

# AFGE

## ELECTION MANUAL

Prepared by the Office of the General Counsel in conjunction with the  
Legal Rights Committee of the National Executive Council.

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## TABLE OF CONTENTS

Introduction.....	4
Do's and Don'ts .....	5
25 STEPS to a Successful Election	
(1) Select the local's election committee. ....	7
(2) Read statutory and constitutional requirements and this <i>Manual</i> .....	7
(3) Set the dates, times and places for the nominations and election and establish the election calendar/planner. ....	8
(4) Draft the election and campaign rules. ....	9
(5) Update the union membership and members' addresses. ....	10
(6) Rent a post office box. ....	10
(7) Draft and issue the nomination notice, including a deadline for receipt of written nominations.....	11
(8) Hold the nomination meeting, prohibit multiple candidacy, check the post office box for other nominations. ....	12
(9) Verify candidates' eligibility and send notification letters of any ineligibility.....	13
(10) Meet with candidates to discuss election and campaign rules and to identify observers.	14
(11) Arrange for voting booths, partitions, or dividers at the polling place for voters to mark their ballots in secret.....	15
(12) Begin the period for candidates' inspection of the membership list. ....	16
(13) Coordinate campaign literature distribution. ....	16
(14) Draft the ballot after determining the candidates' positions on the ballot and each candidate's preferred listing of name .....	17
(15) Prepare the voter eligibility list.....	18
(16) Prepare absentee ballots.....	18
(17) Draft and mail the election notice.....	19
(18) Print ballots, voter sign-in register, challenged ballot envelopes, absentee ballot envelopes, election tally sheets, vote summary sheets, ballot tally certification sheets, and signs. ....	20
(19) Prepare observer register and badges for election officials and observers. ....	20
(20) With observers present, pick up the absentee ballots at the post office box. ....	20
(21) Finalize election preparations and inspect the polling site. ....	21
(22) Open the voting polls, conduct the election, and close the polls. ....	22
(23) Tally the ballots. ....	23
(24) Announce the results and conduct runoff election(s), as necessary. ....	24
(25) Meet to consider election protests, issue a decision on each protest, and seal the election records. ....	26

## ATTACHMENTS

Appendix A of the AFGE National Constitution:	
AFGE Rules of Conduct for an Election .....	29
Attachment 1: Checklist for Conducting Local Union Officer Elections .....	36
Attachment 2: Election Planner.....	40
Attachment 3: Election and Campaign Rules.....	41
Attachment 4: Nomination Notice.....	44

Attachment 5:	Election Notice .....	45
Attachment 6:	Combined Nomination and Election Notice.....	46
Attachment 7:	Notice of Nominations and Election.....	47
Attachment 8:	Nominations Script .....	48
Attachment 9:	Candidate Ineligibility Letter.....	49
Attachment 10:	Rules for Observers .....	50
Attachment 11:	Union and Employer Funds Prohibition Letter .....	51
Attachment 12:	Election Primer for Campaigning for National Union Office .....	52
Attachment 13:	Polling Place Diagrams.....	55
Attachment 14:	List of Polling Place Equipment and Supplies .....	57
Attachment 15:	Official Ballot .....	58
Attachment 16:	Mail Ballot Election Procedures - "Electing Local Union Officers by Mail" .....	60
Attachment 17:	Guidelines for Challenged Ballots.....	65
Attachment 18:	Voter Sign-In Register.....	68
Attachment 19:	Vote Tally Sheet .....	69
Attachment 20:	Ballot Tally Certification Instructions & Form .....	70
Attachment 21:	Guidelines for Counting Ballots .....	72
Attachment 22:	Guidelines for Voiding Ballots .....	74
Attachment 23:	Signs and Forms .....	75
Attachment 24:	Challenged Ballot and Secret Ballot Envelopes .....	88
Attachment 25:	Observers Log.....	89
Attachment 26:	Affidavit form.....	90
Attachment 27:	General Counsel's Election Quiz.....	91

## INTRODUCTION

The National Executive Council of the American Federation of Government Employees has approved this *Election Manual* to assist AFGE locals in conducting fair and proper elections.<sup>1</sup> The U.S. Department of Labor (DoL) has prepared a more general manual that you may wish to consult: *Conducting Local Union Officer Elections - A Guide for Election Officials*. AFGE relied extensively on DoL's *Guide* in preparing AFGE's *Election Manual*, and we appreciate DoL's assistance and authorization to reproduce parts of its *Guide*. DoL has cited to this *Manual* in its recent decisions on complaints from AFGE members as the authority for AFGE officer elections. Department of Labor election regulations are set forth in 29 CFR §452.

**This *Election Manual* primarily focuses on manual ballot elections at membership meetings. However, most of these steps also apply to mail ballot<sup>2</sup> elections.** This *Manual* outlines 25 simple steps to follow in order to ensure a successful election. You may acquire this *Election Manual* through the District Offices, from AFGE's webpage ([www.afge.org](http://www.afge.org), Members Only, Member Resources, Manuals), and from AFGE's Service Department (202 639-6427). For your convenience, Appendix A to this *Manual* sets forth the Rules of Conduct for an Election, Appendix A of the AFGE National Constitution. Sample notices and other figures and information that will be helpful are set forth in Attachments 1 through 27.

Step One in the election process is the selection of the election committee, members of which are called "election officials." The election committee conducts the election, so this *Manual* is specifically for the use of the election committee.<sup>3</sup> We recommend, however, that the election committee provides a copy of this *Manual* to all candidates, incumbents, and interested members. The local should select the members of the election committee (election officials) early enough so that they may meet a reasonable time before the nomination process begins.

You may call the AFGE District Office for your local, or, **if you are an election official, the "Election Advisor" in AFGE's Office of General Counsel (202-639-6424), 1:30-3:00 p.m. ET daily,** with a question about your local's election process. If you are not an election official, you should only contact the Election Advisor **jointly with an election official**, to avoid any misunderstanding.

Before proceeding to the 25 steps, please note the "do's" and "don'ts" set forth below, which address the most common errors committed in AFGE local elections.

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<sup>1</sup> Although we designed this *Election Manual* to assist in the election of officials of locals, many of the steps and principles apply equally to council and caucus elections. Part II of Appendix A of the AFGE National Constitution and the appropriate council's constitution and bylaws, or district caucus rules, together set forth the requirements for a particular council's or district's election of officers. The District Caucus Election Manual also is on AFGE's website.

<sup>2</sup> Special instructions for mail ballot elections are in Attachment 16, page 62 of this *Manual*.

<sup>3</sup> In some elections (for example, most council and caucus elections), the body selects the election committee at the beginning of the nomination/election meeting or convention or caucus, rather than at an earlier time. As a result, the relevant officers must undertake the election committee's responsibilities in the early steps outlined below until the body constitutes the election committee and it begins performing its duties.

## DO'S AND DON'TS

### DO'S

1. Do become familiar with the election provisions of your local's constitution and bylaws, this *Election Manual*, and Appendix A of the AFGE National Constitution.
2. Do update the list of members and their home addresses at least six weeks before the election.
3. Do timely issue a dated nomination notice by publication, posting, emailing, and/or mailing. If posted, do get a copy to members who are not at the worksite, including retirees.
4. Do send out a timely dated election notice to each member by *mailing* it (not by email!) to his or her last known home address.
5. Do provide alternative means for nominations and acceptances for members absent from the nomination meeting.
6. Do at the close of nominations declare unopposed candidates to be elected by acclamation.
7. Do allow candidates to inspect a list of members and addresses.
8. Do make sure the election of all officers and delegates is by secret ballot.
9. Do elect all officers by majority vote. Do elect delegates by plurality vote.
10. Do provide for absentee ballots, except when the nomination meeting and the election meeting are combined.
11. Do decide any protests by majority vote of election committee members.

Notes:

## DON'TS

1. Do **not** require attendance at a certain number of meetings as a criterion for eligibility as a candidate.
2. Do **not** allow any candidate or supporter to use any union or employer (agency or any other) resources in campaigning for office, including computer, paper, envelopes, postage, copy or fax machine, email, office space, telephone, desk, or official or union paid time.
3. Do **not** bar any person from voting who has paid dues in advance or submitted a dues allotment request (SF-1187) to a responsible local officer prior to the cutoff time provided by the election committee's rules and who is otherwise eligible for membership (unless the committee has set a cutoff date).
4. Do **not** permit candidates to run for more than one office in the same local election. (Candidacy as a delegate is ok.)
5. Do **not** send out the *election* notice by *email*.
6. Do **not** mail campaign literature with the notice or the ballot.
7. Do **not** use the local's post office box for election related purposes.
8. Do **not** allow election officials or observers to wear campaign materials (buttons, stickers, hats, etc.).
9. Do **not** require a quorum for nominations or elections. (But a quorum is required to conduct any other business.)
10. Do **not** allow campaigning near the polling place (as defined by the election committee).
11. Do **not** close the polls early (unless absolutely sure that all members have voted).
12. Do **not** discard any election records after decision on any election protests. Do not fail to turn the records over to the local's secretary or to the NVP on an election appeal.
13. Do **not** apply a change in the term of office or the delegate ex-officio status of officers retroactively or to the current officers. Such changes take effect only with the next regularly scheduled election.

Notes:

## STEP 1: SELECTION OF THE LOCAL'S ELECTION COMMITTEE

**Check your local's constitution/bylaws** to see if it gives a specific method for selecting the election committee. It may say that each candidate may include his or her representative on the committee. Perhaps the local's executive board appoints the members. Some locals have adopted bylaws that require election of the members of the committee by vote of the membership. Follow the specified means of selecting the committee.

The committee must have an odd number of members and no less than three. No member of the election committee may be an incumbent of, or candidate for, any office for which the local is holding the election. An incumbent officer may serve on the committee if the election is for office(s) other than that held by the incumbent. If selected at a meeting as an item of business, i.e., motion and vote, then there must be a quorum present. The local must select the election committee early enough for it to conduct the nomination and election process. We suggest two months before the nomination date, unless the local's constitution/bylaws provide otherwise.

The local or the committee then selects a chair, who calls a meeting of the committee a reasonable time before the commencement of the nomination procedure and assures that another member of the committee keeps written minutes of all meetings for inclusion in the election records. The committee initially must rent a post office box as its official address, for the purpose of receiving all election-related communications. See Step 6 below.

**The committee has the complete authority to conduct all aspects of the nominations and election. The local's officers, particularly the President and Treasurer, have a constitutional responsibility to cooperate with the committee, and cannot interfere with or usurp the decisions of the committee.**

A note of caution. Under AFGE policy, there exists no right to be on an election committee. Committees must be neutral, and eligibility to serve on a committee is limited to members who agree to maintain neutrality by refraining from nominating, supporting, and endorsing candidates. Committee members who wish to express views on candidates should refrain, or withdraw from the committee, to preserve strict neutrality on the part of election officials in administering the election process. A committee member who decides to become a candidate must resign immediately from the committee. The local should use the same selection process used to select the committee to select an individual to fill the vacancy. However, if time constraints prevent the same selection process, any other method – volunteer, appointment, consensus – will serve.

Finally, to put it all in perspective, DoL has no regulations governing the selection of an election committee or how a vacancy on the committee is filled. What is important is that the election committee, however constituted, conducts the election fairly and in accordance with DoL regulations.

## STEP 2: READ STATUTORY AND CONSTITUTIONAL REQUIREMENTS AND THIS *MANUAL*

First, the election committee should read the *AFGE Rules of Conduct for an Election, Part I and Part III ("AFGE Rules")*. These *AFGE Rules*, set forth in Appendix A of the AFGE National Constitution, are based on the Labor-Management Reporting and Disclosure Act of 1959 as incorporated in the Civil

Service Reform Act, and on Department of Labor Regulations 29 CFR §§452.1-452.138. We have reproduced the *AFGE Rules* in Appendix A (page 30) of this *Manual*. The *AFGE Rules* apply to local, council, and district officer elections. Generally, local officers include a president, vice president, treasurer, and secretary. Your local's constitution/bylaws will name any other specific local officer, such as sergeant-at-arms, chief steward, etc., and indicate whether each is an elected or appointed position.

These *AFGE Rules* also apply to **delegates, alternate delegates, and proxy delegates**. Delegates are members that the local elects to represent the local at an AFGE National Convention, a district caucus, or a council meeting. The local, perhaps because of finances, may decide to not elect a delegate or alternate delegate and instead to vote for a proxy delegate.<sup>4</sup> There is no difference in costs to elect one or the other, for the local's membership, after proper notice to every member's last known home address, must elect the proxy delegate by name and by secret ballot, the same as any other officer. Also, the proxy must be a properly elected delegate from another local who intends to attend the meeting or caucus or convention.<sup>5</sup>

All election officials and candidates should become familiar with the local's constitution/bylaws, *AFGE Rules*, and this *Manual*. While the DoL's *Guide* is extremely informative and provides the text of applicable laws (29 U.S.C. §§ 481-483, 504), it is not necessary to read beyond the *AFGE Rules*, the local's bylaws, and this *Manual*, because together they incorporate all applicable laws.

### STEP 3: SET THE DATES, TIMES, AND PLACES FOR THE NOMINATIONS AND ELECTION AND ESTABLISH THE ELECTION CALENDAR/PLANNER

The election committee sets the date, time, and place for both the nominations and the election and should make the decision based on what will encourage maximum participation. Remember that members must be given a **reasonable** opportunity to nominate and elect candidates. Follow any requirements set forth in the local's constitution/bylaws.

The election committee also should establish an election calendar, scheduling the activities associated with conducting an election of officers, based on dates and time frames as required by the *AFGE Rules* and the local's constitution/bylaws. Allow adequate time for each step of the process. Attachment 1 of this *Manual* (page 38) provides a Checklist for Conducting Local Union Officer Elections ("*Checklist*"). Attachment 2 (page 42) provides an "Election Planner" for a **manual** ballot. At each step in the process, election officials should refer to the "Election Planner," as well as to the *Checklist*.

**Note the *AFGE Rules*' time requirements for notice of nomination meeting (ten days in advance), notice of election meetings (15 days in advance) and election protests (within ten days after announcement of election results for local elections). The term "day(s)" means calendar day(s), including weekends and holidays. The committee should check the local's constitution/bylaws for any addi-**

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<sup>4</sup> If properly elected, any delegate may represent the local as a delegate, even though the local may decide not to fund the expenses of such representation, for a delegate may pay for his/her own representation expenses. Thus, a local may elect a delegate or delegates, vote to not fund the expenses of the delegate(s), and vote a proxy delegate. If both the local's own elected delegate(s) and the proxy delegate register at the meeting/caucus/convention, the local's own elected delegate has the superior right to represent the local.

<sup>5</sup> Special rules that apply to the election of delegates are set forth in step 24, page 25.



tional requirements. Some activities may occur in a different sequence, requiring the adjustment of the time schedule. Start with the date of the election and work backward; remember to consider holidays and weekends. Follow any time frames contained in the local's constitution/ bylaws, and allow enough time to adequately complete each election-related activity.

Do not confuse the requirement of a ten-day notice for a nomination meeting with the five-day notice for a special meeting. Special meetings are for conducting specific items of business, and have nothing to do with conducting nominations and elections. A five-day notice of a special meeting to hold nominations does not meet the requirements of the *AFGE Rules*.

Locals with members at units off-site have several options in conducting nominations and elections. In regard to nominations, if a majority of the membership is outside of a reasonable commuting distance to the site of the membership meeting, the election committee should conduct nominations by mail, as well as at the nomination meeting. The committee should send the notice of nominations well in advance of the meeting, so that members may mail their nominations, and acceptances, to the committee's PO Box prior to the nomination meeting. In regard to elections, where a local has a significant number of members outside the commuting area, in units at remote locals, or in offices scattered over large areas, and the bylaws do not require a mail ballot election, the election committee has several options. It may (1) choose to open polls at all locations simultaneously with each under the supervision of a member of the election committee; (2) open the polls in one location for a reasonable period and then carry the ballot box and equipment to the next location, and the next, etc.; or (3) open the polls at the main location and require the balance of the members to vote by absentee ballot.

**For a mail ballot election, see the instructions in Attachment 16 (page 62) and the additional requirements in the *AFGE Rules* (Appendix A, page 32) for elections conducted by mail.**

Finally, the delegates to the 2006 AFGE National Convention amended the AFGE Rules to provide for election by secure and electronic option(s).

## STEP 4: DRAFT THE ELECTION AND CAMPAIGN RULES

The election committee issues the election and campaign rules. The *Checklist's* section on "Planning" (Attachment 1 of this *Manual* (page 38) may be helpful. Attachment 3 (page 43 ) sets forth model "Election and Campaign Rules." The election rules should state:

- (1) What constitutions(s) and/or bylaws control the election
- (2) What offices are to be filled, including delegates and alternate delegates, and the term of office for each
- (3) Eligibility requirements and qualifications for office
- (4) The time, date, and place of the nomination meeting
- (5) How to make and accept nominations at a meeting
- (6) How to make and accept written/absentee nominations and acceptance and deadline for receipt
- (7) When and where candidates may inspect membership lists
- (8) How campaign literature is to be distributed and at what cost
- (9) Prohibition against use of employer or union resources (no matter how trivial) to support a candida-

cy<sup>6</sup>

- (10) Who can vote (eligibility requirements)
- (11) Who may be an observer
- (12) How to cast ballots: manual or mail or secure and electronic option
- (13) How to obtain and cast absentee ballots (manual ballot election only)
- (14) The time, date, and place of the manual election (manual ballot election only)
- (15) Date of mailing of mail ballot and deadline and address for return (mail ballot election only)
- (16) The time, date, and place for the tally of ballots
- (17) The time, date, and place of the announcement of the results
- (18) The time, date, and place of any runoff election
- (19) Where and by what date protests are to be filed (received/postmarked)

## STEP 5: UPDATE THE UNION MEMBERSHIP AND MEMBERS' ADDRESSES

The election committee should meet with the local's secretary/treasurer two months before the election date to obtain (1) a printout of the members' names and addresses from the AFGE website. The committee also should obtain (2) a set of mailing labels of the local's members and their home addresses from the National Secretary-Treasurer (allow two weeks), (3) a list of members on dues deduction from the agency (which will not include retirees and direct pay members), and (4) a copy of recent SF-1187s. Utilizing and comparing these lists, the committee updates the names and addresses of all members, contacting members when appropriate. It may be helpful to post a notice for members to contact the local's treasurer to update and correct home addresses. The election committee should compile as accurate a list as possible six weeks before the election, and notify the local treasurer and National Secretary-Treasurer of any errors.

