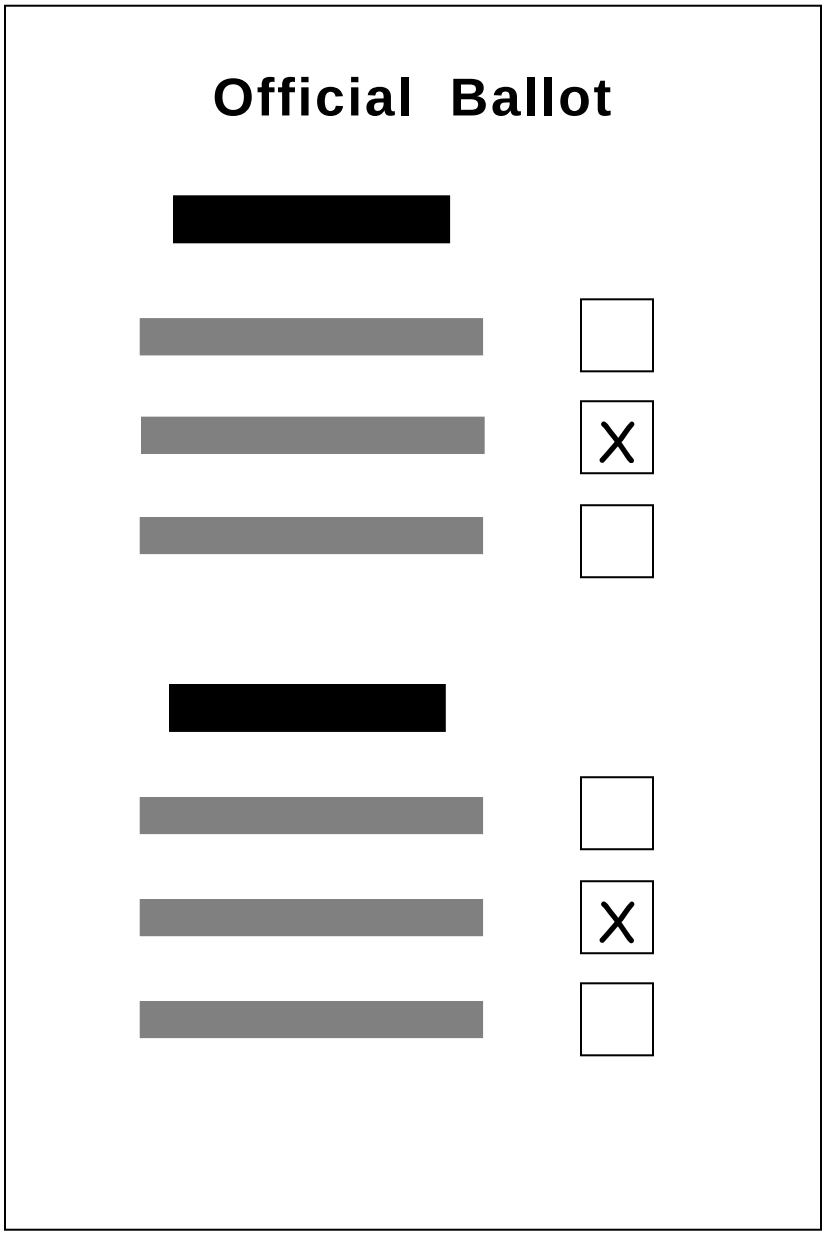
Conducting Local Union Officer Elections

A Guide for Election Officials



Material contained in this publication is in the public domain and may be reproduced, fully or partially, without permission of the federal government. Source credit is requested but not required. Permission is required only to reproduce any copyrighted material contained herein.

This material will be made available to sensory impaired individuals upon request.

Voice phone: (202) 693-0123

TTY* phone: 1-877-889-5627

---

*Teletypewriter

Conducting Local Union Officer Elections

A Guide for Election Officials

U.S. Department of Labor
Thomas E. Perez, Secretary

Office of Labor-Management Standards
2010 (Revised May 2014)

A Message to Local Union Election Officials

Congratulations! You have been selected to serve as an election official in your union. You may have volunteered, been elected by the membership, appointed by your union's president, chosen by one of the candidates, or maybe you were "drafted" to serve in this role. In any event, during the upcoming weeks you and your fellow election officials will be entrusted with the responsibility of providing members with the opportunity to exercise the most fundamental of union rights, the right to elect their union's officers by secret ballot. Don't underestimate the importance of your role — you are an essential part of the democratic process. The persons elected to office will help shape the future of your union as they handle the union's finances, are involved in contract negotiations and grievances, and conduct other business affecting the welfare of your union's members.

Your Role

As an election official, you will be responsible for conducting your union's election of officers in accordance with federal law and your union's constitution and bylaws. In doing this, you will have several different roles — rule maker, communicator, and judge. You will need to be patient, knowledgeable, organized, firm, and, most of all, impartial. At times, your hard work may seem thankless. But remember, your job is not to please everyone but to run a fair and honest election.
Throughout the election process, election officials should be guided by three principles. First, you should be fair and impartial, treating all candidates equally and avoiding any acts of favoritism or even the appearance of favoritism. You should maintain a businesslike relationship with all candidates even if you work with or are personal friends with any of them. Second, you must follow the election provisions in your union's constitution and bylaws as well as any other union election rules as long as they are not inconsistent with federal law. Finally, you should uphold American democratic traditions by protecting the right of every member in good standing to nominate candidates, run for office, and vote by secret ballot for officers of your union.

What's in This Guide

This Guide has been prepared by the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor (DOL) to help election officials plan and conduct local union officer elections. The Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), establishes certain rights for union members and contains provisions to insure union democracy and financial integrity. In particular, Title IV of the LMRDA sets forth basic democratic procedures which unions must follow in conducting their officer and delegate elections. OLMS has also issued regulations interpreting the LMRDA election provisions.

The Guide is designed to be an easy-to-use reference based on the law and regulations as well as the knowledge and experience of OLMS staff. It will take you step by step through the election process, help you to identify your responsibilities during each step, and provide suggestions to make your job easier. Except for the first and last chapters, each chapter is divided into three parts. "Requirements" has essential information about the standards for conducting elections, "Suggestions" provides practical tips for election officials, and "Common Pitfalls" warns of mistakes often made in union elections. Each chapter ends with the applicable provision of the LMRDA, a place to insert any related provisions of your union's constitution and bylaws, and a space for notes.

Many of the chapters in the Guide are followed by Figures (such as sample election notices) relating to the subject being discussed. Two fictitious unions (Factory Workers Local 888 and Local 999) are used in several of the Figures to illustrate recommended nomination and election procedures for a typical local union. Your union may want to adapt some of these Figures for use in its own election. Included as a reference following Chapter 15 is the text of LMRDA Title IV - *Elections* and Section 504 - *Prohibition Against Certain Persons Holding Office*. Also included for your use is a *Checklist for Conducting Local Union Officer Elections*.

We realize that unions operate differently, using different constitutions and bylaws and election procedures, and that election officials have varying degrees of responsibility. Therefore, not all the information in the Guide will apply to all unions. For example, some election officials will not be involved in the election process until nominations are completed, while others may be involved earlier. Likewise, the guidelines set forth in *Electing Local Union Officers by Mail* at the end of this Guide apply only to unions which elect officers by mail or use absentee ballots.

Who Should Use This Guide

This Guide should be used by the union officials responsible for conducting officer elections. The general term "election officials" is used to refer to tellers, election committee members, election judges, etc. Although the Guide covers the "basics" and is geared primarily to election officials with little or no experience in running an election, it can also be helpful to more experienced election officials. Don't assume that your union's prior elections were conducted in accordance with all requirements of federal law because no election protests were ever filed. Violations of federal law may have occurred but no one complained about them. If the same mistakes are repeated, the election may be successfully challenged by a losing candidate or other member of your union.

How to Use This Guide

Election officials should become familiar with the contents of this Guide as soon as possible after being selected. An initial review of the Guide will provide an overview of the election process and point out all the steps involved in conducting a fair and impartial election.
You are not expected to remember all the rules for conducting elections after reviewing this Guide. Instead, before each stage of your union's election read the applicable chapters to better understand election requirements and your responsibilities and consult the Guide frequently during the election process. Although we have tried to include all necessary information, the Guide does not specifically address every situation that may develop. Some elections may involve complex or unusual issues requiring you to seek further assistance.

Seeking Assistance

If you need advice or have questions about election requirements in your union's constitution and bylaws, you may wish to contact your union's parent body for help. In addition, OLMS employees in the field offices listed at the end of this Guide can answer your questions about the LMRDA, related regulations, and other information in this Guide. However, OLMS does not interpret specific provisions in union constitutions and bylaws or directly participate in or conduct union elections except in certain situations described in Chapter 15.

Getting Started

Now that you are familiar with the purpose and contents of this Guide and how best to use it, it's time to get started. Read Chapter 1 and begin preparing for your union's election of officers. Good Luck!

Contents

Chapter

1	Getting Ready	1
2	Nomination Notice	9
3	Nominations	12
4	Who May Run for Office	14
5	Candidates	19
6	Distributing Campaign Literature	21
7	Inspecting the Membership List	23
8	Union and Employer Funds	25
9	Right to Vote	28
10	Election Notice	31
11	Ballots	35
12	The Polling Place	39
13	Observers	50
14	Counting Ballots	53
15	Election Protests	64

Figures

1	Election Planner	4
2	Election and Campaign Rules	5
3	Nomination Notice	11
4	Candidate Eligibility Letter - Eligible	17
5	Candidate Eligibility Letter - Ineligible	18
6	Union and Employer Funds Prohibition Letter	27
7	Election Notice	33
8	Nomination and Election Notice	34
9	Official Ballot	38
10	Polling Place Diagram - Same Entrance and Exit	43
11	Polling Place Diagram - Separate Entrance and Exit	44
12	List of Polling Place Equipment and Supplies	45
13	Voter Sign-In Register	46
14	Guidelines for Challenged Ballots	47
15	Rules for Observers	52
16	Tally Sheet	56
17	Vote Summary Sheet	57
18	Guidelines for Counting Ballots	58
19	Guidelines for Voiding Ballots	61
20	Ballot Tally Certification	62

References

LMRDA Title IV - Elections

LMRDA Section 504

Checklist for Conducting Local Union Officer Elections

Electing Local Union Officers by Mail

Chapter 1: Getting Ready

At the beginning of nominations and the election, your job as an election official may seem overwhelming. However, if you think of the election process as occurring in various stages and understand your responsibilities at each stage, the entire process becomes more manageable. At this early stage in the process, preparation is most important since good planning and organization are key ingredients to conducting a fair election. This chapter outlines the first steps election officials should take to prepare for the election, including meeting with other election officials to determine specific election responsibilities, reviewing materials used in prior union elections, obtaining certain information from current officers of your union, and scheduling important nomination and election activities.

Determining Election Responsibilities

The first step in getting ready to conduct an election is to determine your specific responsibilities as an election official. After being selected, election officials should arrange a meeting or discuss their roles by telephone as soon as possible. They should select a chairperson or leader if one is not already designated. If none of the election officials has ever conducted an election before, consider contacting members of your union who have served as election officials in prior elections to discuss their experiences, both positive and negative. Election officials may also wish to contact the union's parent body to seek advice or information as needed about your nomination and election responsibilities.

Reviewing Materials from Prior Elections

After determining their general responsibilities, election officials should obtain and review the following:

- Your union's most recent constitution and bylaws, especially those provisions dealing with good standing, voter and candidate eligibility, notices to the membership, and any other officer election requirements. Each election official should have a copy to refer to as necessary throughout the election process. Any other union election rules should also be reviewed.
- Notices of election, ballots, tally sheets, and any correspondence used in your union's prior elections which may serve as models to use in this election.

Election officials should also review the sample letters, notices, ballot, tally sheets, and other nomination and election materials included as figures in this guide which may also be adapted for use in your union's election.

Meeting with Current Officers

Well before the election process begins, it is very important that you and your fellow election officials meet with the current officers of your union to:

- Seek their cooperation and support. Make sure that they understand that you must remain impartial and that they are not entitled to any additional information, special privileges, or considerations because they are current officers.
- Find out if any problems occurred in the union's most recent nominations and election such as complaints about the polling site, voting hours, or voter eligibility. If so, ask the current officers for recommendations about how to avoid these problems in the upcoming election.

- Discuss which election responsibilities will be handled by the officers and/or union staff. For example, who will update the membership address list and who will mail election notices to all members?
- Determine the person in the union you should deal with to obtain election-related supplies and necessary information.
- Decide who will prepare the voter eligibility list, when it will be available, and the number of copies necessary. Keep in mind that the list must be up-to-date and contain the names of all members eligible to vote according to the provisions of your union's constitution and bylaws.
- Identify appropriate employer contacts who can provide any necessary information regarding voter or candidate eligibility or who can grant approval for use of employer facilities as polling places.
- Determine if and when "lost time" or other union payments will be made to election officials. For example, will the union pay lost time for election officials to prepare and mail campaign literature in response to requests from candidates?

It is important that election officials obtain this information early in the process and deal with the current officers "up-front" in order to avoid any misunderstandings and problems later.

Scheduling the Election

After meeting with the current officers, election officials should meet as a group to make some important decisions. First, you must decide where and when the election will be conducted, following any applicable provisions in your union's constitution and bylaws. If the election will be at a polling place, you must select a polling location(s) and set the hours of voting to provide a reasonable opportunity for all members to cast ballots. Remember to select a polling location based on suitability, not just because a site was used in prior elections.

If the election will be conducted by mail, determine when, where, and by whom the ballot packages will be prepared and mailed, after thoroughly reviewing the information in *Electing Local Union Officers by Mail* at the end of this Guide.

Next, election officials should develop a detailed timetable which lists all important election-related dates and deadlines. An Election Planner is included in this Guide as Figure 1 to assist you in planning the important dates for the election. By starting with the election date and working backward, you can establish the dates of all major events such as the posting/mailing of the nomination notice, the nomination meeting, nominee acceptance deadline, mailing of the election notice, preparation and printing of ballots, and the ballot tally. In preparing the timetable, include time frames or deadlines specified in your union's constitution and bylaws and remember to consider holidays and weekends. After the timetable is established, election officials should decide who will be responsible for completing the various tasks outlined in the Election Planner.

Additional Suggestions

Based on experience in investigating and supervising union officer elections, OLMS offers these additional suggestions to make conducting the election easier:

- Keep notes, copies of election materials, and records of decisions and actions taken throughout the nomination and election process. These records will serve to refresh your memory if any decision is later challenged or you are called upon to explain your actions and will also help others who conduct your union's future elections.
- Meet regularly to confirm that all required tasks are being completed and to discuss problems and other concerns. Review and discuss the contents of this Guide at each stage of the nomination and election process to make sure you understand your role and responsibilities.

- Develop a written set of rules setting forth both the significant dates in the nomination and election process and the guidelines to be followed by all parties during the election period. Figure 2 - Election and Campaign Rules is a sample set of rules for a fictitious union.
- Give copies of the election rules to all candidates and keep them informed of your decisions and any rule changes. Many problems which occur during union officer elections are caused by a lack of communication. You will find that members and candidates are less likely to challenge the election if you adequately explain the election rules and procedures in advance.
- Encourage candidates, observers, and members to raise any questions or problems about nomination or election procedures as soon as possible so that election officials have a chance to remedy any problems or make any necessary changes in the election rules.

Don't put things off until tomorrow. Investing a little time early in the process, pinpointing specific tasks and the persons responsible for completing them, and working as a team will result in a better-run election and will make your job as an election official easier and more rewarding.

Notes:

FIGURE 1

Election Planner

This Planner is designed to help union election officials plan for and schedule all the significant activities associated with conducting an officer election. The time projections noted are based on OLMS experience in supervising elections and, unless otherwise noted, are included as recommendations only. Some of the listed activities may occur in a different sequence in your union requiring that the time schedule be adjusted. Any other activities applicable to your union not listed below should be added to the schedule.

To use this Planner, first enter the date of the election and then work backward entering the date of each activity. Remember to consider holidays and weekends. Follow any dates or time frames specified in your union's constitution and bylaws and be sure to allow enough time for adequate completion of each activity.

Date	Activity
	Union membership list updated and revised with current addresses to be used for mailing election notices. (6 - 8 weeks prior to the election)
	Election and campaign rules prepared. (prior to the nomination meeting)
	Nomination notice posted or mailed. (at least 10 days prior to the nomination meeting)
	Deadline for receipt of written nominations, if applicable. (close of business on the day of the nomination meeting)
	Nomination meeting held. (4 - 6 weeks prior to the election)
	Deadline for receipt of candidate nomination acceptances. (within a week after the nomination meeting)
	Candidate eligibility verified and eligibility notification letters sent to all nominees. (immediately after the nomination acceptance deadline)
	Meeting with candidates held to discuss election and campaign rules. (as soon as possible after the nomination acceptance deadline)
	Period begins for candidates to inspect the union's membership list. (30 days prior to the election as required by the LMRDA)
	Ballot designed and arrangements made with printer. (3 weeks prior to the election)
	Voter eligibility list prepared. (15 - 20 days prior to the election)
	Notice of election mailed to the last known home address of each member. (at least 15 days prior to the election as required by the LMRDA)
	Ballots printed and challenged ballot envelopes, voter sign-in register, and tally sheets prepared. (1 week prior to the election)
	Polling place and ballot tally preparations completed and voter eligibility list updated, if necessary. (3 - 5 days prior to the election)
	Date of Election (Select a date and polling hours to encourage maximum voter participation. In a mail ballot election, enter the ballot mailing date which should be approximately 3 - 4 weeks prior to the ballot return deadline.
	Ballots counted and election results announced.

FIGURE 2

Election and Campaign Rules

Factory Workers Local 888

1. Constitution and Bylaws

The nomination and election of Factory Workers Local 888 officers will be conducted in accordance with the Factory Workers International Constitution dated October 1, 1988; the Local 888 Bylaws dated April 5, 1989; and the Labor-Management Reporting and Disclosure Act of 1959, as amended.

2. Term of Office

The officers elected will serve a three-year term which will end on June 30, 2010. Installation of officers will occur at a special Local 888 membership meeting on July 1, 2007.

3. Eligibility to Hold Office

As provided in Article VI of the Local 888 Bylaws, any member who has paid dues through March 2007 prior to 5:00 p.m. on April 2, 2007 is in good standing and eligible to run for office.

4. Nomination Notice

A nomination notice will be posted on union bulletin boards at all work sites and the Local 888 hall and mailed to all nonworking Local 888 members on March 23, 2007.

5. Nomination Meeting

Nominations for the offices of President, Vice President, Secretary-Treasurer, Recording Secretary, and three (3) Executive Board members will be accepted from the floor at the April 2007 membership meeting:

Date: Wednesday, April 3, 2007

Time: 7:00 p.m.

Place: Local 888 Hall
4900 Pulaski Highway
Baltimore, MD 21224

Nominations may also be made in writing and must be received by Recording Secretary Bill Palmer at the Local 888 office, 4900 Pulaski Highway, Baltimore, MD 21224, no later than 5:00 p.m. on April 3, 2007. In order to nominate candidates, a member must be in good standing as specified in Rule #3 above.

FIGURE 2 (CONT.)

6. Nomination Acceptances

A candidate must accept or decline nomination if present at the nomination meeting. Any nominee not present is required to submit a written acceptance to Recording Secretary Bill Palmer by 5:00 p.m. on April 9, 2007.

7. Candidate Eligibility Determinations

The Election Committee will review Local 888 dues records to determine the eligibility of all nominees. Eligible nominees will be notified of their eligibility, mailed a copy of these rules, and asked how they wish their names to appear on the ballot. Ineligible nominees will be advised of the reason(s) they are not eligible to run for office.

8. Meeting with Candidates

At 2:00 p.m. on Saturday, April 13, 2007, the Election Committee will meet with all interested candidates at the Local 888 hall to discuss election procedures, inspection of the union's membership list, distribution of campaign literature, observers, and other campaign rules. At this meeting, a drawing will be held to determine candidate position on the ballot. If a candidate is absent and does not have a representative at the meeting, an election official will represent the candidate in the drawing.

