

CWA LOCAL ELECTIONS MANUAL

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International/Local
(11/93)

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I. INTRODUCTION

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Local union elections are the cornerstone of democratic trade unionism. In CWA, the rank-and-file membership is given an opportunity every three years to select the officers who will provide leadership for their locals.

Practices and procedures for conducting these local union elections have been established by federal law and the CWA Constitution. The law and the Constitution set minimum requirements. Beyond these, local elections can be conducted according to the bylaws and rules of each local as long as the local bylaws and rules do not conflict with the federal or constitutional provisions.

Local executive boards and election committees have a legal obligation to see that local elections are conducted in accordance with federal regulations. We must be particularly diligent at the present time since government agencies are investigating local union practices with greater frequency than has been the case in the past. We also have an obligation to our membership to ensure that elections are run democratically and efficiently.

This guide is being offered to ensure that CWA locals conduct elections according to federal regulations and in adherence to CWA Constitutional and local bylaw requirements.

In addition, the Department of Labor, Office of Labor-Management Standards, has published two pamphlets for the guidance of labor organizations dealing with the question of elections under the law. They are: (1) Electing Union Officers, Technical Assistance Aid No. 5 and, (2) "Election of Officers of Labor Organizations", which contains interpretative regulations setting out the Labor Department's position and understanding with respect to the meaning of many of the minimum standards prescribed in Title IV of the Act. Both of these pamphlets may be obtained from the Department of Labor, Office of Labor-Management Standards (see list of area offices attached). It is recommended that locals obtain copies of these publications for use by the local's election committee.

II. ELECTION COMMITTEE RESPONSIBILITIES

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1. The CWA Constitution requires that all locals establish an election committee. The committee's job is to conduct all elections and referenda and make sure that they comply with:

1. Federal Law (see page 3)
2. CWA Constitution (see page 5)
3. Local Bylaws and rules.

Candidates for any local office or for delegate to CWA's convention are not permitted to serve on the election committee.

2. The election committee must identify and check off on the official membership list each voter. The committee must verify that the individual voting is a member in good standing and make certain that each member votes only once.
3. Any member may challenge the right of a person to vote. The election committee shall, by vote, decide each challenge.
4. The election committee tallies the ballots in all elections and notifies the membership of its tentative certification of the results. The nominee for any office who receives the majority of the votes cast is declared elected. If no nominee has a majority on first ballot, a new vote is taken with only the names of the two candidates having received the greatest number of votes appearing on the second ballot.

A local may provide in their bylaws or rules for the election of candidates by a plurality of votes cast for any office except that of President, (Executive) Vice President, Secretary, Treasurer, or Secretary-Treasurer.

For more information on counting and reporting of ballots, see page 19.

5. The election committee handles and decides all questions concerning the conduct and challenges of elections. Any challenge to the conduct of an election must be filed within 10 days of the tentative certification of the results. The election committee must rule on any such challenges and must within 20 days of the tentative certification of the results make a final determination or certification. The election committee's decision on these matters is subject to appeal to the governing board and local membership.
6. All ballots, including used, unused and challenged ballots, envelopes used to return marked ballots in a mail ballot election, tally sheets, and related election documents, must be kept for one year by the election official designated in the bylaws or by the local secretary if no other official is designated. The election records should be sealed.

III. FEDERAL REGULATIONS GOVERNING UNION ELECTIONS

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The Labor-Management Reporting and Disclosure Act (L.M.R.D.A.), often referred to as the Landrum-Griffin Act, was enacted into law in 1959. Title IV of the Act sets 12 specific provisions for the election of officers and convention delegates.

1. Every local union must elect its officers not less often than once every three years by secret ballot among the members in good standing.
2. Every local union and its officers must comply with all reasonable requests of any candidate to distribute campaign literature at the candidate's expense to all members in good standing of the union and to refrain from discrimination in favor of or against any candidate with respect to the use of its members. Whenever a union or its officers authorize the distribution of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution.
3. Every bona fide candidate shall have the right, once within 30 days prior to an union election, to inspect a list containing the names and last known addresses of all members of the union who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof.
4. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.
5. A reasonable opportunity shall be given for the nomination of candidates. Every member in good standing shall be eligible to be a candidate and to hold office and shall have the right to vote for or otherwise support the candidate or candidates of his/her choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by a union or any member thereof.
6. Notice of the election must be sent to each member at his or her last known home address at least fifteen days prior to the election.
7. Each member in good standing shall be entitled to one vote.
8. No member whose dues have been withheld by his employer for payment to a union pursuant to his/her voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in a union because of alleged delay or default in the payment of dues.

9. The votes cast by members of each local labor organization shall be counted; and the results published separately.
10. The ballots and all other records pertaining to the election must be preserved by the election officials designated in the constitution and bylaws or the secretary, if no other official is designated, for one year.
11. The election shall be conducted in accordance with the constitution and bylaws of the union insofar as they are not inconsistent with the provisions of the law.
12. No monies received by any labor organization by way of dues, assessment, or similar levy, and no monies of any employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such monies of labor organizations may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

NOTE FOR PUBLIC WORKER LOCALS:

The LMRDA provisions do not apply to CWA locals which have only public sector members. CWA locals which have public and private sector members are covered under the LMRDA even if the local has only one private sector member. However, CWA recommends that all locals, regardless of membership, follow the LMRDA provisions. All CWA locals must adhere to the election provisions set forth in the CWA Constitution.

