

Section Three: Elections

3.1 Notice of Election

A. NOMINATION QUALIFICATIONS: HUD requires that any resident wishing to run for a Resident Council officer position must meet the following requirements.

1. Meet the requirements of a Voting Member:
 - Must be a head of household (any age, whose name is on the lease); or
 - Other residents at least 18 years of age or older whose name appears on the lease.
2. Be lease-compliant (as confirmed by the Manager).
3. Candidates should be able to perform the duties of the office for which they are running (see minimum skill requirements)

B. NOMINATIONS: An Election Contact Person will be selected at the fall Resident Council Meeting. A nomination slate of officers for a four-member board or a traditional board (designated positions of President, VP, Secretary, Treasurer, and Member at Large) shall be presented at the fall resident council meeting and nominations will be accepted from the floor, after which the nominations will then be closed. Before any nominee can be voted on to fill any office, he/she must agree to serve in that office. Directly after the fall meeting, the nomination slate of officers shall be posted at the family site. The nominations will be voted on at the October/November Resident Council Meeting. Any person running for election must be present at the election in order to be elected to the board, unless the nominee has been excused by the Election Judge before the election. The Housing Manager or HSC must review the list of nominees to assure that each nominee is lease-compliant; if anyone is not, the name must be eliminated from the list of nominees.

C. TERMS OF OFFICE: Officers shall serve for a period of two (2) years. Refer to Resident Council Bylaws.

D. ELECTION PROCEDURES: Nominations will be closed at the fall meeting. The election of the four-member board or the traditional board shall be held annually at an election meeting in the fall. Residents shall be given thirty (30) day's notice for nomination and election. Election shall be by individual secret ballot if the election is contested.

DATE, TIME, AND LOCATION OF THE ELECTION:

_____ **COMMUNITY ROOM**

DATE POSTED: _____

3.2 Resident Council Elections

Purpose – Strong Council's

In the Section on “What is a Resident Council” it was mentioned that HUD provides PHA’s monies to give to Councils in order to “recognize the importance of resident involvement in creating a positive living environment and in actively participating in the overall mission of public housing.” [CFR 964.1]. HUD wants to keep Councils strong and working for all residents of public housing. To do this they provide funding and rules. Following these rules guarantees your Council both funding and formal legal recognition from the St. Paul Public Housing Agency (PHA). The rules are written in the Code of Federal Regulations [CFR] section 964. Specific items in the register are cited in this guide. They are in quotes and underlined. The CFR sections follows in brackets. PHA is required to hold Councils accountable to the rules published in the Code of Federal Regulations. They are also required to fund and recognized Councils when the rules are followed.

The procedure used to elect the Executive Board is very important. The Executive Board members are the leaders for all residents living in the Family Site and the Scattered Site homes associated with the particular Family Site. [CFR 964.115(a)] Council By-laws are the legal guideline for Council. They periodically need updating. This is to reflect the latest Code of Federal Regulations. By-laws must include the following concerning election of officers;

- (1) **Democratic** “democratically elected” by the “voting membership” [CFR 964.115(c)]
- (2) **Voting Membership.** “The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose name appears on a lease for the unit in the public housing that the resident council represents” [CFR 964.115(c)]
- (3) **Frequency of Elections** “All procedures must assure fair and frequent elections of resident council members—at least once every three years for each member.” [CFR 964.130(a)1]
- (4) **Notice** “All voting members of the resident community must be given sufficient notice (at least 30 days) for nomination and election. The notice should include a description of election procedures, eligibility requirements, and dates of nominations and elections.” [CFR 964.130(a)5]
- (5) **Number of Officers** “should consist of four (4) elected board members.” [CFR 964.115(c)]
- (6) **Qualifications** “The election procedures shall include qualifications to run for office, frequency of elections, procedures for recall, and term limits if desired.” [CFR 964.130(a)4]
- (7) **Recall Process** “recall of the resident board by the voting membership” must be 10% or more [CFR 964.115(b)]
- (8) **Election & Recall Oversight** “The resident council shall use an independent third-party to oversee elections and recall procedures”. [CFR 964.130]

3.3 Election Procedures

A. Recruitment – Step 1 of 4

Involvement / Leadership Development / Recruitment (see Appendix C)

Executive Board members must look for ways to involve Council members in the life and activities of the Council. This is done throughout the year. It is part of recruiting new leaders. It may be asking for volunteers to help at an event. Executive Board members may recruit others to help to set up table and chairs for a meeting. Council members may be encouraged to work on special projects, like a Garden Committee. It can move to more formal involvement. Like being a member on a Standing or Ad Hoc Committee. Attendance at regular meetings is a good place to start with volunteer recruitment. Involvement is developing leaders. It is hoped that these leaders join the Executive Board. But this takes work of the Executive Board members.

