

LiUNA!

Feel the Power

LOCAL UNION OFFICER ELECTIONS

**A GUIDE FOR LOCAL
UNION JUDGES OF
ELECTION, OFFICERS
AND MEMBERS**

**LABORERS' INTERNATIONAL UNION OF NORTH AMERICA
DECEMBER 2018**

TABLE OF CONTENTS

1.	TIMETABLE	1
1.1	January/February.....	1
1.2	March	1
1.3	April or May	1
2.	JUDGES OF ELECTION	3
3.	NOMINATIONS	4
3.1	Scheduling the Nomination Meeting	4
3.2	Notice of Nomination Meeting	4
3.3	Setting of Officer Salary and Other Compensation	5
3.4	Process of Nomination	5
3.4.1	No Self Nomination	5
3.4.2	Attendance Required.....	5
3.4.3	Qualification of Nominator	5
3.4.4	No Withdrawal.....	6
3.4.5	Nomination for One Office Only	6
3.4.6	No Quorum Requirement.....	6
3.4.7	Slates.....	6
3.5	Order of Nominations	6
3.6	Combination of Offices.....	6
4.	EXAMINATION OF QUALIFICATIONS OF CANDIDATES	8
4.1	Obligation/Right to Appear Before Judges of Election	8
4.2	Process of Examination.....	8
4.3	Qualification for Office.....	8
4.3.1	Two-Year Good Standing Requirement	9
4.3.1.1	Transfers	9
4.3.1.2	Newly Chartered or Merged Local Union	9
4.3.1.3	Members on Checkoff	9
4.3.1.4	Members of Second Union	9
4.3.1.5	Failure to Suspend for Non-Payment of Dues	9
4.3.2	Lawful Resident and Employable	9
4.3.3	Literate	10
4.3.4	Working at the Calling.....	10
4.3.4.1	Supervisors	10
4.3.4.2	Clericals and Administrative Personnel	11
4.3.4.3	Employment in Government or Trade Union Movement	11
4.3.4.4	Periods of Unemployment	11
4.3.4.5	Temporary Illness or Disability	12
4.3.4.6	Retirees	12
4.3.5	Apprentices	12
4.3.6	Additional Qualifications.....	12
4.3.7	Section 504 Disqualification.....	13
4.4	Protests.....	13

5.	SPECIFIC ELECTION MEETING.....	14
5.1	Judges Report.....	14
5.2	Uncontested Election	14
5.3	Further Nominations	14
5.4	Setting Date, Place, and Polling Hours of Election	14
6.	PREPARATIONS FOR ELECTION	16
6.1	Preparation of the Ballot	16
6.2	Slate Voting	17
6.3	Language.....	17
6.4	Custody of the Ballots.....	18
7.	NOTICE OF ELECTION	19
8.	CAMPAIGN	20
8.1	Opportunity to Campaign	20
8.2	Inspection of Membership List	20
8.3	Prohibition Against the Use of Union or Employer Funds or Assets	21
8.4	Distribution of Campaign Literature.....	22
8.5	Specific Campaign Rules.....	23
8.5.1	Sample Ballots	23
8.5.2	Candidate Campaign Speech Cannot Be Censored	23
8.5.3	Campaigning by Clerical or Administrative Staff	23
9.	ELECTION	24
9.1	Voting Area.....	24
9.2	Watchers	25
9.3	Voter Eligibility	25
9.4	Process of Voting.....	26
9.5	Protecting the Secrecy of the Ballot.....	27
9.6	Counting of the Ballots	27
9.7	Voiding Ballots	28
10.	MAIL BALLOT, MULTI-SITE OR MULTI-DAY ELECTIONS	30
10.1	Mail Balloting	30
10.1.1	When Justified	30
10.1.2	Nominations in Mail Ballot Election	31
10.1.3	Mechanics of Voting.....	31
10.1.4	Ballots Returned as Undeliverable.....	32
10.1.5	Watchers	32
10.1.6	Vote Count.....	32
10.1.7	Multi-Site or Multi-Day Elections	33
11.	RETENTION OF VOTING RECORDS	35
12.	ASSUMPTION OF POWERS OF OFFICE.....	36
12.1	Term of Office	36
12.2	Assumption of Powers	36
13.	MEETING AFTER ELECTION	37
14.	PROTESTS OF NOMINATIONS OR ELECTION.....	38

15.	APPENDICES	1
	APPENDIX A: Sample Nomination Notice	1
	APPENDIX B: Sample LIUNA Local Candidate Questionnaire	2
	APPENDIX C: Sample Notice of Election.....	6
	APPENDIX C (1): Sample Notice of Election – Instructions for Mail Ballot Elections	7
	APPENDIX D (1): Sample Ballot	9
	APPENDIX D (2): Sample Ballot – Slate Voting	10
	APPENDIX E: Rules for Watchers	11
	APPENDIX F: Call Method	12
	APPENDIX G: Sample Tally Sheet	14

INTRODUCTION

This Guide is issued to assist LIUNA affiliates in the process of conducting the election of Local Union officers. It is subordinate to the LIUNA Constitution and to law. While every effort has been made to ensure that this Guide correctly states the constitutional and legal requirements, any inconsistencies will be resolved in favor of our Constitution and law. Any provision of this Guide that is not cited to a particular constitutional provision or prior decision of the General Executive Board or General President shall be deemed non-binding guidance.

The Union applies the same principles in the United States and Canada. Any exceptions to this rule are clearly indicated. Accordingly, any election rule or principle based on U.S. statute or regulation will also, in general, be applied to elections in Canada.

The source of the election rules stated herein is given in order that affiliates may confirm the direction given and answer any questions of interpretation or ambiguity.

- (1) Citations to the Constitution are in the form ULUC, Art. [x], § [x] meaning Uniform Local Union Constitution, Article [X], section [X].
- (2) The governing statute is the Labor-Management Reporting and Disclosure Act, which is cited in this document as LMRDA § [X].
- (3) Department of Labor regulations pertaining to Local Union elections are found in the Code of Federal Regulations at 29 C.F.R. § 452.

1. TIMETABLE

A successful election requires early and careful planning. The timetable that follows assumes a normal May or June election. Your Local Union should adopt its own schedule pursuant to the requirements set forth in ULUC, Art. VI, §§ 1, 2(b), 2(j).

1.1 January/February

Officers should map out the schedule of election related events and requirements. This would include not only the election date but related requirements, such as the date of the Nomination Meeting and the dates on which the notices of the Nomination Meeting and the election are to go out. These decisions are subject to membership ratification.

Planning should include some issues not immediately apparent. For example, the Constitution says that the Nomination Meeting is to be 10 to 20 days before the May meeting. ULUC, Art. VI, § 1(a). It does not say who sets the specific date. As a general rule, any authority not specifically delegated remains with the membership to be handled as a normal item of business. Accordingly, the early January/February planning should include consideration of the membership meeting at which a proposal to set the date of the Nomination Meeting will be considered.

Many elections involve a request for a constitutional variance, IUC, Art. IX, § 11(b). This would include the use of a mail ballot or a proposed combination of offices, ULUC, Art. IV, § 2. Early planning should not only consider whether any such variances or approval will be sought but also the membership meeting at which the proposed variance or request will be submitted to the membership for its consideration. See Chapter 3.6, Combination of Offices; Chapter 10.1, Mail Balloting; and Chapter 10.2, Multi-Site or Multi-Day Elections, below.

1.2 March

Membership list should be updated to include most current addresses. Updating of membership list for election purposes continues until election day. See Chapter 3.2, Notice of Nomination Meeting, and Chapter 7, Notice of Election, below. For mail ballot elections, two postal boxes must be secured. This should be done early in the process to ensure availability of boxes.

1.3 April or May

- Appointment of Judges of Election (by Executive Board), prior to Nomination Meeting (if not previously done. See Chapter 2, Judges of Election, below.
- For mail ballot elections, retention of two postal boxes, one for the ballot packages returned as undeliverable and a second for the return of ballots. See Chapter 10, Mail Ballot, Multi-Site or Multi-Day Elections, below.
- Notice of Nomination Meeting, mailed 15 – 30 days before Nomination Meeting. See Chapter 3.2, Notice of Nomination Meeting, below.
- Setting of time and place for candidate examination (by Judges). See Chapter 4, Obligation/Right to Appear Before Judges of Election, below.
- Nomination Meeting, 10 – 20 days before May meeting. See Chapter 4, Obligation/Right to Appear Before Judges of Election, below.

- Inspection of membership list, one time by candidates within 30 days of election. See Chapter 8.2, Inspection of Membership List, below.
- Setting of officer compensation, Nomination Meeting (or prior regular meeting). See Chapter 3.3, Setting of Officer Salary and Other Compensation, below.
- Examination of candidate qualifications, by Judges following nominations. See Chapter 4, Examination of Qualifications of Candidate, below.
- Nomination protests to be filed with GEB within 72 hours of announcement of Judges' decision. See Chapter 14, Protests of Nominations of Elections, below.
- Setting of date of election (by the body), April or May meeting. See Chapter 5.4, Setting Date, Place, and Polling Hours of Election & Notice of Election, below.
- Preparation of ballot and determination (by Judges) of number of ballots to be printed, following May meeting. See Chapter 6.1, Preparation of the Ballot, below.
- Mailing of notice of election, at least 15 days before election (in case of mail ballot election, the notice of election is the mailing of ballots with a return date that is at least 15 days in the future). See Chapter 7, Notice of Election, below.
- Election. See Chapter 9, Election, below.
- Protests, if any, to be filed with GEB within 15 days of election. See Chapter 14, Protests of Nominations or Election, below.
- Certification of results and report to membership at regular meeting following election. See Chapter 13, Meeting after Election, below.

2. JUDGES OF ELECTION

This chapter treats the Judges of Election. It covers timing of their appointment by the Executive Board and their qualifications. It covers the division of responsibilities between the Judges of Election and the officers.

Three Judges of Election must be appointed by the Executive Board prior to the Nomination Meeting. ULUC, Art. VI, § 1(c). One of the Judges of Election is designated chairperson. ULUC, Art. VI, § 2(f). The Local Union's Executive Board can appoint a new Judge of Election if another Judge is unable to perform his or her duties. Many Local Unions anticipate this possibility by appointing an alternate judge. Alternate judges have no official role unless one of the three Judges becomes unavailable.

