Federal law, the UA Constitution and Local Union By-Laws govern Local Union elections. It is very important that Local Unions conduct their elections in accordance with all applicable requirements and procedures. Otherwise, there are likely to be election protests which, if upheld, could result in elections being invalidated. Local Unions are therefore strongly encouraged to study all applicable requirements when preparing for an election.

These guidelines attempt to address issues that commonly arise in UA Local Union elections. Should you have any questions that are not answered by these guidelines or by the UA Constitution, you should consult the UA General Office.

THE ELECTION COMMITTEE

The first step in preparing for a Local Union election is for the Local Union President to appoint an Election Committee, which typically consists of an odd number (e.g., 3, 5 or 7) of members in good standing.

Chairman: The Local Union President may designate one of the Committee members to serve as the Chairman of the Election Committee.

Election Judge: The Chairman of the Election Committee may appoint an Election Judge from among the remaining Committee members.

Secretary: The members of the Election Committee may elect a secretary from among the remaining members.

WILL A MANUAL OR MAIL BALLOT BE USED?

The general rule is that UA Local Union elections are conducted by manual ballot. The exceptions to that rule arise when 1) a mail ballot is requested and authorized under the procedures of Section 123 of the UA Constitution, or 2) a Local Union By-Law, approved by the United Association, provides that all elections in that Local Union will be conducted by mail ballot.

To invoke the procedures of Section 123, the Local Union membership must vote at a regular or special meeting to request the permission of the General President to use a mail ballot. That vote should occur well in advance of the scheduled election. For details about how to conduct a mail ballot election, see Rules for Mail Balloting in Conduct of Election of Local Union Officers.

Revised 10/02
ESTABLISH A TIMELINE

Section 122(a) of the UA Constitution specifies that Local Union elections must be held in either June or December and that nominations must occur in the preceding month. The UA Constitution and federal law require that certain minimum time periods be observed for certain events within the election process.

The required time periods are as follows:

- Nominations must be held not less than 25 days before the date of the election.
- The election notice must be mailed no later than 10 days before nominations.
- The membership list must be made available to candidates (for inspection only) 30 days before the election.

Once an election date is established, the Election Committee can work backwards from that date to identify the dates by which particular steps in the process must be completed. Local Union Election Committees may find it helpful to use an “election planner,” such as the following, in planning and scheduling an election:

<table>
<thead>
<tr>
<th>(date)</th>
<th>Mailing of nomination and election notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>(date)</td>
<td>Nomination meeting held</td>
</tr>
<tr>
<td>(date)</td>
<td>Candidate eligibility verified and nominees notified of determinations</td>
</tr>
<tr>
<td>(date)</td>
<td>Membership list made available to candidates (inspection only)</td>
</tr>
<tr>
<td>(date)</td>
<td>Election</td>
</tr>
<tr>
<td>(date)</td>
<td>Ballots counted and results announced</td>
</tr>
<tr>
<td>(date)</td>
<td>Rerun, if necessary</td>
</tr>
</tbody>
</table>

Federal Law requires the election officials to give all members reasonable notice of the opportunity to nominate candidates, as well as mandates that the election notice be mailed to every member at his or her last known address. Accordingly, the nominations and election notice must be mailed to each member’s last known home address at least ten days prior to the nominations meeting. Thus, it is advisable that Local Unions ensure that they have ongoing procedures to keep their membership lists current.

NOMINATION AND ELECTION NOTICE

Section 123(a) of the UA Constitution requires that the nomination and election notice be sent to all members in good standing at their last known address. It also sets
forth in detail what information must be included in the notice. Required information includes:

- the date and place of the nomination meeting and the offices to be filled
- the date, time and place of the election meeting
- the date, time and place of any runoff election, in case of a tie vote

Additional information may be included in the notice. For example, the notice can provide some or all of the information set forth in the following section with regard to the conduct of nominations.

