

Election Code



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Election Overview

The Sacramento Natural Foods Cooperative (SNFC) elections¹ shall be held in accordance with applicable California statutes, in a manner prescribed by SNFC Bylaws, the Board of Directors (Board), and this Election Code (Code), as established by the Board (Bylaws §10.02.) The Election Code prescribes procedures for the following types of elections and actions:

- Annual Board of Director elections (Bylaws, § 9.04);
- Referenda and initiatives (measures) or advisory surveys submitted to SNFC Membership (Bylaws, §10.01, subds. (d) & (e));
- Amendments to bylaws submitted to SNFC Membership (Bylaws, §10.05, subd. (c));
- Board of Director recall elections (Bylaws, §10.04, subd. (a));
- Board of Director election to fill a vacancy caused by recall of Director (Bylaws, §8.02);

General Election Administration and Timeline

Annually, the Board shall conduct a general election for the SNFC Membership to elect Board Members, in conformity with Bylaws §9.05. Any proposed (1) amendments to Bylaws; (2) measures; (3) or advisory surveys that properly qualify for submission to the Membership² may be included in the general election.³

Election Administration

The Board, or its designee, shall be responsible for entering and managing contracts with election administration providers, including, but not limited to, full-service providers of online elections.⁴ Such contracts, when entered into by the Board, are incorporated into the Election Code for purposes of election administration. Pursuant to the terms of the contract, and in accordance with the Bylaws, the election administration provider shall be responsible for creating individual voter IDs for the ballot preparation, vote verification, election certification, and election report production.

An Election Committee (Committee) shall be appointed by the Board to otherwise administer elections. (Bylaws, §9.03.) The Committee and Board Administrator are responsible for election administration duties that complement the election administration provider contract, as discussed herein.

SNFC Staff will be responsible for the graphic layout of the ballot and work with the election administration provider in the creation of individual ballots.

Election Information Packet and Election Timeline

Annually, in coordination with the Committee, the Board Administrator shall edit the Election Information Packet, and it shall include:

- An election timeline;⁵
- Candidate eligibility and nomination information;

¹ "Elections" include, but are not limited to, all actions requiring the use of mailed ballots, per Bylaws §10.01.

² See Bylaws §10.05, 10.06 and 10.07 for specific requirements.

³ Nothing prohibits the Board from scheduling a vote on any of these three actions on a schedule separate from the general election timeline.

⁴ Pursuant to Bylaws § 2.10, elections may be conducted using electronic transmissions that are treated as "mailed ballots" for purposes of the Bylaws.

⁵ The election timeline shall include the information listed in Appendix A.

- Guidelines for candidate statements;
- Procedures for withdrawing candidacy;
- Guidelines for proposing a measure or Bylaws amendments;
- Guidelines for submitting arguments and rebuttals on proposed actions; and
- Campaigning guidelines and rules.⁶

On or before the April Board Meeting the Board shall vote to approve the Election Information Packet. The approved Election Information Packet will be incorporated into the Election Code. Each year, when the Board approves a new Election Information Packet, the Election Information Packet from the previous year shall become null.

Election Duties

The following Election Duties are to be performed by the Committee and Board Administrator, unless otherwise stated or determined by the Board.

Ballot Packet Preparation

The Election Committee is responsible for ensuring all information included in the ballot package conforms to the requirements of the Bylaws, the Code, the Election Information Packet, and any other relevant governing documents. Once approved by the Committee, the Board Administrator is responsible for overseeing preparation of ballot packages and coordinating approval of the ballot packages by the Board President (or other Board designee not on the ballot) to be completed prior to ballot packets being uploaded, as provided in the Election Timeline.

Pursuant to Bylaws section (§10.02(e) and (f)) the following information **must** be included in ballot packages:

- The number of votes required to meet quorum requirements;
- The time by which the ballot must be received in order to be counted; and
- The percent of votes required to pass a measure (only for ballots for elections other than the election of Directors or advisory surveys.)

Other information that **shall** be included in the ballot packet:

- Number of Eligible Voters
- Candidate statements;
- Identification of candidates recommended by the BCDNC and nominated by the Board;
- Instructions for completing and returning the paper ballot to the election administration provider or to SNFC premises;
- Instructions for completing the online ballot;
- Pro and con arguments and rebuttals for measures and bylaws amendments, as approved and received in accordance with the Election Information Packet and Timeline;
- Contact information for the Committee or the Board Administrator; and
- Procedures for challenging election results.

Ballot Content Review

Ballots shall be prepared by the SNFC Staff and election administration provider, unless otherwise directed by the Board. Prior to printing, the Board Administrator and Committee **must** ensure the ballot

⁶ The Election Information Packet **must** clearly state that no money belonging to SNFC may be used for campaigning, except for the distribution of candidates' written or recorded statements and pro and con analyses. (Bylaws, §10.02, subd. (d).)

contains the following requirements (Bylaws, §10.02, subds. (e) & (f).):

- The proposed action;
- Opportunity to specify approval, disapproval, or abstention of a proposed action; and
- Ensures a secret ballot.

