



2022 TEAMSTER GUIDELINES

For Conducting Local Union Officer Elections

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INTRODUCTION

The International Union is hereby updating the Guidelines for Conducting Local Union Officer Elections. As you undoubtedly know, the International Constitution, Local Union Bylaws, and United States Federal or Canadian provincial law govern the manner that Local Unions conduct elections of officers. Local Unions with elections this year have likely already begun, or soon will begin, the process for nominations and elections.

The International Union last issued Guidelines for Conducting Local Union Elections of Officers in July, 2020, during the COVID-19 pandemic. The 2020 Guidelines provided suggestions for the conduct of elections that addressed unique concerns arising out of the COVID-19 pandemic. Specifically, at that time, various State, Federal and Canadian authorities implemented restrictions against in-person meetings in an effort to control the spread of COVID-19. Those restrictions against in-person meetings have now been lifted or modified, such that in-person meetings are now allowed. The COVID-19-specific guidelines and suggestions set forth in the 2020 Guidelines, therefore, are no longer required. Additionally, while there have not been any major changes in the regulations issued by the Department of Labor regarding the conduct of Local Union elections, and the International Constitution has not been amended in a manner that modifies election requirements, we anticipate that Local Unions will seek guidance and information regarding their upcoming elections.

These guidelines are also designed to minimize the opportunities for problems and protests concerning your election. Each Local Union conducting an election this year should study carefully the provisions of Article II, Section 4; Article X, Section 5(c); and Article XXII of the International Constitution, the pertinent provisions of the Local Union Bylaws, as well as the provisions of Title IV of the Labor-Management

Reporting and Disclosure Act of 1959 ("LMRDA") (or, in the case of Canadian Local Unions, Canadian federal and provincial laws), so that its election will conform in all respects with the statutory and constitutional provisions.

It is strongly recommended that the Local Union make available to all prospective candidates and any interested members, upon request, copies of the International Constitution, the Local Union Bylaws, this Guidelines Memorandum and any supplemental election rules.

Should any questions of interpretation of the International Constitution arise, the Local Union should immediately forward to this office a clear statement of the questions raised, as well as a complete description of the facts and circumstances involved. If you have any questions concerning compliance with these or other requirements of the Landrum-Griffin Act, it is recommended that you consult with your attorney.

If a Local Union is sued prior to the Local Union election, please notify the Legal Department immediately, particularly if the suit challenges the validity of a provision of the Constitution.

Finally, please note that Local Union elections shall NOT be conducted by internet or other electronic voting procedures. Many Local Unions have inquired about conducting elections of officers by internet or other electronic voting procedures. The Department of Labor has indicated that it may approve such procedures in the future. To date, however, it has not approved any method of voting by telephone, computer or other electronic digital procedure. As a result, while many Local Unions have utilized such procedures for conducting votes on collective bargaining agreements, Bylaws, and other referenda, no such procedure is acceptable under the International Constitution or applicable U.S. law for elections of Union officers.

PART 1: ELIGIBILITY RULES

1. **Basic Eligibility Rule.** Article II, Section 4(a)(1) of the International Constitution sets forth the basic eligibility rule requirement to run for Local Union office (and, indeed, for any office in the International Union). Article II, Section 4(a)(1) provides as follows:

To be eligible for election to any office in a Local Union, a member must be in **continuous good standing** in the Local Union in which he or she is a member and in which office is sought, and **actively employed at the craft** within a jurisdiction of such Local Union, for a period of twenty-four **(24) consecutive months prior to the month of nomination** for said office, and must be eligible to hold office if elected.

2. **"Continuous Good Standing."** The starting point for determining eligibility for Local Union elections is the term "continuous good standing." The term "continuous good standing" means:

Compliance with the provisions of Article X, Section 5, concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in the Local Union for which office is sought because of suspensions, expulsions, withdrawals, transfers, or failure to pay fines or assessments.

- A. Article X, Section 5 of the International Constitution sets forth the requirements for the payment of **dues** in order to satisfy the "continuous good standing requirement" for eligibility to run for and hold Local Union office. In this regard, membership dues are due on or before the first day of the month **and must be paid before the last business day of that month**. This means that, for purposes of determining eligibility for

Local Union elections, a member is not considered to be late in his or her dues as long as he or she pays his or her dues on or before the last business day of that month. In other words, for purposes of establishing eligibility for Local Union elections, the entire month is considered to be a grace period within which dues can be paid without penalty.

- B. The TITAN accounting system allocates dues payments to the last month for which dues are owed. Thus, it is possible for an arrearage to occur prior to the start of the twenty-four month eligibility period and appear to carry into the eligibility period. If you have an eligibility determination that will be decided based upon an arrearage that occurred prior to the start of the twenty-four month period, please contact the Legal Department before rendering a decision.
- C. Article XIV, Section 1(b) of the International Constitution provides that the twenty-four (24) month "continuous" good standing starting date for **new members** who have executed **check-off authorizations** will be considered "members in good standing" from the first month dues are paid, **provided** that any **initiation fee** required by the Local Union and which the Local Union allows to be paid in "installments" are also authorized to be deducted and paid through the checkoff authorization.
- D. Payment of dues for the month prior to the month of the election in order to be eligible to vote is permitted up to the end of the balloting. However, if the Local Union does not intend to have its office open for the purpose of accepting dues payments on the day of the election, it is recommended that the Election

Notice specify the last day on which a member may pay dues in order to be eligible to vote. If the Local uses a delinquency roster to determine eligibility, it should not be printed until after the last date for paying dues.

- E. A member on withdrawal who has not returned to employment at the craft may not deposit a withdrawal card merely to become eligible to vote in the election.
- F. A member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from which the dues could have been deducted or has earnings from which the employer normally deducts dues in accordance with a contract or established practice shall not lose good standing status for that month.

3. "Actively Employed at the Craft."

There are several Local Union election eligibility provisions regarding the requirement that that member must be "actively employed at the craft."

- A. Article II, Section 4(e) of the International Constitution provides that officers of Local Union who are **not full-time employees** of the Local Union are **not** considered "actively employed at the craft" solely on the basis of their being an officer. For example, if a Local Union Trustee is employed by UPS, the Trustee's "employment at the craft" is his or her employment at UPS. In the event he or she loses his or her employment at UPS and does not obtain other employment at the craft within the jurisdiction of the Local Union, or in the event he or she chooses to retire from employment with UPS, then he or she must be issued a withdrawal card in accordance with the requirements of Article XVIII, Section 6 or 7 of the International Constitution.