9. Inspection of the Membership List

Each candidate may inspect (not copy) the Local 888 membership list once within 30 days prior to the election. No candidate is entitled to receive a copy of the list.

The membership list will be available for inspection at the Local 888 office between 8:00 a.m. and 5:00 p.m., Monday through Friday, from April 18, 2007 through May 17, 2007. Any candidate who wishes to inspect the list should contact Recording Secretary Bill Palmer.

10. Distribution of Campaign Literature

Local 888 will honor any reasonable request by a candidate to distribute campaign literature to members at the candidate's expense. Requests will be honored in the order received. Campaign literature must be provided to the Election Committee in sealed, stamped envelopes which are ready for mailing. Each candidate should check with postal officials to determine the proper postage.

Candidates must pay $15 for each mailing to cover the cost of address labels. Arrangements have been made for Local 888 office staff to put address labels on the envelopes containing campaign literature at a rate of $7.50 per hour. Candidates should contact Election Chairperson Fran Wise at 555-7676 to arrange a mailing.

FIGURE 2 (CONT.)

11. Campaign Restrictions

Federal law prohibits the use of any union or employer funds to promote the candidacy of any person in a union officer election. This prohibition applies to cash, facilities, equipment, vehicles, office supplies, etc., of Factory Workers Local 888 and any other union, and of employers whether or not they employ Local 888 members. Union officers and employees may not campaign on time paid for by the union.

Federal law also provides that candidates must be treated equally regarding the opportunity to campaign and that all members may support the candidates of their choice without being subject to penalty, discipline, or reprisal of any kind.

12. Voter Eligibility

As provided in Article VI of the Local 888 Bylaws, any member who has paid dues through April 2007 prior to 5:00 p.m. on May 17, 2007 will be eligible to vote in this election.

13. Election Notice

A notice of election will be mailed to the last known home address of each Local 888 member on or before Wednesday, May 1, 2007. Election notices will also be posted on union bulletin boards at all work sites and the Local 888 hall.

14. Observers

Candidates are entitled to have observers present at the polls and the tally of ballots. Observers must be members of Local 888 as required by Article X, Section 2 of the Local 888 Bylaws which also prohibits candidates from serving as observers. Candidates should submit the names of their observers in writing to Election Chairperson Fran Wise prior to election day.

15. Election Day

The election will be held from 7:00 a.m. to 5:00 p.m. on Saturday, May 18, 2007 at the Local 888 hall, 4900 Pulaski Highway, Baltimore, MD. Members will be asked to present their Local 888 membership card, driver's license, or some other form of identification at the polls. After determining that a member is eligible to vote, the Election Committee will mark the member's name off the eligibility list. The member will be asked to sign a voter register, be given a ballot, and instructed to vote in secret using one of the voting booths available for the election. All members will be *required* to use the voting booths.

No campaigning will be permitted in the polling area or in any part of the Local 888 hall on election day. Only the Local 888 Election Committee, candidate observers, and members who are voting or waiting in line to vote will be permitted in the polling area.

FIGURE 2 (CONT.)

16. Tally of Ballots

Ballots will be counted by the Election Committee after the polls close on May 18, 2007, beginning at approximately 5:15 p.m. at the Local 888 hall.

Write-in votes are not permitted in the election as provided by Article IX of the Local 888 Bylaws. The candidate who receives the highest number of votes cast for each office will be declared elected. Any tie votes will be decided by a coin toss conducted by the Election Committee after the tally is completed on May 18, 2007.

17. Election Results

The election results will be posted at the Local 888 hall and on union bulletin boards at all work sites after the tally is completed.

18. Election Records

The Local 888 Recording Secretary is responsible for maintaining all nomination and election records for at least one year after the election, as required by federal law.

19. Questions or Problems

Candidates and members with questions about the nomination or election procedures should contact a member of the Election Committee at 555-7676. Any violation of these rules should be reported promptly to the Election Committee so that corrective action can be taken, if necessary.

20. Protests

Article XIII of the Factory Workers International Constitution provides that any member may challenge a local union officer election by filing a protest in writing with the Election Committee within 10 days after election results are posted.

The above rules are not all inclusive. Additional election rules or clarifications may be issued by the Local 888 Election Committee as needed during the nomination and election period.

Issued By: Local 888 Election Committee Date: March 21, 2007

_____ _____

Larry Cooke Fran Wise, Chairperson

_____

Nancy Kaiser

Chapter 2: Nomination Notice

For some election officials preparing a notice of nominations is the first step in the election process. Since federal law requires that unions give members a reasonable opportunity to nominate candidates of their choice, election officials must provide a timely notice of nominations to all members, even if the union's constitution and bylaws indicate that nominations will occur in a predetermined month. Although the law does not define what constitutes reasonable notice of nominations, U.S. Department of Labor regulations require that the nomination notice be given in a manner reasonably calculated to reach all members in good standing. In some cases election officials may have to make a special effort to notify members, but in most unions it is a relatively easy task to make sure that all members know about nominations and have an opportunity to participate.

Requirements

- The nomination notice should specify the offices to be filled in the election (and identify any offices for which the officer is a delegate by virtue of election to office). It should also include the date, time, place, and method for submitting nominations (by mail, petition, or orally at a meeting including details such as whether a nomination must be seconded, number of signatures required on a petition, etc.). See Figure 3 - Nomination Notice.
- A number of methods may be used for giving notice of nominations including: mailing a notice to the last known home address of each member, timely publishing a notice in the union's newspaper, posting or distributing a notice at the work site(s), or other methods reasonably calculated to inform all members in good standing.
- The nomination notice (unlike an election notice) does not have to be given at least 15 days before nominations but the notice must be given in accordance with any requirement in the union's constitution and bylaws and must allow enough time for members to have a reasonable opportunity to nominate candidates of their choice.
- A union must take steps to notify sick, laid-off, or other nonworking members who may be eligible to nominate candidates but who might not ordinarily see a notice posted only at the work site(s) or union hall.
- A union may mail a combined notice of both nominations and election if it gives members a reasonable time to nominate candidates and also meets all the requirements for election notices. See Figure 8 - Nomination and Election Notice.

Suggestions

- To prevent any misunderstandings, the nomination notice should also provide any necessary information about the term of office; instructions for making, seconding, and accepting nominations; and eligibility requirements for candidates and nominators.
- Since a union must give reasonable notice of nominations, all members should be informed in advance of new candidate eligibility requirements and any changes to the requirements.
- If your union has decided to waive (not enforce) a candidate eligibility requirement in its constitution and bylaws, it should notify all members of this decision in the nomination notice.

- Election officials should obtain a copy of the nomination notice used for their union's most recent election. If this notice contains the required information, election officials may wish to follow the same format.
- After the nomination notice is prepared, all election officials should review it carefully to be sure that it contains no mistakes and all necessary information is included.
- Election officials should make the necessary arrangements for distributing the nomination notice with union officers or staff well in advance of the day the notice is to be distributed.
- If election officials do not distribute the nomination notice, they should insure that it is properly distributed by other union officials.
- If the union newspaper is used to give notice of nominations, the notice should appear in a conspicuous place in the newspaper. Election officials should advise the editor of the newspaper that the notice must be given a prominent position.
- Election officials should retain a copy of the nomination notice for at least one year after the election and keep a record of the date and method(s) of distribution.

Common Pitfalls

- Failing to notify sick or laid-off members about nominations.
- Waiving (not enforcing) candidate eligibility requirements without providing adequate notice to the membership.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(e) provides that: *In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates . . . .*	

Notes:

FIGURE 3

NOMINATION NOTICE

Factory Workers Local 888

Nominations for the offices of President, Vice President, Secretary-Treasurer, Recording Secretary, and three (3) Executive Board members will be accepted from the floor at the April 2007 membership meeting at the date, time, and place indicated below. The term of office will run for three years beginning July 1, 2007. Candidates elected as President and Vice President will also serve as delegates to the Factory Workers International Union Convention which will be held in St. Louis, Missouri in August 2008.

Date: Wednesday, April 3, 2007

Time: 7:00 p.m.

Place: Local 888 Hall
4900 Pulaski Highway
Baltimore, MD 21224

Nominations may also be made in writing and must be received by Recording Secretary Bill Palmer at the Local 888 office, 4900 Pulaski Highway, Baltimore, MD 21224 no later than 5:00 p.m. on April 3, 2007.

As provided in the Local 888 Bylaws, any member who has paid dues through March 2007 prior to 5:00 p.m. on April 2, 2007 is in good standing and eligible to nominate candidates and run for office.

Candidates must accept nomination at the nomination meeting or, if not in attendance, submit a written acceptance to Recording Secretary Bill Palmer by 5:00 p.m. on April 9, 2007.

The election will be conducted on Saturday, May 18, 2007 from 7:00 a.m. to 5:00 p.m. at the Local 888 Hall. Additional information regarding the election will be provided in a separate notice which will be mailed to all Local 888 members at a later date.

Chapter 3: Nominations

Nominating candidates for union office is an important part of the democratic process. As noted earlier, election officials in some unions may not play any role until after nominations are completed while in other unions they have certain nomination responsibilities such as checking candidate eligibility. Federal law requires that members be given a reasonable opportunity to nominate the candidates of their choice. To do this, election officials (or other responsible officials) must not only provide a timely notice of nominations as discussed in Chapter 2, but must also use procedures which give all members a reasonable opportunity to make nominations. Although most unions hold a nomination meeting, the law does not require that any particular nomination procedure be used. A union is free to choose any method which provides members a reasonable opportunity to nominate; however, the nomination procedure used must follow the provisions of the union's constitution and bylaws.

Requirements

- Various procedures can be used to provide a reasonable opportunity to nominate candidates (including nominations from the floor at a nomination meeting, by petition, by mail, etc.) provided that the procedure is fairly applied.
- If nominations are conducted at a meeting, the meeting must be held at a date, time, and place which allow members a reasonable opportunity to attend. Arrangements must be made for members working on different shifts or at distant work sites such as holding more than one nomination meeting or allowing nominations by mail.
- If nominations are conducted at a meeting, no quorum requirement may be imposed.
- If a union requires nominators (and members seconding nominations) to be members in good standing, their eligibility must be checked at the nomination meeting in order to allow an eligible member the opportunity to make the nomination if the original nominator is not in good standing.
- If nominations are made by a nominating committee, a union must also provide an opportunity for members to nominate candidates such as accepting nominations from the floor at a meeting.
- If self-nomination is permitted, a union must provide another method of nomination so that a member may also nominate someone else.
- If nominations are by petition, the number of signatures required must be reasonable considering the size and geographic dispersion of the membership. A reasonable period of time for candidates to collect signatures must also be provided.
- If a nominee is unopposed after the union has provided reasonable opportunity for nominations, the union does not have to include that position on the ballot if write-in votes are not permitted by the union's constitution and bylaws, applicable resolutions, or the established practice of the union. (If nominees for all offices are unopposed under these circumstances, no election is necessary.)

Suggestions

- A union should not require that members be present at a nomination meeting in order to be nominated.

- If nominations are conducted at a meeting, consider having an election official rather than a union officer chair the nominations portion of the meeting to avoid any charges of favoritism when nominators are being recognized.
- The person chairing the nomination meeting should open nominations for each office separately, give all members ample chance to make nominations for each office, and keep order during the meeting.
- After each nomination is made, the person conducting nominations should determine if the nominee is present and accepts nomination in order to prevent any misunderstanding about who is running for which office (especially if someone is nominated for more than one position but is allowed to run for only one office under the union's constitution and bylaws).
- If your union requires a nominee to formally accept nomination, an acceptance procedure with a reasonable deadline should be established and announced in advance. Any nominee who is unable to attend the nomination meeting should be allowed to submit a written acceptance.
- Election officials should keep a complete and accurate list of the name of each nominee, the office to which nominated, and the person making the nomination (and members seconding nominations, if applicable).

Common Pitfalls

- Failing to provide an opportunity to nominate to members unable to attend the nomination meeting due to work schedules, distance, etc.
- Failing to provide an adequate time period for submitting nominations if nominations are by mail or petition.
- Disqualifying a nominee because the nominator was not in good standing and failing to reopen nominations for that office.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(e) provides that: *In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates . . . .*	

Notes:

Chapter 4: Who May Run for Office

Determining candidate eligibility will probably be one of your most important tasks as an election official, sometimes requiring you to make difficult judgments. Federal law provides that every union member in good standing is eligible to be a candidate and hold office subject to reasonable qualifications in the union's constitution and bylaws such as working at the trade or being in continuous good standing for a specific time period. Any qualifications must be applied uniformly to all candidates. As an election official you may be responsible for determining which nominees are eligible to appear on the ballot and, if so, you must be familiar with your union's candidate qualifications as well as the requirements of the LMRDA. If an eligible member is improperly denied the opportunity to run for office (or an ineligible person is permitted to run), the election might be successfully challenged even if everything else in the election was done correctly.

Requirements

- "Member in good standing" means any person who has fulfilled the requirements for membership and who has not voluntarily withdrawn nor been expelled or suspended by the union. In most unions "good standing" requires the timely payment of dues.
- Any qualification which restricts a member's right to seek or hold office must be in the union's constitution and bylaws or other union rules. Unwritten requirements may not be used to disqualify a candidate. Since unions must give reasonable notice of nominations, all members should be informed in advance of new candidate eligibility requirements and any changes to the requirements.
- Candidate eligibility requirements must be specific enough so that any member can determine in advance whether or not he or she is qualified to be a candidate.
- All candidate eligibility requirements must be applied uniformly to all nominees. A requirement cannot be modified or waived (not enforced) for one candidate and not for others. However, if no eligible person is nominated for a particular office, a union may choose to waive a requirement for that office only.
- A candidate eligibility requirement may not be applied retroactively if it would result in members having no opportunity to satisfy the requirement.
- Section 504 of the LMRDA prohibits persons convicted of certain crimes from holding union office for a maximum of 13 years following conviction or the end of imprisonment (whichever is later).

  If necessary, review Section 504 at the end of this Guide for a list of the crimes which will cause persons to be prohibited from holding office and the circumstances under which a federal court can lift the prohibition. Questions about Section 504 should be directed to your union's parent body or OLMS.
- A member whose dues have been checked off by the employer may not be disqualified because of a delay or failure by the employer to send the dues to the union. However, a member on checkoff who has no earnings from which dues can be withheld may be held responsible for paying dues directly to the union in order to remain in good standing.
- A union may require members enrolled in a bona fide apprenticeship program to complete their apprenticeships before they are eligible to run for office.

- A union may not limit eligibility for a general office, such as president, to a particular branch or segment of the union if the restriction deprives members who are not in the branch or segment of the right to hold that office. However, if a position represents a unit defined on a geographic, craft, shift, or similar basis, a union may limit candidate eligibility to members of that unit.
- Members who are supervisors on a permanent basis may not hold union office.
- Candidate eligibility requirements based on race, color, sex, religion, national origin, or a maximum age may not be imposed by the union.
- U.S. Department of Labor regulations prohibit candidate eligibility requirements which would require candidates: to pay a filing fee, to make a declaration of candidacy several months in advance of the nomination meeting, or to have prior service in a lower office in the union.
- If a union has a qualification requiring a certain period of prior membership, it must give credit for prior membership in another affiliated local to any member who was involuntarily transferred into the union.
- If a union has a "working at the trade" qualification requiring a member to be employed in the industry in which the union has collective bargaining agreements, the union should consider an unemployed member who is actively seeking employment in the trade to be "working at the trade."
- If a union has a "continuous good standing" qualification based on the timely payment of dues during a specified time period, the union must provide a reasonable grace period during which members may make up missed payments without losing eligibility. For example, thirty days would be a reasonable grace period.
- If a union has a "meeting attendance" qualification, the following factors should be used to judge the reasonableness of the requirement: the frequency of meetings; the number of meetings which must be attended and the period of time covered by the requirement; the nature, availability, and extent of excuse provisions; whether members have an opportunity to attend meetings; and the impact of the qualification.

  If a meeting attendance rule disqualifies a large number of members from candidacy, that large antidemocratic effect alone may be sufficient to make the requirement unreasonable.

Suggestions

- Election officials should carefully review the constitution and bylaws or other union rules to determine the specific candidate eligibility requirements which will be applied in the election.
- Your union should maintain adequate and reliable records to verify that each nominee meets or fails to meet the candidacy requirements.
- If any questions arise about a candidate eligibility requirement, election officials should seek interpretations from parent body officials or guidance from prior election officials.
- If election officials believe that a candidacy qualification in the union's constitution and bylaws may be unreasonable, they should consult with the local or parent body official responsible for interpreting the provision to discuss whether it should be waived (not enforced).
- If your union has decided to waive (not enforce) an eligibility requirement in its constitution and bylaws, it should notify all members of this decision in the nomination notice.

- After nominations, election officials should review appropriate union records (such as dues payment records) to determine whether each nominee is eligible to be on the ballot.
- If necessary to resolve candidate eligibility questions, election officials should contact the employer to review employment records.
- Working as a team, election officials should reach agreement on the eligibility of all candidates and keep a record of eligibility information, such as a list of dues payments missed by each nominee.
- After checking and making decisions about candidate eligibility, election officials should notify each candidate in writing of their final determination on eligibility. Ineligible candidates should be notified of the specific reason(s) why they are not eligible to hold office. See Figures 4 and 5 - Candidate Eligibility Letters.

Common Pitfalls

- Making eligibility determinations without carefully checking applicable union or employer records for all candidates.
- Not applying candidate qualifications uniformly to all candidates.
- Failing to consider part-time employment and periods of disability and lay-off status in determining whether a member is "working at the trade."
- Failing to consider dues checkoff payments which were received late from the employer in determining whether a member meets a "continuous good standing" requirement.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(e) provides that: *. . . every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) . . . .*	

Notes:

FIGURE 4

CANDIDATE ELIGIBILITY LETTER - ELIGIBLE

April 5, 2007

Ms. Lois Lawson
408 McHenry Street
Baltimore, MD 21201

Dear Ms. Lawson:

As you know, Factory Workers Local 888 will conduct its regularly scheduled election of officers on May 18, 2007. At the nomination meeting on April 3, 2007, you were nominated and accepted nomination to be a candidate for the office of Executive Board member for a three year term of office.

The Election Committee has reviewed Local 888 dues records and determined that you have met the necessary candidate eligibility requirements provided in Article VI of the Local 888 Bylaws and are therefore eligible to run for office.

You are invited to attend a meeting for candidates at 2:00 p.m. on April 13, 2007 at the Local 888 hall. At this meeting, the Election Committee will review the procedures to be followed in the election and discuss campaign rules. In addition, a drawing will be held to determine candidate position on the ballot. If you are not able to attend, you may send a representative; otherwise an election official will represent you in the drawing.

Please complete and return the attached form by April 19, 2007 so that your name (proper, familiar, or nickname) will appear on the ballot exactly as you wish. If the form is not returned, your name will appear on the ballot as printed above.

I am enclosing a copy of the Local 888 "Election and Campaign Rules" for your information. If you have any questions about the election or the scheduled meeting for candidates, please call me at 555-7676.

Sincerely,

Fran Wise
Election Chairperson

I wish my name to appear on the Local 888 ballot as follows:

_____
(please print)

_____ _____

Signature Date

Detach and return this form by mail or in person by April 19, 2007 to Fran Wise at the Factory Workers Local 888 office, 4900 Pulaski Highway, Baltimore, MD 21224.

FIGURE 5

CANDIDATE ELIGIBILITY LETTER - INELIGIBLE

April 5, 2007

Mr. Louis C. Decker
403 Bayberry Circle
Baltimore, MD 21234

Dear Mr. Decker:

As you are probably aware, Factory Workers Local 888 will conduct its regularly scheduled election of officers on May 18, 2007. At the nomination meeting on April 3, 2007, you were nominated to be a candidate for the office of Secretary-Treasurer.

The Election Committee has reviewed Local 888 dues records which show that you did not pay dues for the period December 2006 through February 2007 and, therefore, were not a member in good standing prior to the nomination meeting as required by Article VI of the Local 888 Bylaws. Consequently, the Local 888 Election Committee has determined that you are not eligible to run for office in the 2007 election of officers and your name will not appear on the ballot.