**NOMINATIONS MEETING**

The nominations meeting must be held in May or November and it should be at a date, time and place, which allow members a reasonable opportunity to attend. It must be scheduled at least 25 days prior to the election.

The person chairing the nomination meeting should open nominations for each office separately. The election committee should have a list of members currently in good standing, so that the good standing status of nominators can be immediately ascertained. If a nominator is not in good standing, the chair should make a ruling disqualifying that member as a nominator, and should provide the opportunity for further nominations for that office. A member is allowed to nominate himself.

After each nomination is made, the chair should determine if the nominee is present and accepts the nomination or ascertain if the nominee has submitted a written acceptance of the nomination. A list should be kept of the name of each nominee, the office to which each was nominated, and the names of the nominating and seconding members for each nominee.

Certain important rules must be observed:

- a member may be nominated for only one of the offices set forth in Section 100 of the UA Constitution;

- an officer holding an office that is not up for election is not eligible for nomination to some other Local Union office unless he first resigns the office held, such resignation to be in writing and filed with the Local Union prior to the mailing of nomination notices;

- to be eligible for election, a nominee must have been in continuous good standing in the Local Union for a period of two years prior to the election date;

- a nominating member can nominate one, and only one, candidate for each office open;

- candidates must accept nomination at the time made, either in person or, if absent, in writing.
ELIGIBILITY LIST

The Local Union should request eligibility reports from the General Secretary-Treasurer. Those reports will be based on the latest cash sheet received from the Local. Sometimes the Local Union will need to make corrections to these reports. For example, the Local Union may discover that it has neglected to notify the General Secretary-Treasurer that a member in fact paid his dues within the three-month period established by Section 157 of the Constitution and as a result the UA’s records may erroneously reflect a reinstatement fee, which should not have been charged. In such cases, the Local Union should send a letter to the General Secretary-Treasurer identifying the correction to be made, and the correction will be made on the General Secretary-Treasurer’s records and will appear on any subsequent eligibility reports generated in the following month. If the correction changes the member’s eligibility status, the General Secretary-Treasurer will write a letter to the Local Union’s Financial Secretary-Treasurer acknowledging the correction to the previous report and stating that the member is currently eligible to vote and/or run, as the case may be.

The eligibility reports sent by the General Secretary-Treasurer will consist of four reports entitled, respectively, “eligible to vote,” “eligible to run,” “ineligible to vote,” and “ineligible to run.” These reports can be requested at any time during the several months preceding the election. It is important that the Local Union and the Election Committee understand that the reports reflect information as of the date of the report and not as of the date of the election, unless the reports are generated in the month of the election. Thus, reports requested in mid-February for a June election will show the members’ continuous good standing as of February 1.

On the other hand, eligibility to vote and to run for office are both keyed to periods of continuous good standing as of the date of the election. Therefore, if the Election Committee is using eligibility reports generated in any month other than the date of the election, the Committee will need to examine the specific information on the reports to determine actual eligibility as of the election date. For example, if a member paid a reinstatement fee in November 2000 but maintained continuous good standing from that time forward, he will be eligible to run for office in an election held in December 2002, even though UA eligibility reports generated in October 2002 will place him on the “ineligible to run” list. Because the “ineligible to run” report will specifically identify the reason for the ineligibility — including the date of the payment of the last reinstatement fee — it should be a relatively simple matter to make these determinations.

Local Unions may request more than one set of eligibility reports from the General Secretary-Treasurer. For example, for a December election, a Local Union may wish to request preliminary eligibility reports in September and to request final eligibility reports in early December. Section 124(c) of the Constitution provides that Local Unions should request eligibility lists from the General Secretary-Treasurer at least thirty (30) days prior to the nominations meeting.
ELIGIBILITY DETERMINATIONS

After nominations, the Election Committee should review the eligibility of all nominees. Sections 121 and 122 of the UA Constitution set forth all eligibility requirements for Local Union office. These requirements must be strictly enforced as to all candidates, and no additional requirements can be imposed.

