

# WELCOME TO ONLINE TRAINING!

You have been elected/appointed to a position of trust.

Your instructor, will provide you with information relating to federal laws, constitutional responsibilities, and suggestions for building a stronger local/state union.

If you have any questions at the conclusion of this presentation, please do not hesitate to contact me, or your instructor, Roosevelt Stewart.

Yours In Union Solidarity,  
Elizabeth Powell



# LOCAL UNION WORKSHOP FOR MAIL BALLOT ELECTIONS

## APWU National Secretary-Treasurer's Web Training

Mark Dimondstein  
President

Elizabeth Powell  
Secretary-Treasurer



# DON'T YOU LOVE ELECTION TIME!

- Union elections are expensive!
- Union election are a pain!
- But, union election have to be done-it's the law!!

You want to get it done, and get it done right, so the DOL doesn't make you do it over again. Consider using a balloting company if your membership is large and you can afford it. .



# WHY DO WE HOLD UNION ELECTIONS?

- The union is based on democratic principles. All members are entitled to choose their leadership and representatives.
- It is required by law to protect the membership of labor unions from corruption and abuse



# WHAT GOVERNS HOW ELECTIONS ARE HELD?

- Labor Management Reporting & Disclosure Act of 1959 as amended
- APWU National Constitution
- Your Local Constitution



## LMRDA

- Section 201.(a) Every labor organization shall adopt a constitution and bylaws and shall file a copy thereof with the Secretary (of Labor), together with a report, signed by its president and secretary or corresponding principal officers, .....



# APWU NATIONAL CONSTITUTION

Art. 16 Sec. 6 of the National Constitution states:

*“All chartered locals, area locals and states shall have a constitution and bylaws and it shall not be in conflict with the National Constitution.”*



## LMRDA: SEC. 101-BILL OF RIGHTS

- Equal Rights – Every member of a labor organization shall have equal rights and privileges to:
  - Nominate candidates
  - Vote in elections or referendums





## LMRDA: SECTION 401 - ELECTIONS

- Sec. 401 (b): Every local labor organization shall elect its officers not less often than once every three years by secret ballot vote among the members in good standing.



# Who Must Be Elected?

- Officers named in the local union's constitution
- Members of the executive board or similar governing body
- Convention delegates who elect officers of the state organization



# FREQUENCY OF ELECTIONS

At Least ...

- Local - every 3 years
- State - every 4 years
- National - every 5 Years

A union's constitution may require that elections be held more frequently.





## WHO RUNS THE ELECTION?

Local Election Committee (LEC)  
with the assistance of local union  
officers.

# APWU CONSTITUTION:

## ART.12 SEC. 8 ELECTION PROCESS

- “Each local, area local and state organization shall establish an election committee, no member of which shall be a candidate for election while serving on such committee.”
- “The committee shall be responsible for the conduct of local elections and shall decide all controversies arising out of the election processes.”





## **WHEN DOES THE ELECTION PROCESS BEGIN?**

**With the appointment/election of  
the local election committee**



## WHEN SHOULD THE COMMITTEE BE ELECTED/APPOINTED?

Well before nominations,  
with time to create rules and post the  
nominations notice



## **WHEN SHOULD THE ELECTION COMMITTEE MEET?**

Right after committee members  
are appointed or elected



# GETTING STARTED

Once the election committee is appointed or elected, the President and/or Secretary-Treasurer should meet with them to discuss:

- Mailing list
- LWOP
- Finances



# WHAT DOES THE COMMITTEE DO?

- Committee should review materials from last election and the last committee's report
- Committee should prepare a calendar
- Committee must set the election rules





## WHEN SHOULD THE ELECTION RULES BE SET?

Before the nomination notice is  
posted.

# ESSENTIAL ELECTION RESOURCES

- DOL Election Guide
- National Constitution
- Local Constitution
- Records from last election
- National APWU Secretary-Treasurer's Department



# DOL ELECTION GUIDELINES

- A comprehensive guide that covers all applicable laws
- It provides requirements, suggestions and common pitfalls for all stages of the election
- It also gives examples and reflects the 'reasoning' of the DOL agents



# ELECTION PLANNER

- Union membership list updated and revised with current addresses to be used for mailing nomination/election notices. (6-8 weeks prior to the election)
- Election and campaign rules prepared. (Prior to the nomination meeting)



# ELECTION PLANNER

- Two PO boxes are rented by the committee.
- One for the local election committee's official correspondence and returned undelivered ballots.
- Another restricted access box for the returned ballots. (Avoid renting a box at a station or branch where a candidate works.)



