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RICHARD W. MARK  
Election Supervisor

July 16, 2015

Via Electronic Mail [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Re: [REDACTED] - Request for Approval of Walk-in  
Balloting for Delegate and Alternate Delegate Election

[REDACTED]

I received Local Union [REDACTED] request to conduct its election of convention delegates in the fall of 2015 using in-person, walk-in balloting.<sup>1</sup> A walk-in election is proposed because Local Union [REDACTED] “has historically conducted its elections on a walk in basis and has had high turnout.” The *Rules for the 2015-2016 IBT International Union Delegate and Officer Election* (“2016 Rules”) allow a local union delegate election to be conducted by a method other than a mail ballot only with the Election Supervisor’s approval. Art. II, § 2.

After consideration, the request as presented to conduct the delegate election by walk-in ballot is denied. The *2016 Rules* did not list particular factors to be weighed in considering whether to approve an alternative to use of a mail ballot and, understandably, the request as presented did not provide detail concerning the reasons for using walk-in balloting instead of a mail ballot, or the precise procedures to be followed, sufficient to overcome the strong presumption requiring use of mail balloting to conduct the delegate election. We will, however, use Local Union [REDACTED] request as an opportunity to explain generally the factors that would influence approval of such a request.

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<sup>1</sup> Local Union [REDACTED] regular election of officer is scheduled for [REDACTED] and the letter request suggested that the local union planned to hold its delegate election concurrently with the officer election. The Regional Director has since discussed the schedule with the local union. We have been informed that the delegate election is now not planned to coincide with the fall 2015 officer election but the local union does maintain its request to use walk-in balloting for the delegate election.



The *2016 Rules*, agreed to by the International Union to govern the entire election process, require local union delegate elections to be conducted by mail ballot unless the Election Supervisor approves an alternate method for use in connection with a specific local union plan. That provision for discretion, new to the *2016 Rules*, further provides that “[a]ny alternate method of balloting shall be approved only if the Election Supervisor determines that the method provides protection and security for the member’s secret ballot at least equivalent to the mail ballot.” Art. II, § 2.<sup>2</sup> While voter participation is a significant consideration in overseeing the conduct of a “fair, honest, open and informed” election, the voter participation rate is not the sole (or even the most important) factor in choosing a balloting procedure. The *2016 Rules* embody a strong policy of conducting delegate elections using a procedure that guarantees both a secret and *anonymous* ballot (at the time the ballot is marked):

No person or entity shall limit or interfere with the right of any IBT member to vote, including, but not necessarily limited to, the right to independently determine how to cast his/her vote, the right to mark his/her vote in secret and the right to mail the ballot himself/herself. No person or entity may encourage or require an IBT member to mark his/her ballot in the presence of another person or to give his/her ballot to any person or entity for marking or mailing.

Art. II, § 15. A mail ballot sent to a member’s home address allows for voting in private, with the ballot returned in a secrecy sleeve. While voters are identified at the eligibility check preceding the ballot count, there is no singular event where any member can be seen or approached at or about the moment of balloting (as is possible in a walk-in procedure).

One commentator on the *Proposed 2016 Rules* sought a change to mandate the use of mail balloting in delegate elections, citing historical incidents of misconduct and the possibilities for coercion in connection with walk-in elections. OES recommended against a change that would limit discretion to use methods other than mail ballot, but, in doing so, noted the strong presumption in favor of mail balloting and that evaluating any alternatives for “protection and security” equivalent to mail ballot required consideration of whether the alternative method protected “the right to cast a secret ballot free from any form of retaliation or coercion.”<sup>3</sup>

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<sup>2</sup> The Election Officer’s account of supervising the first IBT International Officer Election in 1991 recommended that “the rank and file delegate and alternate delegate elections be conducted by mail ballot,” *The Cookbook Vol I*, at 2-58, and the elections rules for the ensuing elections all required use of a mail ballot for the local union delegate elections. *The Cookbook* noted the possibility of an exception allowing walk-in election at a local union with a history of using that method “at a single employer worksite near or at the location where all the membership are employed.” *Id.* Local Union [REDACTED] may have membership in two adjacent counties, but it does not fit the “single employer” paradigm of *The Cookbook*’s hypothetical exception.

<sup>3</sup> OES Summary of *Proposed 2016 Rules Comments*, at 10, available at <https://www.ibtvote.org/files/Ellen%20London%20Declaration%20Exhibit%20F%20%20Analysis%20of%20Comments.pdf>



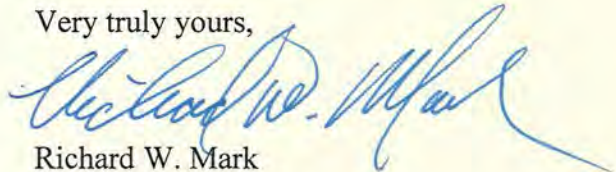
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Local Union ██████████ request focuses solely on “maximizing member participation” as the reason for using a walk-in procedure. The request states that the election will be run through a “strong Local Election Committee” with experience in conducting elections for the ██████████ predecessor locals to ██████████ and OES has no reason to doubt the experience or integrity of the committee members.<sup>4</sup> The request, however, does not contain any assessment of the possibilities for coercion at walk-in voting, procedures that would be put in place to avoid that, or whether those in the Local Union who may not be aligned with or support the incumbent officers would agree that a walk-in procedure would provide adequate protection for secret balloting free from coercion or retaliation. While the request notes that Local Union ██████████ is “geographically compact,” the request gives no indication of how a location for walk-in voting would be selected; the hours and days during which the polls would be open, the fit between polling times and member work schedules, and how those factors would affect members’ access to the polls. The request contains no indication of considering any plan for advance walk-in voting, absentee balloting or other alternatives to walk-in voting for any member unable to participate on whatever date(s) are set for the election. While the local union no longer plans to hold its local officer and delegate elections on the same schedule, we note that in any case of concurrent scheduling, the local union election plan requires the delegate election to be conducted by separate balloting so that the members may clearly understand the delegate election as distinct from the officer election. A request to overcome the *2016 Rules*’ strong presumption in favor of delegate election by mail ballot would have to reflect consideration of at least the factors enumerated in this paragraph.

I appreciate Local Union ██████████ having made this request as it has provided OES with an opportunity to elaborate on factors that would be considered in connection with any local union’s request to use an alternative to mail balloting for a delegate election. If Local Union ██████████ would like to continue to explore the possibility of a closely supervised use of a walk-in election, OES would be open to further dialogue on the subject.

Very truly yours,



Richard W. Mark  
Election Supervisor

cc: ██████████

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<sup>4</sup> We note that Local Union ██████████ has apparently had only one officer election since the 2010 merger of ██████████, and it is not clear what Local Union ██████████ separate “long history” of walk-in elections will mean in the new entity.