- B. An officer of a Local Union who chooses to retire from full-time employment must be issued a withdrawal card upon his or her retirement. However, a retired officer of a Local Union who is receiving a pension from an employer (or a multi-employer pension plan that his or her employer contributed to on his or her behalf) is entitled to retain active membership status and may be eligible to hold office if the member obtains other employment at the craft, even if on a part-time basis. For example, if an officer of a Local Union retires from UPS and receives a pension but goes to work for a construction contractor that has an agreement with the Local Union, he or she can continue to pay dues and can be eligible to run for and hold office if he or she otherwise satisfies the eligibility requirements of Article II, Section 4 of the International Constitution.

- C. An officer of a Local Union who is not a full-time employee of his or her Local Union who is involuntarily severed employment may continue to pay dues and remain in office for six (6) months following his or her severance or after a final decision under the applicable contractual grievance procedure. If the officer has not obtained employment at the craft after the expiration of the applicable six-month (6-month) period, however, the officer must be issued a withdrawal card and may not remain in office.
- D. Requests for and issuances of withdrawal cards also impact the eligibility requirements for purposes of Local Union elections. Article II, Section 4(a)(1) and Article XVIII, Section 6, of the International Constitution address the withdrawal card requirements. If you have questions regarding these requirements, please consult with

Local Union counsel and/or the International Union Legal Department. In general:

- a. If a member becomes unemployed in the jurisdiction of his or her Local Union he or she may request a withdrawal card and the Local Union must issue the withdrawal card to him or her, provided he or she has paid his or her financial obligations to the Local Union.
- b. A member who becomes unemployed in the jurisdiction of his or her Local Union does not have to request a withdrawal card. He or she has a right to pay dues (and therefore continue his or her good standing) for up to six (6) months following the month in which he or she becomes unemployed, and the Local must accept his or her dues for a maximum of six (6) months.
- c. Please note that the International Constitution contains a special exception to the above-described six-month mandatory withdrawal card rule. In this regard, as set forth in Article XVIII, Section 6(a), a member is not considered to be "unemployed" if he or she is on sick leave, FLMA, or worker's compensation and has a right to return to employment with an employer party to a collective bargaining agreement. In such a case, the affected member must pay all dues for which no dues were deducted by his or her employer. If he or she remains current on his or her dues obligations, and assuming all other eligibility requirements under the International Constitution are met, he or she will be eligible to run for office.
- d. Please also note that the general rule described in "c" above does not apply to seasonal employment or

where a Local Union has adopted procedures requiring active membership to use a job referral list. In those cases, the Local Union can adopt such uniform Bylaws provisions relating to the issuance and deposit of withdrawal cards as it deems appropriate.

- E. Article II, Section 4(a)(2) of the International Constitution permits Unions to adopt a Bylaws provision requiring attendance at fifty percent **(50%)** of the membership meetings as a condition of eligibility to run for office. Because of decisions of the Department of Labor and federal courts, such a rule is **not enforceable in the United States**. It may still be enforced in Canada, provided the Local Union has maintained adequate records and a system for excusing members who cannot attend for legitimate reasons. If a Local Union in the United States has a meeting attendance requirement in its Bylaws, the Nomination Notice (*see Part III, below*) should contain the following statement: The 50% meeting attendance requirement shall not be enforced as a condition of eligibility to run for office in this election.

4. **Determining / Verifying Eligibility.** Many Local Unions utilize the ECR (Election Control Roster or Eligible/Challenge Roster) as a basis for determining voter eligibility. It is important that you realize that the ECR is based upon computer criteria that are broader than the "membership in good standing" eligibility rules set forth in Article II, Section 4(a)(1) of the International Constitution. **The ECR cannot be used by itself to conclusively determine whether every individual voter is eligible or ineligible. It is only the starting point to determine eligibility.** For example:

- A. The ECR classifies some members as "E-1" or "E-3". These members will always be eligible based upon their compliance with the "good standing requirement" or the special eligibility

rules for members employed in the seasonal food industry, as set forth in Article XXII, Section 4(c) of the International Constitution.

B. Members with a "C" or "Challenge" designation are **not** automatically ineligible to vote.

- a. Members classified as "C-1", "C-3", "C-6" and "C-7" will **always** be ineligible.
- b. **Members in "C-4" classifications need to have their employment situations verified to ascertain those members' employment information.** To do so, the Local Union must contact employers and determine whether the member on checkoff had earnings subject to dues withholding during the months for which no dues were submitted. If they had such earnings, they are eligible to vote despite their "C" or "Challenge" classification.
 - i. Please note that Local Unions and outside election supervisors continue to mistakenly disqualify members who have been designated as C-4 without verifying their employment

histories. Such verification must be done if there are sufficient C-4 ballots to affect the outcome of the election, once the initial count has been completed. Many of these members are on checkoff and are likely to be found to be eligible voters.

- ii. Furthermore, please consider that in most instances, it may be more beneficial to run a delinquency roster to identify members who are not in good standing, and then compare that list with the ECR to review the status of members in the C-4 category.
- c. Members classified as "C-9" need to be reviewed because their entire record suggests errors have been made regarding their status.
- d. New applicants may be classified as "C-2", but will be eligible to vote if they have signed checkoff authorizations and the Local Union has permitted them to pay their initiation fees in installments, as explained above.