IV. CWA CONSTITUTIONAL REQUIREMENTS FOR UNION ELECTIONS

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Article XV of the CWA Constitution governs the administration of local elections.

1. Local officers shall be nominated and elected during the months of September, October, November and December.
2. Officers of a local shall be at least a President, Vice President, and Secretary-Treasurer or Secretary and Treasurer. Beginning with elections held in 1987, no member shall be permitted to hold more than one such office.
3. Beginning with the elections held in 1972, the term of office for local officers shall be three years or until their successors have been duly elected and qualified.
4. Locals shall adopt bylaws or rules to govern the nomination and election of officers, members of a governing body, delegates and alternate delegates; the appointment, selection or election of stewards and committee members; and the filling of vacancies.
5. Locals shall select an election committee which shall conduct all elections and referenda in accordance with the constitution, local bylaws or rules and federal law.
6. All questions concerning the conduct and challenge of elections shall be determined by the election committee subject to the right of appeal to the governing body and membership of the local.
7. The election committee shall tally the ballots in all elections and notify the membership of it tentative certification of the results. Absent a challenge to the election, the tentative certification shall become final in ten days thereafter.
8. Any challenge to the conduct of an election must be filed in writing with the election committee within 10 days of the tentative certification of the results. The election committee shall rule on any such challenges and shall within 20 days of the tentative certification of the results make a final determination or certification. Such determination or certification shall be subject to the right of appeal to the governing body and to the membership of the local.
9. While a challenge to an election is pending, the officers certified by the election committee in its final determination shall be the elected officers of the local. Those officers shall remain in office unless the election committee's determination is reversed by the Executive Board of the union or a new determination is made pursuant to the results of a properly ordered rerun election.

10. Only members of the union in good standing shall be eligible to vote or hold elective office. No elected officer of the union or of a local shall take office unless the elected officer is eligible under the constitution and federal law.
11. The election by locals of officers, members of a governing body and delegates and alternate delegates to the union convention shall be by secret ballot among the members in good standing. The nominee in any election receiving a majority of the votes cast shall be declared elected; provided, however, that locals may provide in their bylaws or rules for the election of candidates by a plurality of the votes cast in any election, other than an election of local president, (executive) vice president, secretary, treasurer or secretary-treasurer.

V. LOCAL ELECTION RULES

GUIDELINES

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Each local shall have Local Election Rules. These rules may be incorporated into the bylaws or established as Election Rules as an administrative practice. Local Election Rules help keep election procedures consistent and legal. A copy of the rules should be given to the Election Committee. The following are suggested Local Election Rules. Variations in the rules may be necessary to meet the particular needs of a local.

1. Nominations.

Any member of the local may be nominated for election provided the nominee consents. Nominations may be made by the Election Committee or any member of the local at the membership meeting called for the purpose of making nominations. (NOTE: Reasonable opportunity for nominating candidates must be provided to accommodate those scheduled to work during nominating meetings or whose worksite is an unreasonable distance from the nomination meeting.)

2. Campaigning.

- a. Each candidate will be afforded a reasonable opportunity to have campaign materials distributed by the local to the membership. The expense of such distribution shall be borne by the candidate.
- b. Each candidate will be treated equally with respect to the conditions and expenses of the distribution of campaign literature.
- c. No local or national union funds nor employer funds shall be used to promote the candidacy of any individual. The use of employer stationery, facilities, equipment or personnel in connection with any campaign is prohibited. Use of plain local stationery, facilities, equipment or personnel in connection with any campaign is prohibited unless the local is compensated. Use of union stationery with the local's name, insignia or other mark identifying the local is prohibited.
- d. No member may campaign during time that is paid for by any local, the national union or any employer. Campaigning incidental to regular union business would not be a violation of this section or federal law.

3. Eligibility to Vote.

All members of the local in good standing are eligible to vote. The local secretary shall furnish the Election Committee with the latest membership list available. Questions on the membership status of an individual whose name does not appear on the membership list should be resolved by the Election Committee in conjunction with the local treasurer. Questions concerning the identity of a member may be resolved by the presentation of a membership card, driver's license, or similar form of identification.

4. Challenging a Voter.

- a. Any member may challenge the right of a person to vote.
- b. Some reasons for such challenge are:
 - (1) The person is not a member in good standing.
 - (2) The person attempting to vote is not the member on the list.
 - (3) The member has already voted.
- c. The Election Committee shall by vote decide each challenge.

5. Observers.

Each candidate may have observers at each meeting of the Election Committee and at each polling place on the day of the election and at the location(s) where the ballots are being counted. Such observers must be members of the local. Observers may speak at Election Committee meetings, may challenge a voter or the counting of a ballot, but may not conduct any campaigning while acting as an observer.