The primary eligibility requirement is that the nominee has been a member in good standing of the Local Union for a continuous period of two years as of the date of the Local Union election. Again, note that it is the date of the election, not the date of nominations, which is controlling. Note also that good standing status is determined with reference to the provisions of Sections 157 and 158 of the UA Constitution. Thus, a member who has paid a $50.00 reinstatement fee within the two-year period immediately preceding the election is not eligible to run for office.

Once eligibility determinations have been made, the Election Committee should inform each nominee in writing of the Committee’s determination.

CAMPAIGN

Campaign Literature

All candidates must be given an equal opportunity to campaign. This means, among other things, that the Local Union must comply with all reasonable requests of a candidate that the Local Union distribute campaign literature at the candidate’s expense to all members in good standing. The Local Union must also make such services available to all other candidates on an equal basis. The Local Union may not insist on reading the contents of such campaign literature before it is distributed, nor may it otherwise regulate the content of the literature. Moreover, the Local Union should not attempt to limit the number of mailings a candidate may choose to make in the course of a campaign.

Membership List

During the 30-day period immediately preceding the election, each candidate must be afforded the opportunity to review the Local Union’s membership list. Only one such opportunity must be given to each candidate, and the Local Union is not obligated to allow candidates to make a copy of the list. In this and all other respects, all candidates, including incumbents, must be treated the same.

Use of Union Funds

With the exception of campaign mailings done at a candidate’s expense, no Local Union funds or equipment may be used in support of a particular candidate. This includes the use of Local Union-owned equipment such as telephones, desktop computers and copy machines; property such as paper, envelopes and stamps; and Local Union employees or facilities. Thus, for example, neither an incumbent nor anyone else should compose campaign literature on a Local Union-owned personal
computer, or use the Local Union copier to reproduce campaign literature, or ask an office secretary to type up a campaign brochure. Moreover, neither the Local Union letterhead nor any official publication such as a Local Union newsletter should be used to promote or oppose anyone’s candidacy. In addition, employees or agents of the Local Union should not campaign for or against any candidate during times of day when they are on the Union’s payroll. It is important to note that any of these activities involving use of Local Union funds, facilities or equipment can serve to invalidate an election even if Local Union officials did not know or approve of the activities.

Use of Employer Funds

Likewise, no employer monies may be contributed or applied to promote the candidacy of any person for Local Union office. This includes indirect as well as direct expenditures. Thus, for example, the Labor Department considers it illegal for Local Union stewards to campaign on company time unless their campaign activities are incidental to the performance of legitimate work assignments and do not interfere with the performance of that work. Note that the prohibition against employer expenditures also extends to employers of employees not represented by the Local Union. Thus, for example, a copying facility that employs employees cannot donate free copying services to a candidate for a UA Local Union office.

ELECTION DAY

Observers

Each candidate must be allowed to have at least one designated observer present at the election and the counting of the ballots. Observers must be members in good standing and they participate at the candidate’s expense. Candidates may designate relief observers to substitute for their designated observers.

The role of observers is limited to observing the election process, asking procedural questions, challenging the eligibility of individual voters, and lodging protests with election officials. Observers should be allowed to monitor the election process, but must not be allowed to handle ballots or otherwise compromise the secrecy of the ballot. They should not wear campaign buttons, stickers or other campaign apparel or engage in campaign activities inside the polling place.