Any compensation to be provided to the Judges of Election is to be considered and approved by the membership as a normal item of business at the time the Executive Board's appointment of the Judges is announced.

The Judges of Election cannot be candidates for office, but they must possess all the requirements to be a candidate for office except that retired members may serve as Judges of Election. ULUC, Art. VI, § 1(c). An incumbent officer may serve as a Judge of Election only if he or she is not a candidate in the upcoming election.

There is no prohibition on family members or political supporters of a candidate from serving as a Judge of Election. Many Local Unions have traditionally chosen Judges having no relationship with any of the candidates but what matters is whether the resulting election is legally defensible, that is whether members have been afforded a reasonable opportunity to nominate, to be nominated and run for office and to vote in a secret ballot election. If Judges make decisions that place these requirements at risk, officers should not stand aside out of some misguided respect for the independence of the Judges but rather should promptly raise their concerns in order that the election be conducted in a fair and legally defensible manner.

The Judges of Election may wish to consult with former Judges of Election to consider any recommendations they may have.

The Judges should review the election process with the officers and determine which election responsibilities, such as updating the membership address list and mailing the election notices, will be handled by the Local Union officers and/or staff. Note that ULUC, Art. VI, § 2(j), provides that the Secretary-Treasurer is responsible for ensuring that the notices are mailed.

Judges should meet regularly to: (1) confirm that all required tasks are being completed; (2) discuss problems and concerns; and (3) ensure an understanding of their individual roles and responsibilities.

3. NOMINATIONS

This chapter deals with the Nomination Meeting. It covers the scheduling of the meeting (3.1), the notice to be given (3.2), the “other” business to be conducted at that meeting (the setting of officer compensation) (3.3), and the process and rules by which nominations are made (3.4). It covers important questions such as the order of nominations, slate voting and the possibility of combining offices (3.4.7, 3.5 & 3.6). **A sample Notice of Nomination Meeting appears in Appendix A.**

3.1 Scheduling the Nomination Meeting

The Nomination Meeting must be held not less than ten (10) days nor more than twenty (20) days prior to the regular meeting of the Local Union in May of the election year. ULUC Art. VI, § 1(a).

3.2 Notice of Nomination Meeting

Notice of the Nomination Meeting must be mailed to each member in good standing at his or her last known address no less than 15 nor more than 30 days prior to the meeting. ULUC, Art. VI, § 1(b). Notices must be mailed to all members in good standing, including those who are sick, laid-off, or otherwise not working.

Notices should not be mailed to any former member suspended for nonpayment of dues. In this regard, note that dues are owed on the first day of the month and that members are automatically suspended if not paid by the close of business on the last day of the following month. ULUC, Art. VIII, § 4. Dues paid by mail are timely if the postmark is by the last day of the second month.

The nomination notice must identify the offices and positions to be filled in the election, including delegate positions. ULUC, Art. VI, § 1(d). The nomination notice shall reflect that the Business Manager and, if so determined by the Local Union, either the President or the Secretary-Treasurer are delegates to the International Convention and the District Council. ULUC, Art. VI, § 2(g).

See UDCC, Art. IV, § 3, to determine the number of District Council delegates to which your Local Union is entitled.

The notice must also include the date, time, and place of the Nominations Meeting and any variance received from the General President concerning an eligibility requirement. ULUC, Art. VI, § 1(b).

A sample Notice of Nominations appears as Appendix A.

In order to provide legally adequate notice to all members, the Local Union must prepare an accurate, up-to-date list of Local Union members eligible to vote. For the Department of Labor’s guidance on the preparation of accurate membership contact information, see “Updating Your Union’s Membership Mailing List,” (OLMS, October 2002).

The notice must appear in languages other than English if a significant portion of the membership is non-English speaking.

3.3 Setting of Officer Salary and Other Compensation

The salary and compensation of officers must be fixed at the Nomination Meeting prior to nominations or, upon prior written notice to the membership, at the regular membership meeting immediately preceding the Nomination Meeting. ULUC, Art. VI, § 1(d). Salary covers pay; compensation includes benefits such as health and dental insurance, life insurance, vacation pay, sick leave, usage of cars and cellular phones, and similar allowances provided by the Union.

An exact amount is required when setting the salary and other compensation of Local Union officers. The salary and compensation must be capable of verification. For example, it is permissible to decide that officers will receive the contract wage plus \$2.00 as set in a particular contract because this amount is capable of precise determination.

The salary and compensation package must be the same for all candidates for any particular office. It cannot be more favorable to more experienced incumbents than for less experienced potential challengers.

3.4 Process of Nomination

3.4.1 No Self Nomination

A candidate must be nominated and seconded by members in good standing other than himself or herself. ULUC, Art. VI, § 1(f).

3.4.2 Attendance Required

The nominee must be present at the time of nomination, unless absent from the meeting on business of the Local Union, the District Council, or the International Union, or excused for just cause by a vote of the membership of the Local Union. Unexcused absence from a Nomination Meeting shall serve to disqualify such member from any subsequent nomination in the same election. ULUC, Art. VI, § 1(f).

3.4.3 Qualification of Nominator

Each member in good standing, including an apprentice member, has the right to nominate officers. ULUC, Art. VI, § 1(f). See also 4.3.5.

Retired members in good standing are eligible to nominate candidates for Local Union office. ULUC, Art. VII, § 6. Retired members, however, cannot run for office. ULUC, Art. V, § 11.

The nominator's good standing status must be determined at the Nomination Meeting. If unchallenged at Nomination Meeting, the nominator's standing cannot later be raised as a ground to disqualify a nominee or to set the election aside.

3.4.4 No Withdrawal

Once a nomination is accepted and the Judges have determined qualifications, the nominee has no right to withdraw his or her candidacy prior to the election unless the candidate is declared ineligible or withdrawal has been approved by the General President. Upon nomination, a nominee must indicate immediately whether he or she accepts or declines the nomination.

3.4.5 Nomination for One Office Only

After accepting nomination for one office, a candidate cannot withdraw his or her acceptance in order to be nominated and run for another office. ULUC Art. VI, § 1(f). No candidate may be nominated for more than one office. ULUC, Art. VI, § 1(g).

3.4.6 No Quorum Requirement

No quorum requirement may be imposed upon the Nominations Meeting. ULUC, Art. VII, § 3.

3.4.7 Slates

The Constitution does not directly address the issue of slate voting but slate voting is permitted by practice as discussed below. For the purposes of nominations, however, the Constitution provides that “[n]ominations shall be made in the following order: President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate-Convention Delegate, Sergeant-at-Arms, Auditors (3), Executive Board Members, Delegate(s) to the District Council.” ULUC Art. VI, § 1(g). Accordingly, members of a particular slate should be nominated individually by office. For more on slates, please see Section 6.2 herein.

3.5 Order of Nominations

The officers of a Local Union shall include the following positions: President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate-Convention Delegate, Sergeant-at-Arms, three Auditors, and additional members of the Executive Board. ULUC, Art. IV, § 1. Nominations shall be made in that order followed immediately by nomination for Delegate(s) to the District Council. ULUC, Art. VI, § 1(g).

3.6 Combination of Offices

A combination of offices is permitted only if voted by the membership and approved by the General President. ULUC, Art. IV, § 2. A combination of offices approved for one election has no effect in a subsequent election. Therefore, new approvals must be obtained for each term of office.

A candidate running for Business Manager cannot run separately for Delegate to the District Council. A contrary rule would lead to confusion since the Business Manager is a delegate to the District Council by virtue of his office. ULUC, Art. IV, § 4(e)(11). If a candidate were allowed to run for both Business Manager and delegate, and win both, he would hold two delegate positions. The same is true for President or Secretary-Treasurer if the Local Union has designated one of those positions as a second automatic District Council delegate. ULUC, Art. VI, § 4(b).

No member may be a candidate for more than one office. ULUC Art. VI, § 1(g). But, a member can be a candidate for both delegate and a Local Union office other than Business Manager (or President or Secretary-Treasurer, if designated as a second automatic delegate), because the delegate position is not considered an “office” under the ULUC.

Nominations must be received for all offices or positions to be filled, including delegates to the District Council. ULUC Art. VI, § 1(a). That is, it is not permitted to leave some offices or positions vacant to be filled later.

4. EXAMINATION OF QUALIFICATIONS OF CANDIDATES

This chapter covers the examination of the qualifications of candidates. It covers the special examination meeting at which all candidate must appear (4.1). The chapter sets out the process (4.2). Most important, it covers the qualifications for office (4.3), including the two-year good standing requirement (4.3.1) and the working at the Calling requirement (4.3.4). It closes by noting how protests, if any, are to be filed (4.4).

4.1 Obligation/Right to Appear Before Judges of Election

When nominations have been completed, the Chairperson shall announce that all candidates are required to appear before the Judges of Election for the examination of qualifications. ULUC, Art. VI, § 2(a). The Judges of Election shall then announce the time and place when they will meet with nominees to determine whether they have the qualifications to run for office. ULUC, Art. VI, § 2(b). Frequently the examination is set to occur immediately after nominations since all Judges and candidates are present.

Candidates are required to appear before the Judges of Election for examination whether the candidate possesses all of the qualifications required to hold office. Failure to appear at the scheduled time results in the nominee's disqualification unless he or she is absent on business for the Local Union, the District Council or the International Union, or excused for just cause by the Judges of Election. ULUC, Art. VI, § 2(c).

Any member may appear before the Judges to protest a nomination. ULUC, Art. VI, § 2(d).

The Judges may wish to ask candidates to complete a candidacy questionnaire unassisted as an aid to determining eligibility (including literacy). **A sample of one such questionnaire appears as Appendix B.**

4.2 Process of Examination

Upon making a determination on eligibility, the Judges shall notify that candidate in writing of the determination. Ineligible candidates should be notified of the specific reason(s) why they were deemed ineligible.

Judges should maintain reliable records to verify that each nominee meets or fails to meet the candidacy requirements and the basis upon which their determination was reached.

4.3 Qualification for Office

Every member meeting the requirements for eligibility is entitled to run for office. ULUC, Art. VI, § 1(e).

In order to run for office, a member must: (a) have been in good standing with LIUNA and the Local Union for two years; (b) be a lawful permanent resident and lawfully employable under the laws of the United States or Canada; (c) be literate; and (d) have been working at the calling the entire year immediately prior to the nomination. ULUC, Art. V, §§ 1-4.