## STEP 6: RENT A POST OFFICE BOX

For purposes of election-related written communications between the members of the local and the committee, we strongly recommend that the election committee immediately rents a special "election" post office box and **directs all election-related mail (including written nominations and acceptances, requests for absentee ballots, ballots submitted by mail, election protests, etc.) to that post office box.** Do not use the local's address or post office box for election-related purposes, because many individuals who are not election officials have access to the local's mail. Election communications, including absentee nominations and ballots sent by mail, thereby could be lost. **For mail ballot elections and absentee ballots it is mandatory to utilize a restricted-access post office box.**

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<sup>6</sup> Candidates must be advised of the specific prohibition in the *AFGE Rules* against the use of union (any union) resources or employer (any employer) resources, **no matter how trivial**, to promote a candidacy.

## STEP 7: DRAFT AND ISSUE THE DATED NOMINATION NOTICE, INCLUDING A DEADLINE FOR RECEIPT OF WRITTEN NOMINATIONS

The election committee drafts and issues the notice of nominations. The *Checklist's* section on "Nominations" (page 38) may be helpful. The law requires that unions must give members a reasonable opportunity to nominate candidates. DoL adds that the union must give timely notice reasonably calculated to inform all members of nominations and of the proper method for making nominations. The *AFGE Rules* also require that locals must give notices of nomination at least ten days prior to nomination. Be sure to date the nomination notice to show the date issued.

The election committee does not have to mail the nomination notice, but may publish the notice prominently on the first page of the local's newsletter, post the notice, or **even use email** (if the agency permits), provided that a notice by email will reach all members. Posting in a corner of the bulletin board in the union office is not sufficient, but conspicuous posting at an entrance or exit through which all members pass is fine. If the local has retirees or other members not at the worksite, the notice must reach them, as well.

**Note: If the local decides to use one notice to inform members of both the nomination and the election, it must meet the requirements for both a notice of nomination and a notice of election. See Step 17** (page 19). Therefore, if the local uses a combined notice of nominations and election, it must mail (not email) the notice at least **15 days** prior to the date of the election to each member at his or her last known home address. Do not count the day you mailed the notice, but do count the election day.

Notices inviting members to submit nominations must be dated, and must inform all members of:

- (1) The offices for which nominations are sought.
- (2) The eligibility requirements (see Step 9 (page 13) regarding eligibility).
- (3) The terms of office.
- (4) The time, date, and place of the nomination meeting, if any.
- (5) The means by which nominations may be made and accepted, and by whom, including how absentee nominations may be made and accepted (if there is to be a meeting).

The election committee may accept nominations at a meeting, by hand delivery, by mail to the PO Box, or by other written delivery to the election committee including fax and email (which the committee will print and retain as part of the written record). If members are to make nominations at a meeting, the notice also informs members of how those who will be absent from the meeting may make or accept nominations. For example, the notice might state that the election committee will accept a written nomination accompanied by a signed statement of acceptance from the nominee, or a written acceptance, if the committee receives it by the date of the nomination meeting or by the close of nominations. The member making the nomination has the responsibility of informing the nominee of his or her nomination. Self-nominations also are acceptable and a lone acceptance letter by itself counts as a self-nomination. Attachment 4 of this *Manual* (page 4) provides a model "Nomination Notice." Attachment 6 (page 48) sets forth a model combined "Nomination and Election Notice."

## STEP 8: HOLD THE NOMINATION MEETING;

## PROHIBIT MULTIPLE CANDIDACY; CHECK THE POST OFFICE BOX FOR OTHER NOMINATIONS

The election committee conducts the nomination process. The *Checklist's* section on "Nominations" (page 38) may be helpful. Local members must be given a reasonable opportunity to nominate candidates. **Members of the local may nominate themselves.**

Where nominations are conducted at a meeting called for that purpose, no quorum requirement may be imposed for the nomination part of the meeting.

For nominations at a meeting, the local's president turns the conduct of the meeting over to the election committee chair. The chair opens the nominations for each successive office, announcing any written nominations (and written acceptances) already delivered to the election committee. See Attachment 8 (page 50) for a suggested script. Nominations do not require a second. The chair must not close nominations before every member has had an opportunity to nominate and to be nominated, so the chair will not accept a motion to close nominations before asking three times if there are more nominations. Every nomination must be accepted by the member nominated, either orally at the meeting, in writing directed to the election committee, or by some other means acceptable to the committee.

The election committee will decide whether a nominator is a member in good standing and whether a particular candidate is eligible (see Step 9 (page 13)). If a nominator is not a member in good standing or a nominee is not eligible to be a candidate, and there are no other nominations for that office, nominations for that office should be reopened. (Members who are supervisors, management officials, or confidential employees under law cannot make nominations or be nominated.)

For nominations made by mail, the election committee meets (with observers, if any), and goes to the Post Office to pick up the nominations. It is important to provide each observer the opportunity to be present at, and observe, each step of the balloting and tallying process. Thus, the committee must notify candidates/observers of the time and place for picking up nominations, and allow observers to observe this step. The committee opens the mail and adds the nominees to the lists of candidates by office, provided a nominee accepts the nomination and the nominator is a member in good standing. All envelopes should be retained as part of the election record.

If there is only one nomination, the election committee declares that nominee "elected by acclamation." If there are no nominations for an office, that office becomes vacant at the end of the incumbent's term and may be filled by the means specified in the local's constitution/bylaws to fill a vacancy (**the incumbent does not continue to serve**).

**Note:** If the sole candidate for an office withdraws from candidacy after the close of nominations, the position is considered to be vacant and may be filled by the means specified in the local's constitution/bylaws to fill a vacancy. If one of two candidates withdraws before the balloting begins, nominations should be reopened. If one of two candidates withdraws after the balloting has begun or the mail ballots have been mailed, the remaining candidate is declared "elected by acclamation."

Finally, the delegates to the 2006 AFGE National Convention amended the AFGE Rules to provide that candidates shall not run for more than one office in the same local election. However, candidacy as a delegate shall not be considered to be covered by this provision.

## STEP 9: VERIFY CANDIDATES' ELIGIBILITY AND SEND NOTIFICATION LETTERS OF ANY INELIGIBILITY

The election committee must determine whether each nominee is eligible to run for office and then sends a letter to each nominee determined to be ineligible, notifying him/her as to the ineligibility and the reasons for the determination. The *Checklist's* section on "Nominations" (page 38) may be helpful.

First, the election committee must check the local's constitution/bylaws regarding qualifications to hold office. A local, in its constitution/bylaws, legitimately may choose to limit candidacy to members actively employed, thus excluding retirees from candidacy. If a local has unit officers, it may restrict nominations, candidacy and/or voting for the unit officer to the members of the respective unit.<sup>7</sup>

Sometimes a local will organize a **new unit**. Members of a new unit who have not been a member of an AFGE local for one year are eligible to be a candidates for that unit office. The members are not eligible to be a candidate for any other offices in the local until one year after joining AFGE.

**A local cannot bar supervisors, management officials, and confidential employees, who are members, from voting**, but it must bar them from candidacy and from nominating or supporting candidates.

Not everyone may be an officer. The law disqualifies individuals convicted of certain crimes<sup>8</sup> from serving as a union official.

The *AFGE Rules* have other qualifications:

**To be qualified as an officer or candidate for office, an individual must meet the following qualifications: (1) be a member in good standing; (2) be a member for one year of an AFGE local, immediately preceding the closing of the nomination process; and (3) must not be a member in any labor organization not affiliated with the AFL-CIO. Candidates shall not run for more than one office in the same local election.**

Notice that the *AFGE Rules* do not require that an individual be a member for one year of the local holding the election, but that he or she has been a member for one year of any AFGE local. An individual, for example, could have transferred to the local holding the election during the week prior to nomination. Providing the individual has been a member in some AFGE local for one year, he or she would be eligible to be a candidate. However, those members who have had a break in membership within the past year are not eligible, and the local is barred from restoring membership retroactively.

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<sup>7</sup> A unit is a subpart of a local, whose members belong to a distinct grouping based upon geography, agency component, profession, etc.

<sup>8</sup> Robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of subchapter III or IV of this chapter, any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, etc. 29 U.S.C. §504(a).

**GOOD STANDING:** The good standing of a member is a prerequisite to being eligible to hold office, as well as to being permitted to vote. Obviously, to be in good standing, a member must be current in dues. Locals governed by the standard local constitution require a member who pays dues directly to pay in advance (quarterly, semi-annually, or annually). Other locals by operation of their constitution also may require the same. The election committee then disqualifies a direct pay member who is delinquent from participating as a candidate or from voting, if the committee has given the member notice of his or her delinquency in sufficient time before the nomination and/or election for the member to become current in dues. The committee cannot disqualify a candidate because the candidate owes the local money or property, except for delinquency in the payment of dues.

The election committee cannot disqualify a member in good standing from candidacy or voting who has dues check-off under a collective bargaining agreement according to his or her voluntary authorization because of alleged delay or default in the payment of dues. (If, however, during the time allowed for the payment of dues in order to remain in good standing, a member on a dues checkoff system has no earnings from which dues can be withheld, as for example being on leave without pay, the local may hold him/her responsible for paying the dues directly in advance in order to remain in good standing.)

**Note:** For employees eligible for dues checkoff, AFGE's long-standing policy is that membership in good standing takes effect when a responsible officer of the local accepts an employee's signed dues withholding form (SF-1187). Thus, an eligible employee may become a member only minutes before being permitted to vote. This means that a candidate on the election day may take individuals and groups to the union office, have them sign a signed dues withholding form, and march them with a copy of the signed dues withholding form to the polls to vote.<sup>9</sup> Alternatively, the election committee may decide to establish in its rules and publish in its notices the requirement that an individual has been a member for a reasonable amount of time to be eligible to vote. (See Step 15 (page 18) and Attachments 5-7 (pages 47-49)).

Membership continues in the local until the agency actually removes the member from the agency dues check-off as a result of the member submitting a signed SF-1188, regardless of when the member submitted the SF-1188.

After determining each candidate's eligibility or non-eligibility, the election committee should notify **in writing** any candidate found to be ineligible of its determination, and provide the reasons for any disqualification. Attachment 9 (page 51) contains a helpful model letter for this purpose.

## STEP 10: MEET WITH THE CANDIDATES TO DISCUSS ELECTION AND CAMPAIGN RULES AND TO IDENTIFY OBSERVERS

The election committee already has established election rules (Step 4 (page 9)). The committee must inform eligible candidates of these rules and of the basic rights of candidates and restrictions on their campaign activities. The *Checklist's* section on "Campaign Guidelines" (page 39) may be helpful.

At a meeting or telephone conference with the candidates, the election committee should explain thoroughly the election rules and procedures, including how/when candidates may: (1) campaign; (2) distribute campaign literature; and (3) inspect a list of the membership.

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<sup>9</sup> The new member must remain on dues withholding for one year. 5 U.S.C. §7115(a). Also, the local's contract may limit the member's right to revoke the withholding to the member's anniversary date.

Appendix A, Part I, Section 5(f) provides that each candidate shall be afforded an opportunity to have a reasonable number of observers who are members present throughout the election process, including the tally of ballots. Each candidate should inform the election committee chair in writing of the name of their observer(s). The committee should provide a copy of the Rules for Observers, which are set forth in Attachment 10 of this *Manual* (page 52), to each candidate and each observer in advance of the election. Candidates may serve as their own observers.

The **prohibition** against the use of **employer** (agency, hotel, church, business, etc.) **or union** (AFGE or any union) **funds and resources** (computer, copy or fax machine, email, newsletter, telephone, office, paper, postage, etc.), **no matter how trivial**, must be made clear to all candidates. It is recommended that the election committee chair send a written notice to each candidate of this prohibition. Attachment 11 (page 53) sets forth a model "Union and Employer Funds Prohibition Letter" for this purpose. For your further information, with respect to elections for National AFGE offices, all candidates are given a copy of the "Election Primer for Campaigning for National Union Office" (Attachment 12 (page 54)), which applies to all candidates.

**Note:** The election committee may use union resources for notices, factual statements of issues not involving candidates, and other expenses necessary to conduct the election. "Other expenses" include providing notice, renting a post office box, a hall to conduct an election, and/or election booths, and similar costs of an election.

## STEP 11: ARRANGE FOR VOTING BOOTHS, PARTITIONS, OR DIVIDERS AT THE POLLING PLACE FOR VOTERS TO MARK THEIR BALLOTS IN SECRET

The election committee must arrange, prior to drafting the notice of election, for a place and equipment to ensure a manual secret ballot vote. The *Checklist's* section on "Election Preparations" (page 39) may be helpful.

For a manual ballot the election committee must decide how voters will enter and exit the polling place, where it will locate the ballot box, how it will establish and maintain voter secrecy, what kind of voting booth is appropriate, what written directions it will post at the polling place, where election officials and observers will be stationed, etc. These determinations will dictate what tables, chairs, signs, and other equipment besides voting booths the committee will need.

Attachment 13 of this *Manual* (page 57) provides "Polling Place Diagrams" for two different entrance/exit situations, which show a recommended arrangement of voting booths, ballot box, and other furniture in the polling place to permit efficient registration, balloting, and seats for observers.

Attachment 14 (page 59) sets forth a "List of Polling Place Equipment and Supplies." The election committee must be sure that there are enough voting booths, partitions, or large cardboard boxes (with one side cut open) for members to mark their ballots in secret. Bare tables should be at least 20 feet apart. Any waiting in lines should be outside the polling area.

## STEP 12: BEGIN THE PERIOD FOR CANDIDATES' INSPECTION

## OF THE MEMBERSHIP LIST

Under the law and *AFGE Rules*, each bona fide candidate has the right to inspect a list containing the names and last known home addresses of all members of the local. The election committee must provide an opportunity for such inspection. See Step 5 (page 10). This right to inspect does **not** include the right to copy and is limited to once within 30 days before the election. (That does not mean that the election committee must provide the list exactly 30 days before the election or on the 30<sup>th</sup> day.) A candidate may arrange with the committee for an observer to inspect the list on behalf of the candidate.

In the case of a mail ballot election, the election committee must grant the right to inspect within a 30-day period before it mails the ballots to members. The *Checklist's* section on "Campaign Guidelines" (page 39) may be helpful.

### STEP 13: COORDINATE CAMPAIGN LITERATURE DISTRIBUTION

The law and the *AFGE Rules* require that the election committee treats all candidates for election equally with respect to the mailing of campaign literature. The *Checklist's* section on "Campaign Guidelines" (page 39) provides useful information in this regard.

The election committee is under a statutory and legally enforceable duty, upon request of a candidate, to comply with all reasonable and timely requests of the candidate to distribute -- to all members in good standing at the candidate's expense -- campaign literature in aid of his/her candidacy, and to provide the same opportunity to all candidates. If the committee has a question as to whether the content of the literature appears to be libelous, it should contact the National Vice President or the Office of the General Counsel. The local may not refuse to distribute literature because of a lack of funds or staff, but it can hire outside manpower, billing the costs to the candidate(s). Of course, it should require the candidate(s) to pay all associated costs prior to the distribution.

The *AFGE Rules* also provide that upon request, a local election committee shall distribute campaign literature to the local membership at the candidate's expense. Typically, a candidate will make a "label request" to the committee, after which the election committee obtains (and the candidate pays for) the current lists of last known home addresses from the National Secretary-Treasurer. **The local election committee, not the candidate**, uses those labels to mail out the campaign literature. In order for the request to be timely, the candidate must allow enough time before the election for the election committee to send the request to the NST and to receive the labels. Moreover, in order to insure that it offers the other candidates the same opportunity, as soon as the election committee receives the initial request, it should notify the other candidates in writing. The notice should inform the candidates of the request and advise them they have the same opportunity to make a request within a certain time frame. In a mail ballot election, the election committee must mail any campaign literature before, not during or after mailing the ballot.

**Remember, the NST's list is only as current and accurate as the last date on which the local treasurer has updated the information to the NST.** This may be done through AFGE's website, MyLocal.

A union cannot discriminate in favor of or against any candidate with respect to use of lists of members' names and home addresses. A frequent complaint or protest from candidates is that the incumbents have greater access to the membership list than the non-officers. There is nothing to prevent incum-



bents from using the membership lists to campaign; it is an advantage of the office. However, if such lists are used by incumbents, **all candidates must be given access to the same lists.** Incumbents may **not** use a more up-to-date list of members than the list provided to candidates. There should be no difference in the currency of the list maintained by the local and the list furnished to the NST and candidates.