If you have any questions about your eligibility status, please call me as soon as possible at 555-7676.

Sincerely,

Fran Wise
Election Chairperson

Chapter 5: Candidates

After nominations are completed, candidates usually begin to campaign in earnest, meeting voters, making speeches, and distributing their campaign literature. Conflicts and problems sometimes arise during the campaign period and, in order to deal with them, election officials must be knowledgeable about campaign rules and the basic rights of candidates under federal law. For example, the union is bound by a general rule of fairness: If one candidate is given a certain opportunity or privilege, then all other candidates must be given the same opportunity or privilege. Election officials must not discriminate among candidates and should not appear to favor any current officers who are candidates. Election officials must maintain a businesslike relationship with all candidates even if they are personal friends, work associates, or political foes. To avoid misunderstandings and insure that candidates are treated equally, election officials should develop campaign rules, inform all candidates about them, and enforce the rules uniformly.

Requirements

- The union must provide a reasonable period prior to the election during which candidates and their supporters may campaign. What is a reasonable period of time depends upon the circumstances, including the method of nomination, the number of members in the union, and its geographic area.
- Equal opportunity to campaign must be provided. For example, if one candidate is invited to speak at a union meeting, all candidates for the same position must be invited to speak at the meeting for the same length of time. Likewise, a union should not allow one candidate to place a campaign article in the union newspaper without first notifying other candidates that they too may campaign in this way.
- The union must provide adequate safeguards to insure a fair election. Campaign rules must be the same for all candidates.
- Upon making a reasonable request, each candidate is entitled to have his or her campaign literature distributed to members by the union at the candidate's expense. See Chapter 6 - Distributing Campaign Literature.
- Once within 30 days before the election, candidates must be allowed to inspect (not copy) a list of members subject to a collective bargaining agreement which requires membership in the union as a condition of employment. See Chapter 7 - Inspecting the Membership List.
- A candidate has a right to a copy of the union's list of employers only if another candidate uses the union's list of employers for campaigning. (However, under Section 104 of the LMRDA, a member is entitled to review all collective bargaining agreements to which the union is a party.)
- Union/employer funds and resources of any type may not be used to support the candidacy of any person in a union officer election (including campaigning on union time by union officials). See Chapter 8 - Union and Employer Funds.
- Candidates are entitled to have observers at the polls and at the tally of ballots. See Chapter 13 - Observers.

Suggestions

- Your union may adopt additional campaign rules as long as they do not conflict with federal law.

- Election officials should inform all candidates of the election rules and procedures as soon as possible. See Figure 2 - Election and Campaign Rules.
- Election officials should also consider holding a meeting with candidates to discuss all election and campaign rules and to answer any questions.
- Election officials should advise candidates about the prohibition against the use of union and employer funds. Election officials may also wish to encourage candidates to keep records of campaign contributions and expenses so that any allegations of improper use of union or employer funds can be resolved.
- Current officers and union employees should be cautioned to take vacation time or a leave of absence if they are going to campaign during work hours, especially on election day.
- Candidates should be asked how they would like their names to appear on the ballot.
- If election officials decide to allow one candidate to campaign in some way that was not previously announced, they should immediately notify all other candidates that they will be allowed the same privilege.
- Election officials should, to the extent possible, attempt to insure that the employer(s) treats all candidates equally with respect to access to work sites for campaigning.
- Election officials should be courteous but firm with all candidates and avoid confrontations if possible.
- Although election officials cannot control candidate behavior, they should encourage candidates to act in a responsible manner and to raise any questions or problems as soon as possible so that election officials have a chance to remedy the matter or change the election rules and procedures.
- Candidates should be advised of any rules for choosing observers and be encouraged to tell their observers about election procedures and rules prior to election day.

Common Pitfalls

- Ignoring the rights of candidates guaranteed by federal law.
- Failing to timely advise all candidates of the campaign rules and any changes which become necessary.
- Failing to take corrective action promptly if one candidate is given an improper advantage over other candidates.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(c) provides that: *Adequate safeguards to insure a fair election shall be provided . . . .*	

Notes:

Chapter 6: Distributing Campaign Literature

As noted in Chapter 5, federal law establishes certain campaign rights for candidates in union officer elections including the right to have campaign literature distributed to the membership by the union at the candidate's expense. In some unions the officers or employees may be involved in the campaign literature distribution process; in other unions, election officials or a professional mailer may handle requests from candidates. No matter what the practice, a union has a duty to comply with all reasonable requests to distribute literature and to treat all candidates equally. Any refusal to comply with a reasonable request is improper and could result in the election being successfully challenged. Election officials can avoid many problems concerning the distribution of campaign literature by establishing distribution procedures prior to the campaign period and informing all candidates about them.

Requirements

- A union must comply with all reasonable requests by a candidate for distribution of campaign literature at the candidate's expense. Federal law does not define "reasonable request" but election officials should try to comply with all requests to the extent possible, since any refusal might later be determined to have been unreasonable.
- Each candidate must be treated equally with respect to the cost of distributing campaign literature. There is no requirement that the union distribute literature free of charge. However, if a union distributes any candidate's literature without charge, all other candidates should be notified that they are also entitled to have their literature distributed without charge.
- A union should inform all candidates of the procedures for distributing literature in advance of the campaign period.
- A person need not be formally nominated to be entitled to distribute campaign literature. A union must distribute campaign literature for a bona fide candidate seeking to be nominated who makes a request, even if a union rule prohibits campaign mailings prior to nominations.
- A union may not regulate the contents of campaign literature it is asked to distribute and may not require that it be permitted to read the literature before distribution. The union may not censor campaign literature in any way, even if the literature includes derogatory remarks about other candidates. A union's contention that mailing certain campaign literature may constitute libel does not justify a refusal to distribute the literature since the union is under a legal duty to distribute the material.
- A union must honor requests for distribution of literature to all members in good standing and must also honor requests for distribution to only a portion of the membership if such distribution is feasible.
- A union may not refuse to distribute literature because it has no staff or a small staff. If necessary, a union should employ additional temporary staff, use a professional mailer, or have the election officials make the distribution in order to comply with any requests. Any costs (for producing address labels, hiring temporary employees, etc.) can be passed on to each candidate requesting a distribution of literature.

- A union may not limit the number of mailings which a candidate is permitted to make.
- A union may require candidates to pay in advance for campaign literature distributions, if such a requirement is applied uniformly to all candidates.

Suggestions

- Election officials should determine from union officers how the union handled requests to distribute literature in prior elections and if any problems occurred.
- Election officials should decide how to handle requests to distribute campaign literature based on factors such as cost, availability of staff or election officials, etc. If appropriate, make necessary arrangements in advance to use union staff or a professional mailer to handle requests.
- To avoid charges of unequal treatment, election officials should notify all candidates in advance of the conditions under which the union will mail campaign literature, including to whom candidates should direct a request for distribution, the payment required, and any other rules which apply.
- One easy way for election officials to comply with requests for distribution is to require that campaign literature be furnished to the union in envelopes which are already stuffed, sealed, and contain proper postage.
- If election officials discover that a candidate has used a "personal" mailing list which was created or obtained as a result of the candidate (or a supporter) serving as an officer or in a union job, the list should be made available to all other candidates.

Common Pitfalls

- Not announcing procedures for the distribution of campaign literature in advance thereby giving the candidate who first makes a distribution request an advantage over other candidates who did not know about the distribution procedures.
- Insisting that a candidate's campaign literature be read and/or approved by election officials or current officers before it is mailed.
- Refusing a candidate's request to mail literature to less than the full membership if such a distribution is feasible.
- Imposing a deadline for making requests to mail literature and, as a result, refusing to comply with an otherwise reasonable request.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(c) provides that: *. . . every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate for office in such labor organization . . . to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature . . . to all members in good standing of such labor organization . . . with equal treatment as to the expense of such distribution.*	

Chapter 7: Inspecting the Membership List

In addition to having campaign literature distributed by the union as discussed in Chapter 6, candidates in union officer elections also have a right to inspect a list of members (and their addresses) subject to a collective bargaining agreement which requires union membership as a condition of employment. This right to inspect is limited to once within 30 days before the election and does not include the right to copy the list. In most unions the officer who maintains the membership list will be responsible for making the list available to candidates; election officials will not usually be involved. However, to avoid any misunderstandings, election officials should determine from union officials what procedures will be used to allow inspection and then inform all candidates about them. In addition to permitting inspection, the union may not discriminate in favor of, or against, any candidate with respect to the use of lists of members.

Requirements

- A candidate's right to inspect the union's membership list is limited to a list of members who are subject to a collective bargaining agreement which requires union membership as a condition of employment.
- Even if union membership is not required as a condition of employment, the union may nevertheless decide to allow inspection of its membership list. If the union decides to do so, it must treat all candidates equally and notify them of the decision to allow inspection.
- The right to inspect the membership list is limited to one time within 30 days before the election or 30 days before the mailing of ballots in a mail ballot election.
- A union must allow a bona fide candidate who is seeking to be nominated to run for office the opportunity to inspect the membership list once within 30 days before the election.
- The union is required to maintain the membership list at its principal office but is not required to provide for inspection at other places, such as a satellite union office or work locations of members.
- Candidates do not have the right to copy the membership list, only the right to inspect and/or compare it with a personal list of members.
- If a candidate is permitted to use the membership list for any purpose other than inspection (such as copying), the union must inform all candidates of the availability of the list for that other purpose and give the same privilege to all candidates who request it.
- A candidate has a right to a copy of the union's list of employers only if another candidate uses the union's list of employers for campaigning. (However, under Section 104 of the LMRDA, a member is entitled to review all collective bargaining agreements to which the union is a party.)

Suggestions

- Election officials should discuss with the union official responsible for the membership list where, when, and how it will be made available for inspection and to whom requests for inspection should be directed.
- To avoid charges of unequal treatment among candidates, election officials should notify all candidates in advance of the dates, times, and place the list will be available and the person they should contact to make a request for inspection.

- If election officials discover that a candidate has used a "personal" mailing list which was created or obtained as a result of the candidate (or a supporter) serving as an officer or in a union job, the list should be made available to all other candidates.

Common Pitfalls

- Allowing one candidate to do more than inspect (such as copy) the union's membership list without giving other candidates the same privilege.
- Denying a bona fide candidate who is yet to be nominated the right to inspect the membership list within 30 days before the election.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(c) provides that: *. . . every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate ... to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members . . . . Every bona fide candidate shall have the right, once within 30 days prior to an election of a labor organization in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof.*	

Notes:

Chapter 8: Union and Employer Funds

Although union funds may be used to pay for nomination and election notices and other expenses for conducting the election, federal law strictly prohibits the use of union and employer funds to promote the candidacy of any person in a union officer election. This prohibition was adopted to prevent a current officer from being able to use the union treasury to help finance an election campaign. It was also intended to prohibit an employer from being able to influence the outcome of a union election. Unfortunately, the use of union or employer funds is a relatively common problem in union officer elections. In many cases, however, the improper use is unintentional since the candidates, union officials, and employers simply do not know the extent of the restriction and that it applies to facilities, equipment, and supplies as well as cash. Election officials are presented with a challenge in that they do not control access to a union's or employer's funds, but are still expected to conduct an election in which no such funds are used. Therefore, election officials should make sure that all candidates, union officials, and union employees are aware of the restriction on the use of union and employer funds and should be alert throughout the election process for any improper use of funds.

Requirements

- A union or employer may not contribute money or anything of value (such as the use of facilities, equipment, or supplies) to promote the candidacy of any individual in a union officer election.
- The restriction on the use of union funds applies to all moneys received by the union by way of dues, assessment, or similar levy.
- The prohibition against the use of union and employer funds applies to any union and any employer, not just the union conducting the election or an employer of the union's members. For example, it is improper for a candidate to have campaign literature duplicated free of charge on a copy machine at a small business owned by a relative of the candidate.
- Any expenditure of union or employer funds on behalf of a candidate, even if the amount is small, is a violation of federal law.
- The use of union/employer funds or facilities is a violation of federal law even if union officials or the employer do not know about or approve of the use.
- The prohibition against the use of union and employer funds applies to direct expenditures from the union or employer as well as indirect expenditures including:
  - campaigning on time paid for by the union or employer
  - use of union/employer owned or leased equipment such as telephones, fax machines, and copy machines
  - use of union/employer supplies such as stamps, paper, and envelopes
  - use of union employees to prepare campaign literature while on union time
  - use of the union letterhead
  - use of union/employer property or facilities
  - printing articles which support or criticize an individual's candidacy in a union newspaper or other publication
  - giving free services or special discounts to a candidate customer such as printing, photocopying, etc.
- A union may adopt additional rules governing contributions to campaign funds such as prohibiting contributions from any person who is not a member of the union.

- Certain uses of union and employer funds which do not support one person's candidacy over another are acceptable, such as providing the use of equipment, facilities, or publications to all candidates on an equal basis after giving them notice of this opportunity.
- Campaigning by union officials which is "incidental" to union business is not a violation of federal law. For example, any campaigning by union officials which occurs as a consequence of conducting legitimate union business, such as shaking hands with members while visiting work sites on official business, is permissible.

Suggestions

- To insure that candidates are aware of the prohibition against the use of union and employer funds, election officials should issue rules explaining the restrictions. See Figure 2 - Election and Campaign Rules.
- Election officials should advise union officials about the prohibition against the use of union and employer funds. See Figure 6 - Union and Employer Funds Prohibition Letter.
- Election officials should advise the editor of any union-financed newspaper or other publication that the publication should not promote or criticize a candidate in any way during the nomination and election period such as by publishing articles complimentary of current officers or letters to the editor which are critical of any candidate.
- Current officers and union employees should be cautioned to take vacation time or a leave of absence if they are going to campaign during work hours, especially on election day.
- If election officials become aware of any improper use of union or employer funds before the election occurs, they should take appropriate corrective action such as requiring a candidate to reimburse the union or employer.
- Election officials should consult with the union's parent body or OLMS if they are unsure as to what specific action should be taken to remedy an improper use of union or employer funds prior to election day.

Common Pitfalls

- Not advising candidates and union officials about the prohibition against the use of union/employer funds and resources so that unintentional violations of federal law can be avoided.
- Assuming that the prohibition against the use of union and employer funds applies only to cash expenditures and not to the use of equipment, supplies, or facilities.
- Allowing the union newspaper or other publications to be used to promote the candidacy of current officers.
- Failing to recognize that the use of funds, equipment, supplies, etc., belonging to other unions or employers which do not employ the union's members is improper.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(g) provides that: *No moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person . . . .*	

FIGURE 6

UNION AND EMPLOYER FUNDS PROHIBITION LETTER

April 4, 2007

Mr. Jack Roberts, President
Factory Workers Local 888
4900 Pulaski Highway
Baltimore, MD 21224

Dear Mr. Roberts:

In March 2007 I was selected to be Chairperson of the Factory Workers Local 888 Election Committee. As you know, the Local 888 election of officers will be conducted on May 18, 2007.

Since the campaign period is about to begin, I want to take this opportunity to advise you of certain restrictions on the use of union and employer funds for campaign purposes. Specifically, Section 401(g) of the Labor-Management Reporting and Disclosure Act of 1959, as amended, prohibits the use of union and employer funds to promote the candidacy of any person in a union officer election. This prohibition applies to facilities, equipment, supplies, and cash, as well as to campaigning on time paid for by either a union or employer and to the use of the Local 888 newsletter for campaign purposes.

You should also be aware that the prohibition against the use of union and employer funds applies to any union and any employer, not just to Factory Workers Local 888 or to the employers with whom Local 888 has collective bargaining agreements.

I am notifying all Local 888 officials of this legal prohibition to make them fully aware of the extent of the campaign restrictions so that any potential problems can be avoided. If you have any questions, please call me at 555-7676.

Your cooperation is appreciated.

Sincerely,

Fran Wise
Election Chairperson

Chapter 9: Right to Vote

The opportunity to cast a secret ballot in an officer election is the most fundamental right guaranteed by the LMRDA to all union members in good standing. A union may adopt rules in its constitution and bylaws defining good standing which usually relate to the payment of dues. Your responsibility as an election official is to insure that only members in good standing are permitted to vote. Since voter eligibility is one of the most common reasons that elections are challenged, preparing an accurate voter eligibility list is critical. The right to vote also implies a reasonable opportunity to vote; therefore, election officials must take into account factors such as distance to the polling site and hours of work when scheduling polling hours and locations. If members are dispersed over a wide geographic area, it may be necessary to establish multiple polling sites, conduct the election by mail, or make absentee ballots available in order to provide all members a reasonable opportunity to vote.

Requirements

- A union may require that members pay dues in order to be eligible to vote. This usually means that a member must not be delinquent in the payment of dues at the time of the voting.
- A member in good standing whose dues have been checked off by the employer may not be disqualified from voting because of any delay or failure by the employer to send the dues to the union.
- A member on dues checkoff who has no earnings from which dues can be withheld may be held responsible for paying dues directly to the union in order to remain in good standing and be eligible to vote.
- A member who has failed to pay dues can lose good standing without a union trial or without notice if the union's constitution and bylaws so provide.
- A union may restrict the right to vote of unemployed members who go on withdrawal status and, as a result, do not pay dues. However, unemployed members actively seeking employment who do not go on withdrawal status and instead continue to pay dues may not be denied the right to vote.
- A union may adopt constitutional provisions restricting the right to vote by employers, managers, supervisors, contractors, apprentices, and retirees.
- Members who work only part time but pay the required dues may not be denied the right to vote.
- A union may require members to pay monthly or quarterly dues in advance. However, a union must provide a grace period (such as 30 days) during which dues may be paid without any loss of voting rights. A member who has not paid dues for the current month (or quarter) should not be considered delinquent unless the grace period has expired.
- A union may require a new member who signed a checkoff agreement to pay one month's dues in advance to be in good standing for the current month.
- A union may require a new member to have maintained good standing for a period of time, such as six months or a year, before being permitted to vote.
- A union may postpone the voting rights of members enrolled in a bona fide apprenticeship program until the members complete their apprenticeship.

- Reinstated members who have regained good standing lost because of dues delinquency or disciplinary action cannot be restricted from voting for a period longer than that applied to a new member.
- If a union knows in advance that a substantial number or particular segment of the membership will not be able to vote in person, absentee ballots or some other means of voting must be made available. Members should be notified of the availability of absentee ballots and election officials should follow the same procedures used in a mail ballot election. See *Electing Local Union Officers by Mail* at the end of this Guide.

Suggestions

- Any deadline for paying delinquent dues in order to be eligible to vote should be established in accordance with your union's constitution and bylaws or other reasonable basis if not addressed in the constitution and bylaws.
- Election officials should attempt to have a complete, accurate list of eligible voters available as soon as possible. (Remember that the list of eligible voters may not necessarily be the same as the union's mailing list.) An accurate voter eligibility list will save time at the polls, result in fewer challenged ballots, minimize confrontations with voters and observers, and help prevent challenges to the election.
- If a member's name is not on your union's voter eligibility list or a question arises about a person's eligibility on election day, he or she should be instructed to vote a challenged ballot. See Figure 14 - Guidelines for Challenged Ballots. It is always better to allow a person to vote a challenged ballot (which will not be counted if the voter is later determined to be ineligible) than to risk denying an eligible member (whose name was improperly omitted from the eligibility list) the right to vote.
- Election officials should not be bound by polling hours and locations used in prior elections, particularly if members were denied a reasonable opportunity to vote. Make sure that members' work schedules and work locations are considered when establishing polling hours and places.
- If a location is to be used as a polling site for the first time, election officials should visit the location before election day to be sure the area is large enough, well lit, suitable for voting, has adequate parking, and is accessible to members.
- If necessary, election officials should contact the employer to resolve questions of voter eligibility.
- The voter eligibility list should be organized in a way that will be most useful to those checking eligibility on election day, such as alphabetically, by work site, or by clock number.
- If members will vote for some offices on a geographic, craft, or other basis, election officials should insure that the voter eligibility list accurately reflects in which category each member belongs.
- Election officials should review the voter eligibility list carefully just prior to the election to insure that new members have been added, deceased or suspended members have been deleted, etc.