PART II: NOMINATIONS

Notice of Nominations, Acceptance of Nominations and Post-Nomination Meeting

1. **In General.** Most Local Union Bylaws already require that a Notice of Nominations be distributed twenty (20) days prior to the nomination meeting. The Department of Labor, moreover, recommends that the Notice of Nominations specify the methods of submitting nominations. The Notice of Nominations may be combined with the Notice of Election.
 2. **Combined Notice of Nominations and Notice of Election.** The Notice of Nominations can be, but does not have to be, combined with the Notice of Election, which is discussed in Part III, below. It is strongly recommended, however, that Local Unions prepare a **combined Notice of Nomination and Notice of Election**, thereby satisfying all of the notice obligations at one time. If the Local Union uses a combined Notice of Nominations and Notice of Election, that combined notice must be mailed to each active member (all members not on withdrawal), at his or her last known home address. The combined notice must be mailed to the last known home address even if the Local believes that the address is incorrect. The Notice must specify the date, time and location of the meeting(s) and set forth the eligibility requirements for candidates and their nominators. A sample combined Notice of Nominations and Notice of Election (Walk-In) is attached hereto as **ATTACHMENT A-1**. A sample combined Notice of Nominations and Notice of Election (Mail Ballot) is attached hereto as **ATTACHMENT A-2**.
 3. **Nomination Requirements.** The International Constitution contains specific requirements for the nomination of candidates.
 - A. Article XXII, Section 4(a) of the International Constitution requires that nominations be made at the nominations meeting by a member in good standing **other than the nominee** and seconded by a member in good standing **other than the nominee**. Accordingly, the Notice of Nominations should advise members of the required method for submitting nominations, i.e., whether in writing, orally from the floor, or otherwise, in addition to the information concerning the offices to be filled and the date, time and place of nominations.
 - B. Members are entitled to have the Secretary-Treasurer render a written eligibility determination prior to the nomination meeting, subject to review after nominations have been made. Members who may be nominators or seconders are also entitled to have their eligibility reviewed prior to the nomination meeting. A member or representative of a group of members forming a slate of candidates may request that eligibility reviews be conducted on behalf of all members of the proposed slate. Prompt compliance with these procedures may avoid delays in the election and keep you out of court.
 - C. Members are entitled to a reasonable opportunity to nominate candidates of their choice. Thus, Local Unions which have their members dispersed over a wide geographic area should consider conducting several nominations meetings at various locations throughout their jurisdiction, having the meeting at a central location, or permitting members to nominate and second by written petition.
- NOTE:** If several nomination meetings are held on different dates, the thirty-day (30) period between nominations and election must be measured from the date of the last nomination meeting.
- D. If the Local Union has membership employed during the time of the nomination meeting, the Local should consider

permitting members whose employment prevents them from attending to file written nomination or seconding statements.

- E. Local Unions should advise prospective candidates of the requirements that they be nominated and seconded by members in good standing. In order to advise prospective candidates of their responsibility for ensuring the validity of their nomination, the Notice of Nominations and Election should contain the following statement:

Prospective nominees are advised to verify, in advance of the nominations meeting, the eligibility of their nominators and seconders.

- F. Local Union Secretary-Treasurers must comply with reasonable requests of prospective nominators and seconders to verify their good standing status prior to the nominations meeting.

- G. Local Unions should also consider inviting prospective candidates to submit to the Chair the names of their prospective nominators and seconders, at the start of the nomination process. That way, the responsibility to be nominated and seconded by members in good standing will rest exclusively on the candidate.

- H. Many Local Union Bylaws specify that the Warden and Conductor are responsible for ensuring that only members in good standing are admitted to meetings. In these situations, it is recommended that the Local Union take adequate precautions to verify the good standing status of those admitted to the meeting. It would not be a violation of the International Constitution for a Local Union to decide to permit more than one seconder. However, it is not required.

- I. For a member to be eligible to nominate and otherwise participate in the nominations meeting, dues must be paid through the month prior to the month in which the nomination meeting

is held. For a member to be eligible to vote in an election, dues must be paid up through the month prior to the month in which the election is held.

2. **Acceptance of Nomination.** The following provisions relate to the Acceptance of Nomination, including uncontested candidates:

- A. Candidates must accept nomination at the time made either in person or, if absent, in writing and may accept nomination for only one office, namely, the specific office for which nominated.

- a. NOTE: if the Local Union has elected Business Agents or Assistant Business Agents, a member may run for and be elected as an officer and also as a Business Agent or Assistant Business Agent and he or she may hold both the office and the position if elected to both.

- B. A specific date and time should be specified for accepting nomination in writing.

- C. After a candidate has accepted nomination, he or she may not, under any circumstances, revoke his or her acceptance after the ballots are printed, except where the result of the revocation would mean that the remaining candidate is uncontested/unopposed.

- D. Unopposed/Uncontested candidates may have their names appear on the ballot, at the discretion of the Local Union Executive Board. With respect to the application of this provision, the regulations of the U.S. Department of Labor state that a secret ballot election need not be held when all candidates are unopposed.

3. **Post-Nomination Meeting with Candidates.** Following the nominations meeting, the Secretary-Treasurer of the Local Union must check the eligibility of all nominated candidates, their nominators and seconders. The Local Union should conduct a meeting of all candidates and Local Union staff who will be involved in the election.

At this meeting, the Local Union should:

- A. Report on the eligibility of nominated candidates;
- B. Advise candidates of the election procedures and distribute the written rules adopted by the Local Union Executive Board;
- C. For Local Unions conducting a walk-in election, advise candidates of their right to have observers present at the printing and counting of the ballots. For Local Unions conducting a mail ballot election, advise the candidates that they have a right to have observers present for the printing, mailing, collection, and counting of the ballots. Candidates should provide the Local Union with the names and addresses of their observers so they can be advised of the date, time and location of each procedure; and

- D. Design the ballot. If slate voting is permitted, full slates should appear first, following by partial slates and individual candidates. A sample official ballot for use in walk-in and mail-ballot elections is attached hereto as **ATTACHMENT B**. After a proof of ballot is printed, a representative of each slate, and individual candidates, should be permitted to review the ballot for accuracy.

NOTE: Even if slate balloting is permitted, members must still be given the opportunity to vote on each individual candidate for office. Additionally, the voting instructions should explain that a voting mark in the slate box will override any other voting marks on the ballot. The Sample Ballot in **ATTACHMENT B** contains appropriate instructions in this regard.

