Club their email addresses, the election system cannot rely solely on electronic voting, as it would disenfranchise some members. To meet the requirement that all members be sent election materials, a postcard may be sent to those members for whom there is no email addresses on record referring them to the chapter or group election page containing all voting information.
 - ii. The decision to allow electronic voting must be made by a vote of the Executive Committee for a single election and renewed annually. In its vote, the Executive Committee will also prescribe the manner in which electronic balloting will be conducted.
 - iii. The Election Committee is charged with determining the manner in which online votes are counted and maintained until the election is validated by the Executive Committee.
 - iv. Each vote must be accompanied by the membership number or other identifying number of the voting member(s). The Election Committee is responsible for verifying that members are not voting both with a mailed paper ballot and with an online ballot.
 - v. The requirement to maintain strict ballot secrecy is removed for electronic votes. Members' votes will be kept confidential by any individual examining the online voting record.

9. Enforcement of Campaign Rules and Guidelines

A. Procedures Established

Procedures are hereby established for appropriate action in the case of intentional and substantial violation (hereinafter called “violation”) of these campaign rules. Violations are to be brought to the attention of the Election Committee, through the chair, immediately following their occurrence or discovery. Violations brought to the attention of other entities shall be redirected by those entities to the Election Committee for initial investigation.

B. Violations Discovered during the Election Period

- i. If a majority of the Election Committee finds, during the election period, before the votes have been counted, that a candidate has committed a violation of these campaign rules and guidelines, then the Election Committee may recommend to the Chapter or Group Executive Committee, as appropriate, that the candidate be disqualified. Such a recommendation shall be made in writing. Copies of the recommendation shall immediately be sent to the Chapter Council Delegate and Council of Club Leaders.
- ii. The Chapter or Group Chair, or a majority of the Chapter or Group Executive Committee, may hold a special meeting to discuss such a recommendation. Such a meeting shall be limited to the topic at hand and shall afford the chair of the committee the opportunity to explain, the candidate the opportunity to rebut and interested members the opportunity to comment on the recommendation. A public vote of two-thirds of the voting members of the Executive Committee including the candidate in question, if applicable, shall be required to disqualify the candidate from taking office, unless the Executive Committee finds prior to 1 January that the candidate had not in fact committed a violation.

C. Violation Discovered after the Election Period

- i. If a majority of the Election Committee finds, after votes have been counted, that an elected candidate has committed a violation of these campaign rules and guidelines, then the candidate shall not be disqualified from taking office, but the Election Committee may recommend to the Chapter or Group Executive Committee, as appropriate, that the candidate be removed from office pursuant to the Chapter or Group bylaws. Such recommendation shall be made in writing. Copies of the recommendation shall immediately be sent to the Chapter Council Delegate and Council of Club Leaders.
- ii. The Chapter or Group Chair, or a majority of the Chapter or Group Executive Committee, may hold a special meeting to discuss such a recommendation. Such a meeting shall be limited to the topic at hand and shall afford the chair of the committee the opportunity to explain, the candidate the opportunity to rebut, and interested members the opportunity to comment on the recommendation. The Chapter or Group bylaws govern the conduct of a special election to remove a member from office.

D. Appeals

- i. Decisions by a Chapter Executive Committee on an appeal from a decision by a Chapter Election Committee go to the Bylaws, Standing Rules, and Elections Committee.
- ii. Decisions by a Group Executive Committee on an appeal from a decision by a Chapter Election Committee may be appealed to the Chapter Executive Committee within 48 hours following that

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decision. The Chair of the Chapter's Executive Committee, or a majority of the Chapter Executive Committee, may decide to hold a special meeting to discuss an appeal at its discretion. If such a meeting is held, it shall be limited to review of the process used to disqualify a candidate. This is a procedural appeal only, not a substantive appeal.

- iii. Initial decisions regarding disqualification by the Chapter Executive Committee and appeals of decisions regarding disqualification by a Group Executive Committee may be made to the Bylaws, Standing Rules, and Elections Committee.

10. Construction and Interpretation

These rules and guidelines are in addition to any other procedures established by the Club or legally required in the conduct of a Club election and are subordinate to any conflicting Club or legal requirement. Questions regarding interpretation shall be first posed to the Nominations Committee or Election Committee through the Chair. Initial advice may be given by the Chair orally. Appeals to a ruling, if necessary, shall be made in writing to the Nominations Committee or Election Committee, the Group Executive Committee (if applicable), the Chapter Executive Committee, and the Bylaws, Standing Rules and Elections Committee, in succession. All efforts should be made to resolve questions about interpretation informally.