6. Notice of Election.

A notice of election will be mailed to each member at their last known home address not less than 15 days prior to the election.

7. Ballots.

- a. The ballots shall be printed containing the office and the names of the nominees and a space for write-in candidates for each office unless write-in votes are not permitted under the local bylaws.
- b. Position on the ballot shall be determined by alphabetical order or by a drawing conducted by the Election Committee.

8. Voting Procedure.

A. Mail Ballots

1. Each member eligible to vote by mail will be sent:
 - a. One notice of election with instructions (See suggested Form No. 2 for sample).
 - b. One secret ballot.
 - c. One ballot envelope.
 - d. One return addressed, postage-paid mailing envelope. The return address should be to a post office box.

2. Each voter must:
 - a. Mark the ballot as provided in the instructions.
 - b. Fold and place the ballot in the ballot envelope and seal it.
 - c. Place the sealed ballot in the return addressed envelope, seal it and affix his name and address on the upper left-hand corner of the return addressed envelope. An individual's ballot may not be counted unless there is sufficient information on the return addressed envelope to identify the individual and verify his eligibility to vote.
 - d. In order to insure the security of the ballot it is strongly recommended that mail ballots be returned to a post office box. If the local chooses to have ballots returned to the local office, the Election Committee must make arrangements to provide security for the returned ballots.

B. Voting Procedure - Polling Place

1. The polls should be opened at the time stated in the notice.
2. The voter must be identified and checked off on the membership list before a ballot is issued to the voter.
3. A member of the Election Committee shall initial each ballot as it is presented to a voter.

4. The voter then enters the voting booth, marks the ballot, folds it, leaves the voting booth, and places the ballot into the ballot box.
 5. A voter who spoils his ballot may exchange it for another ballot by surrendering the spoiled ballot to the Election Committee.
 6. No electioneering is allowed in the voting area.
 7. The polls will be closed promptly at the time stated in the notice for election. Any voter in line at that time will be permitted to vote.
 8. Absentee ballot (Optional) - A member must make a written request for an absentee ballot to the Election Committee Chair no later than 7 days prior to the election. Absentee ballots may be dispensed by the Chair. Absentee ballots will be received until noon on Election Day. (Note: While absentee ballots are not necessarily required, they will be required where the local knows in advance that a substantial number, or a particular segment of the members, will not be able to exercise their right to vote in person. In the event absentee ballots are necessary, a local must provide its members with reasonable notice of the availability of such ballots.)
9. Counting the Ballots.
- A. Mail ballots:
 1. Check the upper left-hand corner of the return addressed envelope to see that the name corresponds with the name and address on the eligibility list.
 2. Open the return addressed envelope and remove the ballot envelope, keeping the return addressed envelope as part of the election record.
 3. Open ballot envelopes and stack the ballots for counting purposes in lots of 10, 25, and 50.
 - B. Polling Place:
 1. (Optional) Absentee ballots must be checked against the voting list, using the mail ballot procedure. Absentee ballots received from members who have not voted are opened, left folded, and placed in the ballot box.
 2. Open all ballot boxes and empty the contents onto a table. Stack the ballots for counting purposes in lots of 10, 25, or 50.

C. General:

1. Each candidate may have observers present at the counting of the ballots.
2. Questions regarding voter intent in marking a ballot, if questioned, will be decided by a vote of the Election Committee.
3. Irregularities in marking the ballot for one office will void the vote for that office only.
4. The Election Committee shall tally the ballots in all elections and notify the membership of its tentative certification of the results. Absent a challenge to the election, the tentative certification shall become final ten days thereafter.
5. Any challenge to the conduct of an election must be filed in writing with the Election Committee within 10 days of the tentative certification of the results. The election committee shall rule on any such challenges and shall within 20 days of the tentative certification of the results make a final determination or certification. (Suggested form attached)
6. Both the tentative certification and the final certification shall be given to the Local President and Secretary, and to the District Office, and shall be posted on all bulletin boards as soon as possible. The results shall also be reported at the next membership meeting.

10. Election Record.

The Election Committee shall turn over to the local secretary all records, including eligibility list, used and unused ballots, tally sheets, etc. The Local Secretary shall keep them for one year from the date of the election. At the end of one year, the secretary and the chair of the Election Committee shall destroy the entire record.