4.3.1 Two-Year Good Standing Requirement

4.3.1.1 Transfers

A member who has transferred into the Local Union from another LIUNA affiliate is not eligible to be a candidate for office until he or she has been in continuous good standing for two years in his/her new Local Union. IUC, Art. XXI, § 5.

4.3.1.2 Newly Chartered or Merged Local Union

If a Local Union is newly chartered (for a period of less than two years), the two-year good standing requirement does not apply. IUC, Art. V, § 1. For merged Local Unions, good standing membership is measured by considering the continuous membership in both Local Unions. 29 C.F.R. § 452.37.

4.3.1.3 Members on Checkoff

“A member shall not be subject to suspension for an employer’s failure to remit that member’s dues to the Union where that member has executed a valid voluntary dues checkoff authorization card and where the employer has deducted those dues from the member’s wages.” ULUC, Art. VIII, § 4.

4.3.1.4 Member of Second Union

There is no rule barring a member of LIUNA, when unable to find work at the calling, from working at another trade and belonging to another union, provided the member continues actively to seek employment at the calling with LIUNA and accepts work when offered. The question is whether the nominee has been working at the calling as required in ULUC, Art. V, § 4.

4.3.1.5 Failure to Suspend for Non-Payment of Dues

If a member has been suspended for late payment of dues within the past two years, that member has not been in "good standing" for the two previous years. ULUC, Art. V, § 1. As part of the requirement that all candidates be members in good standing for the two years previous to the nomination, a member cannot be a candidate if he has been suspended for late payment of dues during that time period.

The Judges are to accept the Local’s membership records. They are not to entertain a protest that a particular nominee should have been, but was not, suspended at some point in the two years immediately preceding nomination. Claims that the Secretary-Treasurer has failed to suspend those who are delinquent in their dues, see ULUC, Art. VIII, § 4, should be raised through appropriate channels, including a complaint to the Regional Office. Examination for candidate qualification is not the occasion for policing suspension rules.

4.3.2 Lawful Resident and Employable

The custom in many Local Unions is to accept a candidate’s declaration of status of lawful residency and right to hold employment. Further documentation is required only if a protester presents credible evidence placing the issue in question. In other Local Unions the practice is to require the presentation of documentation from all candidates as part of the initial screening

process. Either approach is acceptable so long as it is uniformly applied. Note that the sample candidate questionnaire, Appendix B, contains alternate language to be selected by Local Unions depending on their practice.

Where the issue of lawful residency or status is raised or where a Local routinely requires candidates to produce documentation, a candidate typically proves his qualification by presenting one of the following: (1) birth certificate, (2) passport (unexpired or expired), (3) alien registration receipt card (green card), (4) certificate of naturalization, or (5) other documentation deemed appropriate by the Election Judges. Where all candidates are required to produce one of these documents, notice of this requirement needs to be provided to nominees prior to examination.

4.3.3 Literate

For affiliates employing a **candidate questionnaire, such as that found in Appendix B**, the ability to comprehend and complete the questionnaire without assistance should be deemed sufficient evidence of literacy.

4.3.4 Working at the Calling

ULUC, Art. V, § 4 defines "working at the calling" to include:

- (a) Employment for which the Local Union serves, or is actively seeking to serve, as the exclusive collective bargaining representative of employees;
- (b) Employment in a full-time official capacity for the Local Union, except as described next;
- (c) Employment by the government or the trade union movement in a capacity directly related to the calling and one which would directly benefit the Local Union and its members except that employment by the Local Union in a clerical or administrative decision position shall not be deemed to be "working at the calling;"
- (d) Periods of unemployment where the member was available for and continuously and actively sought employment at the calling which shall be understood to require full compliance with the lawful rules of the referral service or hiring hall, if any, operated by the Local Union;
- (e) Members who can prove they were unable to work because of temporary illness or disability of less than one year so long as that member has a reasonable expectation of returning to work in the foreseeable future.

4.3.4.1 Supervisors

A special working at the calling question is posed by those who may be supervisors. Resolution of this issue involves a two-step inquiry. First, the question is whether the member is working at the calling as defined in ULUC, Art. VI, § 4. As a practical matter, the question is whether that member is employed in a position or classification covered by the collective bargaining agreement and for which the Union serves as the exclusive bargaining representative. ULUC, Art. VI, § 4(a). Second and even assuming that the member satisfies the working at the calling requirement, by law a member is legally barred from holding office if he or she has a conflict of interest, meaning

do they exercise supervisory authority such as to create inconsistent loyalties. 29 C.F.R. § 452.47. This question is more difficult in construction than in other sectors. The line between lead or working foremen, and supervisors is often blurred. It may be that an employee serves as a supervisor on one job but not the next and lacks a long term supervisory status. Accordingly, in construction the question of supervisor eligibility must be considered separately in each case. The fact that a person is prepared to abandon a company position to assume a full-time position as an officer is evidence, but not conclusive evidence, that the member does not have a conflict of interest such as to disqualify him or her from running for office. Factors such as possession or use of a company truck or cell phone are not determinative.

4.3.4.2 Clericals and Administrative Personnel

Members who are employed by the Local Union in a clerical or administrative position are ineligible to run as candidates for office. Nevertheless, they retain their rights as members to participate in the affairs of the Union, as a general matter. Clerical and administrative personnel should approach the issue of undertaking campaign activities with caution. Locals may adopt a blanket rule preventing such employees from campaigning. If such activity is allowed, the Local should take care to dispel any suggestion that future job referral rights or other voter/member rights or benefits could be impacted.

Questions are sometimes raised about particular job titles, such as dispatcher. As a general rule, whether a dispatcher is deemed an administrative position depends on the prior position held. Someone who comes from the field will be treated similarly to a field representative and is eligible to run for office. Someone who was previously in a clerical or support position and did not come from the field will be deemed to be clerical or administrative and ineligible to run for office.

Lawyers, accountants or other professionals are deemed to be ineligible administrative employees.

4.3.4.3 Employment in Government or Trade Union Movement

A number of prior cases have considered the types of positions that qualify as working at the calling, including full time employment as an organizer for a coalition of public employees, service as a full-time editor of an official publication of the AFL-CIO, employment as the county prevailing wage coordinator and service as president of a Metal Trades Council. Conversely, it was ruled that employment as a site safety manager or inspector where those positions were not covered by the collective bargaining agreement were not “working at the calling.”

4.3.4.4 Periods of Unemployment

The question whether a candidate has been “regularly working [at the calling] ... for the entire year immediately prior to nominations” regularly produces questions because of the further rule that periods of unemployment are not disqualifying if the member continuously and actively sought employment, which “require[s] full compliance with the lawful rules of the referral service or hiring hall, if any, operated by the Local Union.” ULUC, Art. VI, § 4(d). For example, the question arises when a member misses a re-registration requirement for referral and goes to the bottom of the list or when a member refuses one or more referral opportunities or when a person foregoes the referral system in order to hustle his/her own jobs.

There are certain principles to keep in mind. In judging these questions, the Constitution requires "due regard shall be given to the good faith involved." ULUC, Art. V, § 4. Where a person shows substantial hours of employment on an annual basis, for example, where a person works sufficient hours to earn a pension credit or to remain qualified for health and welfare coverage, there should be a strong presumption that s/he has been regularly working at the calling for the entire year. By contrary token, if hours worked are insufficient to earn a pension credit or to maintain health and welfare coverage or if there have been gaps in use of the Local Union's referral system, the claim of regular work at the calling should be reviewed more skeptically.

A member can be "working at the calling" even if s/he works non-union if the ULUC, Art. V, § 4(d), requirements are met, in particular, if the member continuously sought referral to covered work fully utilizing any refusal service operated by the Local Union. However, the member is not "working at the calling" if he or she chooses to work non-union jobs instead of taking available union jobs.

4.3.4.5 Temporary Illness or Disability

A member claiming to satisfy the working at the calling requirement through temporary illness or disability, ULUC, Art. V, § 4(e), has the burden of establishing that status. The simple assertion of that status is not enough. Note, a temporarily disabled member must still pay dues during his or her period of disability. The period of disability must be less than one year and there must be a reasonable expectation of returning to work at the calling in the foreseeable future.

4.3.4.6 Retirees

Any person who receives a pension from a pension or retirement fund related to the International Union or any affiliate thereof is presumed to be a retiree and, therefore, not to be working at the calling of the International Union and not to be qualified as a candidate for office. ULUC, Art. V, § 11; see also ULUC, Art. VII, § 6. This presumption of ineligibility can be overcome by, for example, evidence of work performed under covered agreement or one of the other qualifying circumstances set forth in ULUC, Art. V, § 4. Bottom line, the fact that a nominee is receiving a pension from a LIUNA entity does not necessarily mean a person is retired but it is strong evidence of that status.

4.3.5 Apprentices

Apprentices are not eligible to run for or hold office. They can, however, nominate and second others to run for office. ULUC, Art. III, § 4.

4.3.6 Additional Qualifications

From time to time affiliates inquire whether additional rules may be applied if approved by the membership. The law protects the right of every member to run for office subject to reasonable union rules and regulations that are uniformly applied. A rule or regulation will be deemed to be unreasonable if it disqualifies a significant percentage of the membership. As a rule of thumb, any requirement that disqualifies more than 10 percent membership is suspect. Thus, meeting attendance requirements are difficult to defend.

Eligibility for a particular office may not be conditioned upon the previous holding of some other office.

Eligibility for a general office, such as President, may not be limited to a particular branch or segment of the Local Union (based, e.g., on geographic area, craft or shifts). 29 C.F.R. § 452.43.

4.3.7 Section 504 Disqualification

A member may not hold office in (or be employed by) the union for a period of time if s/he has been convicted of certain crimes. The crimes barring office holding include a series of (but not all) felonies, including abuse or misuse of a person's position or employment in a labor organization or employee benefit plan. The prohibition lasts for 13 years after conviction or the end of imprisonment, whichever is later. LMRDA § 504.

NOTE: This is a technical area. If you are aware that a candidate has been convicted of a crime, you are strongly advised to seek advice from counsel. FURTHER NOTE: The sentencing court may shorten this thirteen year period upon request by the convicted person.

