

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



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Best Practices for Conducting Union Elections

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Welcome to Conducting Union Elections

- Governing Authority
 - Federal Law
 - State/Provincial Law
 - IAFF Constitution and By-Laws
 - Local Constitution and By-Laws
- Steps for Conducting a Successful Secret Ballot Election



Governing Authority

- Title IV of Labor-Management Reporting and Disclosure Act (LMRDA)(29 U.S.C. §481 et seq.) sets forth the requirements of a secret ballot election
- Federal regulations govern specific aspects of this process
- State collective bargaining laws



Governing Authority

- Article XIII, Section 11 of the IAFF Constitution and By-Laws: Except for locals with private sector members, “nominations and elections of officers of...local unions of this Association shall be conducted in the form or manner, and in accordance with the procedures, established by the local union’s constitution and by-laws.”
- If a local has private sector members, then nominations and elections must comply with Title IV of the LMRDA, including the requirement of a secret ballot election.
- Article XIV, Section 7: generally the same guidance for state/prov. Associations.



Governing Authority

- Art. XIII, Section 15: **delegates and alternates** of local unions to IAFF Conventions must be elected by “secret ballot vote of the members in good standing of the local union,” consistent with the requirements of the LMRDA.
- Article XIV, Section 6: similar requirement for state associations.
- **Please note**: If your local union officers are delegates to the IAFF Convention, then **you must** also follow the LMRDA’s requirements, including secret ballot requirements, in electing such officers.



Steps for Conducting a Successful Secret Ballot Election

- 1) Forming an Elections Committee
- 2) Receiving Nominations
- 3) Conducting the Campaign
- 4) Conducting the Election
- 5) Counting the Ballots
- 6) Announcing the Results
- 7) Resolving Protests
- 8) Certifying the Results
- 9) Mail Ballot Elections



1st Step: Forming an Elections Committee

Sample CBL language: “The President shall appoint an Elections Committee, which shall be responsible for distributing and tabulating the ballots.”



1st Step: Forming an Elections Committee

Committee should:

- Designate a chairperson (President can also do this)
- Meet and review governing authorities
 - Local's CBL
 - Local's election rules
 - Eligibility requirements for candidates
 - Good standing requirements for voters
 - Consider previous problems (complaints about polling site, voting hours, ballots, eligibility rules)
- Formulate rules and a schedule to conduct the election
 - Time, place for nominations and balloting
 - Appoint someone to draft the notices



1st Step: Forming an Elections Committee

Practical tips:

- Committee membership should not include any candidate for office
- Keep minutes or notes of decisions
- Meet regularly to ensure deadlines are being met
- Provide copies of rules to all candidates
- Set a pre-election deadline for raising any challenges to the rules, or to the form of the ballot or notices



2nd Step: Receiving Nominations

- IAFF CBL: Article XIII, Section 8: “[E]very member in good standing of a local union shall have the right to...participate in its deliberations and voting, and to express...their views upon candidates in an election of the local.”
- Sample CBL Language: “Each member in good standing shall be given at least fifteen (15) days advance notice, in writing, of the date, time and place at which nominations shall be made...Any member in good standing may nominate eligible members for office.”
- Sample Language: “Any member in good standing shall be eligible to be a candidate for office in this Local.”



2nd Step: Notice of Nominations

- Members must have a **reasonable opportunity** to nominate candidates =
 - Local must provide timely notice of the nominations meeting, in a manner reasonably calculated to reach all members in good standing.
 - May be combined with election notice if timely
 - May be provided through union newsletter or posted on board, or other method reasonably calculated to inform all members in good standing



2nd Step: Notice of Nominations

Notice should:

- Specify offices to be filled, including terms
- Reference whether they will also serve as delegates to Convention
- List date, time, place for submitting nominations
- Specify method for receiving nominations, including any seconding requirements and any eligibility requirements
- Detail procedure for accepting nominations (in person or written acceptance by date certain)



2nd Step: Notice of Nominations

- Local should accommodate members who cannot attend or justify the failure to accommodate
- Quorum requirements?
- Keep meeting open for specified period of time
- Verify eligibility of nominators
- Verify eligibility of nominees