An election committee may grant a request of a candidate to copy the list, but if it lets one candidate make a copy, then it must let all candidates make a copy. Unfortunately, such copies on occasion have found their way into the hands of commercial companies and even rival unions. The better course is to follow the *AFGE Rules*, which provide that the local election committee mails the campaign literature, at the expense of the candidate and under the supervision of the election committee, so that the candidates have no need for a copy of the list.

## STEP 14: DRAFT THE BALLOT AFTER DETERMINING THE CANDIDATES' POSITIONS ON THE BALLOT AND EACH CANDIDATE'S PREFERRED LISTING OF NAME

**The election committee should check the local's constitution/bylaws** to determine how it lists the candidates' positions on the ballot (order of nomination, by drawing lots, alphabetical order, etc.) If the local's constitution/bylaws are silent, the election committee may determine whether candidates will appear on the ballot in the order in which the members nominated them, or whether the candidates (or their representatives) will draw lots to determine the order. The *Checklist's* section on "Election Preparations" (page 39) may be helpful.

Be sure to determine the correct spelling of each candidate's name by checking with the candidate, and utilize the candidate's preferred name. For example, a candidate's true name may be Walter G. Mitty, but the candidate may be known as "Hulk" Mitty and prefer to be so identified on the ballot. Also, be sure to distinguish between candidates with the same names on the ballot.

After determining the candidates' positions and spelling of names on the ballot, the election committee must draft the ballot. At this point it is especially important for the election committee to become familiar with the entire voting and tally process to be used in the election. Note the requirements of the *AFGE Rules* regarding a manual ballot and a mail ballot.

Attachment 15 of this *Manual* (page 60) provides a model "Official Ballot." The election committee should draft the ballot after considering issues such as clarity of instructions, ballot design, use of nicknames on the ballot, candidate position on the ballot, use of slate designations (groups of candidates running together as a slate), how the design, color, shape, size, or watermark may assist or hinder the tally process, and fair treatment to all candidates.

It is important to safeguard the ballot after it is drafted, and the election committee is responsible for its safe custody.

## STEP 15: PREPARE THE VOTER ELIGIBILITY LIST

Since all members are entitled to 15 days' notice of the election sent by mail to the last known

home address, and each eligible voter is entitled to a ballot, the election committee should prepare a list of members and eligible voters **well before the date on which the election notice is to be mailed**. The list should be accurate, complete, current, and should contain each member's full name and last known home address. See Steps 5 (page 10) and 9 (page 13). The *Checklist's* section on "Election Preparations" (page 39) may be helpful.

To assist the election committee in its preparation of the membership list, a reasonable time before the election the treasurer or secretary-treasurer should furnish the election committee with an updated list of the names and addresses of all members, indicating whether or not they are members in good standing.<sup>10</sup> Since the list is supposed to be "current," the treasurer should compile it no earlier than two months in advance of the election and again six weeks before the election. Note that the DoL has ordered new elections when a significant number of members did not receive a notice or ballot because the membership lists were out of date.

## STEP 16: PREPARE ABSENTEE BALLOTS

Except when the election is to be held by mail ballot or at a combined nomination/election meeting,<sup>11</sup> members who cannot be present at the election must be given the opportunity to submit an absentee ballot.

For absentee balloting, the election committee must prepare, for each member who requests an absentee ballot for himself or herself, a mail ballot package which provides for ballot secrecy, using a double envelope system. The mail ballot package is a Large Mailing Envelope that encloses: (1) Secret Ballot Envelope; (2) Return Ballot Envelope; (3) Election Notice, (4), Ballot, and (5) Voting Instructions. Attachment 16 (page 62) sets forth a model "Mail Ballot Package" and "Instructions for Mail Voting" which the committee should give to each member requesting an absentee ballot. The member should return the absentee ballot either by mail to the election committee's post office box (to be received prior to a specified deadline) or by delivery to an election official prior to the close of the polls.

The election committee must make absentee ballots available for requesting members at least seven days in advance of the date of the election, so as to allow for a deadline for receipt of absentee ballots by mail prior to the manual ballot election. The election committee must maintain a list of members to whom it has sent absentee ballots. Upon receipt of a returned absentee ballot, the election committee must indicate on the voter eligibility list that the member has voted by absentee ballot. The committee then ensures the secrecy of the ballot by mixing the absentee ballots with the other ballots prior to the tally of ballots. If the member chooses to cast a manual ballot at the polls instead, the committee must check the voter eligibility list to assure that it had not received an absentee ballot from the voter.

## STEP 17: DRAFT AND MAIL THE ELECTION NOTICE

This is a vitally important step. The election committee must be careful! First, **check the local's**

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<sup>10</sup> See the discussion of "good standing" in step 9 (page 14) above.

<sup>12</sup> Obviously, a combined nomination/election meeting leaves no opportunity to mail an absentee ballot, because the election committee does not know before the meeting who the candidates will be, and has no time to mail an absentee ballot between the nominations and the election.

**constitution/bylaws** regarding the **timing** of the notice of election. The law and DoL require that unions must send **notices of election at least 15 calendar days prior to the election** to each member at his or her last known home address. The *AFGE Rules* also require 15 days' advance notice. Your local's constitution/bylaws may require a longer notice period. DoL specifically states that "other means of transmission such as posting on a bulletin board or hand delivery will not satisfy the requirement." 29 C.F.R. §452.99. **Email does not suffice!**

*AFGE Rules* add that if the local conducts a mail ballot, it must mail the notice of election and ballot 15 days prior to the date on which the ballot must reach the post office box. The *Checklist's* section on "Election Preparations" (page 39) may be helpful.

Attachment 5 of this *Manual* (page 47) sets forth a model "Election Notice." As referenced already above, Attachments 6 and 7 (pages 48 and 49) set forth a model for a combined "Nomination and Election Notice" (two meetings) and a model "Notice of Nominations and Election" (one meeting), respectively.

The dated notice of election must specify:

- (1) The office(s) or position(s) to be elected and the term of office.
- (2) The time of the election (including split polling time if applicable).
- (3) The date of the election.
- (4) The place or manner of the election (e.g., manual secret ballot held at a specified location(s), *or* by mail to the election committee's PO Box *or* by secure and electronic option(s)).
- (5) The provisions for run-off elections (this should include the same details as the procedures for initial elections).
- (6) The instructions for obtaining absentee ballots where the affiliate conducts the election at a meeting. (except at a combined nomination/election meeting where absentee ballots are not possible).
- (7) The election is governed by the *AFGE Rules of Conduct for an Election* set forth at Appendix A of the AFGE National Constitution.
- (8) Protests must be filed in accordance with the *AFGE Rules*.

**The notice must be dated and mailed to each member at his/her last known home address**, including new members, members not at the worksite, retirees, and members who are managers/supervisors/ confidential employees.

**NOTE: When utilizing a mail ballot, the election committee must be familiar with the special requirements of Part I, Section 5(e) of the *AFGE Rules* (Appendix A, page 32). Attachment 16 - "Electing Local Union Officers by Mail" (page 62) provides special instructions for conducting a secret mail ballot election and a model "Election Notice" for a mail ballot election, which is included in the mail ballot package with instructions for mail voting.**

## STEP 18: PRINT THE BALLOTS, VOTER SIGN-IN REGISTER, CHALLENGED BALLOT ENVELOPES, ABSENTEE BALLOT ENVELOPES, VOTE TALLY SHEETS, BALLOT TALLY CERTIFICATION SHEETS, AND SIGNS

Before printing the ballot, the election committee should review it carefully to insure that it lists all candidates' names in the proper order and correctly spelled, including nicknames if appropriate. The *Checklist's* section on "Election Preparations" (page 39) may be helpful.

Because the election committee must be able to account for all the ballots that it printed, it must adopt adequate controls and safeguards to protect the ballots: **count the number of ballots received from the printer, maintain ballots in a secure place prior to use, keep careful records of absentee ballots and of who received an absentee ballot, and keep control of ballots and of the ballot box at all times. Remember that all used and unused election records, including unused ballots and all envelopes, must be maintained with the election records for one year after the election.**

The election committee also should arrange to print the Voter Sign-In Register, Challenged Ballot Envelopes, Absentee Ballot Instructions and Envelopes (Secret Ballot Envelope and Return Ballot Envelope), Tally Sheets, Ballot Tally Certification Sheets, and election Signs. Attachment 17 of this *Manual* (page 67) sets forth Guidelines for Challenged Ballots. A model "Secret Ballot Envelope" and a model "Challenged Ballot Envelope" are set forth at Attachment 24 (page 90). A model "Voter Sign-In Register," "Vote Tally Sheet," and "Ballot Tally Certification" are set forth in Attachments 18 (page 70), 19 (page 71), and 20 (page 72), respectively. Model election signs are found at Attachment 23 (pages 77-89). **Print enough copies of each of the documents mentioned above to avoid having to print additional copies during the election process.**

## STEP 19: PREPARE THE OBSERVER REGISTER AND BADGES FOR ELECTION OFFICIALS AND OBSERVERS

The election committee should prepare a sign-in register for all observers captioned "Observer Sign-In Register" to document the presence and identity of all observers. The committee should prepare badges for all election committee members, identifying themselves as "election officials," and for all observers, identifying them as "observers." These badges should be worn at all times at the polling place and throughout the tally process, so that voters will know that only authorized individuals are present in the polling area.

## STEP 20: WITH OBSERVERS PRESENT, PICK UP THE ABSENTEE BALLOTS AT THE POST OFFICE BOX

The election committee should assure that all observers are familiar with the "Rules For Observers" (Attachment 10 of this *Manual* (page 52)) prior to the commencement of the balloting and tallying process. It is important to provide each observer the opportunity to be present at, and observe, each step of the balloting and tallying process. Thus, the committee must notify candidates of the time and place for mailing and picking up absentee ballots. It is the responsibility of the candidates to direct their observers to observe this step.

With observers present, the election committee should pick up the absentee ballots after the cut off date and time for receipt of absentee ballots and before the polls open. The committee should safeguard absentee ballots until it counts them with the other ballots.

## STEP 21: FINALIZE ELECTION PREPARATIONS AND INSPECT THE POLLING SITE

The election committee finalizes election preparations on the day before the election, posts appropriate signs (Attachment 23, pages 77-89), and inspects the polling site(s) sufficiently in advance of the opening of the polls to permit timely correction of any problems which may become apparent during the inspection. The *Checklist's* sections on "Election Preparations" (page 39) and "Polling Place Procedures" (page 40) may be helpful. A last review of the requirements of the *AFGE Rules* for a manual ballot (or for a mail ballot) is appropriate.

As noted in Step 11 (page 16), Attachment 13 of this *Manual* (page 57) sets forth two "Polling Place Diagrams" for the situations where voters enter and exit the polling place by the same route and where they enter and exit by different routes. These diagrams assist in planning the arrangement of equipment at the polling place to maximize efficiency and effective voting procedures.

The election committee also should keep in mind the following sequence of actions involved in the typical manual ballot election:

- (1) Members form a line outside of the polling place and enter one by one, passing a posted sample ballot and proceeding to the registration table (no more than two members at a time at the table).
- (2) An election official at the registration table checks each member's identification, marks member's name off the voter eligibility list, asks member to sign/print the voter register, and issues ballot(s).
- (3) Each member takes ballot(s) to a voting booth and marks the ballot(s) in the booth without speaking to anyone (except to an election official if a question arises).
- (4) Each member takes the completed ballot(s) from the voting booth to the ballot box without speaking to anyone (except to an election official if a question arises) and places the completed ballot(s) in the ballot box before exiting the polling area.

Attachment 14 (page 59), consulted in Step 11 (page 16), sets forth a "List of Polling Place Equipment and Supplies" which is helpful in determining what the committee needs at the site. In inspecting the polling place, the election committee should provide necessary equipment and supplies, as well as an appropriate number of blank ballots under the control of the election committee.

Final election preparations should ensure the following:

- (1) Availability of adequate information (e.g., membership roster, agency list of members on dues withholding, copy of signed dues withholding forms of new members) to verify voter eligibility.
- (2) Arrangements to provide adequate voting instructions to any non-English speaking members, assistance to blind members, and access to the polls for other physically handicapped members.
- (3) Posting an uncast ballot labeled "sample ballot" at the entrance to the polls.
- (4) Arrangements for handling challenged ballots (Attachment 17 (page 67) sets forth "Guidelines for Challenged Ballots").
- (5) Arrangements for handling and retaining "spoiled ballots."
- (6) Assignment of specific tasks to each election committee member as illustrated in Attachment 13 (page 57).
- (7) Arrangements for the ballot tally, including the determination of the counting and voiding procedures (Step 23 (page 23)).
- (8) Placement of observers so as to facilitate their observation of the ballot and tally process.

**Note: Election officials and observers should be located no closer than 20 feet from any voting booth or ballot box to assure ballot secrecy.**

## STEP 22: OPEN THE VOTING POLLS, CONDUCT THE ELECTION, AND CLOSE THE POLLS

The election committee is responsible for opening and closing the polls on time and for efficiently and correctly conducting the election. The *Checklist's* section on "Polling Place Procedures" (page 40) prior to commencing the voting may be helpful. The election committee should check the local's constitution/bylaws for additional requirements regarding the polling place and procedures.

In conducting the election the election committee also should note in particular:

- (1) It must account for all used, unused, and spoiled ballots at the conclusion of the balloting.
- (2) Members actually must vote in secret.
- (3) It must permit no campaigning in or within 50 feet of the polling area.
- (4) Election committee members and observers cannot wear campaign buttons, stickers or other types of campaign apparel in the polling area.
- (5) It must show the empty ballot box to observers just prior to opening the polls, then seal the box, and place it where the committee and observers may observe it at all times to insure the integrity of the voting.
- (6) Each voter should present identification, be marked off the eligibility list, and sign the voter register.
- (7) In resolving any challenged ballots (see Step 23 below) or other election issues, the committee should explain reasons for decisions to observers and make it part of the written election record.
- (8) Committee members typically will cast their own ballots while the polls are open, but during a slow period.
- (9) It must allow observers to challenge the eligibility of voters.
- (10) Polls must open and close on time, although the committee must permit **members in line at closing time to vote.**
- (11) If the committee opens the polls late, it should keep the polls open an equal amount of time past the scheduled closing. If the committee is absolutely certain that all eligible members have voted, it may close the polls early.

## STEP 23: TALLY THE BALLOTS

After the polls have closed, the election committee tallies the ballots in the presence of the observers. The *Checklist's* section on "Ballot Tally" (page 41) may be helpful.

In conducting the tally of ballots the election committee should adhere to the following guidelines:

- (1) Instruct all committee members and observers to shut off cell phones. No one in the tally room should communicate with individuals outside until the committee chair announces the results.
- (2) Begin the tally only after the election committee has sealed and transported to the tally site all ballots, including absentee ballots, and other election materials.
- (3) Count every vote on a valid ballot if the voter's intent is clear, no matter what mark the voter used to indicate the voter's choice.
- (4) If a voter makes a mistake in voting for a position on the ballot (such as voting for too many candi-

dates for a given office), or if the voter's intent is unclear, the committee should void only the vote(s) for that office.

- (5) As a general rule, the committee should not void an entire ballot unless it contains the voter's name, initials, or other marks which identify the voter.
- (6) Open the ballot box in the presence of observers, and direct ballot counters to unfold ballots and place them in stacks of 50 or 100 so as to obtain the total number of ballots cast and to insure accuracy during the actual vote count. Allow only election officials to handle the ballots.
- (7) Allow observers to watch the counting and other related activities closely enough to verify the accuracy of the tally.
- (8) *AFGE Rules* provide that a majority (more than 50%--round up a fraction to the next whole number--**not 50% plus 1**) of the votes cast is needed in order to be elected to an office. A plurality (more than other candidates) of the votes cast is needed for election as a delegate, alternate delegate, or proxy delegate. (AFGE National Constitution, Appendix A, Part I, Sections 5(h) and 6(a) (pages 32-33)).
- (9) Do not permit write-in candidates or write-in votes and do not count them as valid votes under the *AFGE Rules*.
- (10) Tally teams should work in a uniform manner under the direct supervision of the election committee chair.
- (11) Observers must not "assist," touch, or handle ballots at any time.
- (12) Attempt to resolve challenged ballots before beginning the tally, keeping a record of decisions and explaining the rationale for each decision to observers. Mix in challenged ballots to be counted with other uncounted ballots in order to preserve secrecy.
- (13) Secure all ballots, if the election committee stores them overnight.
- (14) Announce and certify tally results for each office, and disclose the number of valid ballots counted, the number of voided ballots, and the number of uncounted challenged ballots.
- (15) Seal all ballots, used and unused, tally sheets, voter registers, eligibility lists, and all other election materials in boxes upon completion of the tally. The boxes should be clearly marked as election records with the date of the election.
- (16) The committee must preserve all election records, including membership and eligibility lists, copies of nomination and election notices, voting instructions, all return envelopes, marked, challenged, voided and unused ballots, and tally sheets through the protest period, and then deliver the records to the election official designated in the constitution and bylaws or, if none is designated, to the union secretary to preserve for one year, or to the NVP in the event of an appeal.

**N.B. The committee must retain additional separate copies of the notices and the meeting minutes or ballot tally certification, which will be required for the subsequent credentialing of delegates to the AFGE National Convention, district caucus, and/or council meetings.**

- (17) The committee must notify the NST, the NVP with jurisdiction over the local or council, and if appropriate, council president(s), by sending each a copy of the completed Ballot Tally Certification (Attachment 20 of this *Manual* (page 73)).

To the extent possible, the committee should resolve challenged ballots prior to conducting the tally to help preserve secrecy. Attachment 17 (page 67) sets forth "Guidelines For Challenged Ballots." The committee should follow carefully the procedures outlined in these guidelines in resolving challenged ballots.