## ELECTION PLANNER CONT'D.

- Nomination/election notice posted or mailed. (At least 15 days prior to the nomination meeting)
- Deadline for receipt of written nominations, if applicable. (Usually just before the nominating meeting.)





## ELECTION PLANNER CONT'D

- Nomination meeting held. (4-6 weeks prior to when ballots mailed)
- Deadline for receipt of candidate nomination acceptances. (Within a week after the nomination meeting.)



## ELECTION PLANNER CONT'D

- Candidate eligibility verified and eligibility notification letters sent to all nominees. (Immediately after the nomination acceptance deadline.)
- Meeting with candidates held to discuss election and campaign rules. (As soon as possible after the eligibility of candidates determined.)



## ELECTION PLANNER CONT'D

- Period begins for candidates to inspect the union's membership list. (30 days prior to the mailing of the ballots (as required by the LMRDA.)
- Ballot designed and arrangements made with printer. (3 weeks prior to mailing of ballots.)



## ELECTION PLANNER CONT'D

- Final voter eligibility list prepared. (15-20 days prior to the mailing ballots .)
- If it was not included with the nomination notice of election notice should be mailed to last known home address of each member. (At least 15 days prior to the mailing ballots as required by the LMRDA.)

## ELECTION PLANNER CONT'D

- Ballots printed and challenged ballot envelopes, and tally sheets prepared.
- (1 week prior to the day ballots are mailed.)
- Ballot tally preparations completed and voter eligibility list updated, if necessary. (3-5 days prior to mailing ballots.)



## ELECTION PLANNER CONCLUDED

- In a mail ballot election, enter the ballot mailing date, which should be approximately 3-4 weeks prior to the ballot return deadline.
- Ballots counted and election results posted.



## Election Calendar

<b>Tasks</b>	<b>Date</b>
<b>LEC appointed/elected</b>	<b>Specific date</b>
<i>Begin working on mailing list</i>	<i>projected date</i>
<i>Campaign rules prepared</i>	<i>projected date</i>
<b>Nomination/Election Notice mailed or posted</b>	<b>Specific date</b>
<b>Nomination meeting held</b>	<b>Specific date</b>
<b>Deadline for acceptance of nomination</b>	<b>Specific date</b>
<i>Candidates eligibility verified and candidate notified</i>	<i>projected date</i>
<i>Meeting with candidate on election rules</i>	<i>projected date</i>
<b>Provide for inspection of mailing list</b>	<b>Specific date</b>
<i>Ballots designed for printer</i>	<i>projected date</i>
<i>Ballots printed, post office boxes secured</i>	<i>projected date</i>
<b>Ballots mailed</b>	<b>Specific date</b>
<b>Deadline to request duplicate ballots</b>	<b>Specific date</b>
<b>Deadline to receive ballots and ballots counted</b>	<b>Specific date</b>

# APWU CONSTITUTION: ELECTION PROCESS

- Division(craft) officers shall be members of the particular division and shall be elected only by members of that division(craft).
- Members may not file or be candidates for more than one (1) elective office.
- Write-in votes shall not be valid, counted or considered.
- The candidate or candidates receiving the highest number of votes for each office shall be declared elected.





# WHAT ROLE DO OFFICERS PLAY?

- Normally the President appoints the committee and provides essential resources so they know how to conduct the election
- Secretary-Treasurer, Treasurer or Secretary provides records such as member list and supplies
- All officers must abide by the election rules and not interfere with the committee



Let take a break for questions



# Who May Run for Office?

- Any member in good standing who meets reasonable qualifications, uniformly imposed, that are set forth in the local's constitution and bylaws
- Persons not barred from holding union office under Section 504 of the LMRDA



# Who is prohibited from running for office?

- Any member **not** in good standing.
- A person who has been convicted or served any part of a prison term for robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, murder, rape, assault with intent to kill, or to inflict grievous bodily injury, and violation of narcotics laws.