4.4 Protests

Nomination protests must be filed in writing with the General Executive Board within three (3) business days from the time that candidates are notified of the determination of qualifications by the Judges of Election. ULUC, Art. XI, § 8.

5. SPECIFIC ELECTION MEETING

The Constitution calls for a number of things to be done at the May meeting. The Judges are to submit their report (5.1). Unopposed candidates are declared elected (5.2). On rare occasion, further nominations are required (5.3). The membership must act at the May meeting (if it did not act at the April meeting) to set the date, time and place of balloting (5.4). Following the meeting a notice must be sent to the membership (5.5).

5.1 Judges Report

After their examination is complete, the Judges prepare a report, which is submitted at the regular May membership meeting. ULUC, Art. VI, § 2(e)

5.2 Uncontested Election

If there are no contested offices, the Judges shall certify that there is no need for an election and the nominees shall be declared duly elected. ULUC, Art. VI, § 2(e). If there is a contest for some but not all positions, the Judges should certify that no election is required for the uncontested positions only. The uncontested nominees do not assume office until the election process is complete.

5.3 Further Nominations

If the Judges of Election disqualify a candidate, nominations are reopened for that office or position if, but only if, the disqualification results in there being no candidate for that office or position or, in the case of Executive Board Members, auditors or delegates to the District Council, fewer candidates than there are positions to be filled. If nominations are reopened, the Judges of Election must immediately examine the new nominees and make a report as to their qualifications at the same meeting. ULUC, Art. VI, § 2(f).

Further nominations are not taken just because the disqualified candidate was nominated as part of a "slate." There is no provision in the Constitution which entitles candidates to a full slate.

5.4 Setting Date, Place, and Polling Hours of Election

At the April or May meeting, the membership must determine and fix the date on which the election will be held and the hours during which the polls will remain open. ULUC Art. VI, § 2(j). Although the Constitution does not explicitly set a limit on how late an election can be scheduled, by practice of longstanding, elections are scheduled for May or June consistent with the date for the election of delegates to the International Union Conventions. IUC, Art. V, § 8(b).

The election must be scheduled at a time and place, and the polling hours must be open for sufficient hours that ensures all members a reasonable opportunity to vote. Generally speaking, a reasonable opportunity is afforded if members do not need to travel more than two hours or more than 100 miles.

The hours during which polling is conducted are also important. Polling limited to a couple of hours during a work day will be difficult to justify. Polling conducted during the hours of a regular

membership meeting (with additional hours as necessary) or on a non-working weekend are more likely to be deemed adequate. If your Local Union has members who work different shifts, the polling place(s) should be open long enough to accommodate such schedules. The legal standard is whether members have been provided a reasonable opportunity to vote.

Where necessary, consider alternative arrangements, such as multiple voting sites, multiple days of polling or mail balloting, as discussed below.

6. PREPARATIONS FOR ELECTION

Preparing for the actual election is a big job. Care must be taken with the design of the ballot (6.1). Slate voting, if used, requires special treatment (6.2). Ballots may need to be provided in a second language (6.3).

6.1 Preparation of the Ballot

The Judges of Election prepare the official ballot based on the list of candidates for each office or elective position obtained from the Recording Secretary. The official ballot must include the names of the candidates for the offices and positions to be filled, including candidates for District Council Delegate(s) (if applicable), listed in the order in which they were nominated. ULUC, Art. VI, § 2(g). The office of Business Manager should be listed as "Business Manager-Delegate-Delegate to the Convention." ULUC, Art. IV, § 1. **Sample ballots are found in Appendix D (1) & (2).**

A candidate may request that his or her nickname appear on the ballot. For example, if candidate John Smith is familiarly known as "Papa", he can request that his name appear on the ballot as "Papa" Smith. Such requests should be denied only if granting the request would create confusion.

Once a nomination is accepted and the candidate is deemed qualified by the Judges of Election, the nominee cannot ask that his or her name be stricken from the ballot for any reason, including a professed unavailability or unwillingness to serve, unless the withdrawal is approved by the General President. ULUC, Art. VI, § 1(f).

Instructions on the ballot should clearly state the manner in which members should mark their ballots; for example, "Mark an X in the box next to the names of the candidates of your choice." The ballot should also indicate the maximum number of votes allowed for each office, for example, "Auditor -- vote for no more than three."

On the face of the ballot or on a sign conspicuously posted at the polling place, inform voters that any marks identifying the voter on the ballot will result in the ballots being voided.

The Local Union is not required to list any position on the ballot that is unopposed. However, many Local Unions choose to do so, listing both the office and the unopposed candidate, in the interest of promoting a fully informed membership.

The Judges consult with the Secretary-Treasurer to determine the number of ballots needed. The Judges make arrangements for the printing of the ballots. ULUC, Art. VI, § 2(h). Affiliates are encouraged to obtain ballots from an outside source, such as a commercial printer, instead of using the Local Union's copy machine. Ask the printer to provide an official count of the number of ballots printed.

The number of ballots printed should be equal to the total number of eligible voters plus about 5 percent. Extra ballots may be necessary for any voter spoiling their ballot and needing a

replacement. On the other hand, having too many extra ballots printed makes it more difficult to safeguard and account for all ballots.

Alternatively, the Local Union may use voting machines. In that case, it is the Judges who make the arrangements for securing the number of voting machines needed. ULUC, Art. VI, § 2(h). If voting machines are used, check that they are operating properly, that candidates are listed correctly, and 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 Department of Labor currently prohibits voting over the internet. It is the Department's view that current technology used by internet and phone-based voting systems does not provide adequate safeguards to ensure secrecy of votes, nor do they allow for the presence of watchers during important phases of the election.

Although not mentioned in the Constitution, it is permissible for the Local to contract with an outside voting company for the conduct of the voting. Increasingly, affiliates are employing this practice. However, even if an outside firm is used, the Judges should maintain oversight of the process to ensure that the Constitution is honored and the secrecy of the ballot maintained.

It is useful to send candidates a sample ballot in advance of printing in order to give them an opportunity to raise any issues they may have at a time when the Judges of Election have an opportunity to correct any errors.

6.2 Slate Voting

Candidates may be listed on the ballot according to affiliation with a particular slate; however, a voter must be able to choose among individual candidates. To avoid any misunderstandings in this regard, the voting instructions should specifically inform the voter that he or she need not vote for an entire slate. 29 C.F.R. § 452.112.

There is no single manner for designating slates. Frequently the slate name appears as a parenthetical following each candidate's name. Candidates may also be listed in columns where the slate name is at the top. The ballot may be designed to permit a voter to choose an entire slate with one designation. To repeat, however, the ballot must permit a voter to choose not to vote for the entire slate but instead to vote by individual candidate. Thus if a slate box is used, boxes that allow individual candidates to be selected must also be included.

6.3 Language

If a substantial portion of the Local Union membership is non-English speaking, prepare all notices and instructions regarding the election in the appropriate language. Even though English is the official language of the International Union, IUC, Art. XXIII, § 4, in some instances the failure to provide bilingual election information may deny members a reasonable opportunity to participate in the election process and may invalidate the election. This consideration applies to all phases of

the election process, including the notice and conduct of the Nomination Meeting, the notice of election and the design of the ballot.

6.4 Custody of the Ballots

The official ballots, once printed, must remain in the custody of the Judges of Election until the day of the election. ULUC Art. VI, § 2(i). If the ballots are kept at the Local Union, they must be in a room or file that can be locked and to which only the Judges have the key or access.

Account for all ballots, even unused ballots. Adopt adequate controls and safeguards 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. For example, if you purchase 500 ballots and 380 valid ballots are cast with 20 improperly marked, you should be aware of exactly how many ballots are unused (100).

For more on custody, see Sections 9 and 10 herein.

7. NOTICE OF ELECTION

Once the date of the election has been set at either the April or May membership meeting, the Secretary-Treasurer must mail a written notice of election to each member in good standing at his or her last known address. The notice must set forth the date, time, and place of the election and the offices and positions to be filled, including delegate(s) to the International Union Convention or District Council (if applicable). It must be mailed at least 15 days before the election. ULUC, Art. VI, § 2(j).

Provide in the notice any relevant information about voter eligibility, identification procedures at the polls, availability of mail-in ballots (if applicable), and any new election procedures.

If a substantial number of the Local Union's members are non-English speaking, translate the notice into the appropriate foreign language.

A reasonable effort to update the membership address list must be made prior to mailing the election notice.

If any election notices are returned undelivered, make a reasonable effort to obtain accurate addresses and re-mail the notices promptly.

Either the Judges or the Secretary-Treasurer must keep an accurate list of all notices returned to the Local Union (or keep actual returned notices).

As with all records of the election process, keep a copy of the election notice for at least one year after the election and keep a record of the mailing date.

A sample Notice of Election is provided as Appendix C.

8. CAMPAIGN

The actual campaign has special rules. There must be at least 15 days' notice so that candidates have an opportunity to campaign (8.1). For all bargaining units covered by union security clauses, candidates have the right to inspect the membership list once within 30 days of the election (8.2). There is a strict prohibition against the use of union funds or assets in the support of any campaign (8.3). Candidates have a right, however, to have the Local Union distribute, at the candidate's expense, campaign literature (8.4).

8.1 Opportunity to Campaign

To provide an opportunity to campaign, a minimum of 15 days' notice of the election must be provided. ULUC, Art. VI, § 2(j). Historically, this notice could not be sent until after the May meeting, at which the date of the election was set and which followed nominations. As discussed herein, the election date may now be set at either the April or May meeting. ULUC, Art. VII, § 2(j). In any case, note that there is no prohibition on campaigning prior to nominations or prior to the setting of the election date.

All candidates must have an equal opportunity to campaign. Thus, if one candidate is invited to speak at a Local Union meeting for campaign purposes, all candidates for the same position must be invited to speak at the meeting for the same length of time. Similarly, a Local Union cannot allow one candidate to place a campaign article in the Local Union newspaper without first notifying other candidates that they, too, may campaign this way.

8.2 Inspection of Membership List

By statute, each bona fide candidate has the right to inspect—but not to copy or photograph—a list of names and addresses of members subject to union security provisions once within 30 days of the election. (By its terms, the right of inspection does not exist in right-to-work states. However, in right-to-work states, if the list is made available to any candidate, it must be made available to all. 29 C.F.R. § 452.71.) Affiliates may not justify a denial of this one-time right of a candidate to inspect the membership list within 30 days of an election on the ground that the election date, when set, was less than 30 days in the future. LMRDA § 401(c).