PART III: ELECTION AND VOTING PROCEDURES

Notice of Election

1. **Notice of Election.** As noted above, it is **strongly recommended that the Notice of Nominations be combined with the Notice of Election. Sample Combined Notices of Nominations and Election of Officers are attached hereto as ATTACHMENT A-1 and ATTACHMENT A-2 for walk-in and mail ballot elections, respectively.** If the Local Union has not sent a combined Notice of Nomination and Notice of Election and has contested elections, however, the Landrum-Griffin Act requires that the Notice of the Election be mailed to all active members who have not been suspended at their last known home address **not less than** twenty (20) days prior to the election.
 - A. If the Notice of Nomination was mailed to each member's last known address **and combined with** the Notice of Election, then no additional election notice need be mailed after the Nominations Meeting.
 - B. If the Local Union is conducting the election by mail ballot and the Notice of Election is being sent separately from the Notice of Nominations (in other words, it is not being sent as a combined Notice of Nominations and Notice of Election), the Notice of Election may be sent with the ballot packet and materials.
 - C. If the Local Union is conducting a mail ballot election, the Notice of Election should also inform the members of the procedure to obtain a **duplicate ballot** in the event they do not receive their ballots within a reasonable time after the ballots are mailed out. It is strongly recommended that such duplicate ballot procedures also be posted on Union bulletin boards in the workplaces, on the Local Union's website, and at the Local Union's offices.
 - D. The Notice of Election should specify the date, time, and place of the election, the offices to be filled, and the specific term of office.
 - E. The Notice of Election need only be mailed to active members of the Union who have not been suspended. Thus, the Notice of Election need not be mailed to persons who are on withdrawal, have been suspended, are agency fee payers, or are in some other non-membership status.
- F. Local Unions using TITAN mailing lists to distribute election notices must specifically request "incorrect address" labels to be printed for active members.
2. **Required Interval Between Nominations.** There must be at least a thirty (30) day interval between the Nominations Meeting and the Election. For Local Unions conducting more than one Nominations Meeting, the last one must be used as the measuring point. For Local Unions that conduct mail ballot elections, there must be at least thirty (30) days between the Nominations Meeting and the date by which the ballots must be received in order to be counted.
 - A. For Local Unions conducting mail ballot elections, it is recommended that ballot packets not be mailed earlier than ten (10) days after the Nomination. It is also recommended that members and candidates be advised of the date the ballot packets will be mailed out no later than the Nomination meeting.
 - B. Note that despite the recommended deadline for mailing ballot packets set forth in 2.A, above, **ballots should not be printed or mailed while there are any eligibility appeals pending before the General President.** This may result in a delay in the mailing, but the proposed schedule will have to be adjusted to accommodate the time necessary to resolve candidate eligibility issues. The potential of such a mailing delay highlights the necessity of promptly rendering eligibility determinations and responding to any requests from the General President for the information necessary to resolve appeals.
 - C. If the Local Union uses a "hybrid" voting method where both walk-in and mail ballot voting are used in the same election, mail ballots should be due the later of thirty (30) days after the Nominations Meeting or the last date for walk-in voting.

PART III: ELECTION AND VOTING PROCEDURES

General Requirements

1. **Election and Voting Procedures.** Article XXII, Section 4(b) of the International Constitution provides that Local Union Executive Boards are authorized to establish all rules and regulations for the conduct of the Local Union elections to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting without membership approval.
2. **Outside Voting Agencies.** For Local Unions that retain outside agencies to conduct their election, **please also note that the Local Union Executive Board is still responsible for ensuring that the outside agency follows the requirements of the Local Union Bylaws and the International Union Constitution.** There are agencies that insist on using their own procedures, which may be different than what is required by the Local Union Bylaws or International Constitution. If the outside agency refuses to follow the Local Union Bylaws and the International Constitution, find another agency that will.
3. **Protection of Ballots.** All ballots must be safeguarded and must be distributed in a nondiscriminatory manner.
4. **Don't Collect Ballots.** Candidates and/or their agents **are prohibited from collecting** voted ballots under any circumstance.
5. **No Write-in Voting and No Voting by Proxy.** Voting by proxy and write-in voting is not permitted.
6. **Slates.** A Local Union may authorize voting by slates. However, members must be given the opportunity to vote on each individual candidate for office, in the event they do not wish to vote for the entire slate. If slate voting is permitted, the rules and instructions should clearly state that a voting mark in the slate box will override any other voting marks on the ballot.

PART III: ELECTION AND VOTING PROCEDURES

Walk-In Voting

In addition to the General Requirements noted in this Part III, above, the following procedures shall apply with respect to Local Unions that conduct walk-in elections:

1. **Polling Sites and Times.** Walk-in voting must be conducted at the primary polling site for the period of **not less than** six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m. If the Local Union has satellite-polling sites, those polls need not be open for six (6) hours during this period.
2. **Ensuring Secret Votes.** Voting facilities must ensure that ballots are cast in secret. Members must be required to use the balloting booths to mark their ballots.
3. **Absentee Ballots.** Local Unions must advise the members of the availability of **absentee ballots** in the combined Notice of Nominations and Notice of Election. If a combined Notice of Nominations and Notice of Election is not used, then the Notice of Election must advise the members of the availability of the absentees ballots. Procedures for obtaining absentee ballots should also be included in the combined or stand-alone Notice of Election. **NOTE:** In a mail ballot election, absentee balloting procedures are not necessary.
 - A. Absentee voting shall be conducted with all proper safeguards for secrecy of the ballot.
 - B. Upon their request, Absentee ballots must be made available to members who will not be able to come to the polls because of out-of-town work assignments, illness, vacation, unreasonable distance from the polls or other valid reasons. A "valid reason" in the current circumstances, would include concern about contracting the COVID-19 virus or fear of infecting others. Application for an absentee ballot shall be made to the Secretary-Treasurer of the Local Union not less than five (5) days prior to the date set for the election and shall contain the grounds therefor.
- C. Local Union officers and Business Agents should not personally distribute absentee ballots at work locations. Distribution of ballots should be by mail or at the Local Union Office, directly to the member requesting the ballot.
- D. Absentee ballots should be returnable to a secure post office box, not the Local Union in the general mail. Instructions for conducting absentee balloting may be obtained from this office.
- E. Absentee ballots shall only be valid if they are received by noon of the day on which the ballots close.
4. **Check-In, Verification of Eligibility and Eligibility Challenges.** Voters must check-in and have their eligibility to vote verified prior to be given a blank ballot for voting.
 - A. Challenges to voter eligibility must be made prior to the ballot being cast. Absentee ballots received must also be checked for voter eligibility before the secret ballot is removed from the outside envelope and placed in the ballot box. Absentee voters may be challenged just like walk-in voters. If voter eligibility is challenged, resolution of the challenge should be attempted at that time.
 - B. If resolution of a challenge is not possible at that time, the voter shall be given a ballot and allowed to mark the ballot in secret. The ballot, however, should be placed in a blank "challenge envelope", sealed, and the name of the voter written on the outside as well as the reason for the challenge. The challenge envelope containing the challenged ballot shall then be placed in the ballot box.