As previously noted, Attachment 19 (page 71) sets forth a model "Tally Sheet." Attachment 21 (page 74) sets forth "Guidelines For Counting Ballots," which should be carefully followed in tallying the vote. Note that the "Stack Method" of counting ballots is the preferred means of counting ballots.

Attachment 22 (page 76) sets forth "Guidelines for Voiding Ballots" which the committee should apply **consistently and fairly**. The committee should follow carefully procedures detailed in these guidelines for voiding ballots or parts of ballots.

Attachment 20 (pages 72-73) sets forth a model "Ballot Tally Certification" and instructions, which the committee should use to account for the ballots and to announce the results, as required by the *AFGE Rules*.

## STEP 24: ANNOUNCE THE RESULTS AND CONDUCT RUNOFF ELECTION(S) AS NECESSARY

The election committee should **check the local's constitution/bylaws to determine the designated means by which it publishes election results**. The election committee must publish election results by announcement, newspaper, or other suitable method (such as posting in a prominent place) or combination of methods, using the "Ballot Tally Certification" (Attachment 20 of this *Manual* (page 73)).

The *AFGE Rules* require a majority of the valid votes cast for election to office, except delegates, alternate delegates, and proxy delegates.

A **runoff election** is warranted when there is no majority vote for any candidate. The runoff election shall be held between the two candidates who received the most number of votes in the previous election, the procedures for which are set forth in the following *AFGE Rules*:

- (1) For a single office, a runoff election is warranted when none of the candidates for an office receives a majority vote. The runoff shall be between the two candidates receiving the greatest number of votes, whose position on the ballot shall conform with the order of their nomination.
- (2) For multiple same-type positions other than delegate and alternate delegate elections, a runoff election is warranted when (a) the number of candidates receiving a majority of the valid votes exceeds the number of positions to be filled, or, (b) some positions remain unfilled because fewer candidates received a majority vote than the number of positions to be filled. The runoff shall be among those candidates receiving the highest number of votes, and the number of candidates will correspond to the number of positions remaining to be filled, plus one. In the runoff, the candidate receiving the least number of votes will be eliminated, and the other candidates will be elected to the position.

A **majority vote** means more than 50% of the number of valid votes cast for the office(s) (rounded up to the nearest whole number). Note that "ballots" and "votes" have different meanings. A ballot is a piece of paper that permits recording one or more votes for candidates for one or more offices. For example: 57 valid votes cast. Candidate A receives 29, B receives 28. (50% of 57 = 28.5; 28.5 rounded up to the nearest whole number is 29.) The majority vote is 29. Candidate A has a majority and wins. Another example: 57 valid votes cast. A receives 20, B receives 19, C receives 18. (50% of 57 = 28.5 rounded up = 29.) The majority vote is 29. No one has a majority. Runoff between A and B.

Another example, where a local has three trustee positions to be filled by election, and seven candidates: The ballot instructs voters to select up to three candidates to fill three separate but identical offices. 57 valid votes cast for three multiple same-type offices. A receives 20, B receives 8, C receives 7, D re-



ceives 7, E receives 6, F receives 6, G receives 3. The majority of the valid votes cast for each of the three offices is the number determined by: (a) taking the total number of valid votes cast for all three offices; (b) dividing by the number of offices; (c) taking 50% of this result; and (d) rounding up to the nearest whole number. Thus: (a) when 57 valid votes are cast for the three positions; (b) 57 divided by 3 = 19; (c) 50% of 19 = 9.5; (d) 9.5 rounded up = 10. The majority vote is 10. A has a majority of the votes and wins a position. Runoff between B, C, and D for the remaining two offices. If two candidates do not receive a majority vote, the election committee conducts a further runoff election.

Another example, where a local has three Vice Presidents-at-Large positions to be filled by election and eight candidates: 59 valid votes cast for 3 multiple same-type offices. A receives 9, B receives 9, C receives 8, D receives 8, E receives 7, F receives 6, G receives 6, and H receives 6. The majority of the valid votes cast for each of the three offices is the number determined by: (a) taking the total number of valid votes cast for all three offices; (b) dividing by the number of offices; (c) taking 50% of this result; and (d) rounding up to the nearest whole number. Thus: (a) when 59 valid votes are cast for the three positions; (b) 59 divided by 3 = 19.66; (c) 50% of 19.66 = 9.83; (d) 9.83 rounded up = 10. The majority vote is 10. No candidate received a majority vote. Runoff between the top four candidates, A, B, C, and D.

Another example, where a local has two same-type offices to be filled by election: 100 valid votes are cast. The majority of the valid votes cast for each of the two offices is the number determined by: (a) 100 votes; (b) 100 divided by 2 = 50; (c) 50% of 50 = 25; (d) more than 25 = 26. The majority vote is 26.

Runoff elections must be held as soon as possible and will require a new 15 day advance election notice if the original election notice did not announce the date, time, and place of any runoff election.

**NOTE:** There is no runoff election for delegates, alternate delegates, and proxy delegates, for they are elected by a plurality vote. For example: a local has positions for two delegates and four candidates. The two delegates receiving the most number of votes are elected as delegates. The remaining two are elected as alternate delegates. If there is a tie for the second delegate position, the election committee will conduct a coin toss with the two candidates to determine the winner.

Also, these *AFGE Rules* require that in an election for delegates, alternate delegates, and proxy delegates members will be afforded the opportunity to determine the number of delegates. The local's full entitlement is provided by the National or council constitution or the district caucus rules. The local membership, with 15-day notice to every member's last known home address, may vote to elect fewer, the full entitlement, or more. For example, the district caucus rules provide that a local is entitled to three delegates. With proper notice, the membership may choose among several options: (1) vote to authorize the local president to cast the full membership strength of the local; (2) vote to elect two delegates to cast the full membership strength; (3) vote to elect four delegates so that in the event of a vacancy the local will not have to conduct another election. See, the *District Caucus Election Manual* on the AFGE website for a detailed discussion.

## STEP 25: MEET TO CONSIDER ELECTION PROTESTS, ISSUE A DECISION ON EACH PROTEST, AND SEAL THE ELECTION RECORDS

The election committee meets after the expiration of the time limit for filing election protests for the purpose of considering election protests. The *Checklist's* section on "Post-Election Activity" (page 41)

as well as to Appendix A, Part III (Election Protests and Appeals) (page 36), may be helpful.

The election committee should have the time limit of ten days for filing an election protest specified in the Election Rules referenced above (Step 4 (page 9)). Under the *AFGE Rules* (National Constitution, Appendix A, Part III, Section 2) in local officer and delegate elections, any election protests must be made in writing (**not by email**) to the local election committee prior to, during, or within ten days after the election.<sup>12</sup> The election committee must dismiss protests untimely filed on that ground, because the committee has no authority to consider untimely protests.

A complainant must file the protest in writing (**not by email**) and address it to the chair of the election committee. If mailed, the date of the postmark determines the date of filing. Otherwise, the committee must receive the protest on or before the deadline. The committee should advise members to send protests by certified or registered mail or by some other means to document the date of mailing and/or receipt by the election committee. Any member of the election committee may file a written protest.

The election committee must issue a decision within 15 days after receipt of an election protest. The election committee may take an extension of this time **if the election committee notifies the complainant(s) by certified mail of the extension**. See *AFGE Rules* (National Constitution, Appendix A, Part III, Section 2, page 36). The committee does not have to ask permission from the complainant for the extension. In resolving protests, the election committee should follow ten steps, making decisions by a majority vote:

- (1) Check for timeliness. If untimely, dismiss the protest on that ground.
- (2) Review the protest thoroughly.
- (3) Talk to the protesting member.
- (4) Review the constitution/bylaws and election rules.
- (5) Review election records.
- (6) Interview members and other persons as necessary.
- (7) Determine if the allegation is true. If untrue, dismiss the protest on that ground.
- (8) If true, determine if there was a violation. If not a violation, dismiss the protest on that ground.
- (9) If a violation, determine how many votes would or could have been affected and determine whether the affected votes may have changed the outcome of the election for any office. If no effect, dismiss the protest on that ground.
- (10) If it affected the outcome, determine the remedy.

**NOTE: After the election committee certifies the results, the committee may consider only the allegations raised by a protest.** Thus, the time to correct known election errors is prior to the certification of the results, because after such certification the jurisdiction of the election committee is limited to allegations specifically raised in the timely filed election protest(s).

If the election committee determines that a protest raises allegations which **(1) are timely, (2) are true, (3) are a violation, and (4) would have affected the outcome of the election**, then the election committee must determine what action is appropriate, including a new election (conducting both new nominations and the election, or a rerun election (conducting only the election with the original candidates), for all or only some of the offices, as appropriate. Consultation with the Election Supervisor in the Office of

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<sup>12</sup> In AFGE National Convention elections, complainants must protest to the election committee prior to adjournment of the National Convention. In council or caucus elections, complainants must protest within five days of adjournment.

General Counsel ((202) 639-6424) may be helpful in this regard.

The election committee should serve its written decision timely on the complainant(s) **by certified mail** and send a copy to the appropriate NVP and to all affected candidates.

The election committee retains the election records through the protest period. The committee should seal records of the election committee's investigation and deliberation with the records of the election and preserve them for one year with the officer named in the local's constitution. Election committee members should be aware that these records and their own testimony may be required in the AFGE appeal process set forth in the *AFGE Rules* (AFGE National Constitution, Appendix A, Part III, Sections 3-5, pages 36-37) and in any Department of Labor investigation.

In this regard, the complainant or adversely affected incumbent officer may file election appeals from the decision of the local's election committee (or from the failure of the election committee to issue a timely decision) with the NVP of the district within which a local is headquartered, within 15 days of either the date, or the due date, of the election committee's decision. Such appeals must set forth the exact nature and specifications of the complaint, and how the alleged infraction(s) affected the outcome of the election. In the event of an appeal to the NVP, the custodian delivers the records to the NVP or his or her representative.

Notes:

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# AFGE

## ELECTION MANUAL

# SUPPLEMENTS

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# APPENDIX A OF THE AFGE NATIONAL CONSTITUTION

## AFGE RULES OF CONDUCT

### FOR AN ELECTION

#### PART I: DIRECT ELECTIONS:

##### LOCAL OFFICERS AND DELEGATES

#### SECTION 1. GENERAL PROVISIONS

SEC. 1(a). The rules within this Appendix shall govern matters arising in connection with the conduct of elections to the following AFGE offices:

- (1) All local officers which are designated by the local's constitution;
- (2) All delegates, alternate delegates, and proxy delegates to a district caucus, council meeting, or the AFGE National Convention. As used herein, "delegate" refers not only to delegates but also to alternate delegates and proxy delegates;
- (3) As used herein, "officer" or "office," unless otherwise specified, includes all the positions described above.

SEC. 1(b). These rules herein are integral provisions of the AFGE National Constitution. In the event another provision of the AFGE National Constitution concerns a matter addressed by these rules, to the extent the other provision is inconsistent, these rules shall control. If a provision within the constitution or bylaws of the AFGE entity conducting the election concerns a matter also addressed by these rules, to the extent that provision is inconsistent, these rules shall control.

SEC. 1(c). Officers shall be elected by secret ballot.

SEC. 1(d). Write-in candidates or write-in votes are prohibited and may not be counted as valid votes.

SEC. 1(e). To be qualified as an officer or candidate for office, an individual must meet the following qualifications:

- (1) Be a member in good standing;
- (2) Be a member for one year of an AFGE local, immediately preceding the closing of the nomination process. This requirement does not apply to newly created locals; and
- (3) Must not be a member in any labor organization not affiliated with the AFL-CIO.

SEC. 1(f). Candidates shall not run for more than one office in the same local election; however, candidacy as a delegate shall not be considered to be covered by this provision.

#### SEC. 2. ELECTION COMMITTEES

SEC. 2(a). An Election Committee shall be constituted to conduct each election. The Committee shall consist of not less than three members, and if a larger Committee is required, it shall contain an odd number of members. Its members shall be selected, and it shall meet a reasonable time before the commencement of the nomination procedure.

SEC. 2(b). No member of the Committee may be an incumbent of or candidate for the office for which the election is being conducted.

#### SEC. 3. NOTICE OF NOMINATION AND ELECTION MEETINGS

SEC. 3(a). Members must be given a reasonable opportunity to nominate and elect candidates.

- (1) Nominations and elections may be conducted either separately or combined at a meeting called for such purpose or by mail or **secure and electronic option(s)** as may be prescribed in the constitution or bylaws of the AFGE local conducting the election. Where nominations are conducted at a meeting called for that purpose, provisions should be made for the making and acceptance of nominations by alternative means for members who are absent from the meeting. Where an election is to be conducted at a meeting, provisions should be

made to both reasonably accommodate the work or shift assignments of members and to allow for absentee ballots.

(2) Notices inviting members to submit nominations must inform all members of the offices to be filled, the time, date, place of the nomination meeting, if any, and the method for making nominations. If the nominations are to be made at a meeting, the notice also shall inform members of the manner whereby members who will be absent from the meeting may make and/or accept nominations.

(3) Notice of nominations only must be timely to provide members with a reasonable opportunity to nominate candidates. Such notice, at a minimum, must be given at least **ten days** prior to the date set for making nominations. If a single notice is used for nominations and elections, both the requirements relating to nominations and those relating to elections must be followed.

(4) Notices of election (whether the election is combined with the nomination or is a separate proceeding) must be mailed to each member at his or her last known home address not less than **15 days** prior to the date of the election, or in the case of election by mail ballot, the date on which the ballot must be received to be counted. The notice shall specify the positions to be filled in the election, the time (including split-polling times if applicable), date, place, or manner of election (i.e., mail or manual ballot), and provisions for runoff elections (including the same details as to procedures, time, and place, as required for the initial election). The notice also must provide instructions for absentee ballot where the election is to be conducted at a meeting, except at a combined nomination/election meeting.

SEC. 3(b). If any AFGE publication is to be used to provide notice for nominations or elections, such notice must be printed in a conspicuous place on the first page of the publication. If notice of the election is to be provided through the publication, it must be mailed to the members at least 15 days prior to the date of the election or, if the election is by mail ballot, the date on which the ballots must be returned.

SEC. 3(c). A quorum is not required for nominations and/or elections.

SEC. 3(d). When at the close of nominations a candidate is unopposed for the office, the Election Committee may choose to declare the candidate elected by acclamation and provide notice of such on the ballot.

#### SEC. 4. CAMPAIGN RULES

SEC. 4(a). All candidates for office must be treated equally with respect to the availability of lists of members and mailing of campaign literature. Upon request of a candidate, the AFGE local Election Committee conducting the election shall comply with all reasonable and timely requests of the candidate to distribute to the members at the candidate's expense, by mail or otherwise, campaign literature in aid of his or her candidacy, provided the same opportunity is provided to all candidates.

SEC. 4(b). No monetary or other resources of AFGE or any employer shall be contributed or applied to promote the candidacy of any candidate in an election. Such resources include, but are not restricted to, dues monies and assessments, publications, facilities, office equipment, union or employer email, stationery, or other supplies. While the preceding restrictions apply to use of AFGE resources to promote the candidacy of any candidate, such resources may be used for such things as notices, factual statements of issues not involving the candidates, and other expenses necessary to conduct an election.

#### SEC. 5. ELECTION PROCEDURES

SEC. 5(a). The election shall be conducted by one of the following methods, as prescribed by the constitution of the local conducting the election: manual ballot *or* mail ballot *or* secure and electronic option(s).

SEC. 5(b). The treasurer or secretary-treasurer shall furnish to the Election Committee the names and addresses of all members and an indication as to whether or not they are members in good standing. The Election Committee shall notify all members that nominations are invited; it also shall conduct the nom-

ination and election process.

SEC. 5(c). The Election Committee shall prepare ballots. The candidates shall be listed either on the ballot, or if the election is conducted at a meeting and it proves necessary, by posting in the election area.

SEC. 5(d). Where an election is conducted by manual ballot:

(1) The Election Committee shall furnish to each member voting one ballot. The Committee also will provide for sealed ballot boxes in which members may deposit the ballots. Each ballot box will be under the personal supervision of a member of the Election Committee. The Committee will make appropriate arrangements to insure that each member votes a secret ballot such as, for example, individual booths, enclosures, or areas which provide such privacy to each member while voting.

(2) Members who are unable to attend the election polls, upon timely written request to the Election Committee, shall be furnished ballots and properly marked envelopes in which to return their ballots to the Election Committee. If timely returned, the absentee ballots shall be opened and counted with the remainder of the ballots.

SEC. 5(e). Where the election is conducted by mail:

(1) The Election Committee shall mail ballots to all members in good standing at their last known home address along with properly marked envelopes in which to return their ballots to the Election Committee. The mailing shall include instructions concerning the voting procedure and specify a deadline by date and time for the return of ballots to a specified location. The return envelopes shall provide for the insertion of a blank envelope (containing the marked ballot) within another envelope bearing the voter's name so as to ensure voter secrecy.

(2) As soon after the deadline as possible, the Election Committee shall convene to tally the

ballots. Any ballots either received after the deadline or in envelopes which do not identify the ballot as that of an eligible voter shall not be counted as valid ballots.

SEC. 5(f). Each candidate shall be afforded an opportunity to have a reasonable number of observers who are members present throughout the election procedure, including the tally of ballots.

SEC. 5(g). At the conclusion of the balloting, the Election Committee shall tally the total ballots cast (or in an election by mail the ballots received), the ballots challenged, the ballots voided, the number of valid votes cast for each candidate, and the total number of valid votes cast. The Election Committee shall prepare a written report and inform the members of the results as soon as possible.