If any candidate is permitted greater access to the membership list—for example, more than one-time access to the list even though there is no union security clause—the Local Union must extend the same privilege to all candidates. Further, the Local must notify other candidates that this additional access is available. 29 C.F.R. § 452.71(b).

The Local is not required to produce a list of contractors' names or job locations. However, if one candidate is allowed to access or copy a list of employers or job locations, then all other candidates must be notified and provided with the same opportunity. If incumbent officers use a list created by field representatives, that list must be made available to all candidates.

8.3 Prohibition Against the Use of Union or Employer Funds or Assets

It is unlawful for any candidate to use union or employer resources to support a campaign. LMRDA, § 401(g).

The term "union" applies to any union, not just the local union conducting the election. 29 C.F.R. §§ 452.73(b). For example, a local union in one county cannot provide campaign funding for a candidate in a local union election in a neighboring county. In addition, a local union not affiliated with LIUNA cannot provide campaign funding for a candidate in a LIUNA-affiliated Local Union.

Equally, it is prohibited to use employer funds or resources. This applies to all employers; it is not limited to employers that have contracts with the local union.

The prohibition against the use of union and employer funds and assets is intended broadly.

- (1) It applies to direct expenditures, including the receipt of free or discounted vendor services (vendors are employers).
- (2) It applies to labor. Campaigning while on paid company or union time is prohibited. Thus, an incumbent officer may not go to job sites for the purpose of campaigning while on local union time. (However, campaigning incidental to regular union business is permitted. 29 C.F.R. § 452.76. That is, brief side conversations that are not the focus of a job site visit are permissible.) For the same reason, the use of union staff while on paid time to prepare campaign literature, including a letter to the editor which supports or criticizes any candidate, is prohibited.
- (3) The prohibition covers the use of union or employer supplies or equipment, including owned or leased telephones, fax machines, copy machines, vehicles, stamps, paper, envelopes and letterhead, whether during working hours or after hours. This rule is strictly enforced. For example, it is a violation for an incumbent officer to use the local union telephones to make campaign calls, even if done after working hours on his or her own time. (Arguably, it is permissible to use a union-provided phone or other electronic device such as a computer or tablet where that equipment is provided for both business and personal use. The burden of defending this mixed use is generally believed to be more trouble than it is worth.)
- (4) It prohibits the printing of articles which support or criticize an individual's candidacy in a union newspaper or other publication.
- (5) It prohibits the use of union or employer contact lists to make campaign calls or to address campaign literature. If a candidate uses a "personal" mailing list that was created or obtained as a result of the candidate (or a supporter) serving as an officer or employee of the local union, then that list is considered union property and can be used only if it is provided to all other candidates and all candidates are advised of its availability.
- (6) It does not prohibit the use of union logos or trademarks unless used in such a manner as to create the impression of an official endorsement.

As a practical matter, many candidates use annual or vacation leave for campaigning and retain careful records in order to be able to demonstrate that union resources were not used while campaigning.

8.4 Distribution of Campaign Literature

By statute, a labor organization must comply with all reasonable requests from a bona fide candidate to distribute campaign literature by mail or other means at the candidate's expense. It is unclear how far in advance of the election a member may be a bona fide candidate. A person does not have to be formally nominated to be a "bona fide candidate" entitled to distribute campaign literature. Any qualified member seeking to be nominated and elected is considered to be a "bona fide candidate." A rule prohibiting the distribution of campaign literature prior to nominations is invalid. 29 C.F.R. § 452.80. In the absence of defining law, the International Union offers as guidance the general rule that no affiliate should refuse to distribute campaign literature on behalf of an otherwise qualified member asserting an intent to seek office within six months of the election.

Since union funds may not be expended on behalf of any candidate, the union must insist that all costs, including the addressing of envelopes and the affixing of postage, be reimbursed by the candidate. Chargeable costs include overtime if office staff is unable to accommodate mailing requests within normal working hours. Candidates may reduce the costs by submitting stuffed envelopes with postage already applied to the local union for addressing and delivery to the Postal Service. The local union is allowed to use its funds to distribute campaign literature submitted by the candidates, if but only if, the opportunity is equally available to all candidates to do so. 29 C.F.R. § 452.73. The legal obligation to accommodate all reasonable candidate requests to mail campaign literature at the candidate's expense extends to email distribution if a database or list of member emails already exists. (A local union is not obligated to create such a database if none exists.).

The local union may not regulate the content or review campaign literature prior to distribution. 29 C.F.R. § 452.70. Even if the literature contains derogatory and libelous remarks about other candidates, the local union must mail it as it would any other campaign literature. Accordingly, a candidate may submit campaign literature in envelopes that are already stuffed, sealed and stamped. (The only legally permitted remedy for a candidate who feels defamed by campaign literature or other communication is a suit for defamation filed in the local courts.)

The local union must honor requests for distribution to only a portion of the membership if such partial distribution is feasible. 29 C.F.R. § 452.68. For example, a candidate may request distribution of literature to retirees only.

Candidates may be required to pay in advance the estimated costs of distribution(s), as long as such requirement is applied uniformly. 29 C.F.R. § 452.69.

The local union may not limit the number of mailings which a candidate is permitted to make.

8.5 Specific Campaign Rules

8.5.1 Sample Ballots

Candidates can use sample ballots as part of their campaign literature even if the sample ballots look very much like the ballots that will actually be used so long as the sample ballots do not create the impression of an official endorsement.

8.5.2 Candidate Campaign Speech Cannot Be Censored

In some instances, Local officers and members mistakenly believe that the Union can prohibit candidates from putting out false information or making inflammatory remarks about other candidates. Under federal law, however, unions may not censor the speech of candidates in any way, even if it is false or misleading.

Instead, it is left to the opposing candidate, not the Union, to counter any campaign speech believed to be inaccurate or derogatory. False speech may be countered with speech that informs voters of the attempt to mislead them, and encourages them to draw their own conclusions about the suitability of candidates who engage in such efforts to deceive. Thus, it is left to the Local's members to decide which candidates are credible.

8.5.3 Campaigning by Clerical or Administrative Staff

Campaigning by staff will be subject to review whether Union resources have been used impermissibly. Any activity in support of a candidate while on working time is strictly prohibited (unless it is an activity that is equally available to all candidates, such as time spent publishing a Local Union newsletter in which all candidates have equal space to present a campaign pitch).

Staff who are also members of the Local Union have normal member rights to campaign on behalf of those they support. However, a Local Union can adopt a rule prohibiting staff from campaigning; that is, the member right to campaign does not include the right to campaign while serving as an employee. In addition, such employees can never be coerced into campaigning upon threat, whether implicit or explicit, that their job will be adversely affected. Any allegation that staff members have been pressured to contribute non-work hours to a campaign will be subject to significant investigation. It is avoiding this suspicion that leads many Local Unions to adopt a rule prohibiting staff from campaigning.

9. ELECTION

Voting is a relatively straightforward process but requires attention to detail. The voting area must be carefully laid out (9.1). All phases of the election process must be open to monitoring by watchers (9.2). The general rule is that all members are eligible to vote; the specifics of voting eligibility (are set out in 9.3). The actual process of voting is detailed (9.4). The most important feature of the voting process is that it protects the secrecy of the ballot against even the possibility of a breach (9.5). The counting of the ballots is more complicated than one might expect with a number of issues of both interpretation of the ballot and recording of the vote to be considered (9.6). Some ballots will be spoiled for various reasons but must be separately treated and preserved (9.7).

9.1 Voting Area

Polling takes place in a hall or room where all functions are visible to the Judges and Watchers. ULUC, Art. VI, § 3(a).

It is recommended that a blank sample ballot, clearly marked "Sample Ballot," be posted at the entrance to the polls to familiarize the voters with the ballot format and the candidates for each office.

Plan the arrangement of the polling place to achieve a logical and smooth flow of voters during the voting process. Enforce a "no loitering" rule and establish an easy exit route for members who have already voted. Enforcing this rule uniformly from the outset will greatly reduce confusion at the polls.

The placement of the ballot box is particularly important. Place it in a location where it can be seen by both the Judges of Election and Watchers at all times. Indeed, all election functions must be open and visible to Watchers and election officials. ULUC, Art. VI, § 3(a).

The only people, other than voters while voting, allowed in the voting area during an election are the Judges of Election, the Secretary-Treasurer and duly designated Watchers. Other persons deemed necessary by the Local Union may be in the voting area if approved by the membership at the May meeting. ULUC, Art. VI, § 3(c).

If a significant portion of the membership does not speak English, arrange for an interpreter in the appropriate second language. This function can be performed by a bilingual Judge of Election.

Wear "Judge of Election" badges or some other identification so that voters know to whom they should direct questions or problems. At least one Judge of Election should be present at the polls at all times. Any breaks should be carefully scheduled with this in mind.

No campaigning is permitted inside the polling area. The Local Union may prohibit campaigning within a designated distance from the polling place. 29 C.F.R. § 452.111. Beyond that distance campaigning is permitted.

9.2 Watchers

Each candidate may, at his own expense, designate in writing a Watcher who must be a member in good standing of the Local Union and who must, no later than the day of election, present such written appointment to the Judges of Election. ULUC, Art. VI, § 3(b).

The right to have a Watcher includes having one present during every phase of the voting, counting and tallying process. 29 C.F.R. § 452.107(a). Watchers have the right to observe the counting process but not the right to engage in or interfere with that process.

Watchers should be positioned so that they do not compromise, or give the appearance of compromising, the secrecy of the ballot; however, they may note the names of those voting so the candidates may determine whether unauthorized persons voted. 20 C.F.R. § 452.107(a). Watchers do not have the right to interfere with or disrupt the conduct of the election. Do not allow Watchers to roam the polling area.

The prohibition against campaigning in the polling place applies to Watchers. Watchers may not wear campaign buttons or stickers, other campaign apparel, distribute literature, or engage in campaign activities inside the polling place, including conversations about candidates or the election campaign. It is a good practice to provide "Watcher" badges for Watchers to wear while at the polls or tally site.

A Watcher should not be permitted to assist voters or the Judges of Election.

If there is more than one polling place, a candidate may have a Watcher at each location.

A candidate may not be his or her own watcher.