When the proposed action is election of Board Members, the names of nominees shall be listed in random order with a choice for approval, including the maximum number of nominees to select.

Ballots Received at SNFC Premises

On the day voting for an election commences the Board Administrator shall conspicuously place a box on SNFC premises for collecting paper ballots. The Board Administrator is responsible for ensuring the security of the ballot box during the election and ensuring the removal the ballot box on the last day of the election at store closing time. The Board Administrator is responsible for transmitting paper ballots collected on SNFC's premises to the election administration provider, in accordance with SNFC's contract with the provider.

Results Reporting

The election administration provider shall provide the vote results no later than 5 days after the election ends. These results shall be shared with the Election Committee and the Board President, and posted in the store and online as soon as possible.

An election committee member shall present the election report containing information provided by the election administration provider and SNFC staff, to the Board at the October board meeting.

Upon the Board's adoption of the election report results, including any amendment(s) to the Bylaws, approved measure(s), advisory survey results, or any other matter(s) decided by mailed or online ballot, a copy of such shall be conspicuously posted at SNFC premises, not later than seven (7) days thereafter.

Election Disputes

Any and all disputes, including matters concerning eligibility of a nominated candidate during or after an election, campaign conduct before or during a vote, or election administration, are to be presented to the Committee or Board Administrator. Within 72 hours of receiving notice of a dispute, the Committee and Board Administrator shall draft a summary of the dispute and recommend a proposed action to the Board. The Board shall resolve the dispute, in a manner that best serves the interests of SNFC, including, without limitation, in the event of need or a conflict of interest, referring the dispute to a third-party arbiter, such as legal counsel, for resolution.

Members may only dispute an election in which they voted. The last day to dispute an election is the day results are announced.

Other Types of Elections

Elections discussed under this section are to be conducted on an "as needed" basis, in accordance with the Bylaws, and are not required to conform to the Election Timeline adopted in the Election Information Packet. However, all elections discussed herein must conform to the campaign guidelines and rules contained in the Election Information Packet, as adopted by the Board and incorporated into this Code.

Recall of a Director

SNFC Bylaws §10.04 describes the processes by which an active member may initiate a recall of a member of the Board. A recall petition for a board member can be initiated by any other active Member with a petition signed by 20% of the active Members.

- A petition for recall of a director must include the name, member number, and phone number of the sponsor(s), the name of the director to be recalled, and the reasons for the recall. No more than one director may be named on a single petition for recall.
- The signers on a petition for recall must be active members and must sign and print their full names and member numbers on the petition.
- The petition for recall shall be submitted to the Board Administrator. Within 24 hours of receiving the petition, the Board Administrator shall verify that all signers are active members and submit it to the Committee to verify that the petition meets the requirements of this section. The Committee shall have 48 hours to complete its verification and submit a recommendation to the Board that states whether the petition is valid or invalid.

Within 48 hours of receiving a valid and verified petition for recall, the Board President (or designee, if President is subject of petition) shall notify the subject Director by certified mail and inform them of the deadline for submitting a written statement of defense.

A recall election shall be scheduled by the Board to be completed within 40 days of the receipt of the petition in store. (Bylaws, §10.02, subd. (a).) The disinterested Board shall determine the method and schedule of the election, in conformity with any requirements of the Bylaws.

Election to Fill Vacancy Due to Recall of a Director

If a Board vacancy occurs due to a recall by SNFC Membership, the succeeding Director must be elected by the Membership in accordance with this Election Code. The Board may decide to hold the election either as part of, or separate from, the general election, based on the best interests of SNFC. (Bylaws, §8.02.)

Appendix A

The election timeline shall provide the dates for **at least** all the following information:

- Deadline for which members must be current on their Fair Share to run in the Election.
- Deadline candidate statement of interest is due to the nomination committee
- Deadline petitions to run are due for candidates seeking nomination by petition
- Declaration of candidacy and code of conduct forms are due for all potential candidates
- Deadline for nominating committee to recommend candidates to the Board
- Deadline for Board to certify measures and bylaws amendments for the ballot
- Deadline for public posting of ballot measures and bylaws amendments
- Deadline for submission of candidate statements
- Deadline for submission of pro and con arguments
- Deadline for posting of approved pro and con arguments
- Deadline for submission of rebuttals to pro and con arguments
- Deadline for posting rebuttals to pro and con arguments
- Date by which candidates and members must be current in their fair share investment to vote and be a candidate for the Board
- Deadline for ballot packets to be mailed
- Date electronic voting opens
- Last day to vote electronically
- Last day to accept mailed ballots
- Last day to vote on SNFC premises
- Day results will be reported to the Board by election administration provider
- Day election results will be publically posted
- Final day to file a challenge to the election
- Board meeting date where results are reported and adopted by the Board