SEC. 5(h). A majority of the valid votes cast is required for election to any office except delegates, alternate delegates, and proxy delegates. If warranted, a runoff election shall be held as soon as possible.

(1) For a single office, a runoff election is warranted when none of the candidates for an office receives a majority vote. The runoff shall be between the two candidates receiving the greatest number of votes, whose position on the ballot shall conform with the order of their nomination.

(2) For multiple same-type positions other than delegate, alternate delegate, and proxy delegate elections, a runoff election is warranted when (i) the number of candidates receiving a majority of the valid votes exceeds the number of positions to be filled, or, (ii) some positions remain unfilled because fewer candidates received a majority vote than the number of positions to be filled. The runoff shall be among those candidates receiving the highest number of votes, and the number of candidates will correspond to the number of positions remaining to be filled, plus one. In the runoff, the candidate receiving the least number of votes will be eliminated, and the other candidates will be elected to the position.

SEC. 5(i). A plurality of the valid votes cast is required for election of delegates and proxy delegates. The candidate(s) for delegate receiving the most

number of votes will be elected to the position(s). If the number of delegate candidates exceeds the number of delegate positions to be filled, then the candidates receiving the greatest number of votes will be elected as delegates, and the remaining candidates will be elected as alternate delegates unless otherwise stated in local bylaws.

SEC. 5(j). All election-related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved by the Election Committee (who has authority to reopen the records) through the protest period and then turned over to the local secretary for one year after the election, unless the records are requested by higher authority in the appeal process or are still relevant. Councils and district caucuses will forward the election records to the NST at the National Office.

#### SEC. 6. DELEGATES TO DISTRICT CAUCUSES, COUNCIL MEETINGS, OR THE NATIONAL CONVENTION

SEC. 6(a). Delegates to district caucuses, council meetings, or the AFGENational Convention must be elected by secret ballot of the members on whose behalf they will serve as delegates. Delegates, alternate delegates, and proxy delegates must be elected by name and by plurality vote.

SEC. 6(b). Delegates may be nominated and/or elected as part of a regular election of officers or in a separate proceeding as may be prescribed by the constitution of the AFGEN entity conducting the election. Officers of the appropriate AFGEN entity, by virtue of their election to office, may serve as delegates, if prescribed by the applicable constitution. In filling a vacancy without an election, only a person who is appointed or succeeds from a position in which the person was a delegate by virtue of election to the office may be a delegate by virtue of office in the new position.

SEC. 6(c). In the election for delegates, members will be afforded the opportunity to determine the number of delegates, up to the full enti-

tlement as provided by the national or council constitution involved.

SEC. 6(d). In the event that the entity on whose behalf a delegate is elected is unable to authorize funds sufficient to fund a full allotment of delegates, then the authorization shall be applied in the following order: (1) delegates selected by virtue of their elected position within the entity in accordance with the established hierarchy of positions; (2) other delegates in accordance with the number of votes received by each. A decision by an entity to authorize funds for less than the full number of delegates elected does not preclude the remaining delegates from participating at their own expense as delegates.

SEC. 6(e). Alternate delegates shall be selected as replacements for delegates, as appropriate, in accordance with the number of votes received by each.

SEC. 6(f). Any notice(s) of nominations and election pertaining to delegates shall inform members of the manner whereby delegates will be elected, as prescribed by this Section.

SEC. 6(g). Members must be given a reasonable opportunity to nominate and elect delegates prior to nominating and voting for a proxy delegate. Proxy votes may be carried only by a delegate whose own election as a delegate is in accordance with these rules.

#### **PART II. INDIRECT ELECTIONS:**

NATIONAL PRESIDENT, NATIONAL SECRETARY-TREASURER, NATIONAL VICE PRESIDENT FOR WOMEN AND FAIR PRACTICES, NATIONAL VICE PRESIDENTS, NATIONAL FAIR PRACTICES AFFIRMATIVE ACTION COORDINATORS, NATIONAL WOMEN'S ADVISORY COORDINATORS, AND COUNCIL OFFICERS.

SECTION 1(a). The rules within this Part shall govern matters arising in connection with the conduct of elections to the following AFGEN offices:

- (1) All national officers:
  - (i) National President, National Secretary-Treasurer, and the National Vice President for Women and Fair Practices;



(ii) National Vice Presidents.

(2) All council officers designated by the council's constitution. As used herein, council includes state, district, and national councils of AFGE locals.

(3) Fair Practices and Women's Coordinators.

SEC. 1(b). The provisions of Appendix A, Part I, Section 1(b)-1(e), relating to the application of elections rules, the election of officers by secret ballot, the prohibition against write-in votes, and qualifications for office respectively also shall apply to elections covered in this Part, except that the qualifications for the offices of National President, National Secretary-Treasurer, National Vice President for Women and Fair Practices, National Vice Presidents, National Fair Practices Affirmative Action Coordinators, and National Women's Advisory Coordinators shall be governed by Article VII, Section 1(a) of the AFGE National Constitution.

SEC. 1(c). All elections conducted pursuant to this Part shall be by delegates selected by members of their respective locals in accordance with the procedures prescribed in Appendix A, Part I.

SEC. 1(d). To be qualified as an officer or candidate for office for a position covered by this Part, an individual must meet both the requirements established by Appendix A, Part I, Section 1(e) and any other qualifications established for that particular office.

SEC. 1(e). Elections shall be conducted for each office in the following manner:

(1) National President, National Secretary-Treasurer, and National Vice President for Women and Fair Practices at the AFGE National Convention. Special elections being held after the National Convention will be conducted by mail ballot or secure and electronic option(s).

(2) National Vice Presidents, Fair Practices Coordinators, and Women's Coordinators at individual district caucuses, in accordance with the Rules established by the National Ex-

ecutive Council. Each district shall elect one National Fair Practices Affirmative Action Coordinator and one National Women's Advisory Coordinator. These Coordinators comprise the AFGE National Human Rights Committee (NHRC).

(3) Council officers according to their constitutions.

## SEC. 2. ELECTION COMMITTEES

SEC. 2(a). An Election Committee shall be constituted to conduct each election. The Committee shall be constituted in the manner prescribed by Appendix A, Part I, Section 2.

SEC. 2(b). The selection to the Election Committee for national officers at the National Convention shall be made by the National President. For council officers, the Election Committee shall be constituted by the governing body of the council.

## SEC. 3. NOTICE OF NOMINATIONS AND ELECTIONS

SEC. 3(a). Nominations and elections shall be conducted in accordance with Appendix A, Part I, Section 3 except as provided in this Part.

SEC. 3(b). Nominations and elections for officers shall be conducted as appropriate at the National Convention or district caucus. Nominations and election for council office shall be conducted either at a meeting called for that purpose and attended by delegates from the locals comprising the council or by mail or secure and electronic option(s), as may be prescribed in the constitution of the council.

## SEC. 4. CAMPAIGN RULES

SEC. 4(a). The campaign rules prescribed by Part I, Section 4, shall apply except as provided in this Part.

SEC. 4(b). All declared candidates for national offices covered by this Part will be provided upon timely request the following information:

(1) A complete list of the names, business, and home addresses and business telephone numbers of the presidents, treasurers, and delegate(s) of each

local participating in the election for which the candidacy has been declared.

(2) One set of mailing labels for the presidents, treasurers, and delegate(s) covered by subsection (1) above. Additional sets will be supplied each candidate upon written request. Each candidate shall be charged for each additional set on an actual cost basis.

(3) A list of the locals and their voting strengths as established by the AFGE National Constitution.

The above information shall be provided by the National Secretary-Treasurer.

#### SEC. 5. VACANCIES

SEC. 5(a). If a vacancy occurs in any office covered by this Part, the performance of the duties of that office and the election of a successor shall be conducted in accordance with the requirements of this Section.

SEC. 5(b). In the event of a vacancy in the office of National President, the National Secretary-Treasurer shall succeed to the office of National President.

SEC. 5(c). In the event of a vacancy in the office of the National Secretary-Treasurer or the National Vice President for Women and Fair Practices, the National President shall perform the duties of the vacated position until a successor has been elected by the NEC to fill the unexpired term. If such a vacancy occurs, the National President immediately shall issue a call for the convening of the NEC within 60 days for the purpose of filling the vacancy.

SEC. 5(d). In the event of a vacancy in the position of a National Vice President, the National Secretary-Treasurer will cause a special caucus to be held by the district within 60 days of a vacancy. Elections shall be conducted in accordance with the rules for the regular election of National Vice Presidents.

SEC. 5(e). In the event of a vacancy in the National Fair Practices Affirmative Action Coordi-

nator or the National Women's Advisory Coordinator within the district, the respective National Vice President shall appoint a member within 60 days to fill the vacancy until the next district caucus.

### PART III. ELECTION PROTESTS AND APPEALS

SECTION 1. All elected officers and delegates will assume their responsibilities after their respective elections and their installations as prescribed by the applicable constitution or bylaws, regardless of whether the election has been protested. They will remain in their respective offices until their terms expire or until newly elected officers are installed as a result of an ordered new or rerun election or a decision on a complaint or appeal by an Election Committee, a National Vice President, or the National President.

SEC. 2. Any affected member may protest the manner in which an election was conducted. All protests consisting of challenges to the eligibility of a member to vote or to the eligibility of a candidate or protests to any other conduct which occurred during an election shall be made by complaint in writing to the respective Election Committee. In local officer and delegate elections, such protests must be made to the local Election Committee prior to, during, or within ten days after the election. In council and caucus elections, such protests must be received by the respective Election Committee prior to, during, or within five days of adjournment of the council meeting or caucus. In National Convention elections, such protests must be received by the Election Committee prior to adjournment of the National Convention. The Election Committee shall consider and/or investigate the complaint and attempt to resolve the protest(s) or to render a decision within 15 days after receipt of the complaint. An extension of time up to 30 additional days is permissible for the Election Committee to render a decision, if it notifies the complainant(s) by certified mail of this extension.

SEC. 3. After a decision by the Election Committee or in absence of such a decision, the complainant may elevate the complaint by appeal within 15 days of the due date of the Election Committee's decision to:

- (a) The respective National Vice President if the election is for local officers or delegates;
- (b) The National President if the election is for officers of a council or officers at a district caucus. In a National Convention there is no appeal of a decision of the Election Committee.

All appeals must set forth the exact nature and specifications of the complaint and how the alleged infraction(s) affected the outcome of the election. If the Election Committee orders that an election be rerun, any adversely affected incumbent officer may appeal this order in the manner prescribed above.

SEC. 4. Upon receiving a timely appeal of an Election Committee's decision, the respective National Vice President when a local election is involved, or the National President when a council or caucus election is involved, shall consider all aspects of the complaint by investigation or other means, such as a hearing as he or she deems appropriate. If it is found that no violation has occurred, or if a violation has occurred which did not affect the outcome of the election, the National Vice President or the National President, as the case may be, shall dismiss the appeal. If it is found that a violation has occurred which may have affected the outcome of the election, the National Vice President or the National President

Notes:

shall order a new or rerun election under his or her supervision or a designated representative.

SEC. 5. A National Vice President's decision on an appeal from a local Election Committee's decision shall be issued within 30 days after receipt of the appeal and shall be the final determination. The National President has discretionary authority to review the National Vice President's decision if an appeal post-marked within 15 days of receipt or the due date of the National Vice President's decision contains the appeal to the National Vice President and his or her decision and provides evidence that the National Vice President committed the election irregularity. The National President also may entertain such an appeal of a National Vice President's decision if it is clearly demonstrated that:

- (a) The issues specifically raised are of significant and Federation-wide impact;
- (b) On its face, a determination or non-determination made by a National Vice President is so arbitrary and capricious that it abridges the members' basic rights in the electoral process.

If the National President entertains such an appeal, appropriate action may be taken based on further findings as to whether a violation occurred which may have affected the outcome of the election. There is no further appeal from the National President's decision.

# ***Checklist for Conducting Local Union Officer Elections***

This checklist has been developed by the Office of Labor-Management Standards (OLMS) to help election officials conduct union officer elections in accordance with the requirements of the Labor-Management Reporting and Disclosure Act of 1959, as amended. Organized chronologically, the checklist is designed to serve as a reminder of the various tasks that should be completed during the nomination and election process, including polling place procedures.

## ***Planning***

- Review the union's constitution and bylaws as well as any other union election rules for information regarding nomination procedures, candidate qualifications, and voter eligibility requirements. Remember that elections must be conducted in accordance with provisions of your union's constitution and bylaws as long as they are not inconsistent with federal law.
- Contact current officers to find out how your union's most recent election was conducted and if any problems occurred. Also, obtain copies of prior notices, ballots, tally sheets, and other records to use as models in the upcoming election, but compare with the AFGE *Election Manual*.
- Meet with the other election officials to establish election and campaign rules, develop a general timetable which allows adequate time for each stage of the election, and discuss specific election duties.
- Select a polling site(s) and schedule polling hours that will provide all members a reasonable opportunity to vote. If the voting will take place on employer property, contact the employer to obtain approval.
- Contact your district office or the Office of the General Counsel ((202) 639-6424 M-F 1:30-3:00 p.m. ET) if questions arise about any nomination or election requirements.

## ***Nominations***

- Prepare a dated nomination notice (10 day notice) that specifies the date, time, and place for submitting nominations, the offices to be filled, the term of office, instructions for making and accepting nominations (including absentee nominations and acceptances), and eligibility requirements for candidates and nominators. A union may use a combined nomination and election notice (15 day notice) as long as it is mailed to every member and includes all required information.
- Post and/or mail the nomination notice to all members in enough time to allow a reasonable opportunity for nominating candidates, minimum 10 day notice. Take steps to notify retired, sick, laid-off, or other nonworking members who may be eligible to nominate candidates but who might not see a notice posted only at the work site(s) or union hall.
- Keep an accurate record of all nominations made including the names of nominators and the nominees and positions for which they were nominated.
- Check the eligibility of nominators at the nomination meeting if your union requires them to be in good standing. Allow another member the opportunity to make the nomination if the original nominator is not in good standing.
- Determine the eligibility of all nominees. All candidate eligibility requirements must be set forth in writing in the union's constitution and bylaws and must be applied uniformly to all candidates.
- Request the preferred listing of each candidate's name or nickname on the ballot in accordance

with the election rules. Advise any ineligible candidates in writing of the specific reason(s) for their disqualification.

## ***Campaign Guidelines***

- Notify candidates (in writing or by holding a meeting) of all election and campaign rules including the right to inspect the union's membership list, the right to have the union distribute campaign literature to members at each candidate's expense, and the right to have observers.
- Advise candidates and current officers about the prohibition against the use of union and employer funds (including cash, facilities, equipment, email, supplies, and campaigning on time paid for by the union or employer) to support any person's candidacy in a union officer election.
- Allow candidates to inspect (not copy), once within 30 days before the election, a list of all members.
- Make arrangements to comply with all reasonable requests by a candidate to distribute campaign literature to members at the candidate's expense. If necessary, the union should employ additional temporary staff or a professional mailer to handle requests.
- Treat all candidates equally. For example, if any candidate is allowed to give a campaign speech at a union meeting or publish an article in the union's newspaper, all candidates for that position should be advised of and given the same opportunity.

## ***Election Preparations***

- Update the union membership address list; remind members of the upcoming election through notices posted at the work site(s) and/or in the union newspaper and solicit any address changes.
- Prepare a dated election notice that specifies the offices to be filled, the date, time, and place of the election, voter eligibility requirements, voter identification procedures, information regarding absentee balloting (unless the election meeting is combined with a nomination meeting, or it is a mail ballot election), and provisions for a runoff election, installation, and protests.
- Mail an election notice to every member at his or her last known home address at least 15 days prior to the election as required by federal law. Also, post copies of the notice at the work site(s) and the union hall in an effort to reach members who may not receive the mailed notice.
- Determine each candidate's position on the ballot in accordance with your union's election rules.
- Arrange for ballots to be printed and for the printer to provide an official count.
- Check the ballot carefully before and after printing for accuracy. Insure that each candidate's preferred name is used and correctly spelled, each office indicates the correct number of positions to be filled, and each candidate is listed for the proper office in the correct order.
- Maintain custody of and safeguard all ballots, and be able to account for all ballots printed.
- Prepare an accurate voter eligibility list for use at the polls and update it, if necessary, immediately prior to the election.
- Establish challenged ballot rules (including the use of a challenged ballot envelope system) for those persons whose voter eligibility is questioned at the polls.

- Inspect the polling site prior to election day. Plan how to best use the voting area, including the location of the registration tables, voting booths, ballot box, and observer area.
- Obtain a sufficient number of voting booths, partitions, or other dividers to provide a place for members to mark their ballots in secret.
- Plan for the tally of ballots and determine the counting and voiding procedures to be used. Prepare tally sheets to be used at the ballot count.