It is good practice to ask Watchers to arrive before the polls open so you can explain the procedures and answer any questions. Give each Watcher a copy of any "Rules for Watchers" adopted by the Judges. **A sample set of such rules appears at Appendix E.**

Before voting begins, open the ballot box in the presence of appointed Watchers to make sure that it is empty, and then seal or lock the box until the ballot tally begins.

In a mail ballot election, watchers may observe all phases of the election process, including the preparation and mailing of ballots, as well as receipt by a counting agency and the opening and counting of ballots.

9.3 Voter Eligibility

Any member in good standing is eligible to vote. ULUC, Art. III, § 1(h); ULUC Art. VI, § 3(d). A member in "good standing" is one who is not suspended at the time of the election. This means that an unemployed member current in the payment of dues cannot be denied the right to vote. 29 C.F.R. § 452.92. Likewise, a member who works at the calling for only a few months out of the

year can vote in Local Union elections as long as the member is current in the payment of dues and has not been suspended.

Members on dues checkoff shall not be denied the right to vote on the ground that their employer has failed to remit the dues checkoff monies. LMRDA § 401(e).

A retired member can vote in Local Union elections even though s/he pays reduced dues.

Apprentices have the right to vote. ULUC, Art. III, § 4(a).

Members who own or manage a construction company can vote in a Local Union officer elections but are ineligible to run for office. 29 C.F.R. § 452.91; see Section 4.3.4.1 herein on supervisors.

Note that transferees are denied the right to vote for the first three months after transfer. IUC, Art. XXI, § 5.

Because each voter must be in good standing on International Union rolls as well as the Local, Locals accepting initiations or readmissions on election day must make arrangements with the International Union for same day readmission of suspended members if that is anticipated. ULUC, Art. III, § 1(h).

9.4 Process of Voting

Each member is required to report to the Secretary-Treasurer and to present identification. ULUC, Art. VI, § 3(d).

Before a member is allowed to vote, the Secretary-Treasurer and a Judge of Election shall determine that the member is current in the payment of dues (meaning, for election purposes, not more than two months in arrears) and otherwise qualified. ULUC, Art. VI, § 3(d). As a practical matter, using a printout of the Local's membership as the Voting Register will determine voter eligibility.

Each voter should sign the Voting Register before receiving a ballot. ULUC, Art. VI, § 3(d). This procedure will create an official record of who voted and help prevent the possibility of a member voting more than once.

Assistance, if requested, shall be provided by a Judge of Election. ULUC, Art. VI, § 3(g).

Write in votes are not permitted. ULUC, Art. VI, § 3(h).

Strictly follow the polling hours listed in the election notice, but permit any members waiting in line at closing time to vote.

At the close of the voting, the Secretary-Treasurer should sign the Membership Voting Register together with the three Judges of Election. ULUC, Art. VI, § 3(d).

9.5 Protecting the Secrecy of the Ballot

Voting may be by either paper ballot or voting machine but in either case the secrecy of the ballot must be maintained. ULUC, Art. VI, § 3(e).

When paper ballots are used, the marked ballots shall be placed by the voter in a ballot box, which shall be locked during voting. ULUC, Art. VI, § 3(e)(1).

The Judges of Election must not only make arrangements for balloting in secret but must also insure that members actually use the secret balloting facilities provided. The use of tables in an open area instead of voting booths or physical partitions, where members sit at the same tables to vote, is a violation of the secret ballot requirement. Void the ballot of any member who refuses to vote in secret.

Be sure that there is no post-voting process by which it can be determined how a particular member voted. For example, it compromises the secrecy of the ballot to use numbered ballots, if the number received by each member can be determined.

Maintain the secrecy of any spoiled ballot by folding it in half, writing "voided" on the back, and placing it in a separate envelope for voided ballots.

Make arrangements so that physically disabled members are able to vote in secret.

9.6 Counting of the Ballots

Before beginning the counting process, plan the procedure to be used in counting and tallying the ballots. Explain to the Watchers how the process will work. For the information of affiliates, **included as Appendix F (Call Method)** is guidance prepared by the Department of Labor for the counting of ballots. However, this particular method of counting ballots and recording the vote is not legally required. These steps can be accomplished in other ways. We include Appendix F, however, for the use it may prove to affiliates and Judges of Election.

When the closing time has arrived, and all voters have voted, the Secretary-Treasurer shall leave the voting area. ULUC, Art. VI, § 3(i).

The Judges open the ballot box or the voting machines in the presence of Watchers. ULUC, Art. VI, § 3(i).

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. 29 C.F.R. § 452.116. Erasures or "cross outs" should not cause a vote to be voided if it is clear who the voter intended to select.

No "write-in" votes shall be permitted on the day of the election. ULUC Art. VI, § 3(h).

Keep ballots in full view of Watchers at all times, but only the Judges of Election and any others counting ballots should handle the ballots. Watchers may challenge the way the ballot is marked

or the Judges of Election themselves may have questions about a voter's intent with respect to a particular office. It is the responsibility of the Judges of Election to decide whether a vote for a particular office or an entire ballot should be counted or voided. If Watchers challenge the Judges' determination with respect to the counting of a particular ballot, that ballot should be counted pursuant to the Judges' decision but set aside in a challenged ballot envelope for ease of later identification.

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 (not counted). 29 C.F.R. § 452.116.

A ballot which contains the voter's name or other marks which indicate the identity of the voter must be voided. If the ballot contains extraneous marks which do not identify the voter, then it should not be voided. The election results are recorded on a tally sheet. **Included as Appendix G (Sample Tally Sheet) is a sample prepared by the Department of Labor.**

All ballots, including those cast, unused, sample, challenged, spoiled, and voided ballots, must be accounted for in the tally.

When the count and tally for each office have been completed, the Judges of Election should announce the result after which they should mark the result of the total vote for each candidate on two blank official ballots or on two official lists of candidates and certify, by their signatures, that such results are the official results of the election. One of the official certified ballots or lists should be kept by the Judges of Election, for the purpose of preparing their report to the following meeting of the Local Union. The other official list must be turned over to the Secretary-Treasurer for posting for the information of all of the members of the Local Union. ULUC, Art. VI, § 3(i).

The winner is the candidate with the greatest number of votes; a majority is not required. In the event of a tie in the votes cast for any office, the decision will be made by lot from among those candidates having the tie vote. ULUC, Art. VI, § 3(j). "By lot" means any method of casting or drawing objects to determine a question by chance. This can be a coin flip or similar method of decision.

9.7 Voiding Ballots

To void ballots properly, the Department of Labor 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 the Judges of Election using a distinctive color ink pen. A brief description of the reason for voiding the ballot should be written on the back of the voided ballot. All 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, the Judges of Election 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 the Judges of Election 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 a recount.

The Judges of Election should recognize that decisions about voiding ballots require judgment and impartiality. Such 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, the Judges of Election can minimize controversy at the ballot tally and reduce the need for recounts.

Voided ballots should be retained, along with other election materials, for one year after the election. 29 C.F.R. § 452.106.

10. MAIL BALLOT, MULTI-SITE OR MULTI-DAY ELECTIONS

10.1 Mail Balloting

The law requires that every member have a reasonable opportunity to vote. For many unions, that means that mail balloting, or multi-site or multi-day elections must be employed (10). Mail balloting requires approval from the General President, which is available in a variety of circumstances (10.1.1). Sometimes, but not always, the availability of mail nomination is also desirable (10.1.2). Mail balloting has its own highly evolved mechanics (10.1.3 & 10.1.4). A candidate's statutory right to have Watchers must be protected even in a mail ballot election (10.1.5).

But mail balloting is not the only way to deal with large geographic areas. Some Local Unions have sought and received General President authorization to use multi-site or multi-day elections (10.2).

10.1.1 When Justified

Although ULUC, Art. VI, § 3, requires in-person balloting, a request for a variance to use a mail ballot, or multi-day or multi-site polling, may be granted upon the recommendation of the Regional Office if a need to do so is demonstrated to the LIUNA General President. A similar variance request should be made for nominations by mail. See Section 10.1.2 herein.

Unless indicated otherwise below, a mail ballot election requires adherence to the same procedures as a typical in-person election. Accordingly, this chapter should be read in conjunction with the remainder of this Election Guide.

If a Local Union knows in advance that a substantial number of members will not be able to exercise their right to vote in person, mail-in ballots, absentee ballots or other means of voting (for example, multi-site or multi-day balloting) must be made available. 29 C.F.R. § § 452.94 and 452.95. In that event, a request for a constitutional variance must be sought from the General President.

A number of factors are taken into consideration in determining whether mail balloting should be utilized, including: (1) the geographic area covered by the Local Union; (2) the number of members who reside in remote areas; and (3) whether a significant number of members would be unable to participate in an in-person election due to transportation demands.

A variance granted to allow the use of a mail-in ballot in a particular election will not carry over to any subsequent election. That is, a new variance must be obtained for each election.

Develop a schedule for each step of the mail ballot election (ballot printing, mailing, return deadline, and counting) that allows for adequate time to complete each phase.

10.1.2 Nominations in Mail Ballot Election

For any Local Union that conducts a mail ballot election, nominations may be made by a member in good standing either in person or, if the variance so provides, by registered, certified, or express mail. The Local Union must receive the written nomination prior to the Nomination Meeting. All mail nominations should be announced at the Nomination Meeting.

10.1.3 Mechanics of Voting

In a mail ballot election, the mailing of ballots serves as the Local Union's notice of election. In order to provide adequate notice, ballots must be mailed to members at least 15 days before the return date. The Local Union may decide that a longer period is desirable.

The Judges of Election must arrange with postal officials for a special restricted-access post office box to be used solely for the receipt and storage of marked ballots. A second post office box should be reserved for ballots returned undelivered. Postal officials must be instructed that only the Judges of Election may pick up mail from the boxes. Judges should not access these postal boxes except after notice to Watchers, who shall be given an opportunity to attend.

To ensure ballot secrecy, a double envelope system is used. The Local Union must mail to each member in good standing a mail ballot package. The return address on the mail ballot package must include the return address for the post office box rented by the Judges of Election to receive undeliverable ballot packages, which is different both from the Local Union's normal box and from the box for return of Return Ballot Envelopes (see below), thereby ensuring that there is no mixture of the ballots with the Local Union's normal mail or with mail ballot packages returned as undeliverable.