- C. In the event the number of challenged ballots equals or exceeds the margin of victory for any position, efforts must be made to resolve the challenges. If the number of challenged ballots is less than the smallest margin of victory for any position, the challenges do not need to be resolved.
5. **Voting.** The walk-in election shall be conducted by secret ballot to be placed in boxes, unless the Local Union Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote.
- A. The ballot box(es) or voting machine(s) must be situated so as to safeguard the secrecy of vote.
- B. The polls must be opened precisely at the scheduled time and the polling hours listed in the election notice should be strictly followed. However, any members waiting in line at closing time should be permitted to vote.
- C. Before voting begins, if ballot boxes are used, the ballot box(es) should be opened in the presence of observers to make sure that it/they is/are empty, and then it/they should be sealed or locked until the ballot tally begins.
- D. Election officials should ask each voter to present identification, check the voter's eligibility, and mark the voter's name off the eligibility list. Each voter should also sign a voter register before receiving a ballot.
- E. Campaigning in the polling area is prohibited. The polls should be checked periodically to ensure that voters have not left campaign material in the voting area.
- F. Candidates have the right to be present at the counting of the ballots. Additionally, each candidate has the right to have at least one (1) observer, at the candidate's own expense, at each polling place.
- a. Observers do not have a right to count the ballots.
- b. If the Local Union has voting at more than one location, each candidate may have an observer at each polling site.
- c. If the Local Union counts the ballots at more than one (1) table, an observer may be present at each counting location. The observer must be a member in good standing of the Local Union.
- d. Although a candidate has the right to be present at the counting of the ballots, a candidate does not have the right to serve as his own observer.
- G. Election officials and observers should not wear campaign buttons, stickers, or other types of campaign apparel in the polling area. However, voters may wear campaign buttons, stickers, or other campaign apparel unless specifically prohibited by Local Union rules.
6. **Tally of Ballots.** A final tally of the election results must be created and signed by observers.
7. **Preservation of all Ballots.** All used and unused ballots as well as challenges must be preserved in a sealed container for at least one (1) year along with a copy of the membership roster and voter list.
8. **Certification of Vote.** A certification as to the exact number of ballots cast, challenges and total eligible voters should be prepared and signed by the election supervisors and observers.
9. **Notice of Election Results to the International Union.** After the election is concluded, the Local Union must advise the International Union of the names of the successful candidates.

PART III: ELECTION AND VOTING PROCEDURES

Mail Ballot Elections

In addition to the General Requirements noted above in this Part III, the following procedures shall apply with respect to Local Unions that conduct mail ballot elections:

1. **Mail Ballot Packet.** The mail ballot packet must include the following information:
 - Ballot;
 - Notice of Election of Officers and Instructions to Eligible Voters Voting in a Mail Ballot Election;
 - Mailing Envelope
 - Secret Ballot Envelope;
 - Business Reply Envelope.

NOTE: A sample ballot that may be used in Walk-In and Mail Ballot elections is attached hereto as **ATTACHMENT B**. A supplemental sample Notice of Elections and Instructions to Eligible Voters Voting in a **Mail Ballot Election** is attached hereto as **ATTACHMENT C**. Sample envelopes indicating sizes and requirements are attached hereto as **ATTACHMENTS "D", "E", and "F"** respectively.

2. **Consult with Mail House or Printers.** Local Unions conducting their elections by mail ballot referendum must consult with mailing houses or printers to ensure that the return envelopes properly comply with Postal Service standards. In particular, **the voter's return address and identification number must appear in the prescribed location on the return envelope.** (The Postal Services in both the United States and Canada have caused election problems for Local Unions by returning voted ballots to the voter rather than delivering them to the designated post box).
3. **Return Address on the Business Reply Envelope.** The return address on the business reply envelope (**ATTACHMENT F**) should be that of the Election Committee at a Post Office Box rented specifically for the election, with access to such P.O. Box limited

to the appropriate election authorities.

Ballots should not be returned to the Local Union with its regular mail.

4. **Notice of Mail-Out Date to All Candidates.** All candidates should be advised as soon as possible of the date on which the mail ballot packet will be mailed to the membership.
5. **Candidate Rights and Observers.** Candidates have the right to be present at the counting of the ballots. Additionally, each candidate has the right to have at least one (1) observer, at the candidate's own expense, at each polling place.
 - a. Observers have a right to attend the preparation and mailing of the ballots, their receipt by the counting agency and at the opening and counting of the ballots; however, observers do not have a right to count the ballots.
 - b. If the Local Union has voting at more than one location, each candidate may have an observer at each polling site.
 - c. If the Local Union counts the ballots at more than one (1) table, an observer may be present at each counting location. The observer must be a member in good standing of the Local Union.
 - d. Although a candidate has the right to be present at the counting of the ballots, a candidate does not have the right to serve as his own observer.
6. **Deadline for Casting Ballots.** The deadline for casting ballots is based on the Post Office's receipt of the ballot. That deadline should be no earlier than thirty (30) days after the Nominations meeting. If both walk-in and mail balloting are used in the Local Union's election, mail ballots should **BE** due the later of thirty (30) days after the Nominations meeting or the last date for walk-in voting.

7. **Vote Count, Tally, Certification Process.**

The process for counting, tallying, and certifying the ballots as well as providing notice of the election results is outlined below:

- A. **Check Names of Voters Against the List of Eligible Voters.** After the returned ballots are collected from the Post Office and taken to the count site, the names on each reply envelope should be checked against the list of eligible voters, as well as the list of members who cast votes by walk-in balloting if both methods of voting are used. Ballots cast by ineligible members should be bundled together, set aside and marked as ineligible. A separate bundle of ballots should be made for ballots that are properly challenged and the reason for the challenge should be written on each envelope.
- B. **Eligible Ballot Envelopes.** The reply envelopes for the eligible ballots are then opened and segregated, and all secret ballot envelopes mixed thoroughly to prevent any possibility of identification. If both mail and manual voting are used, the mailed ballots should be mixed thoroughly with the walk-in ballots before counting.
- C. **Extraction and Counting of Ballots.** Once removed from the return ballot envelopes and mixed together, the secret ballot envelopes are then opened, and the ballots

are extracted. Thereafter, the ballots are counted.

