



# LIUNA!

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## TO LOCAL UNION JUDGES OF ELECTION, OFFICERS AND MEMBERS

Dear Brothers and Sisters:

Congratulations! You have been selected to serve as Judges of Election in your Local Union. In the weeks ahead, you and the other Judges of Election will be responsible for providing members with the opportunity to exercise the most fundamental of union rights, the right to elect your Union's officers by secret ballot. The members elected to office will help shape the future of your Local Union. They will be responsible for seeking new employment opportunities, handling contract negotiations and grievances, managing the Local's finances, operating the hiring hall, and protecting and serving the interest of the membership as they strive to achieve the goals and objectives of the LIUNA Constitution.

At the 2011 LIUNA Convention a number of significant changes were made to the Local Union and District Council elections process. Please be especially aware of the following changes as you prepare to fulfill your responsibilities as Judges of Election:

- **Nominations:** Each candidate must be nominated by one member in good standing and that nomination must be seconded by another member in good standing.
- **Qualifications:** All candidates must complete the Candidate Qualifications Questionnaire for use by the Judges of Election in determining whether a member is eligible to hold office. A copy of the Questionnaire is in Appendix C.
- **Withdrawal of Candidacy:** Once a candidate has been nominated and qualified by the Judges of Election, the nominee shall have no right to withdraw his candidacy unless the candidate is declared ineligible or the right to withdraw has been granted by the General President.
- **Compensation of Officers:** The compensation of officers must be fixed by the membership *at the nomination* meeting prior to nominations. The Local Union Executive Board/membership may develop and approve a compensation package prior to the nomination meeting, so long as said package is put forward for a vote by the membership at the nominations meeting. Keep in mind that compensation includes not only salary, but benefits such as vacation pay, sick leave, annual bonuses, union vehicles, etc.

*Feel the Power*



- **Installation of Officers:** Newly elected officers shall be considered installed immediately upon the Judges of Election announcing the results of the election and shall, at that time, assume the powers, duties, and responsibilities of office. The Oath of Office shall be administered at the first regular meeting after the election.
- **Protests:** Authority to hear and decide protests of the nomination and election has been restored to the General Executive Board. The Special Elections Officer will no longer be involved in the elections process. All protests must be submitted in writing to the General Executive Board. Furthermore, the timelines for such charges has been adapted.
  - Protests of candidate qualifications must be filed within 72 hours of the time candidate qualifications are determined prior to the election.
  - Protests regarding the conduct of the election must be filed within fifteen (15) days after the election.
  - All charges by an officer or member against another officer or member must be filed within thirty (30) days of the time the charging party knew or should have known of the relevant facts and circumstances leading up to the charges.
- **Common Problems:** A copy of the “Ten Potential Election Problems and How to Avoid Them” can be found in Appendix A of this Guide. You are encouraged to review this document well in advance of your scheduled nomination and election.
- **Questions:** Questions regarding the nomination and election process should be directed to the Judges of Election in the first instance. Members may also consult the LIUNA Election Guide to answer any questions that may arise. The Election Guide is available on the Laborers’ website at [www.liuna.org](http://www.liuna.org). Questions may also be addressed **in writing** to General President Terry O’Sullivan, 905 16<sup>th</sup> St., NW, Washington, DC 20006 or via facsimile to (202) 942-2208.

### **Your Role**

As Judges of Election, you will be responsible for conducting your Local Union election of officers in accordance with the LIUNA Constitution and federal law and regulations. You will have several roles; rule maker, communicator, and judge. You must be patient, knowledgeable, organized, firm, and, most of all, impartial. At times, your hard work may seem thankless. But remember, your job is not to please everyone but to run a fair and honest election.

Throughout the election process, you should be guided by three principles:

- (1) Be fair and impartial; treat all candidates equally and avoid any acts of favoritism or even the appearance of favoritism. Maintain a businesslike relationship with all candidates even if you work with or are personal friends with any of them.
- (2) Be familiar with and follow the election provisions in the LIUNA Constitution and applicable law.
- (3) Uphold democratic traditions by protecting the right of every member in good standing to nominate candidates and vote by secret ballot.

Failure to adhere to these principles could result in a meritorious election protest and a costly and time-consuming re-run.

### **What's in This Guide**

The Labor-Management Reporting and Disclosure Act of 1959, as amended ("LMRDA"), establishes certain rights for union members in the United States and contains provisions to insure union democracy and financial integrity. In particular, Title IV of the LMRDA sets forth basic democratic procedures which Local Unions must follow in conducting their officer and delegate elections. The Office of Labor and Management Statistics ("OLMS") has also issued regulations interpreting the LMRDA election provisions. The material in this Guide generally applies as well to the election of officers in Canada.

This Guide is designed to be an easy-to-use reference based on the LIUNA Constitutions and federal law and regulations and the OLMS Guide for conducting Local Union Officer Elections. It will take you step by step through the election process, help you to identify your responsibilities during each step, and provide suggestions to make your job easier. Each chapter contains three parts: "Requirements" sets forth essential information about the standards for conducting elections, "Suggestions" provides practical tips for Judges of Election, and "Frequently Asked Questions" gives guidance on specific, commonly-faced issues. References to relevant provisions of the LMRDA, the LIUNA Constitution, the Code of Best Practices, and determinations of the Independent Hearing Officer and Special Elections Officer are noted throughout.

The Appendix to this Guide contains sample illustrations and checklists for your use and are referenced where relevant in the Guide.

**Who Should Use This Guide**

This Guide should be used by the Judges of Election, Executive Board members, potential candidates for office and any interested members. Although the Guide covers the "basics" and is geared primarily to Judges of Election with little or no experience in running an election, it can also be helpful to more experienced election officials. Do not assume that your Local Union's prior elections were conducted in accordance with all requirements of federal and internal union law because no election protests were filed. Violations may have occurred but no one complained. If the same mistakes are repeated, the election may be successfully challenged by a losing candidate or other member of your Local.

**How to Use This Guide**

Judges of Election should become familiar with the contents of this Guide as soon as possible after being selected. An initial review of the Guide will provide an overview of the election process and point out all the steps involved in conducting a fair and impartial election.

You are not expected to remember all the rules for conducting elections after reviewing this Guide. Instead, before each stage of the Local Union's election, read the applicable chapters to understand better the requirements and your responsibilities. Consult the Guide frequently during the election process.

**Website**

An on-line copy of this Guide is available at [www.liuna.org](http://www.liuna.org). The Guide is located on the Legal Department's page and is updated regularly.

With kind regards, I am

Fraternally yours,



TERRY O'SULLIVAN  
General President

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