The following items should be included in the mail ballot package:

- (1) Voting instructions. For sample voting instructions, see Appendix C of this Election Guide;
- (2) A blank ballot;
- (3) A small envelope printed with the words "Secret Ballot Envelope." Voters should be advised in the voting instructions to place their marked ballot in the Secret Ballot Envelope;
- (4) A larger Return Ballot Envelope to be used by the voter to return the Secret Ballot Envelope containing the marked ballot. The Return Ballot Envelope should be pre-addressed to a post office box specifically designated for marked ballots and contain space for the voter to print his name and address in the upper left hand corner. This information allows the Judges of Election to determine voter eligibility without opening the smaller envelope and without compromising ballot secrecy.

The question sometimes arises whether a Local Union may require members to sign the ballot return envelope and decline to count ballots that are not sent in a signed return envelope. Department of Labor regulations allow unions to "require members to sign the return envelope" but only "if the signature may be used in determining [member] eligibility." It would be unlawful "for a union to void an otherwise valid ballot merely because a member [did not sign] his name if the union does not use the signature to determine voter eligibility." 29 CFR § 452.97. Thus,

unless the signature on the return envelope is used to determine voter eligibility, a Local Union may not require members to sign the return ballot. We are unaware of any affiliate that uses signatures to determine voter eligibility. Similarly, if a different return envelope is used but the ballot otherwise complies with requirements (member eligibility can be determined, ballot is correctly marked, etc.), the ballot should be valid and counted.

In order to protect the secrecy of the ballot, members should be advised that the ballots must be returned in secret ballot envelopes or they will not be counted.

10.1.4 Ballots Returned as Undeliverable

Starting three or four days after the ballots have been mailed and periodically thereafter, the Judges of Election should pick up any mail ballot packages which have been returned undelivered to the post office box obtained for this purpose. They should promptly attempt to obtain accurate addresses for these members and re-mail the mail ballot packages as soon as possible. The Judges of Election must keep detailed records regarding returned ballot packages and re-mailed packages, including attempts to obtain corrected mailing information and the dates of any re-mailings.

If a member does not receive a ballot or spoils the ballot received, he or she should contact the Judges of Election immediately and request a replacement ballot. The Judges of Election should promptly mail replacement ballots to members who personally request them, but only if the member advises that the original ballot was not received, or was lost, or spoiled. The Judges of Election should mark the ballot return envelope (with an "R" for example), so that it may be identifiable as such in the event a voter casts more than one ballot. The Judges of Election must keep detailed records of all requests for a replacement ballot and all replacement ballots sent.

10.1.5 Watchers

Candidates have a right to have Watchers present for the preparation and mailing of the ballots, their receipt by the Judges of Election, eligibility determinations, and the opening and counting of the ballots.

Watchers have the right to be present when returned ballots are picked up from the post office. Judges of Election should notify candidates in advance of the date and time of ballot retrieval so that they can have a Watcher present if they wish.

10.1.6 Vote Count

Judges of Election are responsible for securing the ballots at all times during the election process. While Judges of Election are permitted to collect returned ballots from the post office prior to the vote count, these ballots should not be stored in a location where anyone other than the Judges of Election could have access to them and should be stored in a locked ballot box. Ballots should not be counted as received but should be held until the official vote count and counted at that time. The candidates should be notified in advance each time the Judges of Election retrieve ballots from the post office so that they can have a Watcher present.

Under no circumstances should anyone other than the Judges of Election be allowed to pick up the ballots.

At the vote count, the Judges of Election must verify that ballots were cast by members eligible to vote. This process involves matching the names on the return addresses of the envelopes against the voter eligibility list.

If a return envelope does not contain sufficient information to determine voter eligibility, then the ballot must be voided.

If two ballot envelopes are received from the same voter, the replacement ballot should be counted. If neither is a replacement ballot, both ballots must be voided.

If there is a question about voter eligibility, the reason for the challenge should be recorded on the return envelope.

After voter eligibility has been established, the Judges of Election should next open the returned ballot envelopes of voters found eligible and remove the secret ballot envelopes. Retain the outside envelopes as part of the Local Union's records. The Judges of Election should then thoroughly mix the secret ballot envelopes. Afterwards, the Judges of Election should remove the ballots from the secret ballot envelopes. Any secret ballot envelopes or ballots bearing marks identifying the voter must be treated as void and set aside.

Void any ballots that were not in a secret ballot envelope.

Void the entire ballot if it contains information identifying the voter.

If, after the count is complete, the vote totals are such that counting any unresolved challenged ballots would not alter the outcome of the election, it is unnecessary for the Judges of Election to resolve the challenged ballots. If the outcome of any election could be affected by unresolved challenged ballots, the Judges of Election will need to resolve the challenges to voter eligibility. In resolving challenged ballots, the Judges of Election should be careful to preserve the secrecy of the vote.

At a later date, the Judges of Election should pick up any ballots received after the ballot return deadline. Void (but do not open) these ballots, marking the ballot envelopes – “Void – Received after Deadline.” Retain these ballot envelopes with the other election records.

10.1.7 Multi-Site or Multi-Day Elections

The Constitution assumes a single voting area. ULUC, Art. VI, § 3(a). However, some Locals may cover distances so great that a single voting place would not afford all members a reasonable opportunity to vote. In such cases, the Local needs to consider alternative arrangements, such as multiple voting sites, multiple days of polling, or absentee or mail balloting. Each of these

alternative arrangements will require a constitutional variance and should be discussed with the Regional Office.

If your Local Union receives such a variance from the General President, you will receive written guidance at that time. A variance granted to allow the use of a mail-in ballot in a particular election will not carry over to any subsequent election, that is, a new variance must be obtained.

If voting takes place at more than one location, the Judges, not the Secretary-Treasurer, should transport the ballot box from one location to the next.

If there is more than one polling place, establish a system to prevent a person from voting at more than one polling place. Normally, this will be accomplished by transporting the Membership Voting Register from one polling place to the next. Having voters sign the Voting Register will prevent a person from voting more than once in multi-site elections in the same way that it prevents voting more than once at a single site election.

If a voter appears whose name has already been marked off the list, you should direct the voter to cast a challenged ballot. The Judges should make a determination on the challenged ballot as quickly as possible. The challenged ballot(s) should be separately retained in a "challenged ballots" envelope.

If the election takes place at more than one location, the Judges of Election should take caution to ensure the secrecy of the ballot by securing custody of the ballot box. For example, when the ballot box leaves the first location, the box should be sealed in the presence of all candidates and watchers, and each Judge of Election should sign across the seal. At the second voting location, the candidates and watchers should be present when the seal is broken and the locked ballot box is opened for the receipt of ballots.

The tally of ballots should begin only after all polling sites have closed.

11. RETENTION OF VOTING RECORDS

All ballots cast, unused ballots and Membership Voting Register are wrapped in a sealed package that is signed by the Judges. The Judges turn the package over to the Secretary-Treasurer at the meeting at which they report on the election. ULUC, Art. VI, § 3(k).

Election officials must be able to account for all ballots printed. Keep a list of the names and addresses of any members who receive replacement ballots to ensure that only one ballot is counted for each member.

Federal law requires that all ballots and all other records pertaining to the election be preserved for one year. ULUC, Art. VI, § 3(k); 29 C.F.R. 452.106.

12. ASSUMPTION OF POWERS OF OFFICE

12.1 Term of Office

The term of office is three years (United States) but four where law permits (Canada and some public sector Locals). ULUC, Art. VI, § 1(h).

12.2 Assumption of Powers

Newly elected officers assume office immediately upon the announcement by the Judges of Election of the outcome of the election for all offices. Officers take the oath of office at the first regular meeting after the election. ULUC, Art. VI, § 1(h).

13. MEETING AFTER ELECTION

The newly elected officers preside at the meeting following election. ULUC, Art. VI, § 3(l).

The report of the Judges submitted at the meeting shall be in writing and shall cover their activities regarding nominations and the conduct of the election. This report shall include a copy of the tally sheet signed by all Judges. ULUC, Art. VI, § 3(l).

Following the election, all of the ballots cast, the remaining unused ballots, the tally sheet, and the Membership Voting Register should be gathered and wrapped in a package which should be sealed and signed by the Judges of Election. The Judges of Election shall retain custody of this package until the meeting after the election when they make their report, at which time they shall surrender the records to the newly elected Secretary-Treasurer. ULUC, Art. VI, § 3(k).

These records shall be kept by the Local Union for at least one year following the election. LMRDA, § 401(e).

14. PROTESTS OF NOMINATIONS OR ELECTION

Any protest to the nomination process must be filed within three business days of the date on which qualifications are decided by the Judges. The protest must be filed with the General Executive Board directly. ULUC, Art. XI, § 8. The time for filing protests is intentionally limited in order that such questions can be quickly considered and resolved without delay and without interfering with the election that follows.

Any protest of the election must be filled directly with the General Executive Board within ten days of the election. ULUC, Art. XI, § 8. All protests must clearly and specifically set forth the grounds on which the protester relies. Evidence in support of the protest, if any, should also be submitted to the General Executive Board.

15. APPENDICES

APPENDIX A
SAMPLE NOMINATION NOTICE

Sample

NOMINATION NOTICE

Heavy Highway Local 888

All members in good standing may nominate candidates for office.

Nominations for the offices of President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate, Convention Delegate, Sergeant-at-Arms, Auditors (3), Executive Board Members, and [#] Delegate(s) to the District Council (if applicable) will be accepted from the floor at the Nominations Meeting at the date, time, and place indicated below. The term of office will run for three years beginning July, 2018. The Candidate elected as Business Manager-Delegate will also serve as a delegate to the District Council.

[If known when nomination notice drafted, add notice of time and place where Judges will screen candidate eligibility.]

Date: Wednesday, April 9, 2018

Time: 7:00 p.m.

Place: Local 888 Hall

4900 Pulaski Highway

Baltimore, Maryland 21224

APPENDIX B
Sample LIUNA Local Candidate Questionnaire

Name of Member: _____ Member No.: _____

Address: _____ City: _____ State/Zip or Province: _____

Phone No.: _____ Position Nominated for: _____

Date of Birth: _____ Name as you want it to appear on the ballot: _____

Are you current in your Union dues? Yes _____ No _____

Have you been in continuous good standing with both the International Union and the Local Union for a period of two years immediately prior to your nomination? Yes _____ No _____

[Option 1 for Local Unions accepting declaration of lawful residency and employment status]

Are you a lawful permanent resident and lawfully employable under the laws of the United States or Canada?
Yes _____ No _____

[Option 2 for Local Unions requiring proof of lawful residency and employment status]

Which of the following documents are you presenting to establish lawful residency and employment status (choose one or more):

☐ Birth Certificate issued by a state, country, municipal authority or other appropriate governmental agency bearing an official seal.