# APWU NATIONAL CONSTITUTION

- Article 3: Membership
- Article 10: Eligibility to Run and Hold National, State, or Local Office
- Article 12: Election Process - Sec. 8, 9 & 11



# APWU CONSTITUTION:

## ART. 3 MEMBERSHIP

- **Art. 3. Sec.** Any non-supervisory employee, regardless of level or grade, within the jurisdictional claim of the APWU is eligible for membership. **Those accepted for membership shall pay full per capita tax plus whatever dues may be required by his/her local union. A member's good standing status shall not be affected by reason of the fact that his/her paycheck for the payroll period in which his/her dues deductions are made is insufficient to permit such dues deductions, by reason of illness, injury, military leave, pregnancy leave, lay-off, disciplinary suspension, lockout or strike.**



# APWU CONSTITUTION:

## ART. 3 MEMBERSHIP

- (c) Members of this Union who retire from employment in an APWU bargaining unit may maintain full membership with **all rights of such membership by continuing to pay full per capita taxes to the APWU plus whatever local dues may be required by their local union.** He/she shall retain the same right to vote in all matters that he/she had immediately before he/she retired from service.



# APWU CONSTITUTION: ART. 10

## ELIGIBILITY TO RUN AND HOLD NATIONAL, STATE, OR LOCAL OFFICE

- Art. 10. Sec. 1 (a) Eligibility for Office. To be eligible for nomination, the candidate must be member in good standing.

*(Good standing being defined as paying local and national dues unless excused under Article 3)*





# CONSTITUTION: ART. 10 SEC. 2 (B)

## ELIGIBILITY TO RUN AND HOLD NATIONAL, STATE, OR LOCAL OFFICE

- Anyone who has held a managerial position with the responsibility of issuing or recommending discipline or applying or interpreting the CBA for a 2 week period in a year is ineligible to hold office or be a delegate to a convention.
- This holds for a period of one year from the time the employee vacates such position.



# CONSTITUTION: ART. 10 SEC. 2 (B)

## ELIGIBILITY TO RUN AND HOLD NATIONAL, STATE, OR LOCAL OFFICE

- Anyone who has applied for a management position must withdraw the application prior to acceptance of nomination for any office.



# CONSTITUTION: ART. 10 SEC. 2 (C)

## ELIGIBILITY TO RUN AND HOLD NATIONAL, STATE, OR LOCAL OFFICE

- Anyone who applies for a management job or is detailed to a management job after being elected or appointed to office, shall immediately vacate that office.



## OTHER RESTRICTIONS

At the 2008 National Convention the delegates passed a National Executive Board referred resolution which states,

*“Any officer or former officer that has had a bond invoked and found guilty pursuant to the APWU constitution, be prohibited from ever running or holding any office at any level of the APWU where a bond is required.”*



# Qualifications for Office in Local Constitutions

Any qualification which restricts a member's right to seek or hold office must be in the union's constitution and bylaws or other union rules. Unwritten requirements may not be used to disqualify a candidate.



# DOL Accepted Qualifications for Office

- Minimum length of membership (not to exceed 2 years)
- Continuous good standing (not to exceed 2 years)



# Qualifications cont.

- Meeting attendance requirements to run for elected office are permitted, however it is recommended that they not exceed 4 or 5 per year.
- Supervisors who pay full dues are prohibited from running for office you're the APWU national constitution



# Qualifications cont.

- Eligibility requirements should not be made to apply retroactively if it would result in members having no opportunity to satisfy the requirement

*(You can't amend your constitution just before the nominations to prevent a member from running for office.)*





## FACTORS FOR LOCALS TO CONSIDER FOR MEETING REQUIREMENTS

- Impact of the qualification (percentage of members who would be disqualified)
- Union must maintain records to be able to verify qualification compliance or non compliance



# DELEGATE ELECTIONS

Locals may have more stringent meeting requirements for delegates to a national convention because delegates do not vote for officers at our national convention.

**Locals should not have any meeting requirements for state delegates. The DOL has overturned state delegate elections, ruling that meeting requirements are too restrictive.**



# NOMINATIONS

- Every union member should be given a reasonable opportunity to nominate the candidates of his/her choice.
- The nominations notice should reach members within a reasonable time before nominations. (At least 15 days)
- Allow for mailed nominations



# Sample Nominations Notice

## \*\*\*NOMINATIONS MEETING\*\*\*

Nominations for: President, Vice President, Secretary, Treasurer

*(Candidates elected president and vice president will also serve as delegates to the National and State conventions)*

When: November 18, 2009 at 7:00 pm

Where: Local 1 Union Hall, 123 Main St., Gotham City

How: Nominations will be taken from the floor at the meeting.