- D. **Challenged Ballots.** In the event the number of challenged ballots equals or exceeds the margin of victory for any position, efforts must be made to resolve the challenges. If the number of challenged ballots is less than the smallest margin of victory for any position, the challenges do not need to be resolved.
- E. **Final Tally.** A final tally of the election results should be created and signed by observers.
- F. **Preservation of All Used and Unused Envelopes and Ballots.** All used and unused envelopes and ballots, including those returned as undeliverable ballots, must be preserved in a sealed container for at least one (1) year along with a copy of the membership roster and voter list.
- G. **Certification.** A certification as to the exact number of ballots and envelopes printed and delivered should be obtained from the printer and retained with the election records. Receipts from the post office indicating the number of ballots mailed should be retained.
- H. **Notice to the International Union.** After the election is concluded, the Local Union must advise the International Union of the names of the successful candidates.

PART IV: CAMPAIGNING

Rules and Restrictions

1. **No Labor Organization and No Employer Contributions.**

Section 401(g) of the Landrum-Griffin Act provides that:

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

The Department of Labor interprets these restrictions very broadly. The prohibitions against receipt of labor organization and employer monies have been interpreted to extend **beyond direct cash contributions** from employers and cash expenditures from union funds. They also apply to services and property utilized to support any candidate for office.

- A. All candidates should be advised to inform their supporters that acceptance of even a minimal amount of money or assistance from an employer or the Union could cause the election results to be challenged and set aside.
- B. Please note that the rules enforced by the Department of Labor are different in some respects from those utilized in the elections of International Union officers. If you have any questions concerning the propriety of campaign expenditures or fundraising activities, you should contact the Legal Department or your Local Union attorney.
- C. The **logo** of the International Union may be utilized on a candidate's campaign literature, or on a website that is clearly identified as a campaign site, **provided that** no Union funds are used to reproduce the logo and the campaign material does

not imply that the candidate(s) has been endorsed by the International Union, any of its officers, agents, or employees. Literature or websites bearing the International Union logo should not be disguised as official Union material or sites.

- D. Union stationery or letterhead must **not** be used for campaign literature.
 - E. Email and mailing lists compiled by the Local Union, officers or Business Agents and used for official communications of union matters cannot be used **unless** such lists are made available to all candidates.
- #### 2. **Campaign Access to Employer Premises and Email Systems.**
- Unlike the International Union election, there is no legal requirement that compels an employer to permit campaigning on its premises during a Local Union election of officers. However, if an employer permits any candidate to campaign, it must permit **all** to do so. The Local Union can request, but cannot compel, employers to provide access on a non-discriminatory basis. The Local Union should not request an employer to bar any particular candidate, or candidates in general. The same considerations of equal treatment of candidates apply to the use of employer email systems.
- #### 3. **Campaign Literature: Mailings, Mailing & Email Lists.**
- Local Unions must honor reasonable requests from candidates to utilize the mailing list to mail campaign literature to the membership at the candidate's expense. Each candidate is entitled to at least one mailing, even if no other candidate distributes literature in this manner. Additional requests may be considered "reasonable" depending on when the request is made and the Local Union's ability to make the mailings. The literature of all candidates must be treated equally, and all candidates must pay for the same services rendered by the Local Union.

- A. Mailings may be requested to less than the entire membership or to particular companies. In order to avoid disruption of the Local Union's office routine and the problems which processing campaign literature create, it is strongly recommended that Local Unions arrange for an outside mailing company to process the literature of all candidates. This will also relieve the Local Union of any responsibility should a problem occur which prevents a candidate's literature from being mailed on schedule.
 - B. Campaign literature cannot be censored by the Local Union regardless of its contents. The Local Union may not require literature to be mailed with first-class postage. If the Local Union has a bulk rate permit, it may be made available to all candidates, at their request.
 - C. The Local Union must process all requests for mailing of literature without delay.
 - D. It is the position of the Department of Labor that the Local Union may not demand to review a copy of any candidate's campaign literature before it is processed for mailing.
 - E. Requests to use the mailing list to distribute campaign literature must be honored even if they are made before the nomination meeting by a member who is a declared candidate for office and who would be eligible to run for office if nominated.
 - F. Essentially, the same rules discussed above concerning the use of mailing lists also apply to email lists containing members' contact information the Local Union has created if they are used to communicate with members about the Local Union's business. These can include lists developed by shop stewards, officers and Business Agents as part of their official duties or information they have access to only because of their official positions.
4. **Inspection of Membership Lists.** The Landrum-Griffin Act requires that each candidate must be afforded the opportunity, once within the thirty (30) days prior to the election, to inspect a list containing the names and addresses of all members of the Local Union. Candidates are not permitted to copy the membership list.
- A. If the membership list does not reflect the locations at which members are employed, the courts have required unions to make a list of the employers with which the Local Union maintains collective bargaining agreements available to candidates. The employer list must include the location of the employers' facilities and candidates are entitled to copy such information.
 - B. All candidates must be treated equally with regard to membership and employer lists as well as collective bargaining agreements.
5. **Requests for Local Union Financial Information.** The number of requests for financial information concerning the administration of the Local Union generally increases at the time of elections of officers.
- A. Local Unions in the United States have an obligation under federal law to permit inspection of reports filed with the U.S. Department of Labor. For most Local Unions, that requires permitting inspection and a copy of the LM-2 Report. The LM-2 is available on the Department of Labor website, www.dol.gov. It may be easier for the Local Union to refer the member to the DOL site. However, if a member insists upon receiving a paper copy of the LM-2 Report from the Local, you must provide it. If you are requested to provide other financial information, you should contact either your Local Union attorney or the Legal Department for guidance.
 - B. It is recommended that Canadian Local Unions provide, if requested, access to the most recent annual chartered accountant's report and the monthly Trustees' Reports for the most recent twelve (12) months. Unless required by provincial law, members need not be provided with copies of such reports, just access to review them at the Union Hall.

