

## **ELECTION PROTEST**

The right to protest the conduct of an Officer Election is guaranteed by federal law. If a protest is filed concerning the election, the Local Nomination and Election Committee will decide the merits of the protest and determine whether any corrective action should be taken.

### **Filing Protest**

A candidate or member may file a written protest to the Nomination and Election Committee by 10:00 a.m. on February 12, 2018, stating the specific reasons for the protest. Along with the specific reasons for the protest, all proofs and evidence for the protest must be included. The burden of proof is on the candidate or member filing the protest. If a protest is filed late, improperly or incomplete, the Committee may choose to take no further action on it, in which case the person, submitting the protest will be informed in writing by the Committee. Please email protest to Karen Dudley [dudleykl@uhnj.org](mailto:dudleykl@uhnj.org) Jennifer Lerner [jlerner@elianmed.com](mailto:jlerner@elianmed.com), Marie Lafortune [lafortunemm@yahoo.com](mailto:lafortunemm@yahoo.com) and Jeffrey David Ball (HPAE Staff, [jball@hpa.org](mailto:jball@hpa.org)) and mail a hard copy to them via certified return receipt mail to HPAE Local 5089 Officer Elections. 110 Kinderkamack Road, Emerson, New Jersey 07630

### **Committee Review**

The Committee will review the allegations raised in the protest and determine if:

- 1) There is insufficient evidence and no further action is needed or
- 2) Will do further investigation, conducting a hearing and or interviews and determine if there is merit to the protest.

If the Committee finds merit to any allegation, they will closely analyze it to determine the number of votes affected and the possible impact on the election results.

The Committee may find that allegations a member has raised are true, but are not an election irregularity. In such cases, the Committee will not pursue the allegation further.

The Committee may find that allegations a member has raised are true, but will not affect the outcome of the election. In such cases, the Committee will not pursue the allegation further.

The Committee may find that allegations a member has raised are true, but only affect a certain number of votes. In such cases, the Committee will determine if that number would have affected the outcome of the election. If that number does not affect the outcome, the Committee will not pursue the allegations further. If that number does, the Committee may determine that a rerun is necessary.

If a rerun is necessary, it will only be for those races affected by the irregularities. The same procedures and requirements, which applied to the initial election, will be followed.

The Committee will notify the protesting member of their decision in writing regardless of whether a protest is denied or a decision is made to rerun the election or take other corrective action.

### **Appeal**

If a protest is denied by the Committee, the protesting member may appeal the decision. That appeal should be mailed in writing via certified return receipt mail **within 10 days** of receiving the Committee's decision to the HPAE State Executive Council, in care of Ann Twomey, HPAE President, 110 Kinderkamack Road, Emerson, NJ 07630.