## ***Polling Place Procedures***

- Insure that adequate information to verify voter eligibility and necessary equipment and supplies (including ballots and ballot box, voting booths/partitions, pencils/pens, voter register, rubber bands, tape, etc.) are available at the polling site.
- Permit each candidate to have an observer(s) at the polls. Allow observers to monitor (but not disrupt) the election process and challenge the eligibility of any voter.
- Confirm that the ballot box is empty and seal it in the presence of observers before the polls open.
- Insure that any voting machines used are operating properly, that all candidates are listed correctly, and that the machine counters are set at zero. Be sure to have a supply of paper ballots on hand if machines break down or it becomes necessary to use challenged ballots.
- Open the polls at the scheduled time and follow the polling hours listed in the election notice.
- Require voters to identify themselves and sign a voter register before being issued a ballot by election officials.
- Check the eligibility of each voter and take steps to make sure that a member can only vote once by marking each voter's name off the eligibility list.
- Do not issue ballots to voters until a voting booth or other private space is available and insist that voters cast their ballots in secret.
- Provide a replacement ballot to any voter who spoils a ballot while voting. Maintain custody of all spoiled ballots and account for them at the completion of the ballot tally.
- Allow only election officials, voters, and observers in the polling area. Insure that election officials and observers do not wear campaign buttons, stickers, or other campaign apparel, and do not engage in any type of campaigning in the polling area.
- Maintain order at the polls at all times. Check the voting area periodically and remove any campaign material left behind by voters. Enforce a "no loitering" rule and establish an exit route for persons who have already voted.
- Establish procedures to provide assistance on an impartial basis to physically impaired or foreign language speaking voters.
- Close the polls on time but permit members in line at closing time to vote.
- Account for all ballots used at the polling site including any spoiled and sample ballots. The num-

ber of ballots printed minus the number of ballots issued to members should equal the number of unused ballots.

## ***Ballot Tally***

- Begin the ballot tally only after all polls are closed.
- Open the ballot box in the presence of observers. Direct ballot counters to unfold ballots and place them in stacks of 50 or 100 in order to obtain the total number of ballots cast and to insure accuracy during the actual vote count.
- Be sure that absentee ballots are added to those voted at the polls.
- Allow observers to watch the counting and other related activities closely enough to verify the accuracy of the tally. However, do not permit observers to handle the ballots.
- Attempt to resolve any challenged ballots at the start of the tally. Keep a record of decisions made and explain the reason for each voter eligibility decision to observers. Mix in challenged ballots resolved as eligible with other ballots not yet counted to preserve secrecy.
- Count the votes on each ballot and enter the results on tally sheets, stopping at the end of each stack of 50 or 100 ballots to verify vote totals for each candidate.
- Void the entire ballot if it contains information identifying the voter. Void only the particular office involved if voter intent is not clear or if too many candidates have been selected for an office.
- Announce the tally results for each office. Report the number of valid ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.
- Pack and seal in boxes all used and unused ballots, tally sheets, voter registers, voter eligibility lists, and other election materials upon completion of the tally. Sign across the sealing tape on each box.

## ***Post-Election Activity***

- Publish and post the election results promptly.
- Maintain all nomination and election records for at least one year as required by federal law.

Notes:

ATTACHMENT 2  
**ELECTION PLANNER**

This Planner is designed to help union election officials plan for and schedule all the significant activities associated with conducting an officer election. The time projections noted are based on OLMS experience in supervising elections and, unless otherwise noted, are included as recommendations only. Some of the listed activities may occur in a different sequence in your union requiring that the time schedule be adjusted. Any other activities applicable to your union not listed below should be added to the schedule. To use this Planner, first enter the date of the election and then work backward, entering the date of each activity. Remember to consider holidays and weekends. Follow any dates or time frames specified in your union's constitution and bylaws and be sure to allow enough time for adequate completion of each activity.

Date	Activity
	<b>Union membership list updated and revised with current addresses to be used for mailing election notices</b> (6 - 8 weeks prior to the election).
	<b>Election and campaign rules prepared</b> (prior to the nomination meeting).
	<b>Nomination notice posted or mailed</b> (at least 10 days prior to the nomination meeting).
	<b>Deadline for receipt of written nominations, if applicable</b> (close of nominations).
	<b>Nomination meeting held</b> (4 - 6 weeks prior to the election) .
	<b>Deadline for receipt of candidate nomination acceptances</b> (close of nominations).
	<b>Candidate eligibility verified and ineligibility notification letters sent to ineligible nominees</b> (immediately after the nomination acceptance deadline).
	<b>Meeting with candidates held to discuss election and campaign rules</b> (as soon as possible after the nomination acceptance deadline).
	<b>Period begins for candidates to inspect the union's membership list</b> (30 days prior to the election as required by the LMRDA).
	<b>Ballot designed and arrangements made with printer</b> (3 weeks prior to the election).
	<b>Voter eligibility list prepared</b> (15 - 20 days prior to the election).
	<b>Notice of election mailed to the last known home address of each member</b> (at least 15 days prior to the election as required by the LMRDA).
	<b>Ballots printed and challenged ballot envelopes, voter sign-in register, and tally sheets prepared</b> (2 weeks prior to the election).
	<b>Polling place and ballot tally preparations completed and voter eligibility list updated, if necessary</b> (3 - 5 days prior to the election).
	<b>Date of Election</b> (Select a date and polling hours to encourage maximum voter participation.) <i>(In a mail ballot election, enter the ballot mailing date, which should be approximately 3 - 4 weeks prior to the ballot return deadline.)</i>
	<b>Ballots counted and election results announced.</b>
	<b>Election committee meets to decide protests</b>



## ELECTION AND CAMPAIGN RULES

AFGE LOCAL \_\_\_\_

1. Constitution and Bylaws

The nomination and election of AFGE Local \_\_\_\_ officers will be conducted in accordance with Appendix A of the AFGE National Constitution, the Local \_\_\_\_ (Constitution and) Bylaws, and the Labor-Management Reporting and Disclosure Act of 1959, as amended.

2. Term of Office

The officers elected will serve a \_\_\_\_-year term which will end with the installation of officers in the next regularly scheduled election on \_\_\_\_ (date). Installation of officers will follow (*choose one*: the conclusion of the election process *OR* at a Local \_\_\_\_ membership meeting on \_\_\_\_ (date)).

3. Eligibility to Hold Office

As provided in Article \_\_\_\_ of the Local \_\_\_\_ Bylaws, any member who (*choose one*: (1) has signed a dues withholding form (SF-1187) accepted by a responsible officer of the local *OR* (2) has paid dues through \_\_\_\_ (date)) is in good standing and eligible to run for office, if the member has been an AFGE member for at least one year as of the close of nominations.

4. Nomination Notice

A nomination notice will be posted on union bulletin boards at all work sites and the Local \_\_\_\_ office and mailed to all non-working Local \_\_\_\_ members on \_\_\_\_ (date).

5. Nomination Meeting

Nominations for the offices of \_\_\_\_ (President, Vice President, Secretary, Treasurer, \_\_\_\_, \_\_\_\_, and \_\_ delegates) will be accepted from the floor at the \_\_\_\_ (date) membership meeting:

Date: \_\_\_\_  
Time: \_\_\_\_  
Place: \_\_\_\_ (address)

Nominations also may be made in writing and must be received by \_\_\_\_ (name), of the Local \_\_\_\_ election committee, at \_\_\_\_ (post office box address) no later than \_\_\_\_ (time) on \_\_\_\_ (date). In order to nominate candidates, a member must be in good standing as specified in Rule #3 above.

6. Nomination Acceptances

A candidate must accept or decline nomination if present at the nomination meeting. Any nominee not present is required to submit a written acceptance to \_\_\_\_ (name) of the Local \_\_\_\_ election committee at \_\_\_\_ (post office box address) by \_\_\_\_ (time) on \_\_\_\_ (date) or delivery to the committee by close of nominations.

7. Candidate Eligibility Determinations

The election committee will review Local \_\_\_\_ dues records to determine the eligibility of all nominees. Eligible nominees will be provided a copy of these rules and asked how they wish their names to appear on the ballot. Ineligible nominees will be advised of the reason(s) they are not eligible to run for office.

8. Meeting with Candidates

(*Choose one*: Following the close of nominations ***OR*** at \_\_\_\_ (time) on \_\_\_\_ (date)) the election committee

will meet with all interested candidates at the Local \_\_\_\_ office to discuss election procedures, inspection of the union's membership list, distribution of campaign literature, observers, and other campaign rules. At this meeting, the election committee will determine candidate position on the ballot. If a candidate is absent and does not have a representative at the meeting, an election official will represent the candidate for purposes of position on the ballot.

9. Inspection of the Membership List

Each candidate may inspect (not copy) the Local \_\_\_\_ membership list once within 30 days prior to the election. No candidate is entitled to receive a copy of the list.

The membership list will be available for inspection at the Local \_\_\_\_ office between \_\_\_\_ (time) and \_\_\_\_ (time) \_\_\_\_ (date) through \_\_\_\_ (date). Any candidate who wishes to inspect the list should contact \_\_\_\_ (person).

10. Distribution of Campaign Literature

Local \_\_\_\_ will honor any reasonable request by a candidate to distribute campaign literature to members at the candidate's expense. Requests will be honored in the order received. Campaign literature must be provided to the election committee in sealed, stamped envelopes which are ready for mailing. Each candidate should check with postal officials to determine the proper postage.

[Optional] Candidates must pay \$ \_\_\_\_ for each mailing to cover the cost of address labels. Arrangements have been made for Local \_\_\_\_ office staff to put address labels on the envelopes containing campaign literature at a rate of \$ \_\_\_\_ per hour. Candidates should contact Election Chairperson \_\_\_\_ (name) at \_\_\_\_ (number) to arrange a mailing.

The election committee will supervise the posting of campaign literature on union bulletin boards.

11. Campaign Restrictions

Federal law prohibits the use of any union or employer funds to promote the candidacy of any person in a union officer election. This prohibition applies to cash, facilities, equipment, vehicles, office supplies, email, etc., of AFGE Local \_\_\_\_ and any other union, and of employers whether or not they employ Local \_\_\_\_ members. Union officers and employees may not campaign on time paid for by the union or by the employer.

Candidates cannot use agency email to campaign. Such use is a violation of federal law and cause for re-running the election. In such a case, the election committee should inform the members in the notice of the rerun election the reason for its decision.

Federal law also provides that candidates must be treated equally regarding the opportunity to campaign, and that all members may support the candidates of their choice without being subject to penalty, discipline, or reprisal of any kind.

12. Voter Eligibility

Any member (*choose one*: whose signed dues withholding form was accepted by a responsible officer of the local OR who has paid dues through \_\_\_\_ (date) prior to \_\_\_\_ (time) on \_\_\_\_ (date)) will be eligible to vote in this election.

13. Election Notice

A notice of election will be mailed to the last known home address of each Local \_\_\_\_ member on or before \_\_\_\_ (date). Election notices also will be posted on union bulletin boards at all work sites and the Local \_\_\_\_ office.

14. Observers

Candidates are entitled to have observers present throughout the election procedure, including the tally of ballots. Observers must be members of Local \_\_\_\_ as required by Appendix A. Candidates should submit the names of their observers in writing to Election Chairperson \_\_\_\_ (name) as soon as possible after their nominations. Candidates may serve as their own observers.

15. Election Day

The election will be held from \_\_\_\_ (time) to \_\_\_\_ (time) on \_\_\_\_ (date) at \_\_\_\_ (address). Members will be asked to present their Local \_\_\_\_ membership card, driver's license, or some other form of picture identification at the polls. After determining that a member is eligible to vote, the election committee will mark the member's name off the eligibility list. The member will be asked to sign a voter register, be given a ballot, and instructed to vote in secret using one of the voting booths available for the election. All members will be required to use the voting booths. No campaigning will be permitted in the polling area or in any part of the Local's office on election day. Only the Local \_\_\_\_ election committee, candidate observers, and members who are voting or waiting in line to vote will be permitted in the polling area.

16. Tally of Ballots

Ballots will be counted by the election committee after the polls close on \_\_\_\_ (date), beginning at approximately \_\_\_\_ (time) at \_\_\_\_ (address).

Write-in votes and write-in candidates are not permitted in the election as provided by Appendix A, and will void the entire ballot. The candidate who receives a majority of the votes cast for each office (plurality of votes cast for delegates, alternate delegates, and proxy delegate) will be declared elected. Any runoff election will be conducted by the election committee after the tally is completed on \_\_\_\_ (date/time).

17. Election Results

The election results will be posted at the Local \_\_\_\_ office and on union bulletin boards at all work sites after the tally is completed.

18. Election Records

All election-related documents (including those pertaining to nominations and the minutes of any meetings) must be sealed and preserved by the election committee (who has authority to reopen the records) through the protest period and then turned over to the local secretary for one year after the election, unless the records are requested by higher authority in the appeal process or are still relevant, as required by federal law.

19. Questions or Problems

Candidates and members with questions about the nomination or election procedures should contact a member of the election committee \_\_\_\_ (number). Any violation of these rules should be reported promptly to the election committee so that corrective action can be taken, if necessary.

20. Protests

Appendix A, Part III of the AFGE National Constitution provides that any member may challenge a local union officer election by filing a protest in writing with the election committee prior to, during, or within 10 days after the election results are announced or posted.

The above rules are not all inclusive. Additional election rules or clarifications may be issued by the Local \_\_\_\_ election committee as needed during the nomination and election period.

Issued By: Local \_\_\_\_ Election Committee

Date: \_\_\_\_

\_\_\_\_\_  
Name, Chairperson

\_\_\_\_\_  
Name

Name \_\_\_\_\_

ATTACHMENT 4

# NOMINATION NOTICE

Date: \_\_\_\_\_

**AFGE Local** \_\_\_\_\_

**Nominations for the offices of \_\_\_\_\_ (President, Vice President, Secretary, Treasurer, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ delegates) will be accepted from the floor at the membership meeting on \_\_\_\_\_ (date) at \_\_\_\_\_ (time), \_\_\_\_\_ (place).** Qualifications for office are: be a member in good standing of this local; be a member for one year of an AFGE local, immediately preceding the closing of the nomination process; not be a member in any labor organization not affiliated with the AFL-CIO; candidates shall not run for more than one office in the same local election; and \_\_\_\_\_ (other qualifications in the local's constitution/bylaws). (*Choose one:* Any member who has paid dues through \_\_\_\_\_ (date) **OR** Any member who has signed a dues withholding form (SF 1187) accepted by a responsible officer of the local) is in good standing and eligible to nominate candidates.

A second for a nomination is not required. Self nominations are permissible. Nominations also may be made in writing, and must be received by \_\_\_\_\_ (name) at the election committee's post office box, \_\_\_\_\_ (address) no later than \_\_\_\_\_ (time) on \_\_\_\_\_ (date).

Candidates must accept nomination at the nomination meeting or, if not in attendance, submit a written acceptance to \_\_\_\_\_ (name), to be received by close of nominations. A lone letter of acceptance is a self nomination. The member making the nomination has the responsibility of informing the nominee of his or her nomination. Placement on the ballot will be determined immediately following the nominations.

The term of office will run for \_\_\_\_\_ year(s) ending with the installation of officers following the regularly scheduled elections in \_\_\_\_\_ (month, year).

The manual secret ballot election will be conducted on \_\_\_\_\_ (date) from \_\_\_\_\_ (time) to \_\_\_\_\_ (time) at \_\_\_\_\_ (address). Additional information regarding the election will be provided in a separate notice which will be mailed to all Local \_\_\_\_\_ members at a later date.

Each candidate may have a reasonable number of observers, who are members, present throughout the election process, including the tally of ballots.

ATTACHMENT 5

**ELECTION NOTICE**

Date \_\_\_\_\_

**AFGE Local** \_\_\_\_\_

The election of Local \_\_\_\_\_ officers and delegates will be conducted by manual secret ballot on \_\_\_\_\_(date), from \_\_\_\_\_ to \_\_\_\_\_(time), \_\_\_\_\_(place).

Offices to be filled by election are: President, Vice President, Secretary, Treasurer, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ delegates. Qualifications for office are: be a member in good standing of this local; be a member for one year of an AFGE local, immediately preceding the closing of the nomination process; not be a member in any labor organization not affiliated with the AFL-CIO; candidates shall not run for more than one office in the same local election; and \_\_\_\_\_(other qualifications in the local's constitution/bylaws). The term of office is \_\_\_\_\_ years, ending with the installation of officers following the regularly scheduled elections in \_\_\_\_\_(month, year). A runoff election will be held immediately following the counting of the ballots [**OR** at \_\_\_\_\_(time) on \_\_\_\_\_(date) at \_\_\_\_\_(place)], if necessary. Installation at the same meeting will follow the conclusion of the election [OR as specified in the local's (Constitution and) Bylaws].

*Choose one:* [Any member who has paid dues through \_\_\_\_\_(date)][Any member who has signed a dues withholding form (SF 1187) accepted by a responsible officer of the local] is in good standing and eligible to vote. Members will be asked to present a Local \_\_\_\_\_ membership card, driver's license, or some other form of picture identification at the polls.

Written requests for an absentee ballot should be directed to the election committee at post office box \_\_\_\_\_(address), to be received by the election committee by \_\_\_\_\_(time) on \_\_\_\_\_(date). Requests received later will be honored; however, there is no guarantee that those ballots will be returned in time to be counted. Absentee ballots must be received in PO Box \_\_\_\_\_(address) by \_\_\_\_\_(time) on \_\_\_\_\_(date).

Each candidate may have a reasonable number of observers, who are members, present throughout the election process, including the tally of ballots.

All protests to the election must be in writing and received by the election committee prior to, during, or within ten days after the election. This election is governed by the AFGE Rules of Conduct for an Election, set forth in Appendix A of the AFGE National Constitution.