PART V: PRE-ELECTION AND POST *Election Protests*

1. **Pre-Election Protests.** Pre-election protests must be processed in accordance with the provisions of Article XXII, Section 5(a). The Local Union has an obligation under the International Union Constitution to process and decide pre-election protests in a timely manner. If violations of the election rules have occurred, the pre-election procedure gives the Local Union an opportunity to correct those violations before they affect the election and potentially cause the invalidation of the election and cause a re-run election. In accordance with Article XXII, Section 5(a) any member desiring to challenge a ruling on eligibility to run for office shall appeal, in writing, to the General President, within forty-eight (48) hours. Other pre-election

protests or charges made concerning an election shall be made in writing by such member to the Local Union Secretary-Treasurer within forty-eight (48) hours and shall specify the exact nature and specifications of the protest. Such protests shall be processed in accordance with Article XXII, Section 5(a) of the International Constitution.

2. **Post-Election Protests.** Post-election protests must be filed with the Secretary-Treasurer of the Joint Council within seventy-two hours and processed in accordance with the provisions of Article XXII, Section 5(b) of the International Constitution.

PART VI: POST-ELECTION OBLIGATIONS

Regarding Administration

In the event the Local Union election results in the selection of new leadership, the outgoing leadership should not make any extraordinary expenditure without complying with the requirements of the International Constitution.

- A. Article XXII, Section 4(e) of the International Constitution specifies the types of expenditures considered to be "extraordinary" and, therefore, limited during the period between an election and the beginning of the terms of newly elected officers. The Section provides, in part:

An expenditure may be considered to be "extraordinary" if: (a) it is not routine or recurring in the operation of the Local Union; (b) it is for an amount greater than the Local Union would normally pay for the particular item in the ordinary course of business; (c) it establishes new benefits, or increases the amounts of previously authorized benefits, for Local Union officers or employees; or (d) the payment would have a significant adverse effect on the financial stability of the Local Union and/or affect its ability to

provide representational services to the membership.

- B. Newly elected officers must be equally mindful of the continuing obligation of the Local Union to compensate the outgoing officers for all benefits that have been earned and were properly authorized.
- C. Outgoing officers must also be aware that Article XXII, Section 2(b) provides that:
- [I]f the Local Union employees form a union following the Local Union election, or a new collective bargaining agreement covering such employees is negotiated after the Local Union election, the newly organized unit shall not be recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local Union, until such action is approved by the officers-elect.

Fraternally,

Sean M. O'Brien
General President

Combined Notice of Nomination and Election of Officers of Local Union _____

Nominations

Eligibility to Run for Office

Election

If more than one day for voting

Eligibility to Vote

19

of a failure by an employer to send deducted dues to the Local or to make a proper deduction from the member's pay in any month in which a member has any earnings from which dues could have been deducted.

Elected officers of the Local Union shall, by virtue of such election, be delegates to any Joint Council with which the Local is affiliated, as well as to any convention of any subordinate body which may take place during their term of office. Elected Local Union Officers shall be delegates to such bodies in the order of priority set forth in the Local Union Bylaws.

Copies of the provisions of the International Constitution, the Local Union _____ Bylaws, and the Rules governing the conduct of this mail ballot election are available, upon request, from the Local Union.

Fraternally,

(Date of Mailing of Notice)
Local Union _____ Executive Board

This is an Official Election Notice which must remain posted until (the date of the ballot count)

ATTACHMENT A-2: MAIL BALLOT ELECTION

Combined Notice of Nomination and Election of Officers of Local Union _____

Notice is hereby given of the nomination and election of the following officers of Local Union ____: Secretary-Treasurer [/Principal Officer, if applicable], President [/Principal Officer, if applicable], Vice-President, Recording Secretary, and three Trustees (and elected Business Agents, if any). The terms of office for these officers will commence on January 1, 20____ and conclude on December 31, 20____.

Nominations

Nominations will be accepted at a Special Membership Meeting of Local Union ____ to be held on [Give date, time and place of meeting].

Nominations must be made and seconded from the floor by members of Local Union ____, in good standing with dues paid through _____ [the month prior to the month of nomination]. Any back dues or fees may be paid at the Local Union office through 4:00 p.m. on _____ [the last business day prior to the nominations meeting]. Nominees must accept nomination in person, or if absent, in writing for only one office. Written acceptances must be submitted to the Local Union Secretary-Treasurer.

Eligibility to Run for Office

To be eligible to be nominated for Local Union office, a member must be in continuous good standing in Local Union ____ and actively employed at the craft within the jurisdiction of the Local for twenty-four months prior to the month of nomination. "Continuous good standing" is defined as compliance with the requirements regarding the timely payment of dues, together with no interruptions in active membership because of suspensions, expulsions, withdrawals, transfers or failures to pay fines or assessments.

A member on dues checkoff will not lose good standing as a result of a delay or default by the employer in sending dues to the Local or because of an employer's failure to make the proper deductions from the member's pay in any month in which the member had any earnings from which deductions could have been made.

Potential candidates are encouraged to check their eligibility, and the eligibility of their nominators and seconders, prior to the nominations meeting by submitting a written request to the Local Union Secretary-Treasurer.

Election

The election will be conducted by mail ballot. Ballots will be mailed to all active members and new applicants eligible for membership in Local Union ____ on or about [date of mailing]. All ballots must be received at the designated Post Office Box by 10:00 a.m. on _____ (cutoff for return of ballots not less than 20 days after the day of mailing) to be counted. Members who have not received a ballot by _____ [date one week after the mailing of ballots], should call the Local Union Office at _____ [Local Union office phone number or toll-free number should be used or collect call accepted] to request a ballot. Duplicate ballots may be requested through _____ [at least seven days before the cut off for return of ballots].

Instructions for the completion of the ballot will be enclosed in the ballot package. This is a secret ballot vote. You should mark your ballot in private and mail your ballot, sealed in the secret ballot envelope, to the designated post office box in the postage paid Business Reply Envelope provided. Do not give your ballot to anyone.

Eligibility to Vote

To be eligible to vote in this election a member of Local Union _____ must be in good standing with initiation fees and dues paid through _____ [the month prior to the vote count] Members have until _____ [state the time that the dues office closes] on _____ [the last business day before the count] to pay their initiation fees or dues at the Local Union office in order to have their votes counted. Under the International Constitution, any member on dues checkoff shall not lose good standing as a result of a failure by an employer to send deducted dues to the Local or to make a proper deduction from the member's pay in any month in which a member has any earnings from which dues could have been deducted.