Common Pitfalls

- Failing to prepare a complete, accurate voter eligibility list.
- Providing members with the wrong geographic or craft ballot and thereby denying them the opportunity to vote for the proper office(s).
- Failing to provide adequate opportunity to vote for members working a late shift.
- Not providing multiple voting sites or mail balloting if members are widely dispersed.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(e) provides that: *. . . every member in good standing . . . shall have the right to vote for or otherwise support the candidate or candidates of his choice . . . . Each member in good standing shall be entitled to one vote. No member whose dues have been withheld by his employer . . . pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote . . . by reason of alleged delay or default in the payment of dues.*	

Notes:

Chapter 10: Election Notice

Now that nominations are completed and candidates have begun their campaigns, your next step in the election process is to notify members about the election. Federal law requires that all members (not just members eligible to vote) be notified of an officer election including the date, time, and place that the voting will occur. Unlike the nomination notice, the notice of election must be mailed to each member at his or her last known home address at least 15 days prior to the election. Election officials (or in some cases union officials) will be responsible for preparing the election notice and making the necessary arrangements for mailing the notice. This may prove to be more difficult than you anticipate if your union's membership list does not contain up-to-date addresses. Therefore, union officials should not wait until the last minute to begin updating the union's membership address list.

Requirements

- A notice of election must be mailed to every member, including nonworking members, at his or her last known home address at least 15 days prior to the election.
- The notice of election must specify the date, time, and place of the election as well as the offices to be filled. However, if the notice states that the election is the regularly scheduled election of all officers, it is not necessary to list the offices to be filled in the election notice. See Figure 7 - Election Notice.
- To determine the 15-day mailing period, do not count the day the notices are mailed but count the day of the election. For example, if the election is to be held on October 20, the election notice must be mailed no later than October 5.
- In order to comply with the election notice requirement, the union must make a reasonable effort to update its membership address list prior to the election.
- An election notice conspicuously placed in the union's newspaper which is mailed to each member's home address at least 15 days prior to the election satisfies the election notice requirement.
- If the original election notice contains the required information about a possible runoff election, a separate 15-day mail notice is not necessary for a runoff election. However, members must still be notified in some manner, such as posting at the work site(s), if it becomes necessary to conduct a runoff election for any office(s).

Suggestions

- Election officials should obtain a copy of the election notice used for the union's most recent election. If this notice contains the required information, election officials may wish to use the same format.
- In addition to the date, time, and place of the election, the election notice should also provide any necessary information about voter eligibility, identification procedures at the polls, availability of absentee ballots (if applicable), and any new election rules.
- A union may use a single notice for both nominations and the election as long as the notice meets the requirements for both the nomination and election notices. See Figure 8 - Nomination and Election Notice.
- If a substantial number of your union's members are non-English speaking, the election notice should also include a translation of the required information in the appropriate foreign language.

- In a mail ballot election, no separate election notice is necessary if the ballot package is mailed at least 15 days prior to the date by which ballots must be mailed back in order to be counted and the instructions for marking and returning ballots are clear and complete. See *Electing Local Union Officers by Mail* at the end of this Guide.
- After the election notice is prepared, all election officials should review it carefully to be sure that it contains no mistakes and all necessary information is included.
- Election officials should make the necessary arrangements for mailing the election notice with union officers or staff well in advance of the day the notice is to be mailed. Election officials should either mail the election notice or take steps to verify that the election notice was properly mailed by other union officials.
- Although not specifically required by federal law, election officials should mail the election notice by first class mail to insure that members receive the notice before the election. Consider mailing the notice earlier if first class mail is not used.
- The election notice should be mailed to all members in sufficient time prior to any established deadline for paying delinquent dues so that ineligible members have an opportunity to regain eligibility to vote before election day.
- If any election notices are returned undelivered, election officials should attempt to obtain accurate addresses and remail these notices promptly.
- In addition to the required mailing, other methods of notifying members, such as distribution of notices at work sites and posting notices on union bulletin boards are good reminders about the election and helpful in reaching members whose addresses are inaccurate.
- Election officials should retain a copy of the election notice for at least one year after the election and keep a record of the mailing date.

Common Pitfalls

- Using outdated member address records.
- Not mailing election notices to certain membership groups, such as laid-off, new, or ineligible members.
- Posting the election notice instead of mailing it to all members.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(e) provides that: *Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address.*	

Notes:

FIGURE 7

ELECTION NOTICE

Factory Workers Local 888

A secret ballot election for the offices of President, Vice President, Secretary-Treasurer, Recording Secretary, and three (3) Executive Board members will be conducted by Factory Workers Local 888 at the date, time, and place indicated below. Candidates elected as President and Vice President will also serve as delegates to the Factory Workers International Union Convention which will be held in St. Louis, Missouri in August 2008.

Date: Saturday, May 18, 2007

Time: 7:00 a.m. to 5:00 p.m.

Place: Local 888 Hall
4900 Pulaski Highway
Baltimore, MD 21224

As provided in the Local 888 Bylaws, any member who has paid dues through April 2007 prior to 5:00 p.m. on May 17, 2007 will be eligible to vote. Members will be asked to present a Local 888 membership card, driver's license, or some other form of identification at the polls.

FIGURE 8

NOMINATION AND ELECTION NOTICE

Factory Workers Local 888

NOMINATIONS

Nominations for the offices of President, Vice President, Secretary-Treasurer, Recording Secretary, and three (3) Executive Board members will be accepted from the floor at the April 2007 membership meeting at the date, time, and place indicated below. The term of office will run for three years beginning July 1, 2007. Candidates elected as President and Vice President will also serve as delegates to the Factory Workers International Union Convention which will be held in St. Louis, Missouri in August 2008.

Date: Wednesday, April 3, 2007

Time: 7:00 p.m.

Place: Local 888 Hall
4900 Pulaski Highway
Baltimore, MD 21224

Nominations may also be made in writing and must be received by Recording Secretary Bill Palmer at the Local 888 office, 4900 Pulaski Highway, Baltimore, MD 21224 no later than 5:00 p.m. on April 3, 2007.

As provided in the Local 888 Bylaws, any member who has paid dues through March 2007 prior to 5:00 p.m. on April 2, 2007 is in good standing and eligible to nominate candidates and run for office. Candidates must accept nomination at the nomination meeting or, if not in attendance, submit a written acceptance to Recording Secretary Bill Palmer by 5:00 p.m. on April 9, 2007.

ELECTION

The election of Local 888 officers will be conducted at the date, time, and place indicated below:

Date: Saturday, May 18, 2007

Time: 7:00 a.m. to 5:00 p.m.

Place: Local 888 Hall
4900 Pulaski Highway
Baltimore, MD 21224

Any member who has paid dues through April 2007 prior to 5:00 p.m. on May 17, 2007 will be eligible to vote. Members will be asked to present a Local 888 membership card, driver's license, or some other form of identification at the polls.

Chapter 11: Ballots

The ballot is an essential part of the democratic process. In civic and other types of elections, this country has adopted a voting system known as the "Australian ballot" — an official ballot containing the names of all candidates which is distributed only at the polling place and marked in secret. Despite having general familiarity with the balloting process, election officials may be confronted before the election with a number of ballot-related issues including ballot design, use of nicknames on the ballot, candidate position on the ballot, use of slate designations, number of ballots necessary for the election, and the printing, custody, and safeguarding of the ballots. Problems may also arise later if election officials are unable to account for all the ballots printed, so it is important to maintain physical control of the ballots throughout the election process.

Requirements

- Instructions on the ballot should clearly state the manner in which members should mark their ballots; for example, “Mark an **X** or checkmark in the box next to the name of the candidates of your choice.” The ballot should also indicate the maximum number of votes allowed for each office; for example, “Trustee - vote for no more than three.” See Figure 9 - Official Ballot.
- A union may determine the position of candidates’ names on the ballot in any reasonable manner permitted by the union’s constitution and bylaws, consistent with the requirement of fairness and other provisions of federal law.
- Candidates may be listed on the ballot according to affiliation with a particular slate; however, a voter must also be able to choose among individual candidates if he or she does not wish to vote for an entire slate.
- Election officials must be able to account for all ballots printed. (The number of ballots printed minus the number of ballots issued to members should equal the number of unused ballots on hand at the end of the election.) Adequate controls and safeguards must be adopted by election officials to protect the ballots such as counting the number of ballots received from the printer, maintaining ballots in a secure place prior to use, and keeping control of ballots and the ballot box at all times on election day.
- All used and unused ballots and other records pertaining to the election must be maintained for one year following the election. Election records include voter eligibility lists, sign-in registers, tally sheets, and any other documents or records used in the nominations and election.

Suggestions

- Election officials should determine the union’s policy concerning the position of candidates’ names on the ballot and follow the policy uniformly. Also determine the candidates’ preferred listing of their names in accordance with election rules; be consistent with the use of nicknames, addresses, or other identifying information. The size of the letters, type of print, and spacing of names on the ballot should not favor any candidate.
- If your union has no rule concerning the position of candidates’ names on the ballot, election officials may decide to list candidates alphabetically or have candidates “draw straws” to determine position on the ballot.

- The voting instructions on the ballot should clearly advise members that any identifying marks placed on the ballot will result in the ballot being voided. See Figure 9 - Official Ballot.
- If your union allows write-in votes, the ballot should so specify and have spaces for write-in candidates for each office.
- Any offices for which the officer is a delegate by virtue of election to office should be clearly indicated on the ballot.
- Election officials should make arrangements to provide adequate voting instructions to any non-English speaking members, such as including a translation of the instructions on the ballot in the appropriate foreign language.
- Election officials should obtain a ballot used in the most recent officer election which can be used as a model in designing the ballot. Questions about ballot format can be discussed with a printer who should be able to provide expert advice about various options.
- Ballots should be acquired from an outside source such as a printer instead of using the union's copy machine to make ballots. The printer should be asked to provide an official count of the number of ballots printed.
- Election officials should carefully check the ballots and voting instructions for accuracy before and after printing to insure that each candidate's name is correctly spelled, each office indicates the correct number of positions to be filled, and each candidate is listed for the proper office.
- If voting machines are used, check that they are operating properly, that candidates are listed correctly, and that the machine counters are set at zero before the polls are opened. A supply of paper ballots should be on hand if the machines break down or it becomes necessary to use challenged ballots.
- The number of ballots ordered/printed should equal the total number of eligible members plus about 5 percent. Extra ballots may be necessary if voters spoil their ballots and need replacements. On the other hand, election officials should avoid having too many extra ballots printed since an excess of ballots makes it harder to safeguard and account for all ballots.
- If your union uses more than one ballot (for geographic, craft, or similar races), election officials should consider printing them on different colored paper so that they can be distinguished easily.
- If your union uses ballots which have serially numbered tear-off stubs (corresponding to a numbered voter sign-in register), voters should be advised to remove the stubs before depositing the marked ballots into the ballot box in order to preserve voter secrecy. However, use of serially numbered ballots is not recommended because members often fail to remove the stubs and secrecy may be compromised.
- A blank sample ballot (which is clearly marked "Sample Ballot") should be posted at the entrance to the polls to familiarize the voters with the ballot format and the candidates for each office. Posting a sample ballot should also reduce the amount of time members spend in the voting booths. (Remember that any official ballots used as samples should be accounted for at the end of the election.)
- Election officials should insure that enough ballots are available at each polling place prior to the start of the election to accommodate the number of expected voters. If different ballots are being used for various geographic, craft, or similar races, make certain each polling area has the correct number and type of ballots on hand. An election official should be able to quickly provide extra ballots to any polling site if needed.

- Prior to the election, election officials should prepare materials necessary for handling ballots challenged by observers or election officials because they were cast by persons whose eligibility is in question. See Figure 14 - Guidelines for Challenged Ballots.
- After the tally has ended and the election results have been announced, place all used and unused ballots, eligibility lists, sign-in registers, and other election-related records in a box. Election officials should seal the box with tape, write their names (and the date) across the tape, and store the box in a safe place for at least one year.

Common Pitfalls

- Failing to review the ballot carefully before and after printing to insure that all candidates' names are listed in the proper order and spelled correctly, including nicknames if appropriate.
- Not safeguarding the ballots from the time they are received from the printer until the time they are put into storage following completion of the ballot tally.
- Failing to account at the end of the ballot tally for all ballots printed.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(c) provides that: *Adequate safeguards to insure a fair election shall be provided . . . .* Section 401(e) provides that: *The election officials designated in the constitution and bylaws or the secretary, if no other official is designated, shall preserve for one year the ballots and all other records pertaining to the election.*	

Notes:

FIGURE 9

OFFICIAL BALLOT

FACTORY WORKERS LOCAL 888

MAY 18, 2007

Mark an "X" or a "✓" in the box next to the name of the candidates of your choice. Do *not* put your name, initials, or any other identifying information on the ballot. Ballots containing any identifying information will be voided.

President

(*Delegate to the International Union Convention*)

Vote For Only One

☐ Josephine "Joey" Mintor

☐ Manny Gonzalez

☐ Jack Roberts

Recording Secretary

Vote For Only One

☐ Bill Palmer

☐ Chris Jenkins

Vice President

(*Delegate to the International Union Convention*)

Vote For Only One

☐ Bill Simmons

☐ Tammy Pinski

Secretary-Treasurer

Vote For Only One

☐ Betsy Fontana

☐ David R. Dennis

Executive Board Members

Vote For No More Than Three

☐ Jeff Barnes, Jr.

☐ Lois Lawson

☐ Ruth Smith

☐ Jane Adkins

☐ Richard "Dallas" Riker

Chapter 12: The Polling Place

Election day is the culmination of a lengthy process of planning and preparation that began with the notice of nominations. Weeks before the voting is scheduled to occur, election officials should have selected the polling location(s) and the hours of voting, taking into consideration whether the location and times provide members an adequate opportunity to vote in secret. As election day nears, additional preparations must be completed since election officials can be faced with any number of unusual or unforeseen situations at polling sites during the voting. Questions concerning voter eligibility may be raised, supplies may run short, members may attempt to mark their ballots outside of voting booths and thereby compromise voter secrecy, candidates or their supporters may violate campaign rules, and disagreements can sometimes surface among the election officials. Boredom can set in during slow times while, on the other hand, the rush of voters during shift changes may be difficult to handle. Fortunately, these situations can be avoided, or at least minimized, by careful planning, preparation, and teamwork by election officials.

Requirements

- Election officials must not only make arrangements for balloting in secret but must also insure that members actually use the secret balloting facilities provided. Secrecy may be assured by the use of voting machines or, if paper ballots are used, by providing voting booths, partitions, screens, curtains, separate voting rooms, or other arrangements which insure privacy for the voters. If additional voting booths are necessary, large cardboard boxes placed on tables with one side cut open can be used.
- A sufficient number of blank ballots as well as other supplies should be on hand. See Figure 12 - List of Polling Place Equipment and Supplies.
- Election officials must insure that no campaigning occurs in the polling area and that order is maintained at the polls at all times. The polls should be checked periodically to insure that voters have not left campaign material in the voting area.
- Each candidate must be permitted to have an observer(s) at the polls and at the tally of ballots. Observers should be permitted to challenge the eligibility of individual voters. See Chapter 13 - Observers.
- Election officials and observers should not wear campaign buttons, stickers, or other types of campaign apparel in the polling area. However, voters may wear campaign buttons, stickers, or other campaign apparel unless specifically prohibited by union rules.
- Before voting begins, the ballot box should be opened in the presence of observers to make sure that it is empty, and then it should be sealed or locked until the ballot tally begins.
- The polls must be opened precisely at the scheduled time and the polling hours listed in the election notice should be strictly followed. However, any members waiting in line at closing time should be permitted to vote.
- Election officials should ask each voter to present identification, check the voter's eligibility, and mark the voter's name off the eligibility list. Each voter should also sign a voter register before receiving a ballot. See Figure 13 - Voter Sign-in Register.

  These procedures create an official record of who voted in the election and help insure that a member can vote only once.

- Prior to election day, election officials should prepare materials necessary for handling ballots challenged by observers or election officials because they were cast by persons whose voting eligibility is in question (or by members voting at the wrong location if multiple polling sites are used). See Figure 14 - Guidelines for Challenged Ballots.
- If voting occurs at more than one location, a system should be established to prevent a person from voting more than once. For example, a separate voter eligibility list should be prepared for each polling site and each member's name should appear on only one list. The election notice should advise that members must vote at their normal work site location or they will be required to vote a challenged ballot.

Suggestions

To help conduct an orderly, problem-free election, election officials should:

- Check with the union's prior election officials to find out if any problems occurred at the polls and how they can be avoided.
- Obtain approval from the employer well before the election if voting is to occur at the work site(s).
- Use the space available in the voting area efficiently by carefully planning the placement of the registration tables, voting booths, ballot box, and observer area. Try to achieve a logical and smooth flow of voters during the balloting which will help reduce long lines at registration, aid in insuring ballot secrecy, and allow election officials to more easily control the entire voting process. See Figures 10 and 11 - Polling Place Diagrams.
- Arrive at the polls at least one hour before the polls open to set up registration tables, voting booths, etc., and to make sure everything is in order and ready for voters.
- Put up signs if necessary to direct members to the polling area.
- Consider using voting machines which substantially reduce the time needed to count ballots and also present fewer secrecy problems because a curtain is normally part of the machine's operating mechanism.
- Check to see that all voting machines are operating properly, that candidates are listed correctly, and that the machine counters are set at zero before the polls are opened. Be sure to have a supply of paper ballots on hand if machines break down or it becomes necessary to use challenged ballots.
- Take appropriate steps to protect the privacy of the voter when punch card voting equipment or other similar mechanical devices are used, particularly if the surrounding barriers are too low.
- Use more than one registration table if a large number of members vote at a particular site. Divide the eligibility list alphabetically, or by member identification number if appropriate, and clearly mark the registration tables to reflect how the list is broken down.
- Try to have adequate backup records such as dues payment information available at the polling site to verify voter eligibility if questions arise.
- Place the ballot box in a location where it can be seen by election officials and observers at all times.
- Explain the voting procedures to observers before the polls open and answer any questions.
- Follow established voting procedures with a goal of moving voters through the polls in the most efficient manner possible in order to avoid confusion, long lines, or other problems.

- Avoid distractions such as eating and engaging in casual conversations and "stick to business" while voters are present.
- Assign specific tasks to each election official as illustrated in Figures 10 and 11 - Polling Place Diagrams.
- Pay close attention when marking a voter's name off the eligibility list. During a busy period it is very easy to mark the wrong name on the list. If a voter appears whose name has already been marked off the list, examine the names near the voter's name on the eligibility list to see if an obvious explanation can be found. (For example, one election official may remember that John Jones voted but his name is not marked; instead the name of Joe Jones who has now come to vote for the first time has been marked in error.) However, if no explanation is found, direct the voter to cast a challenged ballot.
- Maintain strict control over the supply of unused ballots at all times.
- Insure that ballots are not issued to voters until a voting booth or private space is available in the voting area and insist that voters cast their ballots in secret. If a rush of voters comes to the polls, direct them to line up at the entrance to the polling area and control their access to the registration tables to avoid confusion.
- Void the ballot of any member who refuses to vote in secret. (Usually the threat of this action will result in the member following directions.)
- Provide another ballot to a voter who spoils his or her ballot while voting. Maintain the secrecy of any spoiled ballot by folding it in half, writing "spoiled" on the back, and placing it in a separate envelope for spoiled ballots. Maintain custody of all spoiled ballots and account for them at the completion of the ballot tally.
- Allow only election officials, voters, and observers in the polling area.
- Allow observers to watch the election process, ask questions, and challenge voters' eligibility. Do not be antagonistic in dealing with observers.
- Enforce a "no loitering" rule and establish an exit route for members who have already voted. Enforcing this rule uniformly from the outset will greatly reduce confusion at the polls.
- Wear "Election Official" badges or some other identification so that voters know to whom they should direct questions or problems.
- Treat voters politely; if necessary, be firm but avoid being overbearing. Keep your composure at all times and remember that you represent your union.
- Keep at least one election official at the polls at all times; schedule breaks during times when voting is slow.
- Establish procedures to provide assistance on an impartial basis to physically impaired or foreign language speaking voters. For example, physical barriers at the polling site should be eliminated or other arrangements made to allow physically impaired members to vote in secret. If a significant portion of the membership speaks a foreign language, at least one of the election officials should be fluent in that language.
- Be familiar with and enforce any polling place requirements in your union's constitution and bylaws or the election rules such as a prohibition against campaigning within a specified distance of the polling area.
- Designate one election official to deal with any news media inquiries. Do not allow media representatives to disrupt polling procedures.
- Remind all election officials not to forget to vote. Election officials should follow the same voting procedures as other voters.