Written nominations will be accepted until 2pm the day of the meeting.

## \*\*\*ELECTION NOTICE\*\*\*

The ballots for election of officers will be mailed on **January 4, 2010** and must be returned in the ballot return envelope no later than **12 noon January 31**. To receive a ballot, a member must have been a member in good standing since October 31, 2009. Members are urged to update their mailing address as soon as possible. Request for duplicate ballots must be received by January 26. Any inquiries concerning the election of officers should be referred to the local election committee:

Local 218 Election Committee  
PO Box 234  
Gotham City, New Jersey 08723



# Nomination/Election Notification Options

- Mail to members' homes
- Publish in union newspaper
- Post at work sites
  - Must mail combined notice to members' homes (last known address on record)



# METHOD OF NOMINATIONS

## ○ Nomination Meeting

- If nominator must be in good standing, eligibility of nominees and nominators must be checked at the time of nomination
- **Even if a quorum is not present, nominations should still be accepted.**

## ○ Written Nominations

## ○ Petition



# ACCEPTANCES

- If nominations are conducted at a meeting, determine if nominee is present and whether he or she accepts nomination.
- If formal nomination acceptance is required, an acceptance procedure with a reasonable deadline should be announced in advance. (one week)
- Any nominee unable to attend the nomination meeting should be allowed to submit a written acceptance within a reasonable time after the close of nominations. (This self nomination does not require the nominee to accept the nomination)



# UNOPPOSED CANDIDATES

## APWU Constitution Article 11 Section 3(b)

- “...In the event that only (1) eligible candidate is nominated for an office, the Secretary-Treasurer shall cast one (1) ballot for each nominee whereupon the Election Committee shall declare the nominee(s) duly elected to the respective position.”
- (Local committee can also declare them elected and their names will not appear on the ballot)





# CERTIFICATION OF CANDIDATES

It would be helpful to have candidates sign a certification that they are not in violation of Art 3, & 10 of the APWU National Constitution and the NEB resolution . The certification can also state that the candidate accepts the nomination and how that candidate wants his/her name to appear on the ballot. This certification should be available at the nominating meeting.



# CERTIFICATION OF CANDIDATES

## Certification of Compliance with Section 504. LMRDA

- As a candidate for office in the American Postal Workers Union (APWU), I certify that I do not have a criminal conviction which would prohibit me from serving as an officer of the APWU under the Labor-Management Reporting and Disclosure Act, 29 U.S.C. Section 504.
- 
- Signature:
- Date:
- Printed Name:
- .
- 



## Certification for Candidacy

Please mark only one (1) of the following boxes indicating whether you accept or decline

nomination for the office of \_\_\_\_\_:

**Accept**

**Decline**

By checking the “accept” box above, you are confirming that you in compliance with Article 3 and Article 10 of the APWU National Constitution and Bylaws which state in part:

**Article 3, SEC.1** (a) Eligibility for Office. To be eligible for nomination, the candidate must be a member in good standing.

(b) No member holding office in any other organization representing employees for the purposes of collective bargaining or in administrative proceedings can be elected or appointed as an officer of the APWU, nor can he/she be seated as a delegate to the national convention.

**Article 10, SEC. 2** (a) Any National Officer making application, in writing, for a position of management shall within ten (10) days of that application resign his/her position with the APWU and if such resignation is not forthcoming, the National Executive Board shall, upon conclusive evidence, declare said office vacant and appoint a successor.

(b) Any employee eligible to be a member of the American Postal Workers Union who voluntarily holds a managerial, supervisory or EAS position with responsibility for issuing or recommending discipline, or applying or interpreting the National Agreement for the equivalent of a two-week period in a year shall be ineligible to hold office at any level of the APWU or to be a delegate to any convention held by the APWU or any subordinate body of the APWU, so long as the employee continues to serve in such position and for a period of one (1) year from the time the employee vacates such position.

Any member who has submitted an application to a managerial, supervisory, or EAS position with responsibility for issuing or recommending discipline or for applying or interpreting the National Agreement shall withdraw such application prior to acceptance of nomination for any office in the APWU.