Elected officers of the Local Union shall, by virtue of such election, be delegates to any

Joint Council with which the Local is affiliated, as well as to any convention of any subordinate body which may take place during their term of office. Elected Local Union Officers shall be delegates to such bodies in the order of priority set forth in the Local Union Bylaws.

Copies of the provisions of the International Constitution, the Local Union _____ Bylaws, and the Rules governing the conduct of this mail ballot election are available, upon request, from the Local Union.

Fraternally,

(Date of Mailing of Notice)
Local Union 000 Executive Board

This is an Official Election Notice which must remain posted until (the date of the ballot count)

ATTACHMENT B: OFFICIAL BALLOT

- To vote, place a mark in the box next to the candidate or slate of your choice
- To vote for a full slate of candidates: place a mark in the box by a slate name, and you will have voted for all of the individual candidates on that slate. If you mark your ballot for a full slate of candidates, only your full slate vote will be counted; any vote for individual candidates not on that full slate will be ignored.
- To vote for a partial slate (a slate consisting of less than the full number of candidates to be elected); place a mark in the slate box by the name of the partial slate and your vote will be counted for all of the candidates on the partial slate. In addition to your vote for a partial slate, you may vote for any other individual candidate, whether or not on another slate, so long as the total number of votes for the candidates does not exceed the total to be elected to that office.
- You may vote for individual candidates, whether or not they are members of a slate, so long as the total number of votes for the candidates does not exceed the total to be elected to that office. If you wish to vote for individual candidates you can do so by placing a mark in the box to the right of their names. Do not mark a slate box.

	For Full Slate Mark [X] in the Square ☐ ABC SLATE	For Full Slate Mark [X] in the Square ☐ XYZ SLATE	For Full Slate Mark [X] in the Square ☐ KLM SLATE	INDEPENDENT CANDIDATES
PRESIDENT, PRINCIPAL OFFICER AND BUSINESS AGENT <i>(Vote for ONE only)</i>	Candidate A ☐	Candidate X ☐	Candidate K ☐	Candidate 1 ☐
SECRETARY- TREASURER AND BUSINESS AGENT <i>(Vote for ONE only)</i>	Candidate B ☐	Candidate Y ☐		
VICE PRESIDENT <i>(Vote for ONE only)</i>	Candidate C ☐	Candidate Z ☐	Candidate L ☐	
RECORDING SECRETARY <i>(Vote for ONE only)</i>	Candidate D ☐	Candidate W ☐		
TRUSTEES <i>(Vote for THREE only)</i>	Candidate E ☐ Candidate F ☐ Candidate G ☐	Candidate V ☐ Candidate U ☐ Candidate T ☐	Candidate M ☐ Candidate N ☐	Candidate 2 ☐ Candidate 3 ☐ Candidate 4 ☐
BUSINESS AGENTS <i>(Vote for ____ only)</i>	Candidate H ☐ Candidate I ☐ Candidate J ☐	Candidate S ☐ Candidate R ☐ Candidate Q ☐	Candidate O ☐ Candidate P ☐	Candidate 5 ☐ Candidate 6 ☐

ATTACHMENT C: FOR MAIL BALLOT ELECTIONS

{Local Union Number}, [Name] and [Address] Notice of Election of Officers and Supplemental Instructions to Eligible Voters

An election by secret ballot is being conducted among the eligible voters of Local ____ to fill the following officers: [LIST HERE THE OFFICERS TO BE HELD; THE NUMBER OF BUSINESS AGENTS (IF ANY) AND THE TERMS OF EACH OFFICE AND/OR POSITION]

An official ballot, a secret ballot envelope and a return addressed, postage pre-paid, envelope are enclosed herewith. To vote, read carefully and carry out the following instructions:

YOUR BALLOT MUST BE MAILED IN TIME TO REACH TEAMSTERS LOCAL UNION ____, P.O. BOX NO. ____, CITY, STATE ZIP CODE, NO LATER THAN ____ A.M., ____ /20 ____.

1. Read the enclosed ballot carefully before marking.
2. Vote for no more than three (3) candidate(s) for the office of Trustee; no more than ____ candidate(s) for the position of Business Agent; and only one candidate for all other offices. Your vote for a particular office or position will be VOID if you vote for more candidates than stated in the previous sentence.
3. Mark an [X] in the box at the side of each candidate or slate (if slate voting is permitted) of your choice.
Do not make any other marks on the ballot.
4. Place the ballot in the envelope marked "SECRET BALLOT ENVELOPE." **DO NOT WRITE ON THE SECRET BALLOT ENVELOPE.**
5. Seal the secret ballot envelope and insert it in the larger envelope addressed to the Local Union. **DO NOT REMOVE THE LABEL FROM THIS ENVELOPE**
6. Seal the larger, **pre-paid postage** envelope addressed to the Local Union, and deposit it in the U.S. Mail so that your ballot will be received at the Post Office Box no later than ____ A.M. on ____ (Date).
7. If the return envelope does not contain the address label, your ballot will be VOID. **YOUR VOTE IS SECRET.** The address label will serve the purpose of checking eligibility only. The larger envelope addressed to the Local Union will be segregated upon receipt and the sealed secret ballot envelope containing your ballot will be deposited with all other ballots so that when it is opened and counted, there will be no possibility of identifying you with the ballot you case.
8. **DO NOT SIGN YOUR NAME ON THE BALLOT OR THE SECRET BALLOT ENVELOPE.**

DO NOT SEND ANY OTHER MATERIAL IN THE SECRET BALLOT ENVELOPE.

ATTACHMENT D: ENVELOPE SIZE #11

Local Union
P. O. Box ABC
City, State Zip Code

Pre-Paid
Postage

Window for Address Label
to Show Through

ATTACHMENT E: ENVELOPE SIZE #9

SECRET BALLOT ENVELOPE

Do not Put Your Name or
Any Identification on This Envelope

ATTACHMENT F: ENVELOPE SIZE #10

FRONT

Postage

TO: Teamsters Local No.
Election Committee
P. O. Box XYZ
City, State Zip Code

BACK

FROM:

TITAN Address Label