Common Pitfalls

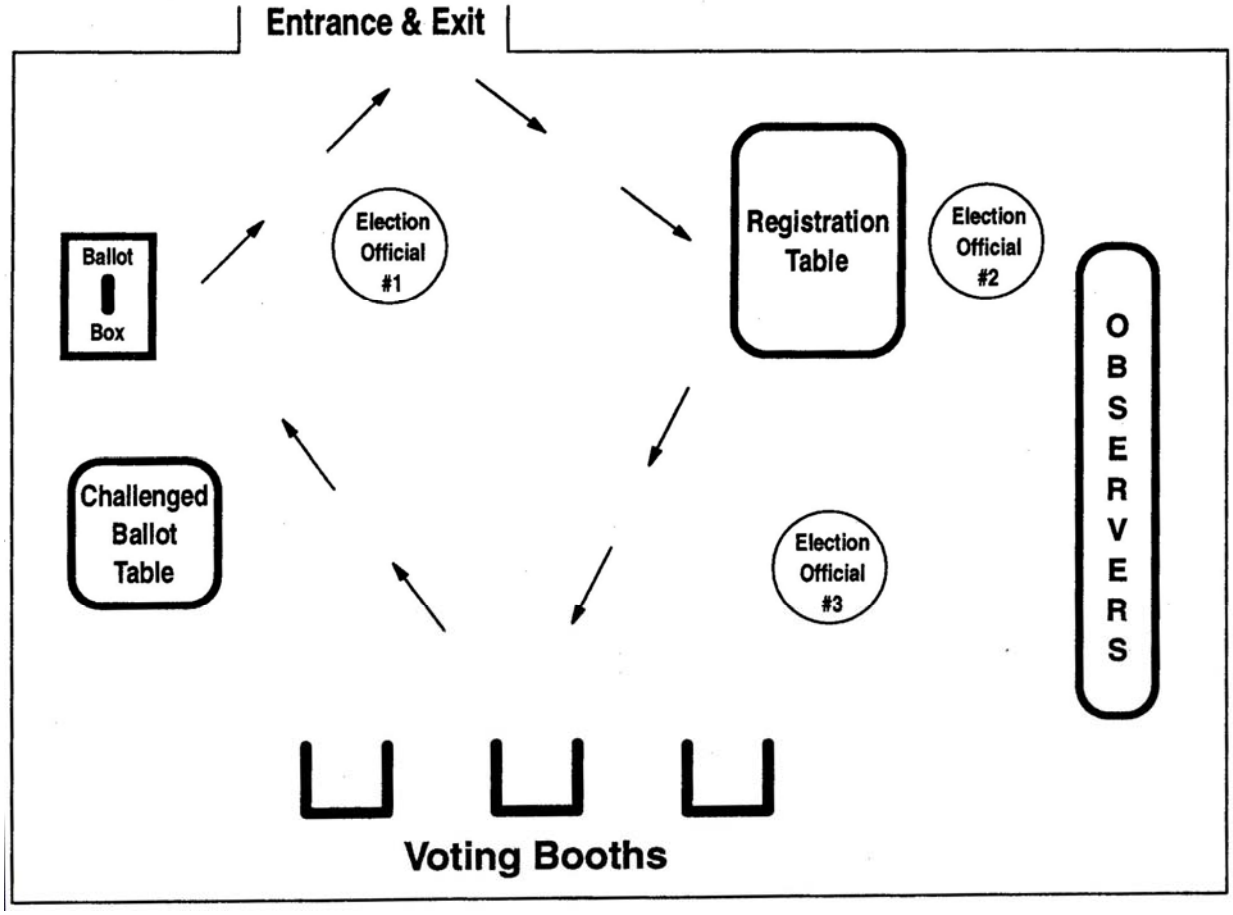
- Not insisting that members use voting booths and allowing them to mark their ballots on walls, the registration table, or other members' backs.
- Failing to provide enough voting booths for the anticipated number of voters.
- Not setting up the polls properly to control the voter flow resulting in confusion, disorder, and disgruntled voters.
- Marking the wrong name off the voter eligibility list.
- Allowing campaigning in the polling area by observers, election officials, or candidates while they are voting.
- Failing to safeguard the unused ballots and the ballot box at all times.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(b) provides that: *Every local labor organization shall elect its officers not less often than once every three years by secret ballot among the members in good standing.*	

Notes:

FIGURE 10

POLLING PLACE DIAGRAM - SAME ENTRANCE AND EXIT



Three election officials are used in this suggested polling place model. Signs directing members to the voting area should be posted as necessary and a blank sample ballot should be posted near the entrance to the polls.

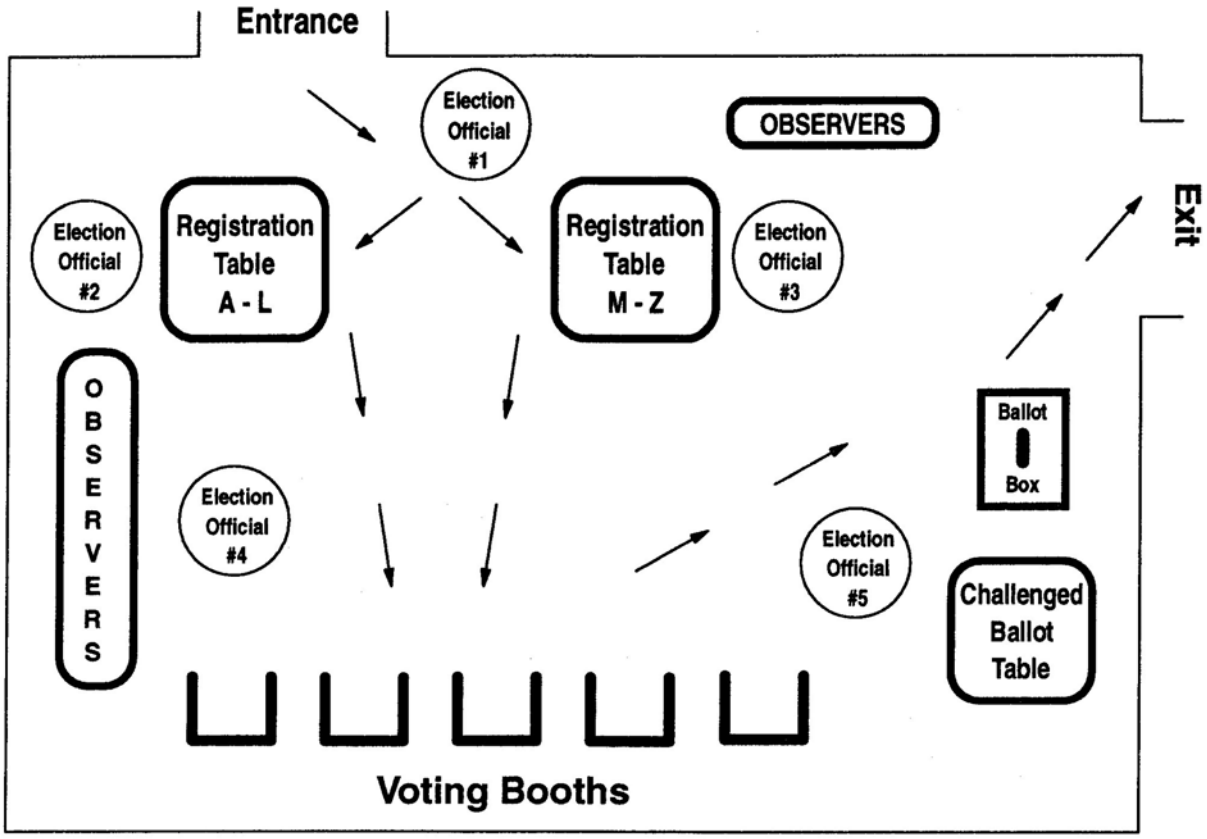
Election Official #1 - This election official controls the flow of members into the polls allowing only 3-4 voters into the registration area at a time. Any members waiting to vote should form a line outside the polling area. Election Official #1 also monitors the ballot box.

Election Official #2 - The second election official, seated at the registration table, checks members' identification, marks members' names off the voter eligibility list, asks members to sign the voter register, and issues ballots.

Election Official #3 - The third election official insures that members mark ballots only in the voting booths, responds to observer questions, and monitors their activities. Election Official #3 also handles any challenged ballot duties, periodically inspects the voting booths to collect and discard campaign literature which may have been left behind, and directs members to drop their marked ballots into the ballot box and leave the polling area immediately.

FIGURE 11

POLLING PLACE DIAGRAM - SEPARATE ENTRANCE AND EXIT



Five election officials are used in this suggested polling place model. Signs directing members to the voting area should be posted as necessary and a blank sample ballot should be posted near the entrance to the polls.

Election Official #1 - This election official controls the flow of members into the polls allowing only 3-4 voters into the registration area at a time. Any members waiting to vote should form a line outside the polling area.

Election Officials #2 and #3 - These election officials are seated at two different registration tables with the voter eligibility list divided into two parts (A-L and M-Z). Election Official #2 and Election Official #3 check members' identification, mark members' names off the voter eligibility list, ask members to sign the voter register, and issue ballots.

Election Official #4 - This election official insures that members mark ballots only in the voting booths, responds to observer questions, and monitors their activities. Periodically, Election Official #4 inspects the voting booths to collect and discard campaign literature which may have been left behind.

Election Official #5 - This election official also helps make certain that voting booths are used and directs members to drop their marked ballots into the ballot box and leave the polling area immediately. Election Official #5 also handles any challenged ballot duties and monitors the ballot box.

FIGURE 12

LIST OF POLLING PLACE EQUIPMENT AND SUPPLIES

Election officials should plan the layout of the polling site in advance and make arrangements prior to the election to have the necessary equipment and supplies available on election day. At a minimum, election officials should insure that the following items are at the election site(s) at least one hour before the polls open:

- Constitution and Bylaws
- Election and Campaign Rules
- Ballots
- Ballot boxes
- Voting booths, partitions, or large cardboard boxes (with one side cut open) for members to mark their ballots in secret
- Voter eligibility list/backup dues records
- Voter sign-in register
- Challenged ballot envelopes
- Observer log
- Identification badges for election officials and observers
- One or more large tables for voter registration and ballot distribution
- Chairs for election officials and observers
- Signs for registration tables
- Rubber bands, stapler, writing pads, felt tip markers, and tape
- Pencils for voters to mark their ballots and pencil sharpeners
- Calculator(s)
- Boxes for storing election records

Election officials should also have the telephone numbers of the union office and nearest OLMS office available in case questions about voting requirements or procedures arise at the polling site.

By planning the polling place layout in advance and anticipating the supplies which will be needed, election officials will be able to minimize disruptions at the polling site and conduct an orderly election.

FIGURE 13

VOTER SIGN-IN REGISTER

Union: _____ Date: _____

Polling Location: _____

Members who cast ballots in the above-referenced officer election are required to sign below:

1. _____ 26. _____
2. _____ 27. _____
3. _____ 28. _____
4. _____ 29. _____
5. _____ 30. _____
6. _____ 31. _____
7. _____ 32. _____
8. _____ 33. _____
9. _____ 34. _____
10. _____ 35. _____
11. _____ 36. _____
12. _____ 37. _____
13. _____ 38. _____
14. _____ 39. _____
15. _____ 40. _____
16. _____ 41. _____
17. _____ 42. _____
18. _____ 43. _____
19. _____ 44. _____
20. _____ 45. _____
21. _____ 46. _____
22. _____ 47. _____
23. _____ 48. _____
24. _____ 49. _____
25. _____ 50. _____

Page ____ of ____

FIGURE 14

GUIDELINES FOR CHALLENGED BALLOTS

The term "challenged ballot" refers to a ballot cast by a person whose eligibility to vote has been questioned by election officials, candidate observers, or members. Unfortunately, the term conveys a negative image and seems to imply that the voter is somehow at fault. Most questions concerning eligibility to vote, however, are the result of misunderstandings, administrative errors, or the failure to prepare an accurate voter eligibility list.

In many cases, voter eligibility questions occur in the midst of the voting and cannot be immediately answered since the records and information necessary to resolve them are not available at the polls. Trying to obtain the information will result in delays or disruptions at the polls and may lead to possible confrontations with impatient members waiting to vote. Usually, the best way to handle any voter eligibility question is to have the person whose eligibility is in question vote a challenged ballot. By using a double envelope challenged ballot system, the voter whose eligibility is in question can cast a secret ballot and election officials can later review necessary records and resolve the eligibility question. This insures that the union will be in a position to count only those ballots which are cast by eligible members. A ballot can be "challenged" for any of several reasons:

- individuals appearing at the polls to vote may be new employees, transferred members from another local, or discharged or laid-off members whose names are not on the union's voter eligibility list;

- a member's payment of dues, fees, or assessments may be in dispute;

- a member may have been scheduled to vote at another polling site and therefore his or her name is not on the eligibility list at the site where the member appears to vote;

- a member's name may not be on the voter eligibility list due to human or computer error or some other administrative oversight;

- a member who is unknown to the election officials may not have brought appropriate identification to the polls.

If a member's name appears on the union's voter eligibility list, he or she should be presumed to be eligible to vote in the election. Therefore, if such a member's eligibility is questioned, the person making the challenge must give a specific reason why the member is not eligible to vote. However, if a person's name is not on the official voter eligibility list, election officials must insist that he or she vote a challenged ballot. Election officials should remember that no matter what the situation, it is always better to have a person vote a challenged ballot (which will not be counted if the voter is later determined to be ineligible) than to risk denying an eligible member (whose name was improperly omitted from the eligibility list) the right to vote.

FIGURE 14 (cont.)

Challenged Ballot Voting Procedures

Election officials should anticipate the need to use challenged ballots at the polling site and should prepare in advance a supply of the two types of envelopes which will be used (as described below). Prior to the opening of the polls, election officials should thoroughly review the challenged ballot rules and procedures to be followed, including proper use of the double envelope system. After the polls open, if the eligibility of a voter cannot be resolved immediately at the registration table, officials should "challenge" the ballot. The following procedures should be used for all challenged ballots:

- After moving to a less busy place in the polling area, an election official should explain to the voter (1) why a challenged ballot must be cast, (2) the procedures for casting a challenged ballot using a double envelope system, and (3) that ballot secrecy will be maintained and the challenged ballot will be counted if the eligibility of the voter is later verified.
- The challenged voter should be furnished a blank ballot, a small "Secret Ballot Envelope," and a large outer "Challenged Ballot Envelope" as illustrated below:

Secret Ballot Envelope

(Do not write your name or other identifying information on this envelope.)

3 5/8" x 61/2" (No. 6 ½ envelope)

Challenged Ballot Envelope

Name:_____ Polling Place:_____

ID#:_____ Challenged By:_____

Reason for Challenge:_____

_____

Resolution:_____

Election Official:_____Date:_____

4 1/8" x 9 ½" (No. 10 envelope)

- An election official should record on the larger Challenged Ballot Envelope the voter's name, other identification information, the reason for the challenge, and the name of the person(s) who raised the challenge.
- Election officials should create a separate challenged voter list containing the same information recorded on the outside of the larger Challenged Ballot Envelope. (This will allow officials to attempt to resolve the challenges before the ballot tally begins even though the envelopes with the necessary information have been deposited in the ballot box and are not available.)
- Election officials should place a "C" next to the challenged voter's name on the eligibility list to indicate that the person voted a challenged ballot. If the person's name is not on the list, his or her name should be added to the bottom of the eligibility list and a "C" placed next to the name.
- The voter should be directed to a voting booth or private voting area and instructed to mark the ballot, place it in the Secret Ballot Envelope, seal it, put the sealed envelope in the larger Challenged Ballot Envelope, and return it unsealed to an election official.
- Within sight of any observers, the election official should insure that the Challenged Ballot Envelope contains the sealed Secret Ballot Envelope. The voter should then seal the Challenged Ballot Envelope and place it in the ballot box.

Election officials should insure that members and candidate observers understand the challenged ballot voting rules and that all procedures are properly implemented to insure ballot secrecy and allow for resolution of challenged ballots.

FIGURE 14 (cont.)

Use of Challenged Ballots at Multiple Polling Sites

If a member scheduled to vote at a certain polling site appears at the wrong site (when multiple polling sites are used), election officials should have the member vote a challenged ballot. In order to insure that a person does not vote more than once, all ballots challenged for this reason must be later cross-checked at the ballot tally against the voter eligibility lists for all polling sites before the challenged ballots are opened and counted.

Challenged Ballots for Voters Without Identification

If a member is unable to present identification and cannot be identified by union officials, he or she should be requested to return to the polls after obtaining identification. Challenged ballots based on voter identification should be avoided to the extent possible since it is not usually feasible to later resolve the challenge unless the individual whose identity is in doubt returns to the polls or the tally with acceptable identification.

Resolution of Challenged Ballots

If possible, election officials should not wait until the conclusion of the voting to begin resolving challenged ballots and should start obtaining eligibility information while the election is still in progress. By maintaining a separate challenged voter list containing the same information which was written on the outer envelopes, election officials may be able to resolve some or all of the challenges before the ballot box is opened at the conclusion of the voting. Although preliminary decisions about a challenged voter's eligibility can be made by election officials while the election is still in progress, a formal announcement regarding the resolution of any challenged ballots should wait until the start of the ballot tally to allow all observers to be present. To the extent possible, challenged ballots should be resolved prior to the conduct of the tally to help preserve secrecy.

At the start of the tally of ballots, decisions about the counting of each challenged ballot should be announced to those in attendance and the reason for each decision should be explained to observers. Election officials should record the decision as to whether to count the ballot on the front of the Challenged Ballot Envelope (such as "eligible" or "not eligible - retired") and initial and date it. If challenged ballots are resolved as eligible, election officials should remove (but not open) the Secret Ballot Envelopes from the outer envelopes and mix them together. In order to preserve secrecy, the Secret Ballot Envelopes should then be opened and the ballots removed and mixed in with other uncounted ballots.

Envelopes containing challenged ballots resolved as not eligible should be left unopened and marked "void." If any challenged ballots cannot be resolved by the end of the tally, election officials should determine whether the number of unresolved challenged ballots could affect the outcome of any race. If not, they should not be opened but maintained with other election records. At the end of the tally, if the number of challenged ballots not yet resolved could affect the outcome of any race, they must be resolved at a later date when more eligibility information becomes available and a final decision can be made as to whether to count each ballot.

Every effort must be made to preserve the secrecy of challenged ballots which have been resolved as eligible. However, in the rare instance where this is not possible (such as in an election where only one challenged ballot is cast and that voter has been determined to be eligible after all other ballots have been counted), it is more important to count a ballot than to preserve secrecy if the ballot could affect the outcome of any race.

All envelopes used in the challenged ballot process, all unopened "voided" challenged ballots, and the challenged voter list should be maintained for at least one year after the ballot tally with other election records.

Chapter 13: Observers

Election officials must understand the role of observers in the election process in order to be able to deal with them effectively. An observer (poll watcher) is a candidate representative who is stationed at the polls on election day to watch the conduct of election officials and voters to insure that the election is conducted in a fair and impartial manner. Under federal law, every candidate is entitled to have an observer at each polling site and at the counting of ballots. Unfortunately, some election officials may object to or resent the presence of observers because observer questions or comments may be viewed as challenges to their authority and impartiality. Election officials should remember that civic elections traditionally include poll watchers from both parties. Further, the presence of observers adds integrity to the election process and helps eliminate rumors and groundless accusations which sometime occur when no observers are present. Elections are less likely to be successfully challenged when observers are present.