2nd Step: The Nomination Meeting

- If nominee is unopposed, no need to include on ballot if no write-in candidates are allowed
- Presence of candidate requirements
- Procedure for notifying nominated candidates regarding their eligibility or ineligibility
- Procedure for closing nominations



2nd Step: Eligibility for Office

Permissible eligibility limitations:

- Members in good standing
- Non-supervisory employees
- Minimum length of time spent working in trade
- Minimum length of prior membership
- Convicted of certain crimes
- Union disciplinary sanctions



2nd Step: Prohibited Eligibility Limits

- Any rule not uniformly applied
- Prior office holding
- Any limitation based on race, color, sex, religion, national origin, or maximum age
- Advanced declaration of candidacy, if more than “several months” prior to the meeting
- Self-nomination only
- Requiring members to be registered voters and to have voted in the previous election
- Prohibiting members from one branch or segment of the union from running for general union office
 - But not if officer position represents only that particular branch or segment (i.e., District VPs)



2nd Step: Attendance Requirements

As with other eligibility restrictions, the requirement must be **reasonable**. Some considerations:

- Frequency of meetings
- Actual impact of member's attendance/absence
- Credit for missed meetings with valid excuse
- Uniformity of attendance records
- Opportunity to attend meetings



2nd Step: Other Nomination Issues

- What if no one is eligible?
- What if a candidate is nominated for two offices?
- What if a nominee changes his/her mind?



3rd Step: Conducting the Campaign

Expenditure of Union Funds:

Sample CBL Language: “No funds received by this Local through initiation fees, dues, or assessments or otherwise shall be contributed or applied to promote the candidacy of any person in the election of officers. This section does not prevent the expenditure from Local funds for notices, factual statements of issues and other necessary expenses to conduct elections so long as they do not involve promotion of any candidate.”



3rd Step: Conducting the Campaign

Expenditure of Union Funds:

- Candidate forums?
- Use of Union logo?
- “Miscellaneous” expenditures
- Campaigning “incidental” to union business



3rd Step: Conducting the Campaign

Rights of Candidates:

Sample CBL Language: “Every candidate for office shall have the right to request distribution of campaign literature, by mail or otherwise, to all members in good standing, at the candidate’s expense... There shall be no discrimination in favor of or against any candidate with regard to the use of membership lists.”

- Editing for content
- Costs passed on to candidates, including up-front payment if uniformly required
- Access to list of members



4th Step: Conducting the Election

Notice of Elections:

- **WRITTEN NOTICE** of date, time, place, manner, and offices of ELECTION must be **MAILED** to each member 15 days in advance
 - LMRDA requirement for IAFF Convention delegates
 - May also be required for state association delegates
- Combined nominations/elections notice?
- Actual effected notice?
- What if a run-off is possible?



4th Step: Conducting the Election

- Establish a voter eligibility list
 - May be determined with a reasonable cut-off date for dues or arrears payments
 - Those not on list should be allowed to vote a challenged or provisional ballot
 - Make sure that regional or district limitations are noted on the eligibility list
- Ensure that polling hours and location provide reasonable opportunity for all members to vote



4th Step: Conducting the Election

Polling Place Guidelines:

- Must ensure secrecy
- Limit campaigning or materials in polling place
- Keeping track of voters
- Strict adherence to open/close times
- Observers
 - Open ballot box prior to beginning of polling to ensure it is empty
 - Establish procedure for challenged/provisional voting (double-envelope) and for resolving challenges
 - Must have clear view, but no right to handle the ballots



4th Step: Conducting the Election

Ballot Guidelines:

- Secret ballot: “expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election...which is conducted in such a manner that the person expressing such choice cannot be identified with the choice expressed.”
- Provide clear instructions, including number of candidates that may be chosen for each office and treatment of “identifying” or “stray” marks
- How to determine order of candidates
- Write-in candidates?
- “Delegate by virtue of election to office” notification



4th Step: Conducting the Election

Online Voting:

- Previous guidance from the Department of Labor stated that online voting could not satisfy “secret ballot” requirements under the LMRDA.
- Although in 2016, DOL issued “tips” regarding electronic voting, it has yet to approve any online voting system and was recently successful in challenging a union’s electronic voting method:
 - *Acosta v. Association of Professional Flight Attendants* (2017)
- We **strongly** recommend **AGAINST** online voting at this time.