VI.22 DELEGATES TO CWA CONVENTIONS

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1. The CWA Constitution provides in Article XV, Section 4(e) that delegates and alternate delegates to the Union Convention shall be elected by secret ballot among members in good standing. The federal law requires that when officers are to be nominated and chosen by a convention of delegates, the delegates must be elected by secret ballot (Sec. 401(F) of Act, Sec. 452.22 CFR).
2. Delegates to CWA Conventions must be elected by the membership of the local they represent at the Convention. Delegates may be elected by geographic, craft, shift, or similar reasonable basis, only if each such category is to be represented at the Convention by a delegate and every member of the local is represented by one such category. However, general officers of the local such as President, (Executive) Vice President, Secretary and Treasurer must be elected by the entire membership.
3. Locals under temporary administration and organizing committees may be represented at the Union Convention by delegates chosen by secret ballot by the local membership in the same manner as locals which are not under temporary administration.
4. Proxy Voting - The law does not prohibit voting by proxy, and the CWA Constitution permits proxy voting for locals composed of less than 200 members which may assign its vote to a delegate from another local attending the Convention. No local should be allowed to vote more than one such assignment. The assignment must be made pursuant to a formal vote of the membership of the assigning local on the following questions: (1) whether the local desires to send a delegate from the local to the CWA Convention; (2) if not, does the local desire to have its votes cast at the CWA Convention by a delegate from another CWA local; and (3) does the local desire to elect an alternate delegate if, for any reason, the elected delegate cannot attend the Convention. Nomination and election procedures for the delegate and alternate delegate, if any, who will be assigned to vote the proxy of the assigning local must meet the requirements of the law and the CWA Constitution with respect to nomination, the statutory 15 day mail notice of election and the secret ballot. Basically, the same nomination, election and voting procedures for choosing delegates in locals with 200 or more members should be followed for locals of less than 200 members. The only difference is the limitation of candidates to delegates of another local who would cast the proxy of the assigning local.

5. Local Delegation - Less Than Full Complement.

The CWA Constitution provides a formula by which a local's delegate entitlement to CWA Conventions is determined. The local, however, decides whether to send a full delegate complement or less than a full complement. Both the CWA Constitution and the law require that delegates be elected by secret ballot vote. If a local has elected a full complement of delegates but later decides to send less than the full complement, and the local bylaws do not state an order of preference, the law requires that the local membership must vote by secret ballot after 15 days notice, to determine which delegates to send. Therefore, it is preferable for a local to determine how many delegates it wishes to send to Convention before holding delegate elections.

VII. LOCAL ELECTIONS - QUESTIONS AND ANSWERS

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1. Must the local notify members when and how nominations will take place? Yes. The law requires that all members in good standing be given a "reasonable opportunity" to nominate candidates of their own choice. The suggested "Local Election Rules" establishes a 15 day period.
2. Can nominations and elections be held at the same local union meeting? Yes, if the union affords all candidates the campaign safeguards such as sufficient time and opportunity to inspect membership lists in certain instances and to distribute campaign literature. A member may be a candidate for office even if he has not been nominated. Other applicable safeguards contained in federal law must be provided, including the mailing of a combined nomination and election notice at least 15 days in advance, and the use of a secret ballot.
3. May a local's bylaws specify that self-nomination is the only method for being nominated for office? No. A system of self-nomination, if it is the only method for making nominations is invalid, because it denies members a reasonable opportunity to nominate.
4. Must a local distribute campaign literature for a person who wishes to be nominated to run for office? Yes. The act uses the terms "candidate" and "bona fide candidate" rather than the term "nominee" in describing the person entitled to this right. Most courts have held that a person may be a candidate for office before he has actually been nominated to run for that office.
5. May a candidate use local stationery, facilities or personnel to aid in his or her campaign? No. The law prohibits the use of union funds, facilities, materials, or secretarial time to promote any candidate's campaign. However, the law does require a labor organization to comply with all reasonable requests of any candidate to distribute his campaign literature to the membership at his expense. All candidates must be treated equally. It is advisable, therefore, that a local (through its Election Committee) inform all candidates in advance of the conditions under which distribution will be made and promptly advise them of any change in conditions.
6. May a local union sponsor a debate at a union meeting among all the candidates for a union office? As long as no candidate is shown preference over another by the union, there is no prohibition against using dues, assessments, or similar levies to pay the normal costs of a meeting at which all candidates for an office are permitted to express their views to the membership.

7. May the insertion of a notice of the election in a union newspaper mailed to the last known address of each member at least 15 days before the election be considered to satisfy the notice required by the Act? Yes, if the announcement is properly displayed so as to attract the attention of the members.
8. May a ballot be used as the notice of election? Yes, if the ballot is mailed to the voter at least 15 days before the time and date set for the return of the ballots, and the instructions for marking and returning the ballot are clear and complete.
9. Does hand delivery of the notice of the election or posting the notice on bulletin boards constitute compliance with the notification provisions of the Act? No. The Act specifies that notice of the election must be mailed to the last known home address of all members not less than 15 days before the election. No other method of notification can be substituted for this requirement although additional means of notification may be used.
10. Must a local provide for absentee ballots? The CWA Constitution does not require absentee ballots, but the Act provides that each member is entitled to one vote. Under certain conditions, voting in person may place an unusual burden on a significant number of members. There may be a considerable distance between the worksite and the polling place, for example; or, the nature of the members' occupations, their hours of work, or the like, may make it difficult for them to reach the polling place. If this is the case and additional polling places are not provided, absentee balloting is necessary to insure compliance with the Act's requirement that each member in good standing be entitled to one vote.
11. May a local impose meeting attendance requirements as a candidate qualification? A requirement that an individual must have attended a certain percentage of meetings in order to be eligible to run for office would be reasonable only if it does not exclude a large number of members and has excuse provisions for members who cannot attend because of work schedules, other union activities, or illness. While the law permits reasonable restrictions for candidacy uniformly applied, it should be remembered that unless a restriction meets this test, an election will be set aside if challenged.
12. Is it possible for a member who is retired by reason of age or disability to vote or run for office? Yes, if he or she continues to be an active member after retirement and remains an active member in good standing by payment of dues.
13. Must the local allow candidate to have an observer? Yes. Each candidate may have an observer present at both the polling place(s) and the location(s) for the counting of the ballots.