Challenged Ballots

Observers are entitled to challenge a member’s eligibility to vote, and the Election Committee, or its designated Election Judge must resolve such challenges, strictly according to the requirements of the UA Constitution. If a challenge is upheld, the member in question should be allowed to file a “challenged ballot” using the following procedure:

1. The member is given a) a blank ballot, b) a small “Secret Ballot Envelope” which directs the voter not to write a name or any other identifying information on it, and c) a large outer “Challenged Ballot Envelope” with spaces for the information described below;

2. An election official should record on the outside of the “Challenged Ballot Envelope,” in spaces provided, the voter’s name, the voter’s membership number, the
reason for the challenge, the name of the person who raised the challenge, the
resolution of the challenge, the name of the election official, and the date;

3. The member should be directed to a private voting area and instructed to
mark the ballot, place it in the Secret Ballot Envelope, seal the Secret Ballot Envelope,
put the sealed envelope in the larger Challenged Ballot Envelope, and return the
Challenged Ballot Envelope unsealed to the election official;

4. The election official should insure that the Challenged Ballot Envelope
contains the sealed Secret Ballot envelope. The voter should then seal the Challenged
Ballot Envelope and place it in a separate ballot box maintained for challenged ballots.

Counting the Ballots

1. If Machine Counting Is Used

After all members have voted, the operator from the voting machine company
should lock all the ballot machines. The machines should be opened one by one, and a
member of the Election Committee should read the tabulations while two other
Committee members each record the tabulations on separate tally sheets. After the
process is completed, the operator of the voting machines should lock all of the voting
machines. The Election Committee then totals the results and the Election Committee
Chairman reads the results. The members of the Election Committee should then sign
the tally sheets and the Committee Chairman should take them and lock them in a safe
place.

2. If Hand Counting Is Used

The Election Committee should decide in advance the specific procedures that
will be used to count the ballots. All materials to be used, such as tally sheets, should
be prepared in advance. Tally teams should be instructed in advance about the
counting procedures and the appropriate method for resolving questionable or
challenged ballots.

Observers should not be allowed to touch or handle ballots and they should be
advised to direct all questions, problems or objections to a designated election official.

Every vote on a valid ballot should be counted if the voter’s intent is clear, no
matter what kind of mark is used to indicate the voter’s choice. If a voter makes a
mistake in voting for a particular office, only the vote(s) for that office should be voided.

Challenges to ballots should be resolved, if possible, prior to the counting of the
ballots. If any challenges are not resolved prior to the tally, the ballots should be set-
aside in their unopened envelopes. After the tally, if the member of challenged ballots
could not affect the outcome of the election, those envelopes should remain unopened.
If the number of challenged ballots could affect the outcome, the challenges should be
resolved and any ballots determined eligible should be opened and counted in a way
that, to the extent possible, preserves the secrecy of the ballot.
Once the tally process is completed, the members of the Election Committee should sign the tally sheets and the Committee Chairman should take them and lock them in a safe place.

**ANNOUNCING THE RESULT**

The candidate for each office who receives a plurality of the votes cast shall be declared elected. Where several positions in one office must be filled, e.g., Executive Board, Examining Board, Finance Committee, etc., the candidates shall be declared elected in the descending order of the votes received starting with the candidate receiving the highest number of votes cast. If two or more candidates receive the same number of votes, a rerun election should be held.

**PROTEST OF LOCAL UNION ELECTIONS**

Section 125 of the UA Constitution governs protests of Local Union elections. Generally, there are two types of protests; (1) protests to eligibility and (2) protests to the conduct and validity of the election. Each type of protest has its own timeframes and procedures.

For protests to the eligibility of a member for nomination to office, a member must make the protest immediately upon discovering the grounds for ineligibility. The protest must be made to the Local Union and an appeal of the Local Union’s decision may be made to the General President. The General President’s decision is final and binding.

For protests to the conduct and validity of the election (“post-election protest”), a member must file the protest with the General President within five (5) working days after the election. The post-election protest must be in writing, specifically setting forth the grounds upon which the protester relies to set aside or invalidate the election. When a protest is timely filed, there is no induction of officers.

The General President shall refer the post-election protest to a representative who will conduct an investigation and issue a decision within three working days. The appeal is filed with the General President, who has the right to affirm, reverse, modify or change the decision of the representative or enter such other decision as the facts in his discretion warrant. The General President’s decision is final and binding.