Hosting a volunteer recruitment event is one way to recruit new Executive Board members. However, it is important to use many different ways to find new individuals willing to serve the Council.

B. Candidate Nominations & Application – 2 of 4

Candidates must apply to be on the Executive Board. People can nominate other residents for these positions but the individual nominated must apply within the time frame given. Applications are used to determine both “eligibility” and “meeting qualifications” to serve [CFR 964.125]. In addition, applications are the basis of the “procedure to appeal any adverse decision relating to failure to satisfy HUD minimum standards” for the position to which an individual may apply [CFR 964.130(c)].

Overview of HUD CFR Timing for Council Elections

Candidate Nomination & Application Period	Open for 30 days
Announcement of Elections Period	30 days prior to an Election
Eligibility Determination Period	No timeframe given
Appeal of Adverse Action Period	No timeframe given

The Candidate Nomination & Application period and the Announcement of Election period can be concurrent. However, it is easier if the various steps run sequentially.

Sequential Election Procedure

1) Nominations and Application for Executive Board Position

- a. **60 Days or more Prior to the Election (at a minimum, more time is advised)** - At a MINIMUM an application period must be open for **30 days**– [CFR 964 130(a)5]. Potential candidates must have at a

minimum 30 days in which they may submit an application for an Executive Officer position on the Council.

- b. **Spring or Summer Events.** Nominations and applications can happen or be advertised at spring / summer Events if they are at least 30 days prior to the Election. Election dates should also be mentioned when advertising for Executive Officer positions.

2) Proper Notice

- a. **Qualifications.** Qualifications for the open positions must be posted in the Community Center or included in any advertising notices for nominations.
- b. **Due dates for Nominations, Applications & Elections.** Notices for Nomination and Qualification documents must include the date upon which Nominations or Applications are due and the date of the Election.
- c. **Voting Membership.** Notices must include who is part of the Voting Membership and who can run for the open positions.

3) Candidate Application

- a. Candidates must fill out an application for the position.
- b. Applications must state eligibility requirements for the position – See Eligibility

C. Eligibility & Screening – Step 3 of 4

The Executive Board assigned to run the Election is responsible to request from PHA that Candidates meet the Eligibility Requirements below. Including eligibility determination in your election timeframe is not a HUD requirement, but making sure Candidates meet eligibility requirements is a HUD requirement. Adding time for this formal step will make elections flow better. Those not qualified can be told they are not currently eligible, but may appeal if desired.

1) Eligibility Requirements. Candidate applications are reviewed to make sure the Candidate is eligible.

- a. **Age & Residency.** A resident is “at least 18 years of age or older and whose name appears on a lease for the unit in the public housing that the resident council represents.”[CFR 964 115(c)]
- b. **Qualifications.** The applicant meets the position qualifications determined by the Council and outlined in the Advertisements and this Guide.
- c. **Lease Compliancy.** Residents “in compliance with the lease may seek office and serve on the resident council governing board.” [CFR 964 125(c)]

- 2) Eligible Candidates will be placed on the ballot for the meeting where the Election will take place. All applications will be presumed to be eligible unless informed otherwise.
- 3) Ineligible Candidates are informed that they are ineligible and for what reason by the Manager making the determination.
- 4) **Appeal.** Ineligible Candidates can “appeal any adverse decision relating to failure to satisfy HUD minimum standards” [CFR 964.130(c)]. They must appeal in writing to the PHA Manager of their site within 5 business days of being informed they are ineligible. If the Manager determines that a candidate is in fact eligible, this is best done 30 day prior to the election so a candidate could prepare if desired. If a Candidate remains ineligible after the first appeal they can make a second appeal. This must be in writing within 5 business days of receiving a letter from the Manager confirming their ineligible status. They appeal to the Resident Services Department Director who will work with the prospective Candidate to “jointly” select a “third-party arbitrator at the local level.”[CFR 964.130(c)]. This cost is born by the PHA.
- 5) **Election Delay Request.** The Department Director or Manager may ask the Council to delay the Election if ineligibility has been appealed.
- 6) **Campaigning.** After a candidate has been successfully screened, campaigning for office is permitted. There is to be no negativity towards other nominees. Under no circumstances are promises, gifts, or other potential rewards to be used to persuade residents in obtaining their vote. Campaign materials must be reviewed by the Manager before distribution. Should any of these violations occur, the nominee’s name will be removed from the ballot by the Election Judge upon recommendation of the Manager

D. Election – Step 4 of 4

This is the meeting or event where the Voting Members of the Council elect Candidates for open Council positions. It is to be scheduled at the Annual Meeting of the Council unless decided otherwise by the Council or Executive Board. HUD requires that elections be advertised 30 days prior to the election [CFR 964 130(a)5].