5th Step: Counting the Ballots

- Double tallies by different tally teams
- May enforce specific rules for filling in ballot
 - Intent of voter vs. strict adherence
- Mistake/over-vote for a particular office should affect that office only, not entire ballot
- Method for ruling on validity of ballot
 - Mark ballot “void”, attach reason and set aside



5th Step: Counting the Ballots

- Tally as soon as possible
- Safeguard chain of command of ballots
- Decide unresolved challenged/provisional ballots
 - Could they affect the outcome of the race?
- Majority vs. plurality
 - Majority of voters or members?
 - How a “majority” is determined
 - Effect of abstentions, blank, and voided ballots
- Tie Votes



5th Step: Counting the Ballots

- Double-check and sign the tally sheet
- Pack and seal tally sheets, used, unused and voided ballots, eligibility lists, and other election materials for one year



6th Step: Announcing the Results

- Reporting teller announces the tally for each office
 - Number of ballots cast
 - Votes necessary for choice (if majority)
 - Number of votes received by each candidate
- Presiding officer then announces who has been elected to each office
 - This is the official announcement
- Results should also be posted
- Run-off elections



7th Step: Entertaining Protests

- Local may include procedures within its CBL or election rules to resolve election protests
- Union could, for instance, require any protests to be filed within 5 days after the results are announced or posted
- Election Committee can require written reasons and evidence, and can investigate



8th Step: Certifying the Results

- Upon resolution of any protests, results should be certified by the Election Committee



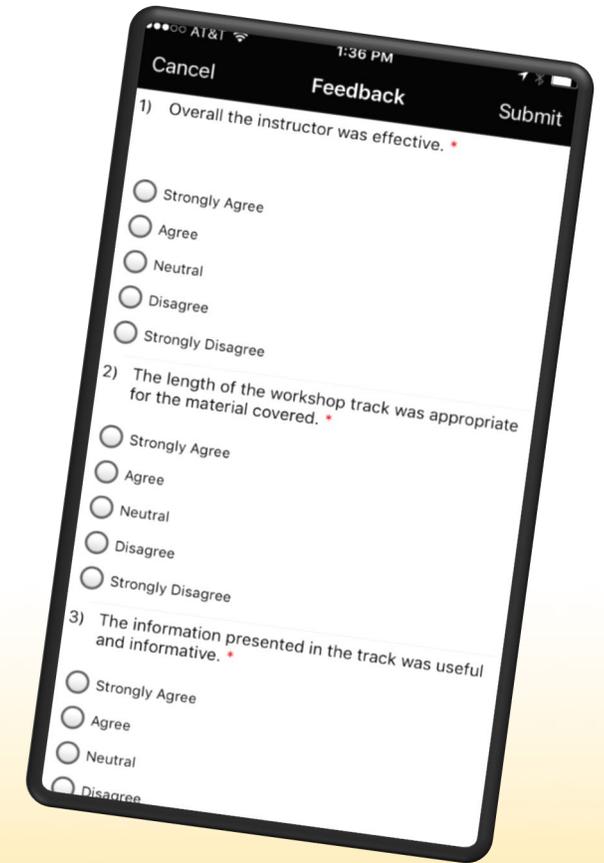
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Complete your evaluations using the IAFF Frontline App:

1. Open the Frontline App and click on the “☰” symbol in the top left corner by the logo
2. Select “sign in” and login with your iaff.org username
3. Click the “Events” icon and select ALTS
4. Select “Sessions” and click on the workshop you attended
5. Click “Session Evaluation”
6. Complete the evaluation
7. Click “Submit”

For the overall evaluation, follow steps 1, 2 and 3
Then click “More”, then “Information” and
“Overall Event Evaluation”.



Winners will be announced
February 8, 2019