Requirements

- All candidates have the right to have an observer at the polls and at the counting of the ballots. If there is more than one polling place, the candidate may have an observer at each location. If ballots are being counted at more than one location or at more than one table at a single location, a candidate is entitled to as many observers as necessary to observe the actual counting of ballots.
- In mail ballot elections, election officials must allow candidates to have observers present when the ballot envelopes are stuffed, labeled, and mailed and during any visits to the post office to pick up and remail ballot packages which were returned undelivered. Observers must also be allowed to accompany election officials when the returned ballots are picked up from the post office, transported to the tally location, reviewed for eligibility, and counted.
- An observer is not required to be a member of the union unless the union's constitution and bylaws require an observer to be a member. Likewise, a candidate may serve as his or her own observer unless prohibited by the union’s constitution and bylaws, election rules, or past practice.
- Observers do not have the right to interfere with or disrupt the conduct of the election. Their role is limited to observing the election process, asking procedural questions, challenging the eligibility of any individual voters, and lodging protests with election officials as appropriate.
- Observers should be allowed to adequately monitor the election process but not compromise, or give the appearance of compromising, the secrecy of the ballot.
- Observers may not wear campaign buttons, stickers, or other campaign apparel, distribute literature, or engage in campaign activities inside the polling place, including conversations about candidates or the election campaign.
- Observers do not have the right to count or handle the ballots in any way but must be allowed to observe the counting closely enough to verify the accuracy of the tally.

Suggestions

- Candidates can be required to notify election officials of the identity of their observers prior to the election, if this requirement is included in the election rules provided to all candidates and is applied uniformly.

- A written list of observer "do's and don'ts" should be given to each candidate and observer. See Figure 15 - Rules for Observers.
- Election officials should be forthright with observers, explaining the voting procedures and answering questions. An open exchange of information will lead to mutual trust and a better-run election.
- Designated locations should be established in the polling area where observers can monitor the voting without any disruption. Election officials should not allow observers to roam the polling area and should be on the lookout for any confrontations between observers for rival candidates.
- Observers should be invited to inspect the voting booths and the empty ballot box before the polls open, and to accompany the ballot box if it is moved to a different location.
- Observers can be requested to sign an observer log indicating the times they were present at a specific polling site or the tally of ballots.
- Election officials may want to provide "Observer" badges for observers to wear while at the polls or tally site.
- Rules governing observers' conduct should be enforced uniformly. If it is necessary to remove an observer from the polling area or tally site for improper conduct, notify the appropriate candidate, if possible, so that he or she can get a replacement.
- Prior to the start of the ballot tally, election officials should review the counting procedures with observers including voiding rules.
- When resolving any challenged ballots, election officials should explain to observers the reason for each decision to count or not count a challenged ballot.
- Observers should be requested but not required to sign a Ballot Tally Certification at the end of the ballot tally. See Figure 20 - Ballot Tally Certification.

Common Pitfalls

- Not allowing adequate opportunity for observers to observe the voting process and the counting of ballots.
- Allowing observers to help election officials during rush times at the polls or to sit in and provide "a break" for election officials.
- Failing to inform observers in advance about what they will be allowed to do, and not do, at the polls and the ballot tally.
- Permitting observers to campaign or engage in partisan conversations with voters at the polls.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(c) provides that: *Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.*	

FIGURE 15

RULES FOR OBSERVERS

1. Each observer should identify himself/herself to the election officials, sign the observer log, and indicate which candidate he or she represents. An observer should notify election officials if he or she is scheduled to be replaced later in the day by another observer.

2. While present in the polling or tally area, each observer should wear a badge provided by election officials clearly marked "Observer" if requested to do so.

3. Observers, accompanied by election officials, should inspect the voting booths (or voting machines) and the empty ballot box prior to the start of the voting.

4. Observers must not campaign in the voting area in any way. They may not wear buttons or other campaign apparel, distribute campaign material, or engage in conversations with voters about candidates or the election campaign.

5. Observers should remain in the area(s) approved by election officials where they are able to see the voter registration and balloting process.

6. Observers may count the number of voters at the polling site and note their names.

7. Observers may not roam around the voting area or disrupt the polling process in any way. They should direct any questions or report any problems directly to election officials as soon as possible so that any necessary corrective action can be taken.

8. Observers may challenge the eligibility of any voter by clearly specifying the basis for the objection to election officials. (For example, "I challenge the eligibility of Voter X because he is a new employee who has not yet paid dues.")

9. During the tally of ballots, observers may challenge the accuracy of the way votes are read from marked ballots and recorded on tally sheets and should state any objection to election officials as soon as possible so that any necessary corrective action can be taken.

10. Observers may not touch or handle ballots at any time or interfere with the tally process.

Chapter 14: Counting Ballots

In many elections the ballot tally may be a tense and emotionally charged event because of the intensity of the campaign or the perception that races will be close with every vote important. In larger unions, counting ballots can also be a long and very tedious process. Candidate observers may raise objections to the way ballots are counted or voided which can lead to additional complications and problems. Before the day of the ballot tally, election officials should decide who will actually count the ballots and the method that will be used. Election officials should also agree on the specific rules which will govern the counting and voiding of ballots. If an outside balloting agent will do the counting, election officials must make the appropriate arrangements. If the tally will be conducted by election officials or by other union personnel (as is the case in most unions), election officials must insure that tally sheets and other necessary materials are prepared and available. By adopting an organized and systematic approach to the tally and stressing accuracy during the count, election officials can avoid problems, mistakes, and the need for a recount.

Requirements

- Every vote on a valid ballot should be counted if the voter's intent is clear no matter what mark ("X," "■", "✓", etc.) is used to indicate the voter's choice.
- If a voter makes a mistake in voting for a position on the ballot, such as voting for too many candidates for a given office, only the vote(s) for that office should be voided.
- In the absence of a specific union rule, erasures or "crossouts" should not cause a vote for a particular office to be voided if the intent of the voter is clear.
- As a general rule, an entire ballot should not be voided unless it contains the voter's name or other marks which identify the voter. However, a union has the right to establish reasonable rules for determining whether a ballot should be counted such as prohibiting all extraneous marks on a ballot. In the absence of a specific union rule, marks which could not identify the voter should not cause a ballot to be voided.
- If a union allows write-in votes, all such votes must be counted.
- If the number of unresolved challenged ballots at the end of the tally could affect the outcome of any race, they must be resolved and, if determined to be valid, must be counted.

  Election officials must preserve voter secrecy for any challenged ballots. See Figure 14 - Guidelines for Challenged Ballots.
- A union may provide in its constitution and bylaws that a majority (more than 50%) of the votes cast is needed in order to be elected; otherwise the candidate with the highest number of votes (plurality) should be declared elected.

  In determining whether a candidate has received a majority of votes cast, election officials should usually consider only valid ballots counted and exclude blank and totally void ballots (unless the union's constitution and bylaws state otherwise).
- Although only valid ballots should be counted in determining the results of the election, election officials should account for all ballots cast in the election, including unused, sample, challenged, spoiled, and totally void ballots.

Suggestions

- Election officials should select a suitable tally site well in advance of election day. Most unions use the polling site as the location for the tally which eliminates the need to move ballot boxes; however, election officials should not feel obligated to count ballots at the polling site or to use the same location used in prior elections.
- The ballot tally should be scheduled for a time as soon as possible after the voting is completed but not until all polls are closed.
- The tally area should be set up to achieve maximum security and efficiency while allowing observers an opportunity to watch the ballot count and other related activities closely enough to verify the accuracy of the tally. See Chapter 13 - Observers.
- All materials to be used for counting ballots including tally sheets and vote summary sheets should be prepared in advance. See Figure 16 - Tally Sheet and Figure 17 - Vote Summary Sheet.
- Election officials should have a clear understanding of their duties at the ballot tally and decide in advance upon the counting method (call or stack) to be used. See Figure 18 - Guidelines for Counting Ballots.
- Election officials should insure that a sufficient number of workers are available at the tally to count the ballots.
- It is important that all tally teams work in a uniform manner. Outline the step-by-step counting and voiding procedures to be used, stress the importance of accuracy, and advise the tally team(s) not to count the ballots in a hurried manner. See Figure 18 - Guidelines for Counting Ballots and Figure 19 - Guidelines for Voiding Ballots.
- Prior to the start of the counting, election officials should explain the tally procedures that will be used to observers and any others in attendance.
- To the extent possible, challenged ballots should be resolved prior to the conduct of the tally and decisions about the counting of each challenged ballot should be announced. Election officials should keep a record of decisions made regarding challenged ballots, explaining the reason for each decision to observers. See Figure 14 - Guidelines for Challenged Ballots.
- Because the atmosphere in the tally room can become noisy and tense, election officials must maintain order at all times so that tally teams can work efficiently and can hear the votes being read.
- Election officials should supervise the activities of the tally teams, make sure that tally materials are properly distributed and collected, and periodically check with the teams to resolve any problems.
- In order to minimize mistakes, election officials should make sure that the tally teams are given rest breaks.
- Election officials should safeguard the voted ballots at all times, even after they have been counted.
- Observers should be advised to direct questions, problems, or objections to a designated election official.
- Election officials should not permit observers to touch or handle ballots during the tally.
- In deciding questions of voter intent or voiding, one election official should be designated as the final judge to insure that ballots are counted consistently and voided uniformly.
- In order to minimize controversy, election officials may want to adopt a policy that any race decided by less than a certain number of votes will automatically be recounted. This may eliminate the need to recount ballots on a larger scale at a later date.

- One election official should be designated to deal with news media inquiries. Election officials should not feel pressured during the tally to respond to requests for election results from the media and should not allow media representatives to disrupt the ballot tally procedures.
- In the absence of a provision in the union's constitution and bylaws, the election rules should provide a method of deciding tie votes such as a runoff election or a coin toss.
- At the end of the tally, election officials should announce the election results in accordance with the union's constitution and bylaws. See Figure 20 - Ballot Tally Certification.
- Election officials should pack and seal all tally sheets, used and unused ballots, voter registers, eligibility lists, and other election materials in boxes. All election records must be kept for at least one year, as required by federal law.

Common Pitfalls

- Miscounting votes.
- Not voiding ballots consistently.
- Voiding the entire ballot when only one position is in question.
- Failing to account for all used and unused ballots at the end of the ballot tally.

LMRDA Reference:	**Union Constitution Reference:**
Section 401(c) provides that: *Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.*	

Notes:

FIGURE 16

FACTORY WORKERS LOCAL 888

TALLY SHEET

BALLOT BUNDLE #

	INDIVIDUAL VOTES					TOTAL VOTES
President	10	20	30	40	50	
Mintor						
Gonzalez						
Roberts						
Vice President	10	20	30	40	50	
Simmons						
Pinski						
Secretary-Treasurer	10	20	30	40	50	
Fontana						
Dennis						
Recording Secretary	10	20	30	40	50	
Palmer						
Jenkins						
Executive Board	10	20	30	40	50	
Barnes, Jr.						
Lawson						
Smith						
Adkins						
Riker						

TALLIED BY: _____ DATE: _____

_____

_____

FIGURE 17

FACTORY WORKERS LOCAL 888

VOTE SUMMARY SHEET

BALLOT BUNDLE RESULTS

President

Ballot Bundle #	1	2	3	4	5	6	7	8	9	10	TOTAL VOTES
Mintor											
Gonzalez											
Roberts											

Vice President

Ballot Bundle #	1	2	3	4	5	6	7	8	9	10	
Simmons											
Pinski											

Secretary-Treasurer

Ballot Bundle #	1	2	3	4	5	6	7	8	9	10	
Fontana											
Dennis											

Recording Secretary

Ballot Bundle #	1	2	3	4	5	6	7	8	9	10	
Palmer											
Jenkins											

Executive Board

Ballot Bundle #	1	2	3	4	5	6	7	8	9	10	
Barnes, Jr.											
Lawson											
Smith											
Adkins											
Riker											

COMPILED BY: _____ DATE: _____

_____

FIGURE 18

GUIDELINES FOR COUNTING BALLOTS

Prior to the day of the ballot tally, election officials should prepare the necessary blank Tally Sheets (Figure 16), Vote Summary Sheets (Figure 17), and a Ballot Tally Certification (Figure 20). Election officials should also insure that the necessary supplies are available at the tally site including pencils, pens, rubber bands, staplers, tape, and a calculator(s).

Used and unused ballots should be safeguarded at all times before, during, and after the tally. If the ballot tally is scheduled for a location other than the polling site or is to begin at a later time, election officials should seal the ballot box(es) with tape in the presence of observers and, along with the observers, initial across the tape. The tally of ballots should begin only after all polling sites have closed.

Election officials should plan the layout of the tally site in advance and, if necessary, make arrangements to have additional persons available to help count the ballots, using one or more tally teams. If additional ballot counters are used, election officials must explain the counting and voiding procedures to them prior to the start of the tally and closely monitor each tally team. To prevent confusion, the tally teams should be positioned far enough apart to avoid hearing each other. Tally teams should be instructed to set aside any ballots which contain extraneous marks and those ballots where voter intent is unclear until election officials can rule on whether a vote for a particular office or an entire ballot should be counted or voided. (See Guidelines for Voiding Ballots - Figure 19.)

If the election was conducted by mail, election officials must first verify voter eligibility before opening and counting the ballots. (See *Electing Local Union Officers by Mail* at the end of this Guide.) Prior to the start of counting ballots in either a mail or polling place election, an election official should explain to observers and any others in attendance the counting procedures that will be used. Ballots should be kept in full view of candidate observers at all times, but only election officials and any others counting ballots should handle the ballots. Any challenged ballots should be resolved as soon as possible, but prior to the completion of the tally, if possible, in order to preserve ballot secrecy. (See Guidelines for Challenged Ballots - Figure 14.)

As outlined below, election officials generally use one of two different methods to count ballots. Either the “call” method or the “stack” method is acceptable. Whichever method is used for the ballot tally, election officials must insure that the ballots are counted accurately, decisions regarding the voiding of ballots are consistent, and ballots are properly safeguarded throughout the tally process.

FIGURE 18 (cont.)

Call Method

The call method, used by most unions, requires three-person tally teams consisting of a "caller" and two recorders. The caller reads the votes on each ballot aloud while the recorders independently mark the votes for each candidate on tally sheets. Periodically, the two tally sheets are compared to insure that the recorders agree and the vote totals for any candidate which do not match are recounted. Step-by-step instructions for the call method follow:

1. Election officials should open the ballot box in the presence of observers, remove and unfold all marked ballots, and place them in bundles of 50 or 100, numbering each bundle #1 of __, #2 of __, etc., to insure accuracy and provide a means of control. Any ballots voided in their entirety should be removed and set aside.

2. A recorder should sit on each side of the caller and put the ballot bundle number on a Tally Sheet (Figure 16). The caller should then place the ballots face up on the table and, beginning at the top of each ballot, read the name of each candidate who received a vote. As the name of each candidate receiving a vote is called, each recorder should place a tally mark next to that candidate's name on a tally sheet in groups of five as illustrated below:

   Fontana 𝍸 𝍸 𝍷
   Dennis 𝍸 𝍷

3. If voter intent is unclear for any office(s) on a ballot, election officials should rule on whether the vote(s) should be counted and, if so, for which candidate(s).

4. The tally team should continue counting the ballots until the bundle is completed. At that point, the tally sheets should be "closed" and the two recorders should read the number of votes credited to each candidate and compare the totals.

5. If the recorders' vote totals do not agree for any candidate, the ballots should be recounted, but only for the position where the discrepancy occurred. This can be done by separating the ballots into two or more stacks, each representing all of the votes received by a particular candidate. Each stack should be recounted by each member of the tally team until there is agreement on the vote totals.

6. After agreement is reached on all vote totals, the tally team should sign and date the tally sheets. The bundle of ballots which corresponds to the two completed tally sheets should be wrapped inside those tally sheets and banded together.

7. The tally team should then begin a new tally sheet for another bundle of ballots and continue counting in this manner until all bundles are counted.

8. After ballots are tallied, the tally sheets should be assembled and the vote totals from each tally sheet transferred to a Vote Summary Sheet (Figure 17) where grand totals should be calculated.

9. Election officials should complete the Ballot Tally Certification (Figure 20) and announce the results for each office as well as the number of ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.

   Remember that the total number of ballots counted may not equal the total votes counted for a specific race since not all voters will vote for every office and ballots may be voided for certain offices.

10. After the results are announced, all tally sheets, used and unused ballots, voter registers, eligibility lists, and other election materials should be packed and sealed in boxes. All election records must be maintained for at least one year.

Using the call method is most appropriate in elections where several candidates are running for positions in which more than one candidate is being elected (such as eight candidates running for three Trustee positions). However, this method can be more time-consuming than the stack method.

FIGURE 18 (cont.)

Stack Method

The most effective way to count ballots is the stack method, a system in which two-person teams count ballots by separating them into stacks based on the votes cast for each officer position. This tally procedure is very accurate and significantly faster and more efficient than the call method. For these reasons, the stack method is recommended by OLMS. Step-by-step instructions for the stack method follow:

1. Election officials should open the ballot box in the presence of observers, remove and unfold all marked ballots, and place them in bundles of 50 or 100, numbering each bundle #1 of __, #2 of __, etc., to insure accuracy and provide a means of control. Any ballots voided in their entirety should be removed and set aside.
2. Election officials should determine the first race to be counted, usually the office of President. The counting should be done by two person teams. Each tally team should take one bundle of ballots, record the bundle number on the tally sheet, and divide the ballots into separate stacks based on the votes cast for each candidate for the office of President.
3. If voter intent is unclear for any office(s) on a ballot, election officials should rule on whether the vote(s) should be counted and, if so, for which candidate(s).
4. After all the ballots in the bundle are separated, the stacks for each candidate should be counted by each team member who should also verify that the votes in each stack are all for the same candidate.

   If the team members' vote totals do not agree, each stack should be recounted and the agreed-upon vote totals for each candidate entered on a tally sheet. The number of ballots voided for that office and the number of ballots which contained no vote for that office should also be noted on the tally sheet. (The total of all valid votes, voids, and no votes should equal the total number of ballots in the bundle.)
5. After all votes for the first office are counted, the stacking procedure should be repeated by the tally team for the next office on the ballot. The ballot tally should continue until the votes are counted for each office on the ballots in that bundle.
6. When all ballots in the bundle are counted for each office, the tally team should sign and date the tally sheet. The bundle of ballots which corresponds to the completed tally sheet should be wrapped inside the tally sheet and banded together.
7. The tally team should then begin a new tally sheet for another bundle of ballots and continue counting in this manner until all bundles are counted.
8. After ballots are tallied, the tally sheets should be assembled and the vote totals from each tally sheet transferred to a Vote Summary Sheet (Figure 17) where grand totals should be calculated.
9. Election officials should complete the Ballot Tally Certification (Figure 20) and announce the results for each office as well as the number of ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.

   Remember that the total number of ballots counted may not equal the total votes counted for a specific race since not all voters will vote for every office and ballots may be voided for certain offices.
10. After the results are announced, all tally sheets, used and unused ballots, voter registers, eligibility lists, and other election materials should be packed and sealed in boxes. All election records must be maintained for at least one year.

The stack method is particularly efficient in elections which have slate voting or a small number of candidates. If fewer than 500 ballots were cast, election officials may choose to count all ballots at once rather than in bundles.

FIGURE 19

GUIDELINES FOR VOIDING BALLOTS

In union officer elections, questions often arise at the tally of ballots concerning whether an individual vote for a particular office or an entire ballot should be voided. (See Guidelines for Counting Ballots - Figure 18) A voter may have marked more than one box for a given office, crossed out or erased a mark, or marked the ballot in such a way that his or her intent is unclear. Observers may challenge the way the ballot is marked or election officials themselves may have questions about a voter's intent with respect to a particular office. It is the responsibility of election officials to decide whether a vote for a particular office or an entire ballot should be counted or voided.

Most importantly, election officials' decisions regarding voter intent and voiding ballots must be uniform and consistent. To achieve this, election officials should discuss ballot voiding rules prior to the tally. Usually, one election official should be designated as the final judge in these decisions to insure that ballots are counted consistently and voided uniformly.

As a general rule, every vote on a valid ballot should be counted if the voter's intent is clear no matter what mark ("X," "filled-in box," "checkmark," etc.) is used to indicate his or her choice. Election officials should count a vote even if the mark strays outside the box next to a candidate's name. In the absence of specific union rules, marks which do not identify the voter should not cause a ballot to be voided and erasures or "crossouts" should not cause a vote for a particular office to be voided if the intent of the voter is clear. Election officials must void a ballot in its entirety if it contains any marks which identify the voter.