- 7) **Election Judge.** A “third party to oversee elections” [CFR 964 130] called an Election Judge must be found. They are to be informed of the election date and if it is expected to be conducted by ballot or voice vote. This is so they can determine if help is needed.
 - a. At the time of the Election, the Chair turns the meeting over to the Election Judge to either conduct a voice vote or ballot vote (see Appendix C).
 - b. After the voice vote or balloting the Election Judge makes a motion which needs a second certifying who has been elected to which positions. After the Council passes and accepts the motion the Election is certified.

- c. The Certification Motion, for example- “I move that the Council by voice vote accept the election results of to the office of” must be entered into the minutes and approved by the Council. The Council can also use a signed form that included these detailed steps.
- d. The Election Judge must sign into the meeting and put their role, “Election Judge” by the printed version of their name.

8) Voice or Hand Vote.

- a. A voice or hand vote is sufficient for elections that are not contested (only one candidate for a position).
- b. If the Council desires a ballot, they can make a motion at the election meeting.
- c. A voice or hand vote must also be certified by the Election Judge

9) Absentee Ballots. No Absentee Ballots or balloting are currently allowed.

10) Contested Seat.

- a. Neutrality. If a particular Executive Officer seat has two or more candidates running the Executive Board must make every effort to insure that each candidate for a contested seat receives the same treatment from the Council and Executive Board.
- b. Balloting. With a contested seat. Ballots should be automatically prepared for the Election and the “third party to oversee elections” informed. If ballots are used and the “third party” to oversee the election has certified the results a motion to destroy the ballots would be in order.

11) Immediate Seating. . It is best practice to have a period of time until the next meeting at which the Council or Executive Board officially hand over responsibility and at which the old officers can help orient the new. This will ensure a proper hand off of responsibilities and a smooth running Executive Board.

3.4 Vacancy & Special Election

Vacancy or Resignation

Council By-laws have provided for a Special Election Procedure for Vacant or Resigned and appointed seats.

Before a successor is approved, current Officers may divide up essential duties of the vacated position among themselves to accomplish the business of the Council and report additional duties to the Members at the next regularly scheduled meeting.

The Council can fill vacancies or resignations between the Annual Meeting in one of two ways.

- A. **Interim Appointment.** The Executive Board can appoint a Council member to a

Vacant (Open) or Resigned seat at any Executive Board meeting. The Executive Board appointment is considered a Temporary Appointment.

- 1) The **Temporary Appointment** must apply and be screened. Then their nomination can be brought to the Council for approval at the next business meeting. The Council must either approve the Temporary Appointment as an **Interim Appointment** or Call for a Special Election.
- 2) **Approval of Interim Appointment**
 - a. The individual serves in the appointed Executive Board Role in an interim basis with full privileges until the next Annual Election.
 - b. Interim Appointments are not to complete the remainder of a full 2 year Executive Board term. They serve only until the next Annual Election.
 - c. Terms -The odd or even 2 year terms of Executive Board does not change even if vacated. It runs for two years between annual meetings.
 - d. If the Interim Officer desires to run for either a full or partial term at the Annual Election they need to be added to the Candidate list for election if they are interested in serving beyond the interim appointment
- 3) Call for Special Election

B. If the Council desires a Special Election any Executive Board Officer given a Temporary Appointment by the Executive Board serves as a Temporary Officer. They serve with full privileges until the results of the Special Election.

- 1) Special Elections must have the same 30 notice period for both Nominations and Elections. The Temporary Officer will have been screened so only new Candidates need to be screened.
- 2) **Procedures.** The procedures outlined in the Election Procedures at Step 2 – Nominations and Step 4 Elections must be followed for Special Elections. Screening (Step 3) is dependent on any unscreened candidates desire to run for Office.
- 3) **Seating.** Any Executive Board member elected at a Special Election is seating in their new position immediately, unless otherwise directed by their by-law.