(c) Any member who voluntarily, after August 31, 1984, holds, accepts or applies for any managerial or supervisory position, EAS position or the PASS Program or any other supervisory program, for any period of time, whether one (1) day or a fraction thereof, either detailed, acting, probationary or permanently after being elected or appointed to any office, shall immediately vacate any office held by that member in the national, local, area local, district council, state or regional organization, any department of the APWU, the Postal Press Association, or any subordinate body of the APWU which receives financial support or uses the name of the American Postal Workers Union.

# CERTIFICATION OF CANDIDATES

**What are the crimes that result in a person being barred from running for office?**

Conviction for several types of crimes will bar a person from serving in prohibited capacities: Generic criminal offenses; specifically, murder, assault with intent to kill, assault that inflicts grievous bodily injury, rape, arson, extortion, burglary, grand larceny, robbery, bribery, embezzlement, or violation of narcotics laws; Violations of Title II or Title III of the LMRDA,



# THE ELECTION CAMPAIGN

- Members have the right to support the candidates of their choice without being subject to reprisal.
- This includes wearing buttons and t-shirts of candidates.
- Although union stewards and officers can wear campaign material while on duty, they are prohibited from soliciting votes, except on their break and lunch.



# THE ELECTION CAMPAIGN

Union bulletin board should not be made available for campaign literature. A committee member should do periodic checks for unauthorized postings.

Local editors should be wary and not permit the publication of articles by candidate which are only submitted during the campaign period.



# PROHIBITED CAMPAIGN ACTIVITIES

The logo of the national or local union should not be used on any candidates campaign literature. It gives the impression that the national or local union endorses the candidate. Also, any official union title should not be used in campaign material. For example, on official business cards.



# CERTAIN CAMPAIGN SAFEGUARDS

A reasonable time must be provided prior to the election for candidates and their supporters to campaign. (3-4 weeks)

Each candidate must be treated equally and receive equal access to union membership lists and employer lists and equal access to work sites.





# CAMPAIGN LITERATURE

- The committee must comply with all reasonable requests to distribute campaign literature at the candidate's expense.
- The committee cannot censor a candidate's literature.
- Committees should comply with reasonable requests to distribute campaign literature through e-mail.



# CAMPAIGN MAILINGS

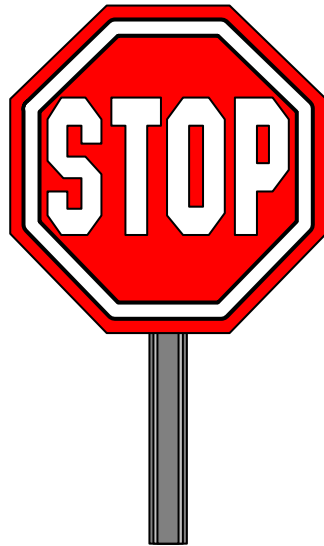
In complying with all reasonable requests to distribute campaign literature at the candidate's expense.

- The committee should not release the mailing list or labels to any candidate
- Candidates should prepare their own mailings so that all the committee has to do is apply mailing labels.
- Set a price for labeling campaign mailings which covers the cost of the labels, and any compensation to committee members.

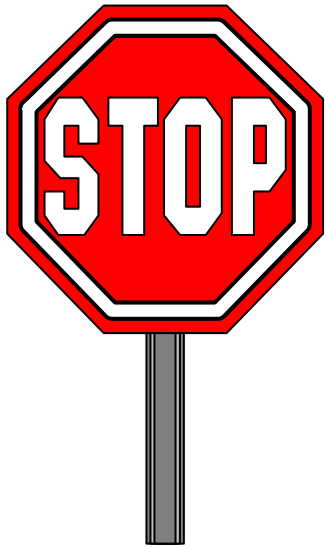


# LMRDA

- Sec. 401 (g): No moneys received by any labor organization...and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election...



# Union & Employer Funds



- Office equipment and supplies
- Facilities
- Publications & Correspondence
- On the clock
- Cash
  
- *Both direct and indirect expenditures are prohibited!*



# Union Funds

*However, union funds may be used for reasonable expenses necessary to run an election.*

*The expenditure of union funds to run an election are controlled by the elected officers of the local-but the election committee runs the election.*



# MANAGEMENT AND ELECTIONS

- Managers are not eligible to vote in elections, even if paying dues
- Management should not try to influence the election
- 204b members may vote, however they may not be eligible to be nominated for office.