To void ballots properly, OLMS recommends the following procedures:

- During the tally process, ballots which are voided in their entirety should be marked "void" on the front and initialed by election officials using a distinctive color ink pen. A brief description of the reason for voiding the ballot (no votes for any candidate, identifying marks, etc.) should be written on the back of the voided ballot. All totally void ballots should be placed in a separate envelope.

- If voter intent is not clear for any office or if too many candidates have been selected for one or more positions, election officials should void only the particular office involved by lining through the boxes for that office and marking "void" and their initials next to the position being voided.

- If a voter fails to vote for any candidate for a position, election officials should insure that no one can mark the ballot at a later time by lining through the boxes next to the candidates' names and marking "void" and their initials next to the position.

- If election officials rule on the question of voter intent for one or more positions on a ballot, they should circle the name of the candidate being awarded the vote and place their initials next to the position. This will insure that the vote will be counted for the same candidate in case of a recount.

Election officials should recognize that decisions about voiding ballots are often close calls which require judgment and impartiality. These decisions may affect the outcome of a given race and can become the subject of heated disputes. By establishing ballot voiding rules and procedures in advance and following these rules uniformly, election officials can minimize controversy at the ballot tally and reduce the need for recounts.

FIGURE 20

BALLOT TALLY CERTIFICATION

Election officials are responsible for providing a full accounting of the ballots cast in the election and announcing the results of the election to the membership. The sample Ballot Tally Certification below, which includes a ballot recap and the election results, can be used to fulfill both of these purposes.

To account for all ballots cast in the election, officials should enter the number of valid ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots in the Ballot Recap section of the Ballot Tally Certification. Added together these three entries should equal the total number of ballots cast in the election. Election officials should also enter vote totals for each candidate in the Election Results section, entering "None" where appropriate. Before entering the tally results, election officials should double check the figures with vote totals on the tally sheets and the vote summary sheet for accuracy.

Election officials should sign the Ballot Tally Certification and request observers to sign in the appropriate spaces. However, observers are not required to sign the certification if they choose not to do so.

Election officials may wish to post copies of the completed certification at the union hall and the work site(s), give copies to candidates, and provide a copy to union officials when making their final report on the election. The original certification should be kept by the union with the ballots and other election records for at least one year, as required by federal law.

FIGURE 20 (CONT.)

FACTORY WORKERS LOCAL 888 - BALLOT TALLY CERTIFICATION

Date of Election:_____ Tally Location:_____

The undersigned acted as Election Officials or Observers at the tally of the ballots cast in the above-referenced election. We certify that the ballot tally was fairly and accurately conducted, the secrecy of the ballots was maintained, and that the election results were as indicated below.

BALLOT RECAP

	Number of Ballots
Valid Ballots Counted:	_____
Totally Void Ballots:	_____
Unresolved Challenged Ballots:	_____
Total Ballots Cast:	_____

ELECTION RESULTS

Office	Candidate Name	Number of Votes
President	Josephine "Joey" Mintor Manny Gonzalez Jack Roberts	
Vice President	Bill Simmons Tammy Pinski	
Secretary-Treasurer	Betsy Fontana David R. Dennis	
Recording Secretary	Bill Palmer Chris Jenkins	
Executive Board Member (3 positions)	Jeff Barnes, Jr. Lois Lawson Ruth Smith Jane Adkins Richard "Dallas" Riker	

OBSERVERS	ELECTION OFFICIALS
_____	_____
_____	_____
_____	_____
_____	_____

Chapter 15: Election Protests

The election is finally over! You worked hard and learned a lot about election procedures as well as human nature. Although you may be pleased with the job that you and the other election officials did, you may have heard rumors that some losing candidates or their supporters are going to file a protest about some of the election procedures used or the decisions that you made during the conduct of the election. Don't take this personally. Keep in mind that election problems can and do occur. If a formal protest is filed, your job as an election official may not be over if your union's constitution and bylaws provide for election officials to rule on the merits of any protests raised by candidates or members regarding the election.

The Six Most Common Complaints

No figures are available on the number of union officer elections which are challenged each year, but most of these protests are resolved by unions through their internal appeal processes. The Department of Labor (DOL) - Office of Labor-Management Standards (OLMS) receives approximately 180 union officer election complaints annually from members whose internal union protests have not been resolved to their satisfaction. These complaints cover a broad range of allegations concerning nomination and election procedures. Based on experience in investigating election complaints since 1960, OLMS has found that the following are the six most common reasons why union officer elections are challenged:

- use of union or employer funds, facilities, equipment, or supplies to support a candidate
- non-uniform application of candidate eligibility requirements
- denying eligible members the right to vote or permitting ineligible persons to vote
- lack of secret ballot
- failure to provide adequate safeguards to insure a fair election, including failure to safeguard ballots properly
- failure to follow provisions of the union's constitution and bylaws

Most of these six reasons for election protests can be eliminated by careful planning and by following the requirements and suggestions in this Guide. Nevertheless, problems can occur even for the most knowledgeable and conscientious election officials who can be faced with an election protest based on circumstances beyond their control. Also remember that some allegations raised in election protests may have no merit and others, while perhaps "technical" violations of federal law, may have had no effect on the outcome of the election.

Role of Election Officials

If a protest is filed concerning the election, you and the other election officials may be called upon to play an important role in deciding its merits and determining whether any corrective action, such as conducting a rerun election, should be taken. This responsibility may be difficult since you need to remain totally impartial while gathering and analyzing information which may be critical of your actions as an election official. At this time it will be necessary for you to keep your emotions under control, refrain from entering into arguments or debates with the complaining parties, and above all recognize that your responsibility to the membership is not yet complete. Remember that the right to protest the conduct of an election is guaranteed by federal law and is probably included in your union's constitution and bylaws as well.

The past practice of your union and provisions in its constitution and bylaws will determine your specific role in dealing with an election protest. Your responsibility may be very limited and require only that you provide information and election records to others (usually parent or intermediate body officials) assigned to handle the protest. On the other hand, you may be called upon to actively review the allegations, decide their merits, and prepare a report of your findings and recommendations for the membership. If the matter is appealed to a higher union body, you may be required to appear at a hearing or similar fact-finding proceeding to provide information about the conduct of the election and/or your handling of the election protest.

Handling Protests

If you as an election official have a role in resolving an election protest, one of the first steps that you should take is to closely review those provisions of your constitution and bylaws which deal with election protests. Many unions require that certain actions be carried out within a specific time frame by any candidate or member who wishes to challenge an officer election. For example, a complaining member may have to file a written protest to election officials within 10 days after the election, stating the specific reasons for the protest. Election officials may also be required to respond to an election protest within a specified time period. You should closely follow the protest procedures and time frames in your union's constitution and bylaws. To avoid misunderstandings, you should also request that any oral protests to election officials be put in writing. Any questions concerning the proper method for protesting the election should be directed to your union's parent body.

After confirming that a member has followed the union's required protest procedures, election officials should review the allegations raised in the protest and discuss what information will be needed to resolve the protest. You should realize that in some instances a member may raise an allegation which even if true is not an election irregularity. In such cases election officials may decide that they do not have to pursue the allegation further. However, in most instances you will probably need to take further action (such as reviewing union records or talking to individuals who can provide necessary information) in order to resolve the protest. For guidance on resolving election allegations, see "Seven Steps for Resolving Protests" below.

While carrying out your responsibilities in connection with an election protest, you should take notes and keep them along with copies of any pertinent correspondence or other records. These records will be important in developing your findings and recommendations and will serve to refresh your memory if you are asked to explain your decisions at a later time. Again, remember that it is important for election officials to work as a team to handle and resolve any election protests.

Seven Steps for Resolving Protests

Election officials should generally follow seven steps in resolving each election allegation that is properly raised. As an example, if a protest alleged that retired members were improperly allowed to vote, the election officials should:

1. Review the election protest thoroughly to decide what information is needed to resolve the allegation that retired members were improperly allowed to vote.

2. Talk to the protesting member in order to clearly understand the allegation and to obtain any specific information needed, such as the names of any individuals who allegedly should not have been permitted to vote and the reasons they should not have voted.

3. Review the constitution/bylaws and the election rules to determine the voting status and rights of retired members.

4. Review election records, such as the voter eligibility list and voter register, to determine if the retired members cited by the protesting member and any other retired members actually voted in the election.

5. Interview members and other persons, as necessary, such as the employer or the retired members themselves, to verify retirement dates of the retired members alleged to be ineligible to vote.

6. Decide if the allegation is true by reviewing all the information gathered by the election officials and discussing the findings as a team.

7. Determine how many votes may have been affected if the allegation is true, which in this example would be the total number of retired members who improperly voted in the election.

These seven basic steps can be used to resolve any allegations which may be raised during the course of the nomination and election process as well as any protests filed after the election is over. However, election officials should recognize that it may not be necessary to complete each of the seven steps in order to resolve every issue. What is most important is for election officials to obtain and rely on the facts, not speculation, hearsay, or rumors. At this stage your role is that of a fact finder and you must determine if an allegation is true.

Determining Appropriate Action

After all allegations have been reviewed and the facts determined, election officials must decide what action is appropriate. If an allegation has no merit, no corrective action is necessary and election officials should deny the protest. Any allegation which has merit should be closely analyzed to determine the number of votes affected and the possible impact on the election results. For example, if 16 ineligible retired members voted, then 16 votes were affected. Consequently, any race decided by 16 or fewer votes should be rerun. Of course, many times the impact of a specific irregularity on election results is not as easy to measure as in this example. Two points should be stressed: 1) since it is unfair to force winning candidates to undergo a rerun election without a substantial reason, the impact of any irregularity on the election results must be carefully considered before a decision is made to rerun the election and 2) if an irregularity affects only one race or some races, only the affected race(s) should be rerun.

Election officials should 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. If a protest is denied, election officials should also advise the protesting member of the basis for the decision and the procedures and time limits in the constitution and bylaws that must be followed to appeal the decision, such as an appeal to the parent body president or executive board.

Decisions about how to remedy election irregularities and whether to rerun elections are often difficult and may involve many different factors. You may also feel pressured by time deadlines or by candidates from both sides who want a favorable decision. Election officials should seek advice from parent body union officials or OLMS as necessary.

If a rerun election does become necessary, the same procedures and requirements which applied to the initial election should be followed. Of course, special precautions should be taken to insure that the problems which caused the need for the rerun do not happen again.

OLMS Role

A union member has the right under federal law to file a complaint with OLMS regarding the conduct of a union officer election within one calendar month after meeting certain conditions. Before filing an election complaint with OLMS, a member must have either exhausted internal remedies within the union or pursued them for three months without obtaining a final decision from the union.

Therefore, a union always has the first opportunity to review and resolve any officer election protests while the government (OLMS) is in essence the "last resort" — the final appeal for a complaining candidate or member.

If a timely election complaint is filed with OLMS, an OLMS investigator will examine the allegations which the complaining member made to the union and generally follow the same seven steps suggested earlier for resolving a protest. The investigator also acts as a fact finder and will review provisions of your union's constitution and bylaws and any other union election rules; interview the complaining member(s), union officers, and others; and review nomination and election notices, eligibility lists, ballots, tally sheets, and other election records.

In most cases the investigator will also talk to election officials since they have the most knowledge about the procedures used in the election. Any information which you can provide, including notes and copies of election materials, as well as your viewpoint, will be very helpful in resolving the complaint. If any problems occurred, explain to the OLMS investigator what happened and why. We realize that unintentional mistakes are sometimes made and that some factors may have been beyond your control. Nevertheless, it is the responsibility of OLMS to determine if the election was conducted in accordance with the requirements outlined in Title IV of the LMRDA.

In order to resolve election controversies in a timely manner, OLMS is required by the LMRDA to complete its investigation promptly. If an investigation discloses unremedied violations of the LMRDA which may have affected the outcome of the election, OLMS will attempt to remedy the violations through voluntary compliance by the union. Corrective action may include rerunning all or a portion of the challenged election under OLMS supervision or, in some cases, installing properly elected officers. If necessary, OLMS may file suit to have a federal district court set aside the challenged election and order a new election under OLMS supervision.

Your cooperation and assistance in any OLMS investigation will help resolve your union's election dispute, minimize government involvement in your union's affairs, and allow your union to get back to its normal day-to-day operations as quickly as possible.

A Final Word from OLMS

Now that your election responsibilities are finished, we would like to say "thanks." In your role as an election official, you have made a valuable contribution to union democracy and have completed a difficult job, perhaps under trying circumstances. When your union selects new election officials to conduct its next election of officers, please share your experiences with them, provide advice about the best way to run the election, and recommend that this Guide be used.

References

Labor-Management Reporting and Disclosure Act of 1959, As Amended
Title IV - Elections

Terms of Office; Election Procedures
(29 U.S.C. 481)

Sec. 401. (a) Every national or international labor organization, except a federation of national or international labor organizations, shall elect its officers not less often than once every five years either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot.

(b) Every local labor organization shall elect its officers not less often than once every three years by secret ballot among the members in good standing.

(c) Every national or international labor organization, except a federation of national or international labor organizations, and every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate for office in such labor organization in the district court of the United States in which such labor organization maintains its principal office, to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing of such labor organization and to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members, and whenever such labor organizations or its officers authorize the distribution by mail or otherwise to members of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution. Every bona fide candidate shall have the right, once within 30 days prior to an election of a labor organization in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

(d) Officers of intermediate bodies, such as general committees, system boards, joint boards, or joint councils, shall be elected not less often than once every four years by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot.

(e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof. Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address. Each member in good standing shall be entitled to one vote. No member whose dues have been withheld by his employer for payment to such organization pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in such

organization by reason of alleged delay or default in the payment of dues. The votes cast by members of each local labor organization shall be counted, and the results published, separately. The election officials designated in the constitution and bylaws or the secretary, if no other official is designated, shall preserve for one year the ballots and all other records pertaining to the election. The election shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of this title.

(f) When officers are chosen by a convention of delegates elected by secret ballot, the convention shall be conducted in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of this title. The officials designated in the constitution and bylaws or the secretary, if no other is designated, shall preserve for one year the credentials of the delegates and all minutes and other records of the convention pertaining to the election of officers.

(g) No moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such moneys of a labor organization may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

(h) If the Secretary, upon application of any member of a local labor organization, finds after hearing in accordance with the Administrative Procedure Act that the constitution and bylaws of such labor organization do not provide an adequate procedure for the removal of an elected officer guilty of serious misconduct, such officer may be removed, for cause shown and after notice and hearing, by the members in good standing voting in a secret ballot conducted by the officers of such labor organization in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of this title.

(i) The Secretary shall promulgate rules and regulations prescribing minimum standards and procedures for determining the adequacy of the removal procedures to which reference is made in subsection (h).

Enforcement
(29 U.S.C. 482)

Sec. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation, may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it deems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds--

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

Application of Other Laws
(29 U.S.C. 483)

Sec. 403. No labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive.

Labor-Management Reporting and Disclosure Act of 1959, As Amended
Title V - Safeguards for Labor Organizations

Prohibition Against Certain Persons Holding Office
(29 U.S.C. 504)

Sec. 504. (a) No person who is or has been a member of the Communist Party* or who has been convicted of, or served any part of a prison term resulting from his conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

(1) as a consultant or adviser to any labor organization,

(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any Labor organization,

(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, or

(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of thirteen years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least three years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, the United States district court for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements under section 994(a) of title 28, United States Code, determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the court shall hold a hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The court's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection.

(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(c) For the purpose of this section—

(1) A person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

(2) A period of parole shall not be considered as part of a period of imprisonment.

(d) Whenever any person—

(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.

***** The U.S. Supreme Court on June 7, 1965, held unconstitutional as a bill of attainder the section 504 provision which imposes criminal sanctions on Communist Party members for holding union office (U.S. v. Brown, 381 U.S. 437, 85 S. Ct. 1707).

Checklist for Conducting Local Union Officer Elections

This checklist has been developed by the Office of Labor-Management Standards (OLMS) to help election officials conduct union officer elections in accordance with the requirements of the Labor-Management Reporting and Disclosure Act of 1959, as amended. Organized chronologically, the checklist is designed to serve as a reminder of the various tasks which should be completed during the nomination and election process, including polling place procedures. If your union elects its officers by mail ballot or allows absentee ballots, election officials should also read *Electing Local Union Officers by Mail* for information and practical suggestions on how to conduct your union's election properly, using a double envelope system to insure ballot secrecy.

Planning

- ☐ Review the union's constitution and bylaws as well as any other union election rules for information regarding nomination procedures, candidate qualifications, and voter eligibility requirements. Remember that elections must be conducted in accordance with provisions of your union's constitution and bylaws as long as they are not inconsistent with federal law.
- ☐ Contact current officers to find out how your union's most recent election was conducted and if any problems occurred. Also obtain copies of prior notices, ballots, tally sheets, and other records to use as models in the upcoming election.
- ☐ Meet with the other election officials to establish election and campaign rules, develop a general timetable which allows adequate time for each stage of the election, and discuss specific election duties.
- ☐ Select a polling site(s) and schedule polling hours which will provide all members a reasonable opportunity to vote. If the voting will take place on employer property, contact the employer to obtain approval.
- ☐ Contact your union's parent body or one of the OLMS offices if questions arise about any nomination or election requirements.

Nominations

- ☐ Prepare a nomination notice that specifies the date, time, and place for submitting nominations and the offices to be filled (and identifies any offices for which the officer is a delegate by virtue of election to office). If appropriate, the nomination notice should also include the term of office, instructions for making, seconding, and accepting nominations, and eligibility requirements for candidates and nominators. A union may use a combined nomination and election notice as long as it is mailed to every member and includes all required information.
- ☐ Post and/or mail the nomination notice to all members in enough time to allow a reasonable opportunity for nominating candidates. Take steps to notify sick, laid-off, or other nonworking members who may be eligible to nominate candidates but who might not see a notice posted only at the work site(s) or union hall.
- ☐ Keep an accurate record of all nominations made including the names of nominators, members who second nominations, and the nominees and positions for which they were nominated.
- ☐ Check the eligibility of nominators (and members who second nominations) at the nomination meeting if your union requires them to be in good standing. Allow another member the opportunity to make the nomination if the original nominator is not in good standing.

- ☐ Determine the eligibility of all nominees and obtain nomination acceptances or declinations from each nominee. All candidate eligibility requirements must be set forth in writing in the union's constitution and bylaws and must be applied uniformly to all candidates.
- ☐ Notify all eligible candidates of their nomination and request the preferred listing of each candidate's name or nickname on the ballot in accordance with the election rules. Advise any ineligible candidates in writing of the specific reason(s) for their disqualification.

Campaign Guidelines

- ☐ Notify candidates (in writing or by holding a meeting) of all election and campaign rules including the right to inspect the union's membership list, the right to have the union distribute campaign literature to members at each candidate's expense, and the right to have observers at the polling place and the tally of ballots.
- ☐ Advise candidates and current officers about the prohibition against the use of union and employer funds (including cash, facilities, equipment, supplies, and campaigning on time paid for by the union or employer) to support any person's candidacy in a union officer election.
- ☐ Allow candidates to inspect (not copy), once within 30 days before the election, a list of all members subject to a collective bargaining agreement which requires union membership as a condition of employment.
- ☐ Make arrangements to comply with all reasonable requests by a candidate to distribute campaign literature to members at the candidate's expense. If necessary, the union should employ additional temporary staff or a professional mailer to handle requests.
- ☐ Treat all candidates equally. For example, if any candidate is allowed to give a campaign speech at a union meeting or publish an article in the union's newspaper, all candidates for that position should be advised of and given the same opportunity.