3.5 Qualifications to Run For Resident Council Office

HUD requires that any resident wishing to run for office in a Resident Council must meet the following requirements:

- A. Meet the requirements of a Voting Member [CFR 964.125(b)]
 - 1) Must be a head of household (any age, whose name is on the lease); or
 - 2) Other resident at least 18 years of age or older whose name appears on the lease.
- B. Be lease-compliant [CFR 964.125(c)] (as affirmed by the Site Manager)

- C. Candidates must be able to perform the duties of the office for which they are running, based upon the minimum skill requirements of the position.
- D. Must be willing and able to make a commitment for the term of the office.

3.6 Policy: Replacing Officers Midterm

The purpose of this policy is because:

- A. It can take two (2) months or more to elect an officer;
- B. An Election Judge is required for an election);
- C. It is difficult to conduct resident council business without all the officers;
- D. It is discouraging to officers and residents to have many elections; and
- E. It provides a universal solution for all councils.

Policy:

A replacement for an officer who is unable to complete the elected term may be appointed by the remaining officers and confirmed by a vote of the Resident Council.

If you have any questions regarding this, please contact the Resident Initiatives Program Coordinator.

3.7 Policy: Resident Council Election Procedures

These Election Procedures were ratified by City Wide Resident Council on March 22, 2010 and the By Laws were update in 2018, incorporating election procedures updated as follows:

- A. The Resident Council shall follow the Election Procedures as established by HUD and the City Wide and are included in the Resident Council Guide.
- B. Candidates must be able to perform the duties of the office for which they are running, based upon the minimum skill requirements of the position.
- C. An officer must be willing and able to make a commitment for the term of the office.
- D. Election of officers shall be conducted at the end of the calendar year. There shall be no limit on the number of terms any officer may serve. Installation of Officers and the reading of the Memorandum of Understanding (MOU) shall immediately follow the election. The Election Judge shall assist with ballot counting.
- E. Terms are staggered and shall run from annual election to annual election of the following year. Old bank signers and new bank signers should go to the bank together to change signers on the account within one month after the start of the new fiscal year. This transition time will allow the City Wide to provide training for the incoming officers as well.
- F. Resident Councils must consist of at least 4 officers but may have more.
- G. The election judge confirms with the HSC that all required postings are posted within the Community Center. If the postings do not meet the requirements and

- minimum 30 day notice required by HUD, the election will be postponed.
- H. Campaigning for office is permitted, provided there is no negativity towards other nominees. Under no circumstances are promises, gifts, or other potential rewards to be used to persuade residents in obtaining their vote. Campaign materials must be reviewed by the election judge before distribution. Should any of these violations occur, the nominee's name will be removed from the ballot by the Election Judge.
 - I. A candidate may be nominated for only one office.
 - J. All voting shall be by written secret ballot when two or more candidates are running for the same office. The HSC shall prepare the ballots, by position, for the election. If only one candidate is nominated for an office, that candidate is elected by acclamation and no voting is held..
 - K. There shall be no write-in votes allowed on the ballot due to the pre-screening requirement of being lease compliant.
 - L. Because all votes are confidential, all ballots will be removed from the premise by the Election Judge following the election.
 - M. There shall be no absentee ballots. However, all Resident Councils shall determine a convenient time to hold the election where the majority of residents are available to attend; it need not be your regular meeting time. The election date, time, and place shall be determined according to the By Laws so election notices may be prepared to meet HUD requirements.
 - N. Nominees must be present at the election, unless excused due to emergency or illness. The Election Judge will make the determination whether the absence is excused or not.
 - O. A replacement for an officer who is unable to complete the elected term, for any reason, who meets the minimum requirements of the position may be appointed by the remaining officers (not a single officer) and confirmed by a vote of the Resident Council at the next Resident Council Meeting. The new officer must be installed in order to take office. This does not apply to a position which was not filled at the annual election (see Appendix C).
 - P. The existing recall procedure in the Resident Council Guide shall remain in effect.
 - Q. For each family site, the Notice of Election, including position duties, minimum qualifications, etc., shall be prepared by the Family site council in consultation with City Wide and the Resident Council Guide. These documents will be presented to the Election Judge who will ensure all timely postings are done.

3.8 Resident Council Officer Qualifications

Each officer of the Resident Council is expected to have certain qualifications and minimum skill requirements to perform the role of the office.