☐ U.S. Passport (unexpired or expired).

☐ Alien Registration Receipt Card with photograph ("green card").

☐ Certificate of Naturalization.

☐ Other documentation:

Are you able to read and write basic English? Yes _____ No _____

List all jobs held, including dates, in the last year:

If you have been out of work for any period during the past year, have you complied with the hiring hall or referral system rules of the Local? Yes _____ No _____

If you have been unable to work for any period during the past year, please explain why. If you are currently unable to work, when do you expect to return to work?

Are you currently collecting a pension? Yes _____ No _____

Have you been barred from holding Union office by LIUNA? Yes _____ No _____

Have you ever been convicted of a crime? Yes _____ No _____

If yes, please explain (1) the nature of the conviction(s), (2) the location where the conviction(s) occurred, (3) the date of the conviction(s), and (4) the sentence imposed:

Are you currently working at a job in which you exercise any of the following functions?

Please check all that apply, if any:

- ☐ You are able to hire, fire, suspend or transfer other employees.
- ☐ You have the ability to assign work within the company and direct the performance of that work.
- ☐ You are able to promote, reward, or discipline employees.
- ☐ You have the ability to adjust grievances of employees.
- ☐ You seek out and negotiate work for the company.

Are you paid ☐ by the hour, or ☐ are you a salaried employee?

Please be advised that the Local's Election Judges are using the above questions as a guide. The Judges have the right to seek additional information necessary to determine a candidate's eligibility to hold office.

I have, to the best of my ability, answered all questions honestly and truthfully.

Candidate Signature

DO NOT WRITE BELOW THIS BOX FOR OFFICIAL USE ONLY
--

QUALIFIED

DISQUALIFIED _____

REASON FOR DISQUALIFICATION

SIGNATURE OF ELECTION JUDGE

DATE

SIGNATURE OF ELECTION JUDGE

DATE

SIGNATURE OF ELECTION JUDGE

DATE

APPENDIX C
SAMPLE NOTICE OF ELECTION

NOTICE OF ELECTION

Local Union 888

A secret ballot election for the offices of President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate-Convention Delegate, Sergeant-at-Arms, Auditors (3), Executive Board Members (2), and Delegate(s) (2) to the District Council will be conducted by Local 888 at the date, time, and place indicated below. The Candidate elected as Business Manager will also serve as a delegate to the District Council.

Date: Saturday, June 4, 2018

Time: 9:00 a.m. to 5:00 p.m.

Place: Local Union 888 Hall

4900 Pulaski Highway

Baltimore, Maryland 21224

Any member who has paid dues through April, 2018 will be eligible to vote on June 4, 2018. Payment of dues and fees will be accepted at the Local office through the end of business June 3, 2018.

VOTING PROCEDURE

- Step 1 Present identification to the Secretary-Treasurer who will determine if you are qualified to vote.
- Step 2 Sign your name and book number on the Membership Voting Register.
- Step 3 Vote by marking an X in the box next to the names of the candidates of your choice for each office and position on the official ballot. Do not write or sign your name and indicate your identity anywhere on the ballot.
- Step 4 Put your ballot in the ballot box in the presence of a Judge of Election and the Watchers.

APPENDIX C (1)
SAMPLE NOTICE OF ELECTION/VOTING

INSTRUCTIONS FOR MAIL BALLOT ELECTIONS

NOTICE OF ELECTION

Local Union 888

A secret ballot election for the offices of President, Vice President, Recording Secretary, Secretary-Treasurer, Business Manager-Delegate-Convention Delegate and two Executive Board Members is being conducted by mail. Ballots for this election are being mailed to members on June 5, 2018. Any eligible member who has not received a ballot in the mail at home by June 14, 2018 or any member who spoils a ballot may request a new ballot by contacting Judge of Election John Doe at (202) 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 check mark in the box next to the name of the candidates of your choice. Vote for no more than ___ delegate candidates. If you vote for more than this number of delegates, your vote will be void. 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 Judge of Election John Doe at (202) 555-1234.

Insert the sealed Secret Ballot Envelope containing your marked ballot into the return envelope pre-addressed to the Local 888 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 voter identification 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 give this ballot to anyone else. 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, Washington, D.C. 20500 no later than 12:00 p.m. on July 5, 2018. Any ballot received after the deadline will be void.

APPENDIX D (1) **SAMPLE BALLOT**

Instructions: Mark an X in the box next to the names of the candidates of your choice. Only one (1) vote for each office is allowed unless otherwise indicated.

PRESIDENT

Josephine "Joey" Minton ☐
Manny Gonzalez ☐
Jack Roberts ☐

VICE-PRESIDENT

Billy Simmons ☐
Tammy Pinski ☐

RECORDING SECRETARY

Bill Palmer ☐
Chris Jenkins ☐

SECRETARY-TREASURER

Betsy Fontana ☐
David R. Dennis ☐

BUSINESS MANAGER-DELEGATE-CONVENTION DELEGATE

Jane Adkins ☐
Richard "Dallas" Riker ☐

SERGEANT-AT-ARMS

John Smith ☐
Jane Cooke ☐
Ann Jones ☐

AUDITORS

[Vote for no more than three (3)]

Jack Daniels ☐
Pam Oliver ☐
Linda Jones ☐
Paul Smith ☐

EXECUTIVE BOARD MEMBERS

[Vote for no more than two (2)]

Lois Lawson ☐
Ruth Smith ☐
Betty White ☐

DISTRICT COUNCIL DELEGATE(S)

[Vote for (# of delegates Local is entitled to)*]

Roger Ebert ☐
Michael White ☐
Jonathan Wells ☐

* See Uniform District Council Constitution, Article IV, Section 3, page 127.

APPENDIX D (2)
SAMPLE BALLOT – SLATE VOTING

Instructions: Mark an X in the box next to the names of the candidates of your choice. Only one (1) vote for each office is allowed unless otherwise indicated.

Slate Option. Check this box if you wish to vote for the “A Team” Slate. ☐ A Team

Note: You need not vote for a slate. If you check the slate box, your votes for individual candidates will NOT count.

PRESIDENT

Josephine “Joey” Mintor (A Team) ☐
Manny Gonzalez ☐
Jack Roberts ☐

VICE-PRESIDENT

Jack Daniels ☐
Linda Jones (A Team) ☐

RECORDING SECRETARY

Bill Palmer ☐
Chris Jenkins (A Team) ☐

SECRETARY-TREASURER

Lois Lawson (A Team) ☐
Betsy Fontana ☐
David R. Dennis ☐

BUSINESS MANAGER-DELEGATE-CONVENTION DELEGATE

Jane Adkins (A Team) ☐
Richard “Dallas” Riker ☐

SERGEANT-AT-ARMS

John Smith ☐
Jane Cooke (A Team) ☐
Ann Jones ☐

AUDITORS

[Vote for no more than three (3)]

Billy Simmons (A Team) ☐
Tammy Pinski (A Team) ☐
Paul Smith ☐
Pam Oliver (A Team) ☐

EXECUTIVE BOARD MEMBERS

[Vote for no more than two (2)]

Ruth Smith (A Team) ☐
Betty White ☐
Freddie Mac ☐

DISTRICT COUNCIL DELEGATE(S)

[Vote for (# of delegates Local is entitled to)*]

Roger Ebert ☐
Michael White ☐
Jonathan Wells ☐

* See Uniform District Council Constitution, Article IV, Section 3, page 127.

APPENDIX E

RULES FOR WATCHERS

1. While present in the polling or tally area, each watcher should wear a badge provided by the Judges of Election clearly marked "Watcher" if requested to do so.
2. Watchers, accompanied by the Judges of Election, may inspect the voting booths (or voting machines) and the empty ballot box prior to the start of the voting.
3. Watchers 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.
4. Watchers should remain in the area(s) approved by the Judges of Election where they are able to see the voter registration and balloting process. They 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 the Judges of Election as soon as possible so that any necessary corrective action can be taken.
5. Watchers may make notes regarding the election process, including the number of voters at the polling site and their names. But cameras and recording devices are not allowed.
6. Watchers should state any objection they have to the eligibility of a voter or the counting of a ballot as soon as possible so that any necessary corrective action can be taken.
7. Watchers may not touch or handle ballots at any time or interfere with the tally process.

APPENDIX F 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:

Judges of Election should open the ballot box in the presence of watchers, 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.

A recorder should sit on each side of the caller and put the ballot bundle number on a Tally Sheet. 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 |||| | |||| |||

Dennis |||| | ||||

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

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.

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.

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.

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.

APPENDIX G
SAMPLE TALLY SHEET

Laborers' Heavy Highway Local Union 888

TALLY SHEET

BALLOT BUNDLE # _____

INDIVIDUAL VOTES

PRESIDENT	10	20	30	40	50	Total
Mintor						
Gonzalez						
Roberts						

VICE PRESIDENT	10	20	30	40	50	Total
Simmons						
Pinski						

RECORDING SECRETARY	10	20	30	40	50	Total
Fontana						
Dennis						

SECRETARY- TREASURER	10	20	30	40	50	Total
Mintor						
Gonzalez						
Roberts						

BUSINESS MANAGER- DELEGATE	10	20	30	40	50	Total
Simmons						
Pinski						

SERGEANT- AT-ARMS	10	20	30	40	50	Total
Mintor						
Gonzalez						
Roberts						

AUDITORS(3)	10	20	30	40	50	Total
Mintor						
Gonzalez						
Roberts						
Pinski						

EXECUTIVE BOARD MEMBERS	10	20	30	40	50	Total
Fontana						
Pinski						
Jenkins						

DELEGATE(S) TO THE DISTRICT COUNCIL	10	20	30	40	50	Total
Mintor						
Gonzalez						
Roberts						

Tallied By: _____

Date: _____

LiUNA!

Feel the Power

Laborers' International Union of North America, AFL-CIO
905 16th Street NW, Washington, DC 20006-1765