Let take a break for questions



# Right to Vote

The LMRDA guarantees that members in good standing should have the right to vote for candidates of their choice. Good standing means that a members pays dues to the local and national unless their dues are waived applying Article 3 of the APWU National Constitution.



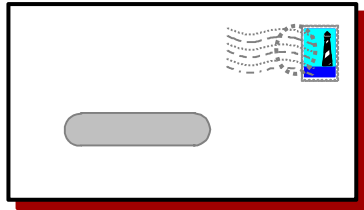


# Right to Vote

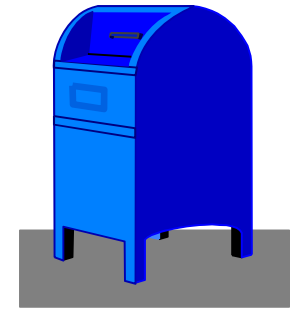
Letter carriers and mail handlers who pay full dues to the APWU are permitted to cast a vote for general officers only.


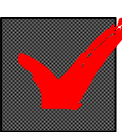
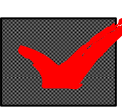
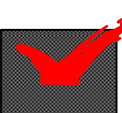
Supervisors are not permitted to vote. 204b's are permitted to vote because they are only 'acting' supervisor, and are still bargaining unit employee when not 'acting'.





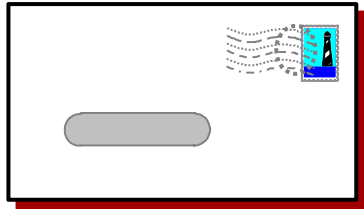
# Election Notice



-  Mailed to each member's home address
-  At least 15 days before the election
-  Lists date ballots are mail and returned
-  Lists specific offices to be filled

\*The election notice can be combined with the nominating notice



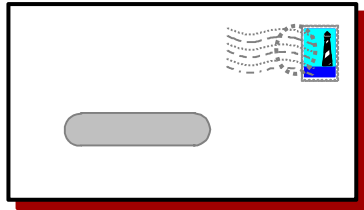


# Election Notice



If the election notices were not mailed to members previously, the ballot package may serve as the election notice provided it is mailed at least 15 days prior to the date when ballots must be mailed back in order to be counted and contains voting instructions which are clear and complete.





# Election Notice



*(For example)*

The ballots for election of officers (listed) will be mailed on **January 4, 2010** and must returned in the ballot return envelope no later than **12 noon January 31**. To receive a ballot, a member must have been a member in good standing since October 31, 2009.

Local 218 Election Committee  
PO Box 234  
Gotham City, New Jersey 08723

(The election notice should contain instructions and deadline for duplicate ballots, instruction for completing and mailing the ballot and the deadline for the ballot. ***This type of notice included in the ballot package is not the preferred method***)

# SECRET BALLOT

- LMRDA requires a secret ballot vote for the election of:
  - Local union officers
  - Delegates who elect officers at a state convention.



# SECRET BALLOT

- “...the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote...cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.”

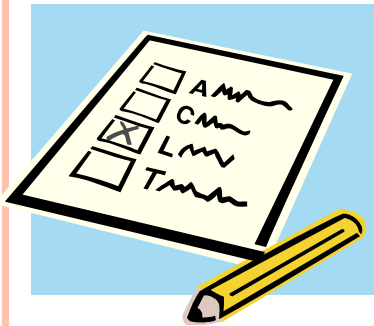


# Ballot Secrecy

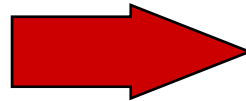
The 'double envelope system' for mail ballot elections is an acceptable way to maintain ballot secrecy.



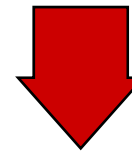
# The Double Envelope System



Put ballot  
in here



Secret Ballot Envelope



Return  
Envelope

Joe Smith  
111 West Huron St.  
Auburn, IL 62222

U.S.

Local 1 Election Committee  
P.O. Box 2  
Gotham, IL 63333-0002





# The Double Envelope System

Return  
Envelope

Joe Smith  
111 West Huron St.  
Auburn, IL 62222

U.S.

Local 1 Election Committee  
P.O. Box 2  
Gotham, IL 63333-0002

The return envelope must have some information on it to identify the voter as an eligible voter.