ATTACHMENT 6 [TWO MEETINGS]

**COMBINED NOMINATION AND ELECTION NOTICE**

**AFGE Local** \_\_\_\_ **Date** \_\_\_\_

**NOMINATIONS meeting**

Nominations for the offices of \_\_\_\_ (President, Vice President, Secretary, Treasurer, \_\_\_\_, \_\_\_\_, and \_\_\_\_ delegates) will be accepted from the floor at the membership meeting on \_\_\_\_ (date) at \_\_\_\_ (time), \_\_\_\_ (place). Qualifications for office are: be a member in good standing of this local; be a member for one year of an AFGE local, immediately preceding the closing of the nomination process; not be a member in any labor organization not affiliated with the AFL-CIO; candidates shall not run for more than one office in the same local election; and \_\_\_\_ (other qualifications in the local's constitution/bylaws). The term of office is \_\_\_\_ years, ending with the installation of officers following the regularly scheduled elections in \_\_\_\_ (year). *Choose one:* [Any member who has paid dues through \_\_\_\_ (date)] **OR** [any member who has signed a dues withholding form (SF-1187) accepted by a responsible officer of the local] is in good standing and eligible to nominate candidates and to run for office.

A second for a nomination is not required. Self nominations are permissible. Nominations also may be made in writing, and must be received by \_\_\_\_ (name) at the election committee's post office box, \_\_\_\_ (address) no later than \_\_\_\_ (time) on \_\_\_\_ (date) or delivered to the election committee before the close of nominations.

Candidates must accept nomination at the nomination meeting or, if not in attendance, submit a written acceptance to \_\_\_\_ (name), to be received by close of nominations. The member making the nomination has the responsibility of informing the nominee of his or her nomination. Placement on the ballot will be determined immediately following the nominations.

**ELECTION meeting**

The manual secret ballot election will be conducted on \_\_\_\_ (date) at \_\_\_\_ (time), \_\_\_\_ (place). A run-off election will be held immediately following the counting of the ballots [OR at \_\_\_\_ (time) on \_\_\_\_ (date) at \_\_\_\_ (place)], if necessary. Installation at the same meeting will follow the conclusion of the election [OR as specified in the local's (Constitution and) Bylaws].

Any member who has paid dues through \_\_\_\_ (date), is in good standing and eligible to vote. Members will be asked to present a Local \_\_\_\_ membership card, driver's license, or some other form of picture identification at the polls.

Written requests for an absentee ballot should be directed to the election committee at post office box \_\_\_\_ (address), and received by the election committee, by \_\_\_\_ (time) on \_\_\_\_ (date). Requests received later will be honored; however, there is no guarantee that those ballots will be returned in time to be counted. Absentee ballots must be received in PO Box \_\_\_\_ \_\_\_\_ (address) by \_\_\_\_ (time) on \_\_\_\_ (date) (For a combined nomination and election meeting, there are no absentee ballots.)

Each candidate may have a reasonable number of observers, who are members, present throughout the election process, including the tally of ballots.

All protests to the election must be in writing and received by the election committee prior to, during, or within ten days after the election. This election is governed by the AFGE Rules of Conduct for an Election, set forth in Appendix A of the AFGE National Constitution.

ATTACHMENT 7 [ONE MEETING]

**NOTICE OF NOMINATIONS AND ELECTION**

Date \_\_\_\_\_

**AFGE Local** \_\_\_\_\_

Nominations and election for the offices of \_\_\_\_\_ (President, Vice President, Secretary, Treasurer, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ delegates) will be accepted from the floor at the membership meeting on \_\_\_\_\_ (date) at \_\_\_\_\_ (time), \_\_\_\_\_ (place).

Qualifications for office are: be a member in good standing of this local; be a member for one year of an AFGE local, immediately preceding the closing of the nomination process; not be a member in any labor organization not affiliated with the AFL-CIO; candidates shall not run for more than one office in the same local election; and \_\_\_\_\_ (other qualifications in the local's constitution/bylaws). The term of office is \_\_\_\_\_ years, ending with the installation of officers following the regularly scheduled elections in \_\_\_\_\_ (year). (*Choose one:* Any member who has paid dues through \_\_\_\_\_ (date) **OR** any member who has signed a dues withholding form (SF-1187) accepted by a responsible officer of the local) is in good standing and eligible to nominate candidates and to run for office.

A second for a nomination is not required. Self nominations are permissible. Nominations also may be made in writing, and must be received by \_\_\_\_\_ (name) at the election committee's post office box, \_\_\_\_\_ (address) no later than \_\_\_\_\_ (time) on \_\_\_\_\_ (date) or delivered to the election committee before the close of nominations.

Candidates must accept nomination at the meeting or, if not in attendance, submit a written acceptance to \_\_\_\_\_ (name), to be received by close of nominations. The member making the nomination has the responsibility of informing the nominee of his or her nomination. Placement on the ballot will be determined immediately following the nominations.

The election will follow as soon as possible at the same meeting.

A runoff election will be held (*choose one:* immediately following the counting of the ballots **OR** at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) at \_\_\_\_\_ (place)), if necessary. Installation at the same meeting will follow the conclusion of the election [**OR** as specified in the local's (Constitution and) Bylaws].

Each candidate may have a reasonable number of observers, who are members, present throughout the election process, including the tally of ballots.

All protests to the election must be in writing and received by the election committee prior to, during, or within ten days after the election. This election is governed by the AFGE Rules of Conduct for an Election, set forth in Appendix A of the AFGE National Constitution.



# ATTACHMENT 8

## Nominations Script

### Election Committee Chair opens nominations:

The offices are: President, [Executive Vice President] Secretary-Treasurer, \_\_\_\_.

The qualifications for office are:

- (a) Be a member in good standing;
- (b) Be a member for one year of an AFGE local, immediately preceding the closing of nominations.
- (c) Must not be a member of any labor organization not affiliated with the AFL-CIO.
- (d) Candidates shall not run for more than one office in the same election. However, candidacy as a delegate shall not be considered to be covered by this provision.

The term of office will expire upon the election and installation of officers following the regularly scheduled elections in \_\_\_\_ of 20\_\_\_. Only members may make nominations. No seconds are necessary. A candidate who is a member may self nominate. When you rise to make a nomination, state your name and affirm that you are a member.

After nominations close for the offices of President, [\_\_\_\_], Secretary-Treasurer, and \_\_\_\_\_, we will meet briefly with the candidates and observers.

Nominations are now open for the office of President. (Committee member writes names of nominees on flipchart and checks spelling with the candidate.)

... Is \_\_\_\_ here, and do you accept the nomination?

... [Is \_\_\_\_ here? No? Does a member have a written acceptance? No? You have until the close of nominations to produce a written acceptance from the nominee.]

[I have a written acceptance from \_\_\_\_.]

Are there any further nominations? [repeat twice] Nominations are now closed for President.

[There being only one nomination for President, \_\_\_\_ is elected by acclamation.] [There being no nominations, the office is vacant. The new Executive Board will appoint to fill the vacancy.]

Nominations are now open for the office of Secretary-Treasurer.

... I have an acceptance from \_\_\_\_.

Are there any further nominations? [repeat twice]

Nominations are now closed for Secretary-Treasurer.

Nominations are now open for the office of \_\_\_\_

[This is a unit office. Pursuant to Bylaws, Section \_\_\_, the candidate must be a member of the unit. [The individual making the nomination also must be a member of the unit.]]

... Are there any nominations? [repeat twice]

Nominations are now closed for \_\_\_\_.

Nominations are closed.

I need the Election Committee and all candidates to meet with me in a moment. Candidates, please designate your observer, if any. You may be your own observer if you wish. The observers also will meet with us in a moment. Observers, when you enter the polling area, you will sign the Observers Log, recording your presence. These are the rules governing your conduct. [Hand out rules to the observers.] Read them, and if you have any questions, raise them with the Committee.

Candidates, you need to select your position on the ballot. [In the order of your nomination, reach into the hat and draw out a slip of paper. The letter on the slip of paper is the order of your position on the ballot. [Draw. Write letter on flip chart.]]

ATTACHMENT 9

**CANDIDATE  
INELIGIBILITY LETTER**

date

Name  
address

Dear M \_\_\_\_:

As you may be aware, AFGE Local \_\_\_\_ will conduct its regularly scheduled election of officers on \_\_\_\_ (date). At the nomination meeting on \_\_\_\_ (date), you were nominated to be a candidate for the office of \_\_\_\_.

The election committee has reviewed Local \_\_\_\_ dues records. The records show that you did not pay dues for the period \_\_\_\_ (date) through \_\_\_\_ (date) and, therefore, were not a member in good standing prior to the nomination meeting as required by Appendix A of the AFGE National Constitution, and that you were notified by the Local Treasurer of your delinquency on \_\_\_\_ (date). Consequently, the Local \_\_\_\_ Election Committee has determined that you are not eligible to run for office in the \_\_\_\_ (date) election of officers, and your name will not appear on the ballot.

If you have any questions about your eligibility status, please call me as soon as possible at \_\_\_\_ (number).

Sincerely,

\_\_\_\_\_  
Election Committee Chairperson

## ATTACHMENT 10

### **RULES FOR OBSERVERS**

1. Each observer should identify himself/herself to the election officials, sign the observer log, and indicate which candidate he or she represents. An observer should notify election officials if he or she is scheduled to be replaced later in the day by another observer.
2. While present in the polling or tally area, each observer should wear a badge provided by election officials clearly marked "Observer" if requested to do so.
3. Observers, accompanied by election officials, should inspect the voting booths (or voting machines) and the empty ballot box prior to the start of the voting.
4. Observers must not campaign in the voting area in any way. They may not wear buttons or other campaign apparel, distribute campaign material, or engage in conversations with voters about candidates or the election campaign.
5. Observers should remain in the area(s) approved by election officials where they are able to see the voter registration and balloting process.
6. Observers may count the number of voters at the polling site and note their names.
7. Observers may not roam around the voting area or disrupt the polling process in any way. They should direct any questions or report any problems directly to election officials as soon as possible so that any necessary corrective action can be taken.
8. Observers may challenge the eligibility of any voter by clearly specifying the basis for the objection to election officials. (For example, "I challenge the eligibility of Voter X because he is not a member.")
9. During the tally of ballots, observers may challenge the accuracy of the way votes are read from marked ballots and recorded on tally sheets, and should state any objection to election officials as soon as possible, so that any necessary corrective action can be taken.
10. Observers may not touch or handle ballots at any time or interfere with the tally process.

Notes:

## ATTACHMENT 11

<b>UNION AND EMPLOYER FUNDS PROHIBITION LETTER</b>
--

date

Name  
address

Dear M \_\_\_\_:

In \_\_\_\_ (date) I was selected to be Chairperson of the AFGE Local \_\_\_\_ Election Committee. As you know, the Local \_\_\_\_ election of officers will be conducted on \_\_\_\_ (date).

Since the campaign period is about to begin, I want to take this opportunity to advise you of certain restrictions on the use of union and employer funds for campaign purposes. Specifically, Section 401(g) of the Labor-Management Reporting and Disclosure Act of 1959, as amended, prohibits the use of union and employer funds to promote the candidacy of any person in a union officer election. This prohibition applies to union and employer facilities and equipment, including email, supplies, and cash, as well as to campaigning on time paid for by either a union or employer and to the use of the Local \_\_\_\_ newsletter for campaign purposes.

You should also be aware that the prohibition against the use of union and employer funds applies to any union and any employer, not just to AFGE Local \_\_\_\_ or to the employers with whom Local \_\_\_\_ has collective bargaining agreements.

I am notifying all Local \_\_\_\_ officials of this legal prohibition to make them fully aware of the extent of the campaign restrictions so that any potential problems can be avoided. If you have any questions, please call me at \_\_\_\_ (number).

Your cooperation is appreciated.

Sincerely

\_\_\_\_\_  
Election Committee Chair

## ATTACHMENT 12

### ELECTION PRIMER FOR CAMPAIGNING

#### FOR NATIONAL UNION OFFICE

The Department of Labor, through its regulations (29 CFR §452), decisions, and court suits to enforce its rulings, has set forth certain rules for candidates for union office. We have listed five of the areas of greatest concern, related to campaigning for office, to assist candidates.

#### 1. **Use of union funds** (§452.73).

No union funds or other resources may be contributed to, or applied to, promote any candidacy. In fact, no funds or resources from another union may be used, either. Any use of union funds or resources, no matter whether direct or indirect, or how little, is a per se violation of the statute, requiring a new election (unless the violator can demonstrate that the violation had no effect on the election). Appendix A states that resources include, but are not restricted to, dues monies and assessments, publications, facilities, office equipment, union or employer email, stationery, or other supplies.

Union officers may use union facilities and equipment during non-business hours, but they must reimburse the union for any costs or expenditures, at fair market value. For example, an incumbent and candidate for office may return to the office in the evening, use the equipment, and pay the union for the use of the space, utilities, supplies, etc., at fair market value.

Similarly, such reimbursement is also required, for example, if a candidate uses a hotel room/suite which has been paid for by the union (or provided "free" to the union by the hotel) for campaign purposes, including so-called hospitality suites. Where a hotel room has been utilized both for legitimate union business and for campaign purposes, the candidate must promptly reimburse the union for the pro rata share of the fair market value of the room/suite for the time spent on campaign purposes.

Thus, candidates, incumbent officers, or staff employees may not use union funds, or work product advantages, or facilities owned or rented by the union, such as offices, meeting halls, or hotel rooms/suites, or equipment such as computers, printers, or copy machines, or stationery, postage, etc., to assist in a campaign unless the officer pays the union the fair value of the use of the room, equipment, and goods. For example, if an incumbent sits in the union office and uses the union computer to compose campaign literature, print it out, and duplicate it on the union copy machine using union paper, this is an obvious violation, unless the officer pays the union the fair value of the use of the room, equipment and goods. The Department of Labor and the court found that even a \$13.04 use of a copy machine was a violation. As for work product advantages, if, for example, an incumbent develops a PAC list on union time for the benefit of AFGE, he or she cannot turn around and use that same list for campaign purposes. The candidate must depend on lists he has developed on his own time, or on lists that are available to all the candidates.

Finally, unions may use dues monies and resources for the expenses of conducting an election, including the notice of nominations and election.

## **2. Use of union publications (§452.75).**

Union newspapers, both national and district, may report the usual coverage of incumbent candidates, i.e., the regular newsworthy functions, policies and activities of the incumbents, as they are involved in matters of obvious interest to the membership. For example, the newspaper may report legitimately on an incumbent testifying on legislation important to union members. In addition, union publications may impartially publish statements and positions from candidates, as long as all the candidates for a particular office are afforded equal opportunity to submit their views. The Department of Labor looks to the tone, content, frequency and timing of publications.

Union publications may not show any preference for a candidate. A union newspaper may not criticize or praise any candidate, neither attack a candidate nor urge the nomination or election of the incumbent. For example, if before the election the union newspaper suddenly magnifies tremendously its coverage of the incumbent from typical earlier issues, using significantly more articles and photographs, this would constitute a violation. If the newspaper usually is distributed only within a single local or district, and suddenly the local or district incumbent, a candidate for national office, mails the issue nation-wide, at union expense, this also would constitute a violation.

## **3. Campaigning on union time, or travel, by union officers (§452.76).**

Officers and employees of a union may not campaign on time that is paid for by union funds.

Incumbent officers may travel on regular union business normally associated with the duties of the office they hold, and campaigning "incidental" to the travel would not be a violation. For example, the National Vice President for Women and Fair Practices can address any district caucus concerning the national affairs of the Women's Department, and incidental to, before or after that address, on her own time, can speak with members or delegates about her campaign for office. Or, a NVP may travel to another district on normal union business, such as traditional annual joint district training, and may campaign for national office at the training on his or her own time or after hours, if it is incidental to that travel. An incumbent may travel within his or her district on legitimate union business, and also campaign on his or her own time, so long as campaigning is incidental to the business that required the travel. For example, an incumbent NVP running for re-election may travel to a local to address the members on a possible merger with another local. On his or her own time prior to or after the membership meeting, the NVP may speak with members of the local regarding his or her candidacy.

Officers and employees of a union may not travel on official time or on union funds solely in order to campaign for office. For example, if an incumbent district officer travels on district funds to another district's meetings to campaign, when he or she has no pending legitimate union business in that district, there would be a violation.

## **4. Contributions by employers (§452.78).**

No money of an employer may be contributed or applied to promote a candidate, by either direct or indirect expenditures. The term "employer" is not limited to the employer who employs the members of the union. It applies to any employer. The prohibition includes any costs incurred by an employer or anything of value contributed by an employer. Any such use, no matter how little, is a violation. For example, the Department of Labor ordered a rerun of a district election because, without the knowledge of the candidate, the wife of his campaign manager took copy paper (which he had purchased) to her place of work, used the company copy machine after hours without the company's knowledge, and then took home with her the company hole punch machine and punched holes in the copy work for notebooks (which the candidate had purchased). In another example from another union, the court ordered a rerun because a supporter of a candidate, without the knowledge of the candidate, the campaign, or the employer, placed campaign posters on the sides of an employer's trailers. In a separate example, the court ordered a rerun where \$6.40 worth of copy work was done on an employer's copy machine. Another example of a prohibited contribution is a hotel providing a free room to be used by a candidate as a "hospitality suite" or for other campaign purposes.

Ordinary business practices which confer a benefit are allowed. For example, a candidate may accept an offer of a discount on large printing orders, if the same offer is made to other customers.