14. Where there is more than one polling place and the polls are open all day long, may more than one observer be used? Yes. A candidate may have an observer present at each polling place and at each location or table where ballots are counted. There is no objection to having one observer relieve another if the polling hours are long.
15. May a local refuse to accept write-in votes? Yes, if the refusal is based on a prohibition in the local's bylaws or election rules, or a long standing established practice of the local. However, the Act's requirement that votes must be counted and the results published implies that the counting and reporting should account for all ballots cast in the election.
16. May the election of officers or delegates be held by a show of hands? No. The balloting procedure must be secret. If there is any way that a voter's choice of candidates may be identified, the election will be declared invalid.
17. May the ballots be destroyed or mutilated after they have been counted? No. The local Secretary must keep the records for 1 year following the election.
18. Must a local hold an election where only one person has been nominated for office? Yes. The local must hold an election even where only one person has been nominated unless the local's bylaws prohibit write-in votes.

VIII. NOMINATIONS

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Nominating practices vary from local to local. Some simply accept nominations from the floor at the membership meeting. Others choose a nominating committee to select candidates for each office, with other members having the right to nominate additional candidates from the floor. Below are some important federal and Constitutional requirements involving nominations.

1. The CWA Constitution requires that all locals adopt bylaws or rules to govern nomination and election of officers, delegates and alternate delegates; the appointment, selection or election of stewards and committee members; and the filling of vacancies.
2. Federal law requires that members receive "reasonable notice" of the nominating process. Fifteen days is considered a "reasonable notice" and sufficient time to permit members to consider the matter and submit names if they desire to do so.
3. Nominations for local officers must be held in the months of September, October, November or December. This is a requirement of the CWA Constitution.

IX. THE ROLE OF OBSERVERS

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1. Each candidate is allowed to have observers at each polling place on the day of the election, at the mailing and at the counting of ballots. A candidate may have as many observers at the counting of the ballots as may be necessary to observe the actual counting and ensure a fair election.
2. In mail ballot elections, candidates must be permitted to have an observer present at the preparation and mailing of the ballots.
3. Observers must be members of the local.
4. Observers may speak at Election Committee meetings and may challenge a voter or the counting of a ballot.
5. Observers should be allowed to stand in a place where they can clearly observe the tally process but should not be allowed to interfere with that process.
6. Observers are not allowed to touch the ballots or the membership list.
7. Observers may not conduct any campaigning while acting as an observer.

X. COUNTING BALLOTS

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1. All ballots cast by eligible voters, except blanks, must be counted.
2. Blank ballots
 - a. Blank ballots are simply ignored; they are neither counted for any purpose nor are they reported.
 - b. Ballots for obvious non-candidates (i.e., Mickey Mouse, Donald Duck) are treated as blank ballots because these types of votes are viewed as expressing a desire not to vote and therefore equal blanks.
3. Illegal ballots and void votes
 - a. Ballots cast by individuals not entitled to vote are recorded as void and are not counted for any purpose.
 - b. If a member leaves one or more choices blank on the ballot containing more than one office to be filled, the blank spaces in no way affect the validity of the spaces he/she has marked correctly. For purposes of the offices not marked, the ballot is treated as a blank and not counted for any purpose.
 - c. If the member votes for too many candidates for a given office, that particular section of the ballot is illegal (or void) because it is not possible to determine for whom the member desired to vote. It is therefore not counted for any candidate. However, such a ballot is counted for purposes of computing the number of votes needed to win.
 - d. Small errors, like the misspelling of a word or name, do not make a vote illegal (or void) if the meaning of the ballot is clear.
 - e. Unintelligible ballots are treated as illegal (or void) votes. They are counted for purposes of computing the number of votes needed to win, but are not counted for any candidate.
4. Spoiled ballots
 - a. A spoiled ballot is one where the voter marked it wrong and turns it in and asks for another ballot. Spoiled ballots are reported as spoiled ballots and are not counted for any purpose.

5. Challenged ballots

The Election Committee shall, by vote, decide each challenge. Challenged ballots need not be resolved or counted for any purpose unless they may affect the outcome of the election, either because they might change the number needed to win or because they might make a difference in determining the top vote getter. If challenged ballots must be resolved, they are recorded as both challenged and as whatever the resolution is.

FOR MORE INFORMATION ON COUNTING AND REPORTING OF BALLOTS,
SEE "ROBERTS' RULES OF ORDER."