President or Presider and Vice-President

Qualifications:

- Has a good knowledge of the role of the Resident Council;

- Has a good knowledge of the relationships between the City Wide , the Resident Councils, PHA, and HUD;
- Keeps calm, even under adversity.

Minimum Skill Requirements:

- Speaks clearly and succinctly;
- Shows interest in all viewpoints;
- Is familiar with Robert's Rules of Order;
- Shows an ability to respect confidences;
- Is approachable and sensitive to the feelings of others;
- Is impartial and objective;
- Is tactful and able to delegate;
- Able to follow time schedules and keep the meeting moving.

Secretary

Qualifications:

- Understands the importance of Minutes and the procedure of appropriate documentation;
- Has a good knowledge of the role of the Resident Council;
- Has a good knowledge of the relationships between the City Wide, the Resident Councils, PHA, and HUD;
- Keeps calm, even under adversity.

Minimum Skill Requirements:

- Is methodical, with a good eye for detail;
- Is well organized, with an orderly mind;
- Is objective in all proceedings and discussions;
- Demonstrates good communication and interpersonal skills;
- Shows impartiality, fairness and the ability to respect confidences;
- Is approachable and sensitive to the feelings of others;
- Shows the ability to work well with the other officers and residents;
- Is able to take accurate and detailed notes of meetings;
- Able to make sure all members and officers receive the necessary material for the meetings.

Treasurer

Qualifications:

- Capable of handling figures and cash;
- Has an orderly mind and methodical way of thinking;
- Has experience and/or training in dealing with large sums of money and budgets;
- Has experience and/or training of financial control and budgeting;
- Has an eye for detail;
- Has the ability to ensure financial decisions are made and followed-up;
- Keeps calm, even under adversity.

Minimum Skill Requirements:

- Has computer skills to maintain financial records on the computer;
- Has a financial qualification and/or relevant experience;
- Has good communication and interpersonal skills;
- Is methodical and well-organized;
- Able to explain figures to others;
- Has excellent organizational, recordkeeping, and timekeeping skills.

Member at Large

Qualifications:

- Is flexible;
- Has the ability to assume other offices, if necessary;
- Is objective in all proceedings and discussions;
- Has good communication and interpersonal skills;
- Shows impartiality, fairness and the ability to respect confidences;
- Is approachable and sensitive to the feelings of others.

Minimum Skill Requirements:

- Shows interest in all viewpoints;
- Shows an ability to respect confidences;
- Is approachable and sensitive to the feelings of others;
- Is impartial and objective;
- Is tactful and able to delegate;
- Has the ability to work well with the other officers and residents.

3.9 Policy: Recall Election

- A. Before a recall election of an officer is begun, residents should seriously consider if this option is the best and only way to solve their grievance. Consulting with the Resident Initiatives Program Coordinator (RI) is required. Following consultation, if a resolution cannot be found, the RI will advise you to proceed with obtaining signatures on the Recall Petition and help you word the reasons for the petition.
- B. Before a recall election can be held, a minimum of ten percent [10%] of the total residents in the family site must sign the authorized recall petition form (see Appendix C).
- C. The recall petition must state specific reason or reasons for the recall. The reasons must be associated with non-performance of the duties of the office. The reasons may not be personal in nature.
- D. Those who sign the petition must do so of their own free will.
- E. The completed petition will be given to an Election Judge by the RI. Signatures on the petition will remain confidential, but individuals can sign only once for each recall.
- F. The fact that there is a completed petition for a recall election should be presented by the Election Judge at a resident council meeting or special meeting. Posted notice of a Recall Nomination Meeting of a minimum of one (1) week in advance is

required. At that time, residents will be informed that they have the option of removing their names from the petition if they so choose. Also at that time, nominations of those willing to serve in the office will be taken. The recalled officer will be one of the nominees unless he/she chooses to resign. It must be clear on the Recall Election Notice the date nominations will be taken from the floor and the date of the Recall Election thirty (30) days later, as well as meeting other election criteria as stated in the Resident Council Guide.

- G. The recall election may be held at the next regularly scheduled resident council meeting or at a special meeting, with proper 30 (thirty) day notice as stated in the Election Procedures in the Resident Council Guide. Nominations may be taken at the recall nomination meeting. All nominees must meet the standard election requirements, including being lease-compliant as determined by the Site Manager. The recalled officer, if willing, will remain in office if there are no other candidates.
- H. The recall election will be facilitated by an Election Judge and be by written ballot.