*The requirement of a signature should not be used to disqualify or void a ballot unless the local committee has signature card to make signature comparisons.*



# Balloting

- Adequate safeguards
  - Verify voter eligibility
  - Protect the ballots and voting process
- Allow persons whose eligibility is questioned (for example, their name is not on the voter eligibility list) to cast challenged ballots.

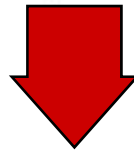


# CHALLENGED BALLOT SAMPLE

## Secret Ballot Envelope

(Do not write your name or other identifying information on this envelope.)

3 5/8" x 6 1/2" (No. 6 1/2 envelope)



## Challenged Ballot Envelope

Name: \_\_\_\_\_ Polling Place: \_\_\_\_\_

ID#: \_\_\_\_\_ Challenged By: \_\_\_\_\_

Reason for Challenge : \_\_\_\_\_

Resolution: \_\_\_\_\_

Election Official: \_\_\_\_\_ Date: \_\_\_\_\_

4 1/8" x 9 1/2" (No. 10 envelope)



# OBSERVERS

- In mail ballot elections, observers are allowed during:
  - Ballot mailing where envelopes are stuffed, labeled and mailed
  - Visits to the post office to pick up undeliverable ballots and re-mail ballot packages
  - Trips by election officials to pick up voted ballots, transport to tally, and when conducting eligibility review



# RIGHTS AND OBLIGATIONS OF OBSERVERS

- Must be given reasonable opportunities to observe the work of the committee
- Cannot assist the election officials in conducting the election
- Cannot engage in partisan activities inside the tally area.
- Cannot interfere with committee work



# TALLYING THE BALLOTS

- Every vote on a valid ballot should be counted if the voter's intent is clear.
- An entire ballot should not be voided unless it contains the voter's name or other marks which may identify the voter.
- Challenged ballots should be resolved as early in the process as possible.
- The committee must account for all ballots. This includes printer invoices.



# What to Do after the Election

- Announce and publish official election results (post on bulletin boards, publication, website)
- Retain election records for one year by law, but records should be kept till next election
- Prepare an election committee report, and make recommendation to improve the process, including constitutional changes.



# ELECTION COMPLAINT

- Any member may file an election complaint with the Secretary of Labor or DOL.
- Prior to filing a complaint with the Secretary , the member must have either exhausted or attempted to exhaust the remedies available under the union's constitution and bylaws.





# CONSTITUTION: ART. 12, SEC. 8

## ELECTION PROCESS

- Any member who feels aggrieved in connection with the conduct of the election shall file his/her grievance with the local election committee within 72 hours after his/her grievance arises.
- For the purpose of this Article, the term “election” shall include the nominating procedures.



# ELECTION APPEALS

- Election appeals are handled by the local election committee first. The decision of the local election committee may be appealed to the NEAC.
- The National Election Appeals Committee (NEAC) is the highest ranking body over election appeals in the APWU. The decision of the NEAC may be appealed to the DOL.



# CONSTITUTION: ART. 12, SEC. 8

## CONT'D

### ELECTION PROCESS

- Appeals from the decision of the local election committee shall be to the National Election Appeals Committee (NEAC); shall be in writing; shall set forth all the relevant facts on which the appeal is based; and shall be filed with the NEAC within 5 days from receipt of the written decision of the local's election committee.



# CONSTITUTION: ART. 12, SEC. 11

## ELECTION PROCESS

- Officers, declared elected through applicable procedures...shall assume and hold office pending final determination, under the appeals procedures provided in this Article.



# CONSTITUTION: ART. 14

## RECALL

- There shall be no recall provision in this Constitution and Bylaws, or in the Constitution or Bylaws of any APWU subordinate body. Removal of officers is governed by Article 15.



# VACANCIES IN OFFICE

Locals are encouraged to have language to cover filling vacancies and succession in their local constitutions.

- May be filled using procedure in the union's constitution and bylaws
- Special elections to fill vacancies are not mandated by the LMRDA



# FINAL NOTE

- All officers have a responsibility to follow the election rules and insure that the local election is fair and impartial.



# END OF PRESENTATION

Elizabeth Powell, our Secretary-Treasurer would like to thank you for participating in this presentation. Your feedback is very important to us because it will help us improve the Webinars. Please feel free to comment, both negative and positive, about this training.

Please feel free to email your comments to

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