XI. ELECTION DAY SUPPLIES AND PROCEDURES

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The local election procedures that follow cover elections conducted at polling places, meeting halls, and mail ballot elections. Each local should determine which method it desires to follow. The local should establish uniform election rules for use in local elections. (See page 8 for more information on Local Election Rules)

A. Mail Ballot Election

1. Preparation and Supplies

Membership list.

A set of address labels corresponding to the membership list.

Notice of Election.

Ballots (no candidates for office can have control or access).

Postage-paid mailing envelopes.

Ballot envelopes.

Return address envelopes to a Post Office box.

Post Office box. Arrangements should be made with the Post Office to release mail in this box to no less than two members of the election committee.

At least two election committee members should mail the ballots. It is recommended that the actual mailing take place at the post office and that the election committee members secure a receipt for the number of pieces mailed.

Rules and regulations. Copies of local bylaws and election rules, CWA Constitution, and U.S. Department of Labor publications; "Electing Union Officers."

2. Election Day Procedure

Election Committee members (at least two) should collect the ballots from the Post Office on the scheduled day in the presence of the candidates or their observers. The ballots should be taken directly to the designated place and counted promptly.

B. Manual Ballot Election

1. Preparation and Supplies

Membership list, see Local Election Rules No. 3: Eligibility to Vote on page 9.

Ballots, see Local Election Rules No. 7: Ballots: on page 10.

Voting booths. Voting booths should be provided to maintain the secrecy of the ballot. Your village, city, or county clerk might be willing to lend you those used at election time or at least tell you where to get some. If you have to improvise, you could use tables with large cardboard cartons on top, or curtains hung from the walls separating the tables. Whatever you do, remember you must maintain the secrecy of the ballot. Each booth should be equipped with a pencil or ball point pen, preferably on a string. Make sure that there is adequate light in each booth.

Ballot boxes. A cardboard box large enough to accommodate the maximum number of ballots possible makes a fine ballot box. The ballot box should be left open for inspection by all members of the Election Committee and by any other interested parties until fifteen minutes before the voting is to begin. Then the ballot box should be sealed with tape, leaving one opening on top for ballots. The members of the election committee should affix their signatures to the tape on various sides of the box. In the event the ballot box is removed from the voting area, the ballot slot should be sealed by sealing tape (scotch tape is unacceptable), and the election committee members should sign that seal. The sealed box is unsealed only after inspection of the seal shows that it was in fact the seal placed by the election committee.

Tables and chairs.

Miscellaneous supplies.

Pencils and/or pens, paper, identification badges for committee, scotch tape, masking tape, rubber bands, large envelopes, and a large carton.

Rules and regulations.

Copies of local bylaws and election rules, CWA Constitution and U.S. Department of Labor publication; "Electing Union Officers."

2. Election Day Procedure

Voting area arrangement. Set up the voting area so that a flow of voters can be established. Preferably, the room should have two doors, one for entry, the other for exit. The voter starts at a table where the Election Committee checks that person on the membership list, then gives them a ballot. The voter proceeds to the voting booth, marks the ballot, folds it, leaves the voting booth, moves on to the ballot box, places the ballot into the box, and continues on out the exit.



SUGGESTED FORMS FOR LOCAL ELECTIONS

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1. Notice of Nomination

Notice of Nomination*

Nominations for the office of President, Vice President, Secretary-Treasurer and Executive Board Members of Local _____ shall be conducted at the membership meeting of CWA Local ____ on:

Date: _____ Time: _____

Place of Meeting: _____

The Election Committee will open nominations from the floor. Any member in good standing may nominate, provided the nominee is a member in good standing and agrees to be a nominee.

(Optional) The nominations of a person for the office of President (or other office) shall also constitute the nominations of the same person as a delegate to CWA Conventions held during the term of office for which the election is being conducted. (Include only if Bylaws provide for this.)

_____, Chair, Election Committee

_____, Secretary, Election Committee

*Note to the Committee

Notice of Nominations may be mailed, published in the local's newspaper, or by some other effective means distributed to the members allowing reasonable time for all members to receive such notice. There are no time requirements but 15 days is a safe amount of time. The mailing of the election notice and nomination notice may be combined, provided that a reasonable time is allowed for nominations.

Reasonable opportunity for nominating candidates must be provided such as for those scheduled to work during nominating meetings or whose worksite is an unreasonable distance from the nomination meeting.

2. Mail Ballot Election

Notice of Election*

The election of President, Vice President, Secretary-Treasurer and Executive Board Members of Local ____ will be conducted and the ballots counted on:

Date: _____ Time: _____

Place of Meeting: _____

(Optional) A vote cast for the candidate for the office of President (or other office) shall also constitute a vote for such candidate to serve as a delegate to CWA Conventions held during the term of office for which the election is being conducted, in the event such candidate is elected President (or other office). (Include only if the Bylaws provide for this.)