Election Preparations

- ☐ Update the union membership address list; remind members of the upcoming election through notices posted at the work site(s) or in the union newspaper and solicit any address changes.
- ☐ Prepare an election notice that specifies the offices to be filled and the date, time, and place of the election. If appropriate, the election notice should also include voter eligibility requirements, voter identification procedures, and information regarding absentee balloting.
- ☐ Mail an election notice to every member at his or her last known home address at least 15 days prior to the election as required by federal law. Also post copies of the notice at the work site(s) and the union hall in an effort to reach members who may not receive the mailed notice.
- ☐ Determine each candidate's position on the ballot in accordance with your union's election rules.
- ☐ Arrange for ballots to be printed and for the printer to provide an official count.
- ☐ Check the ballot carefully before and after printing for accuracy. Insure that each candidate's preferred name is used and correctly spelled, each office indicates the correct number of positions to be filled, and each candidate is listed for the proper office in the correct order.
- ☐ Maintain custody of and safeguard all ballots and be able to account for all ballots printed.
- ☐ Prepare an accurate voter eligibility list for use at the polls and update it, if necessary, immediately prior to the election.
- ☐ Establish challenged ballot rules (including the use of a double envelope system) for those persons whose voter eligibility is questioned at the polls.

- ☐ Inspect the polling site prior to election day. Plan how to best use the voting area, including the location of the registration tables, voting booths, ballot box, and observer area.
- ☐ Obtain a sufficient number of voting booths, partitions, or other dividers to provide a place for members to mark their ballots in secret.
- ☐ Plan for the tally of ballots and determine the counting and voiding procedures to be used. Prepare tally sheets to be used at the ballot count.

Polling Place Procedures

- ☐ Insure that adequate information to verify voter eligibility and necessary equipment and supplies (including ballots and ballot box, voting booths/partitions, pencils, voter register, rubber bands, tape, etc.) are available at the polling site.
- ☐ Permit each candidate to have an observer(s) at the polls. Allow observers to monitor (but not disrupt) the election process and challenge the eligibility of any voter.
- ☐ Confirm that the ballot box is empty and seal it in the presence of observers before the polls open.
- ☐ Insure that any voting machines used are operating properly, that all candidates are listed correctly, and that the machine counters are set at zero. Be sure to have a supply of paper ballots on hand if machines break down or it becomes necessary to use challenged ballots.
- ☐ Open the polls at the scheduled time and follow the polling hours listed in the election notice.
- ☐ Require voters to identify themselves and sign a voter register before being issued a ballot by election officials.
- ☐ Check the eligibility of each voter and take steps to make sure that a member can only vote once by marking each voter's name off the eligibility list.
- ☐ Do not issue ballots to voters until a voting booth or other private space is available and insist that voters cast their ballots in secret.
- ☐ Provide a replacement ballot to any voter who spoils a ballot while voting. Maintain custody of all spoiled ballots and account for them at the completion of the ballot tally.
- ☐ Allow only election officials, voters, and observers in the polling area. Insure that election officials and observers do not wear campaign buttons, stickers, or other campaign apparel, and do not engage in any type of campaigning in the polling area.
- ☐ Maintain order at the polls at all times. Check the voting area periodically and remove any campaign material left behind by voters. Enforce a "no loitering" rule and establish an exit route for persons who have already voted.
- ☐ Establish procedures to provide assistance on an impartial basis to physically impaired or foreign language speaking voters.
- ☐ Close the polls on time but permit members in line at closing time to vote.
- ☐ Account for all ballots used at the polling site including any spoiled and sample ballots. The number of ballots printed minus the number of ballots issued to members should equal the number of unused ballots.

Ballot Tally

- ☐ Begin the ballot tally only after all polls are closed.
- ☐ Open the ballot box in the presence of observers. Direct ballot counters to unfold ballots and place them in stacks of 50 or 100 in order to obtain the total number of ballots cast and to insure accuracy during the actual vote count.
- ☐ Allow observers to watch the counting and other related activities closely enough to verify the accuracy of the tally. However, observers should not be permitted to handle the ballots.
- ☐ Attempt to resolve any challenged ballots at the start of the tally. Keep a record of decisions made and explain the reason for each voter eligibility decision to observers. Mix in challenged ballots resolved as eligible with other ballots not yet counted to preserve secrecy.
- ☐ Count the votes on each ballot and enter the results on tally sheets, stopping at the end of each stack of 50 or 100 ballots to verify vote totals for each candidate.
- ☐ Void the entire ballot if it contains information identifying the voter. Void only the particular office involved if voter intent is not clear or if too many candidates have been selected for an office.
- ☐ Announce the tally results for each office. Report the number of valid ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.
- ☐ Pack and seal in boxes all used and unused ballots, tally sheets, voter registers, voter eligibility lists, and other election materials upon completion of the tally.

Post-Election Activity

- ☐ Publish and post the election results promptly.
- ☐ Maintain all nomination and election records for at least one year as required by federal law.

If you have any questions about the election procedures outlined in this checklist or wish to obtain additional information about union officer elections or other requirements of the Labor-Management Reporting and Disclosure Act of 1959, as amended, contact the nearest OLMS field office.

OLMS Field Offices

Staff is available to answer questions about the LMRDA at OLMS offices in the following cities:

Atlanta, GA	Dallas, TX	Kansas City, MO	New Orleans, LA	San Francisco, CA
Birmingham, AL	Denver, CO	Los Angeles, CA	New York, NY	Seattle, WA
Boston, MA	Detroit, MI	Miami, FL	Newark, NJ	Tampa, FL
Buffalo, NY	Grand Rapids, MI	Milwaukee, WI	Philadelphia, PA	Washington, DC
Chicago, IL	Guaynabo, PR	Minneapolis, MN	Phoenix, AZ	
Cincinnati, OH	Honolulu, HI	Nashville, TN	Pittsburgh, PA	
Cleveland, OH	Houston, TX	New Haven, CT	St. Louis, MO	

For the address and telephone number of our field offices, please consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, or view our online organizational listing at **http://www.dol.gov/olms/contacts/lmskeyp.htm**.

Electing Local Union Officers by Mail

This pamphlet has been developed by the Office of Labor-Management Standards (OLMS) to help election officials conduct union officer elections by mail in accordance with the requirements of the Labor-Management Reporting and Disclosure Act of 1959. Many unions conduct officer elections by mail because their members are dispersed over a wide geographic area making travel to polling sites difficult. In addition, some unions that conduct their elections at polling places also allow absentee voting by mail.

If questions arise about mail balloting procedures or other election requirements not covered in this pamphlet (such as nomination procedures, candidate eligibility, and campaign rights and restrictions), election officials should contact the union's parent body or the nearest OLMS field office listed on the last page of this publication.

If your union conducts its election at a polling site, election officials should read the OLMS pamphlet entitled *Checklist for Conducting Local Union Officer Elections*, which is designed to serve as a reminder of the various tasks that should be completed during the nomination and election process.

Preparations

- Develop a time schedule for each step of the mail ballot election (ballot printing, mailing, return deadline, and counting) which allows adequate time for completing each phase. As a general rule, allow 3 to 4 weeks for members to mark and return their ballots.
- Establish a date and time by which voted ballots must be received in order to be counted and clearly announce this deadline in the voting instructions. Do not use a postmark date for the ballot return deadline date because a significant percentage of mail is not postmarked.
- Update the union's membership address list to insure that the address for each member is correct. Review the union's most recent mailing to all members to determine if any pieces of mail were returned undelivered, make a list of members for whom new addresses are needed, and attempt to obtain updated addresses for those members. For additional guidance, read the OLMS publication entitled *Updating Your Union's Membership Mailing List*.
- Arrange with postal officials for a special restricted-access post office box to be used solely for the receipt and storage of voted ballots. Do not use the union's regular post office box or union office for the receipt of voted ballots. Instruct postal officials that ballots must be released only at a specified time on the ballot return deadline date and only to authorized union election officials.
- Arrange with postal officials for a second post office box for ballot packages returned undelivered. This post office box will serve as the return address on the ballot package mailed to members.
- Notify candidates of all election and campaign rules including the right to inspect, once within 30 days before the election, a list of all members (subject to a collective bargaining agreement which requires union membership as a condition of employment) and the right to have the union distribute campaign literature to members at each candidate's expense. Also advise candidates and current officers about the prohibition against the use of union and employer funds (including facilities, equipment, supplies, and campaigning on time paid for by the union or employer) to support any person's candidacy in a union officer election.

- Advise candidates of the date, time, and place for the preparation and mailing of ballot packages; information about any ballot package remailing; the date, time, and place of the ballot pickup at the post office and tally; and their right to have observers at each of these activities.
- Prepare an accurate voter eligibility list with up-to-date member addresses. In order to facilitate ballot sorting and voter identification at the tally of ballots, election officials should assign a sequential number to each member's name on the eligibility list. This same "voter identification number" should be placed in the lower left corner of the voter's corresponding return ballot envelope before mailing the ballot packages.
- Obtain the necessary materials and prepare a mail ballot package for each member which provides for ballot secrecy, using a double envelope system.

The Mail Ballot Package

The five mail ballot package items illustrated below include recommended formats and dimensions of the three different size envelopes needed. Each member should receive the following items:

Item 1: Secret Ballot Envelope

Secret Ballot Envelope

(Do not write your name or other identifying information on this envelope.)

3 ⅝″ x 6 ½″ (No. 6 ½ envelope)

This small envelope, either blank or printed with the words "Secret Ballot Envelope," will be used by the voter to enclose the marked ballot. Advise members not to place any identifying information on this envelope.

Item 2: Return Ballot Envelope

Name_____ (Please print.)
Address _____

Factory Workers Local 999
Election Committee
P.O. Box 146
Columbia, MO 65203

#651

3 ⅞″ x 8 ⅞″ (No. 9 envelope)

This envelope will be used by the voter to return the secret ballot envelope with the marked ballot sealed inside. It should be pre-addressed to the post office box for returned voted ballots and contain space for the voter to print his or her name and address in the upper left corner. If a voter identification number has been assigned (which corresponds to the voter's number on the voter eligibility list), it should appear in the lower left corner of this envelope.

Item 3: Large Mailing Envelope

Factory Workers Local 999 Election Committee
P.O. Box 122
Columbia, MO 65203

John Doe
1018 Bradshaw Avenue
Columbia, MO 65203

4 ⅛″ x 9 ½″ (No. 10 envelope)

This large envelope will be used to mail the other four mail ballot items to each member. The return address should be a post office box designated solely for the receipt of ballot packages returned undelivered so that they can be remailed by election officials after obtaining correct addresses.

Item 4: Election Notice and Voting Instructions

If election notices were not mailed to members previously, the ballot package may serve as the election notice provided it is mailed at least 15 days prior to the date when ballots must be mailed back in order to be counted and contains voting instructions which are clear and complete such as those in the following example for a fictitious union - Factory Workers Local 999.

Factory Workers Local 999

Election Notice

A secret ballot election for the offices of president, vice president, secretary-treasurer, recording secretary, and three (3) executive board members is being conducted by mail. Ballots for this election are being mailed to members on July 12, 2007. Any eligible member who has not received a ballot in the mail at home by July 17, 2007 or any member who spoils a ballot may request a new ballot by contacting Election Chairperson Dennis Ricci at 555-1234. If you request and return another ballot, only the replacement ballot will be counted.

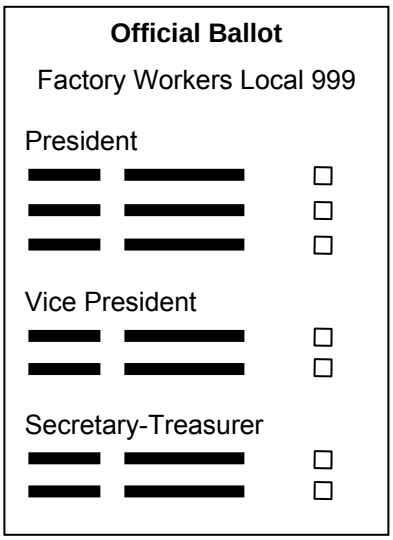
Instructions For Mail Voting

Please read the following instructions carefully before marking and mailing your ballot:

- Mark an "x" or place a "√" in the box next to the name of the candidates of your choice. Do not place your name, initials, or any other identifying information on the ballot. Ballots containing any identifying information will be voided.
- Place your marked ballot in the small envelope labeled "Secret Ballot Envelope" and seal it. Do not write on this envelope. You must use the secret ballot envelope to insure that ballot secrecy is maintained. Failure to use the secret ballot envelope will result in your ballot being voided when the ballots are counted. If your ballot package does not contain a secret ballot envelope, you may obtain one by contacting Election Chairperson Dennis Ricci at 555-1234.
- Insert the sealed secret ballot envelope containing your marked ballot into the return envelope pre-addressed to the Local 999 Election Committee and seal it. Print your name and address in the return address space on the return ballot envelope.
- Your name on the return ballot envelope will identify you as an eligible voter. The number in the lower left corner of the return ballot envelope will be used by the Election Committee for sorting ballots and determining voter eligibility at the ballot count. Your vote will remain secret because the secret ballot envelope containing your ballot will be separated from the return ballot envelope and mixed with other secret ballot envelopes before it is opened and the ballot counted.
- Ballot secrecy can only be preserved if you personally mark and mail your ballot. Do not allow anyone else to mark or handle your ballot or see how you vote. Do not give your ballot to anyone else for mailing. Do not hand deliver your ballot to the union office.

Important: Mail your ballot in sufficient time for it to be received at P.O. Box 146, Columbia, MO 65203 no later than 3:00 p.m. on August 6, 2007.

Item 5: Unmarked Ballot



Election officials should insure that each voter is sent a blank ballot. Ballots should be checked (before and after printing) to insure that each candidate's preferred name is used and correctly spelled, each office indicates the correct number of positions to be filled, and each candidate is listed for the proper office in the correct order.

- Check the mail ballot packages carefully after they are prepared to make sure that all necessary items are enclosed, the envelopes are properly addressed, and that any assigned voter identification number on the return ballot envelope in each member's ballot package matches the number assigned to that member on the voter eligibility list.
- Retain custody of the ballot packages until mailing and safeguard blank ballots throughout the balloting period. Election officials must be able to account for all ballots printed. The number of ballots printed minus the number of ballots issued to members (in the initial mailing as well as any additional mailing) must equal the number of unused ballots on hand at the end of the election.
- Mail a ballot package to every member. If a separate election notice is not mailed, ballot packages must be sent to all members, not only to members in good standing. Ballot packages should be mailed to members at least 15 days prior to the date when they must be mailed back in order to be counted. Members must be given a reasonable time to receive, mark, and return ballots.
- Send ballot packages by first class mail to insure that all members receive ballots in a timely manner. Obtain a statement from the post office indicating the number of ballot packages mailed.

During the Balloting Period

- Ask postal officials not to release information to anyone about the number of ballots returned or the names of the voters prior to the time of the ballot pickup.
- Pick up any ballot packages mailed to members which have been returned undelivered to the post office box obtained for this purpose. Attempt to obtain accurate addresses for these members. Ballot packages with updated addresses should be remailed as soon as possible. Observers have the right to be present for the pickup and remailing of ballot packages.
- Advise members how to request another ballot if the ballot package is not received or if the ballot is spoiled while voting. Include this information in the election notice (as illustrated in the sample notice on page 4 of this pamphlet), post a copy of the election notice at the union hall and at work sites, and print an announcement in any union publication. Send a replacement ballot package to any eligible member who makes a request.

- Keep a list of the names and addresses of any members who request replacement ballots. Replacement ballot return envelopes should be marked with a special designation (such as "D" for duplicate) to alert election officials at the tally that these members have been sent more than one ballot. A record must be kept of all replacement ballots sent in response to requests and all ballot packages which were remailed after being returned undelivered, including dates received and mailed.
- Plan for the pickup of ballots from the post office and the tally of ballots. Determine the ballot counting method and voiding rules to be used, and prepare tally sheets.

Counting Ballots

- Pick up the envelopes containing the voted ballots from the post office box only at the scheduled date and time, allowing candidates to have an observer present. Under no circumstances should ballots be picked up before the ballot return deadline or by anyone other than election officials.
- Verify voter eligibility at the tally site using the following recommended procedures:
  - Count and record the number of return ballot envelopes received at the post office box, removing any envelopes addressed to a different party.
  - Put the return ballot envelopes in the order (alphabetical, numerical, etc.) which corresponds to the voter eligibility list. Void (but do not open) any return ballot envelope which does not contain information that identifies the member as an eligible voter.
  - Call out the name of each voter and mark the name off the voter eligibility list to insure that no member casts more than one ballot. If a voter's name does not appear on the list, challenge the ballot, add the voter's name to the end of the voter eligibility list, and mark both the list and the envelope with a "C" for challenged ballot.
  - If a voter returns a replacement ballot in an envelope marked by election officials with a "D" for duplicate, indicate that fact on the voter eligibility list and on the list of replacement ballots maintained by election officials. If a voter returns two ballots, election officials must decide in advance which ballot to count. Usually the replacement ballot should be counted; the other returned ballot envelope should be voided.
  - If the return ballot envelope does not contain the voter's name or other required information but does contain information identifying the person as eligible to vote (such as a voter identification number), the ballot should be counted. For example, if a voter uses a pre-printed return address sticker rather than printing or signing his or her name as directed by the voting instructions, the ballot should be counted. (Voters should not be required to sign the ballot return envelope unless election officials are going to physically compare each signature to some other record, a task which is extremely difficult and time-consuming.)
- Resolve any challenged ballots, if possible, before any ballot envelopes are opened and the counting begins. Election officials should keep a record of decisions made and explain the reason for each voter eligibility decision to observers.
- Remove (but do not open) the secret ballot envelopes from the return ballot envelopes after voter eligibility is established and thoroughly mix all of the secret ballot envelopes together to preserve ballot secrecy. Observers should not be permitted to handle any envelopes or ballots.

Prior to the tally, election officials should decide what to do if a voter has not used the secret ballot envelope. Election officials have two choices:

1) Election officials may decide to void a ballot if a voter has not used the secret ballot envelope. (If this policy is adopted, include a warning to members in the voting instructions as illustrated on page 4 of this pamphlet, that a ballot will be voided if it is not returned in the secret ballot envelope.) **or**

2) Election officials may decide to count these ballots, but they must take necessary steps to preserve secrecy. (In such cases, carefully remove the ballot from the return ballot envelope without allowing anyone to see how it is marked. Immediately place the ballot face down and mix it together with the other ballots after they are removed from the secret ballot envelopes to preserve secrecy.)

- Open the secret ballot envelopes, remove and unfold the ballots, and place them face down. (If a secret ballot envelope does not contain a ballot, make a notation to that effect on the envelope and set it aside. Remember to account for any such envelopes when determining the total number of ballots returned.)
- Begin the actual counting of ballots after completing the voter eligibility check and attempting to resolve any challenged ballots. Count the votes on each ballot and enter the results on tally sheets.
- Void the entire ballot if it contains information identifying the voter. Void only the particular office involved if voter intent is not clear or if too many candidates have been selected for an office.
- Announce the tally results for each office. Report the number of valid ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.
- Pack and seal in boxes all return ballot envelopes, secret ballot envelopes, voter eligibility lists, tally sheets, and the used and unused ballots after the counting is completed and keep them for at least one year as required by federal law.
- Publish and post the election results promptly.
- Return to the post office at a later date and pick up any ballots received after the deadline. Void (but do not open) any ballots received after the ballot return deadline, marking the ballot envelopes "Void - Received after Deadline." Retain these ballot envelopes with the other election records.

Office of Labor-Management Standards Field Offices

Atlanta, GA	Cleveland, OH	Kansas City, MO	New York, NY	Seattle, WA
Birmingham, AL	Dallas, TX	Los Angeles, CA	Philadelphia, PA	Tampa, FL
Boston, MA	Denver, CO	Milwaukee, WI	Phoenix, AZ	Washington, DC
Buffalo, NY	Detroit, MI	Minneapolis, MN	Pittsburgh, PA	
Chicago, IL	Ft. Lauderdale, FL	Nashville, TN	St. Louis, MO	
Cincinnati, OH	Honolulu, HI	New Orleans, LA	San Francisco, CA	

For the address and telephone number of our field offices, please consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, or view our online organizational listings at: http://www.dol.gov/olms/contacts/lmskeyp.htm.

Visit us at **www.olms.dol.gov**
E-mail us at **olms-public@dol.gov**
Call the DOL National Call Center at **1.866.487.2365**

NOTES