Enclosed please find:

1. One ballot.
2. One ballot envelope.
3. One return addressed, postage-paid mailing envelope.

Voting Instructions:

1. Mark your vote where indicated on the ballot.
2. Fold and place the ballot in the ballot envelope and seal it. Do not mark this envelope in any way.
3. Place the sealed ballot envelope in the return addressed envelope, seal it, and SIGN YOUR NAME and address on the upper left-hand corner of the return addressed envelope. Your ballot cannot be counted unless this is done. Your name on the return addressed envelope will identify you as an eligible voter. It will not reveal how you voted, because the ballot is removed and separated from this envelope before it is opened. Secrecy can be preserved only if you mark and mail your ballot personally. Do not allow someone else to mark and handle your ballot or see your vote.

4. Mail your ballot so that it will be postmarked not later than _____

_____, Chair, Election Committee
_____, Secretary, Election Committee

* Note to the Committee

Notice of Election MUST be MAILED to each member at his/her last known address not less than 15 days prior to the election.

3. Polling Place Election - Notice of Election

Notice of Election*

The election of President, Vice President, Secretary-Treasurer and Executive Board Members of Local _____ will be conducted on:

Date: _____ Time: _____

Place of Meeting: _____

The polls will be open from 9 a.m. to 9 p.m. and the ballots counted immediately thereafter.

(Optional) A vote cast for the candidate for the office of President (or other office) shall also constitute a vote for such candidate to serve as a delegate to CWA Conventions during the term of office for which the election is being conducted, in the event such candidate is elected President (or other office). (Include only if the Bylaws provide for this.)

_____, Chair, Election Committee

_____, Secretary, Election Committee

*Note to the Committee

Notice of Election MUST be MAILED to each member at his/her last known home address not less than 15 days prior to the election. Absentee ballot instructions must be included in this notice if they are used.

4. BALLOT

Ballots (printed or copied) must be provided for all elections and referenda designated "Secret Ballot" by the bylaws, including the election in which there is only one nominee for an office. A blank line may be provided for possible write-in candidates. If the Local Bylaws or election rules prohibit write-in, no blank line is necessary.

<p>LOCAL _____ OFFICIAL BALLOT</p> <p>Place an "X" in the ____ preceding the name of the candidates of your choice for office.</p> <p>(Vote for one) PRESIDENT AND CONVENTION DELEGATE</p> <p style="padding-left: 100px;">____ Candidate ____ Candidate ____ _____</p> <p>(Vote for one) VICE PRESIDENT</p> <p style="padding-left: 100px;">____ Candidate ____ Candidate ____ _____</p> <p>(Vote for one) SECRETARY-TREASURER</p> <p style="padding-left: 100px;">____ Candidate ____ _____</p> <p>(Vote for one) EXECUTIVE BOARD MEMBER</p> <p style="padding-left: 100px;">____ Candidate ____ Candidate</p>
--

5. TALLY SHEET

CWA Local _____ Tally Sheet Sheet __ of
 Tally votes for each office on an individual tally sheet in five (5) vote units (1111 1111)
 for each candidate.
 TALLY FOR THE OFFICE OF _____

		5	10	15	20	25	30	35	40	45	50
Candidate's Name											
Candidate's Name											
Candidate's Name											
Candidate's Name											

The above tally was completed by the undersigned.

 Signature

 Date

Note to Committee:

Void ballots are ballots that cannot be counted because they are illegal. For example, voter is not eligible to vote, or voted for too many candidates.

Spoiled ballots are ballots the voter marked wrong and turned in for another ballot.

Challenged ballots are ballots that someone challenges, for example because the individual is not a member eligible to vote.

6. TENTATIVE CERTIFICATE OF RESULTS

Communications Workers of America Local _____

Tentative Certificate of Results

The undersigned members of the Local Election Committee certify that the results of the tabulation of ballots cast in the election concluded on _____ were as follows:

- 1. Number of eligible voters _____
- 2. Total number of ballots printed _____
- 3. Number of voted ballots _____
- 4. Number of void ballots _____
- 5. Number of spoiled ballots _____
- 6. Number of challenged ballots _____
- 7. Number of unused ballots _____

Office or Title	Candidate's Name	Vote

The undersigned actually served on the Election Committee and counted the ballots.

This is the Election Committee's tentative certification of results. Unless challenged, this certification will become final in ten days.

copy to: Local President
 Local Secretary
 District Office and one posted on each bulletin board

7. FINAL CERTIFICATE OF RESULTS

Communications Workers of America Local _____

Final Certificate of Results

The undersigned members of the Local Election Committee certify that the results of the tabulation of ballots cast in the election concluded on _____ were as follows:

- 1. Number of eligible voters _____
- 2. Total number of ballots printed _____
- 3. Number of voted ballots _____
- 4. Number of void ballots _____
- 5. Number of spoiled ballots _____
- 6. Number of challenged ballots _____
- 7. Number of unused ballots _____

Office or Title	Candidate's Name	Vote

The undersigned actually served on the Election Committee and counted the ballots.

This is a final certification of results.

copy to: Local President
 Local Secretary
 District Officer and one posted on each bulletin board

XIII. APPEAL PROCEDURES

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An Appeals Procedure for any challenge to the conduct of an election is set forth in Article XV, Sections 4(a), (b) and (c) of the CWA Constitution and Section I(c) of the CWA Internal Appeals Procedures.

These procedures must be followed in order to properly appeal any decision concerning the conduct of the election.

XIV. REFERENCE PAMPHLETS AND BOOKS

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Government Pamphlets:

1. "Electing Union Officers"
2. "Election of Officers of Labor Organizations"
3. "Reports Required Under the LMRDA and the CSRA"
4. "Rights and Responsibilities Under the LMRDA and the CSRA"

These pamphlets may be obtained free of charge (for small orders) from:

Department of Labor, Office of Labor Management Standards
Section of Technical Assistance and Education
Room N5620
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Other Resources:

5. "The CWA Uniform Operating Practices Manual" (UOPM), Section 21 "CWA Local Elections Manual" and Section 8 "Local Bylaws." Each local should have a copy of the UOPM.
6. "Roberts' Rules of Order" contains information on counting and reporting of ballots. A copy of "Roberts' Rules of Order" can be found in most bookstores.

XV. OFFICES OF U.S. DEPARTMENT OF LABOR

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For information concerning the LMRDA, consult your local telephone directory under United States Government, Labor Department, Labor-Management Services Administration. Locations of the U.S. Department of Labor offices are listed below.

RO = Regional Office; AO = Area Office, RIO = Resident Investigation Office; NO = National Office; DO = District Office

Alabama

(RO) Rm. 420 Federal Building; 1800 5th Ave., North; Birmingham 35203

California

(AO) 7th Floor, 3660 Wilshire Blvd.; Los Angeles 90010

(AO) Suite 725, 71 Stevenson Place; San Francisco 94105

(RO) Rm. 5N37A, Federal Bldg.; 880 Front St.; San Diego 92189

Colorado

(DO) Rm. 1523, Fed. Off. Bldg.; 1961 Stout St.; Denver 80202

Connecticut

(DO) Rm. 804, 234 Church Street; New Haven 06510

District of Columbia

(AO) Rm. 558, Riddell Bldg.; 1730 K St., NW; Wash., 20006

(NO) Rm. N2203, 200 Constitution Ave., NW; Wash., 20210

Florida

(DO) Suite 503, Wash. Sq. Bldg.; 111 NW 183rd St.; Miami 33169

(DO) Rm. 401, 1211 Westshore Blvd.; Tampa 33607

Georgia

(AO) Rm. 300, 1371 Peachtree St., NE; Atlanta 30367

Hawaii

(DO) Rm. 5115, 300 Ala Moana - P.O. Box 50204; Honolulu 96850

Illinois

(AO) Rm. 774, Fed. Off. Bldg.; 230 S. Dearborn St.; Chicago 60604

Louisiana

(DO) Rm. 13009, 701 Loyola Ave.; New Orleans 70113

Massachusetts

(AO) Rm. 801, J.W. McCormack Poch; Boston 02109

Michigan

(AO) Rm. 630 Fed. Off. Bldg. & US Courthouse; 231 W. Lafayette St.;
Detroit 48226

Minnesota

(DO) Suite 100 Bridgeplace; 220 S. Second St.; Minn. 55401

Missouri

(AO) Rm. 1606, Fed. Off. Bldg.; 911 Walnut St.; KC 64106

(DO) Rm. 555, 210 Tucker Blvd.; St. Louis 63101

New Jersey

(DO) Suite 29, First Fidelity Bank Bldg.; Boardwalk & Tennessee Ave.;
Atlantic City 08401

(DO) 201, 134 Evergreen Place; East Orange 07018

New York

(RO) Rm. 822, O'Brien Bldg.; Albany 12207

(DO) Rm. 1310 Fed. Bldg.; 111 W. Huron St.; Buffalo 14202

(AO) Rm. 878, 20 Varick St.; NY 10014

Ohio

(DO) Suite 950, 525 Vince St.; Cincinnati 45202

(AO) Rm. 831, Fed. Off. Bldg.; 1240 E 9th St.; Cleve. 44199

Pennsylvania

(AO) Rm. 9452 Wm. Green Fed. Bldg.; 600 Arch St.; Phila. 19106

(AO) Rm. 804, Fed. Off. Bldg.; 100 Liberty Ave.; Pitts 15222

Tennessee

(DO) Suite 238, 233 Cumberland Bend Dr.; Nashville 37228

Texas

(AO) Rm. 30, 555 Griffin Sq. Bldg.; Griffin & Young Sts.; Dallas 75202

(DO) Rm. 2108, 2320 LaBranch; Houston 77004

Washington

(DO) 3095, Fed. Off. Bldg.; 909 First Ave.; Seattle 98174

Wisconsin

(DO) Rm. 118, 517 E. Wisconsin Ave.; Milwaukee 533202-4504

Puerto Rico

(DO) Rm. 350, Fed. Off. Bldg.; Carlos Chardon St.; Hato Rey 00918