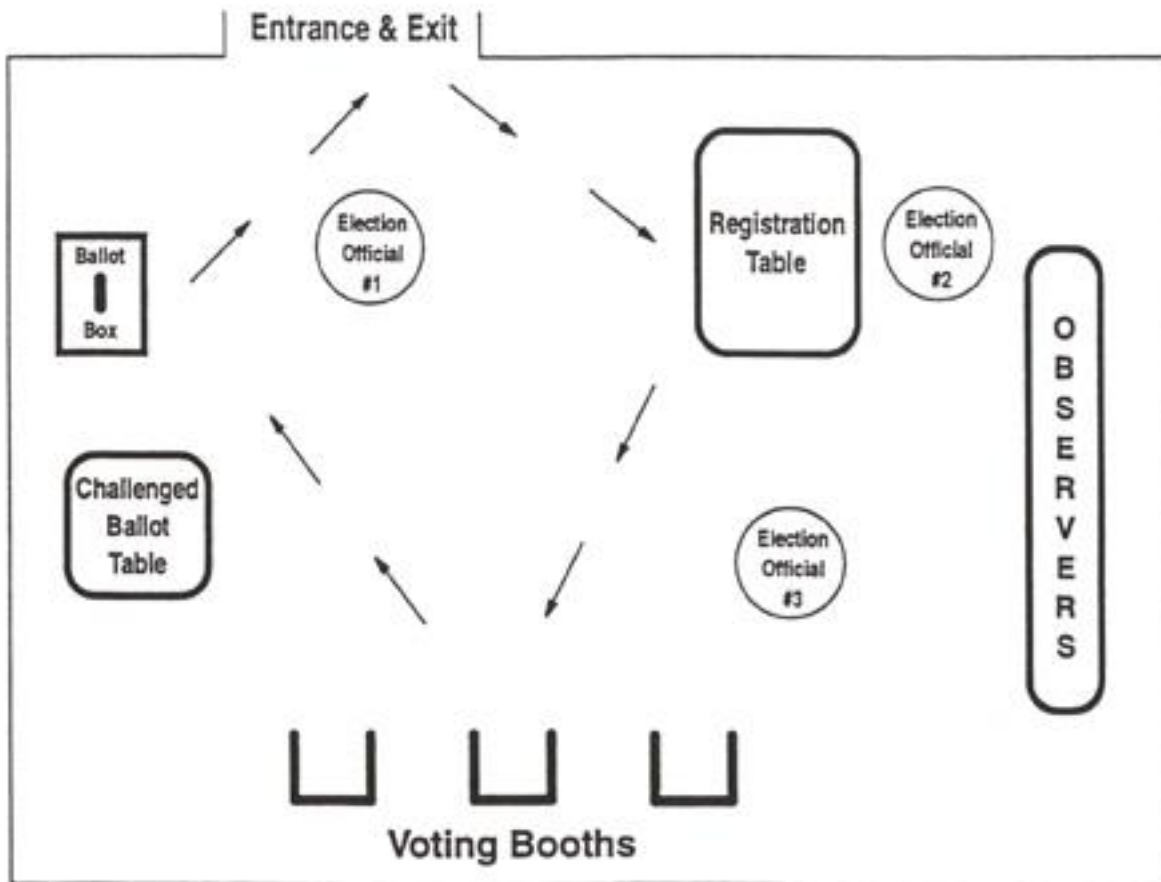
#### **5. AFGE shield and logo.**

AFGE does not have a policy prohibiting candidates from using the AFGE shield or logo on clearly identified campaign material (such as posters, buttons, and flyers) where it is obvious that the logo does not imply a union endorsement of the candidate. Where it is unclear that the literature is campaign material and it appears to be an official union publication or announcement, the misleading use of the logo also could constitute an election violation, because it would imply an endorsement. For example, a candidate may not use the AFGE shield on a letterhead that would mislead the reader to believe that the National Office, a district, council, or local endorses or supports the candidate. And, of course, an incumbent may not use his or her union stationery or letterhead in any way to support his or her candidacy. In one case, a candidate's newspaper "decked out" with endorsements and copying the official union letterhead and AFGE logo looked exactly like the union's own newspaper, and the Department of Labor ordered a rerun.

Notes:

## ATTACHMENT 13

### POLLING PLACE DIAGRAM – SAME ENTRANCE AND EXIT



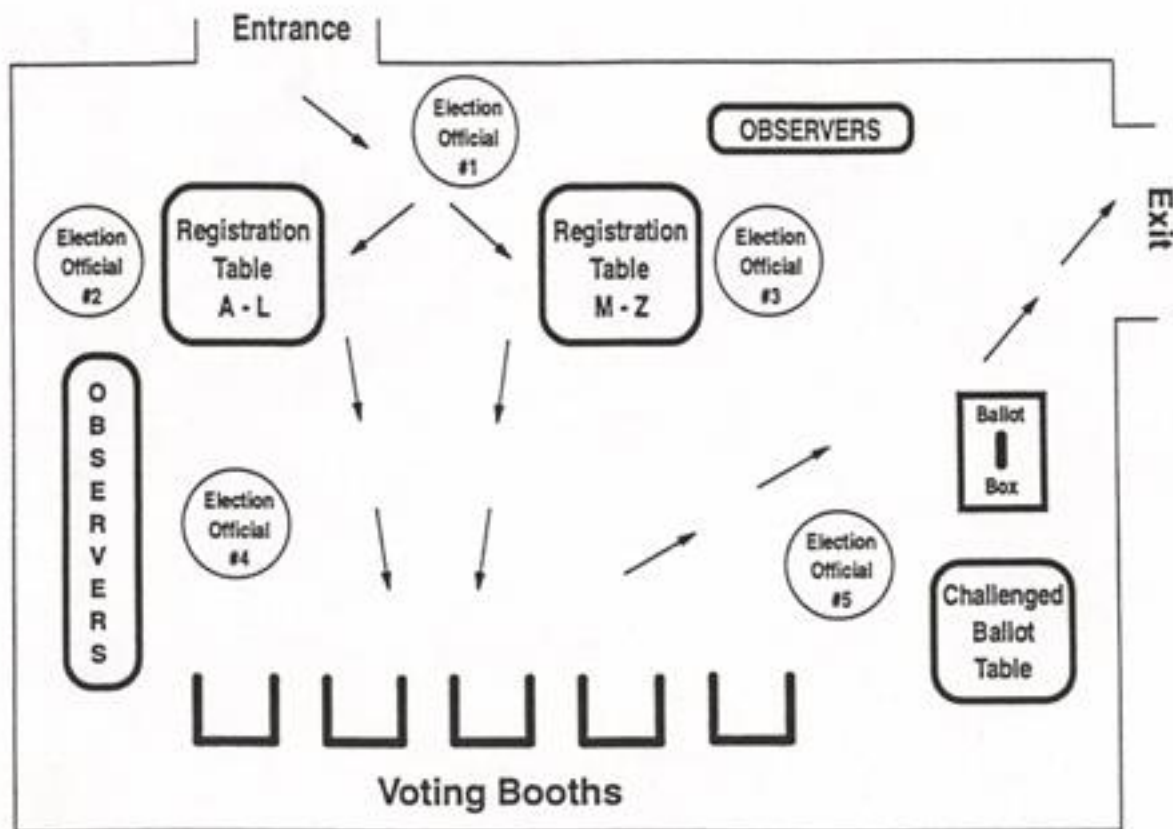
Three election committee members are in this suggested polling place model. The election committee should post signs directing members to the voting area as necessary and should post a blank sample ballot (marked with “SAMPLE”) near the entrance to the polls.

Election committee member #1 controls the flow of members into the polls to prevent crowding the registration area. Any members waiting to vote should form a line outside the polling area. The election committee member also monitors the ballot box. Election committee member #2, seated at the registration table, checks members’ identification, marks members’ names off the voter eligibility list, asks members to sign the voter register, and issues ballots.

Election committee member #3 insures that members mark ballots only in the voting booths, responds to observer questions, and monitors their activities. The election committee member also handles any challenged ballot duties, periodically inspects the voting booths to collect and discard campaign literature that a voter may have left behind, and directs members to drop their marked ballots into the ballot box and leave the polling area immediately.



## POLLING PLACE DIAGRAM – SEPARATE ENTRANCE AND EXIT



Five election committee members are in this suggested polling place model. The election committee should post signs directing members to the voting area as necessary and should post a blank sample ballot (marked with “SAMPLE”) near the entrance to the polls.

Election committee member #1 controls the flow of members into the polls to prevent crowding the registration area. Any members waiting to vote should form a line outside the polling area.

Election committee members #2 and #3 are seated at two registration tables with the voter eligibility list divided into two parts (A-L and M-Z). #2 and #3 check members’ identification, mark members’ names off the voter eligibility list, ask members to sign the voter register, and issue ballots.

Election committee member #4 insures that members mark ballots only in the voting booths, responds to observer questions, and monitors their activities. #4 periodically inspects the voting booths to collect and discards campaign literature that a voter may have left behind.

Election committee member #5 also helps make certain that the voters use the voting booths and directs members to drop their marked ballots into the ballot box and leave the polling area immediately. #5 also handles any challenged ballot duties and monitors the ballot box.

# ATTACHMENT 14

## LIST OF POLLING PLACE EQUIPMENT AND SUPPLIES

Election officials should plan the layout of the polling site in advance and make arrangements prior to the election to have the necessary equipment and supplies available on election day. At a minimum, election officials should insure that the following items are at each election site(s) at least one hour before the polls open:

- AFGE National Constitution and Local Bylaws
- Election and Campaign Rules
- Ballots
- Ballot box(s)
- Voting booths, partitions, or large cardboard boxes (with one side cut open) for members to mark their ballots in secret
- Voter eligibility list/backup dues records/copies of recent dues withholding forms (SF-1187s)
- Voter sign-in register
- Challenged ballot envelopes
- Secret Ballot envelopes to put in challenged ballot envelopes
- Observer log
- Identification badges for election officials and observers
- One or more large tables for voter registration and ballot distribution
- Chairs for election officials and observers
- Signs for registration tables
- Rubber bands, stapler, writing pads, felt tip markers, and tape
- Pens or pencils for voters to mark their ballots and pencil sharpeners
- Calculator(s)
- Boxes for storing election records

Election officials also should have the telephone numbers of the district office and AFGE General Counsel's Office ((202) 639-6424) in case questions about voting requirements or procedures arise at the polling site. By planning the polling place layout in advance and anticipating the supplies which will be needed, election officials will be able to minimize disruptions at the polling site and conduct an orderly election.

ATTACHMENT 15

**OFFICIAL BALLOT**  
**AFGE LOCAL \_\_\_\_**  
**\_\_\_\_(date)**

Mark an "X" or a "✓" in the box next to the name of the candidates of your choice.

Do not put your name, initials, or any other identifying information on the ballot.  
Ballots containing any identifying information will be voided.

Write-in candidates are prohibited.

<p style="text-align: center;"><b>President</b></p> <p style="text-align: center;">Vote for Only One</p> <p><input type="checkbox"/> candidate name</p> <p><input type="checkbox"/> candidate name</p> <p><input type="checkbox"/> candidate name</p>	<p style="text-align: center;"><b>Vice President</b></p> <p style="text-align: center;">Vote for Only One</p> <p><input type="checkbox"/> candidate name</p> <p><input type="checkbox"/> candidate name</p>
<p style="text-align: center;"><b>Treasurer</b></p> <p>Candidate name was the only nominee for the office and therefore elected by acclamation.</p>	<p style="text-align: center;"><b>Secretary</b></p> <p style="text-align: center;">Vote for Only One</p> <p><input type="checkbox"/> candidate name</p> <p><input type="checkbox"/> candidate name</p> <p><input type="checkbox"/> candidate name</p>

## Delegates

Vote for No More than Four

- candidate name
- candidate name
- candidate name
- candidate name
- candidate name
- candidate name
- candidate name
- candidate name
- candidate name

The four candidates receiving the greatest number of votes will be elected as delegates, and the remaining candidates will be elected as alternate delegates, in the order of the number of votes received.

Mark an "X" or a "✓" in the box next to the name of the candidates of your choice.

Do not put your name, initials, or any other identifying information on the ballot.  
Ballots containing any identifying information will be voided.

Write-in candidates are prohibited.

# *Electing Local Union Officers by Mail*



This pamphlet has been developed by the Office of Labor-Management Standards (OLMS) to help election officials conduct union officer elections by mail in accordance with the requirements of the Labor-Management Reporting and Disclosure Act of 1959, as amended. Many unions conduct officer elections by mail because their members are dispersed over a wide geographic area making travel to polling sites difficult. In addition, some unions that conduct their elections at polling places also allow absentee voting by mail.

If questions arise about mail balloting procedures or other election requirements not covered in this pamphlet (such as nomination procedures, candidate eligibility, and campaign rights and restrictions), election officials should contact the district office or the Office of the General Counsel at (202) 639-6424 M-F 1:30-3:00 p.m. ET.

## ***Preparations***

- Develop a time schedule for each step of the mail ballot election (ballot printing, mailing, return deadline, and counting) which allows adequate time for completing each phase. As a general rule, allow 3 to 4 weeks for members to mark and return their ballots.
- Establish a date and time by which voted ballots must be received in order to be counted and clearly announce this deadline in the voting instructions. Do not use a postmark date for the ballot return deadline date, because a significant percentage of mail is not postmarked.
- Update the union's membership address list to insure that the address for each member is correct. Review the union's most recent mailing to all members to determine if any pieces of mail were returned undelivered, make a list of members for whom new addresses are needed, and attempt to obtain updated addresses for those members.
- Arrange with postal officials for a special restricted-access post office box to be used solely for the receipt of nominations and acceptances and storage of voted ballots. Do not use the union's regular post office box or agency mail room or union office for the receipt of voted ballots. Instruct postal officials that ballots must be released only at a specified time on the ballot return deadline date and only to authorized union election officials.
- Notify candidates of all election and campaign rules including the right to inspect, once within 30 days before the election, a list of all members and the right to have the union distribute campaign literature to members at each candidate's expense. Also advise candidates and current officers about the prohibition against the use of union and employer funds (including facilities, email, equipment, supplies, and campaigning on time paid for by the union or employer) to support any person's candidacy in a union officer election.
- Advise candidates of the date, time, and place for the preparation and mailing of ballot packages; information about any ballot package remailing; the date, time, and place of the ballot pickup at the post office and tally; and their right to have observers at each of these activities.
- Prepare an accurate voter eligibility list with up-to-date member addresses. In order to facilitate ballot sorting and voter identification at the tally of ballots, election officials may assign a sequential number to each member's name on the eligibility list. This same "voter identification number" then may be placed in the lower left corner of the voter's corresponding return ballot envelope (**not the ballot!**) before mailing the ballot packages.
- Obtain the necessary materials and prepare a mail ballot package for each member which provides for ballot secrecy, using a double envelope system.

## ***The Mail Ballot Package***

The five mail ballot package items illustrated below include recommended formats and dimensions of the three differ-

**Instructions for Secret Mail Ballot Voting:**

Read the following instructions carefully before marking and mailing your ballot.

Mark an “√” or “X” in the box next to the name of the candidates of your choice. Do not place your name, initials, or any other identifying information on the ballot. Ballots containing any identifying information will be voided.

Place your marked ballot in the small envelope labeled “Secret Ballot Envelope” and seal it. Do not write on this envelope. You must use the Secret Ballot Envelope to insure that ballot secrecy is maintained. Failure to use the Secret Ballot Envelope will result in your ballot being voided when the ballots are counted. If your ballot package does not contain a Secret Ballot Envelope, you may obtain one by contacting the election committee Chair.

Insert the sealed Secret Ballot Envelope containing your marked ballot into the larger return envelope pre-addressed to the election committee and seal it. Print your name and address in the return address space on the return ballot envelope.

Your name on the return ballot envelope will identify you as an eligible voter. Your vote will remain secret because the Secret Ballot Envelope containing your ballot will be separated from the return ballot envelope and mixed with other Secret Ballot Envelopes before it is opened and the ballot counted.

Ballot secrecy can only be preserved if you personally mark and mail your ballot. Do not allow anyone else to mark or handle your ballot or see how you vote. Do not give your ballot to anyone else for mailing. Do not hand deliver your ballot to the union office.

**IMPORTANT:** Mail your ballot in sufficient time for it to be retrieved at PO Box \_\_, \_\_\_\_, no later than \_\_\_\_ (time) on \_\_\_\_ (date).

Election Committee  
PO Box \_\_\_\_

**ATTENTION:  
ELECTION BALLOT!  
OPEN IMMEDIATELY**

John Doe  
\_\_\_\_\_  
\_\_\_\_\_

This largest envelope will be used to mail the other four mail ballot items to each member. The return address should be a Post Office box solely for the use of the election committee.

**4. Election Notice and the Voting Instructions**

Enclose the Election Notice and the Voting Instructions below.

## 5. Ballot

Enclose the ballot.

- o Check the mail ballot packages carefully after they are prepared to make sure that all necessary items are enclosed, the envelopes are properly addressed, and that, if used, any assigned voter identification number on the return ballot envelope in each member's ballot package matches the number assigned to that member on the voter eligibility list. **Each largest envelope package must contain the election notice and instructions, the ballot, and two envelopes. Do not enclose campaign literature or any other materials.**
- o Retain custody of the ballot packages until mailing and safeguard unmarked ballots throughout the balloting period. Election officials must be able to account for all ballots printed. The number of ballots printed minus the number of ballots issued to members (in the initial mailing as well as any additional mailing) must equal the number of unused ballots on hand at the end of the election.
- o Mail a ballot package to every member in good standing. Ballot packages should be mailed to members at least 15 days prior to the date when they must be mailed back in order to be counted. Members must be given a reasonable time to receive, mark, and return ballots.
- o Send ballot packages by first class mail to insure that all members receive ballots in a timely manner. Obtain a statement from the post office indicating the number of ballot packages mailed.

### ***During the Balloting Period***

- o Ask postal officials not to release information to anyone about the number of ballots returned or the names of the voters prior to the time of the ballot pickup.
- o Pick up any ballot packages mailed to members which have been returned undelivered to the post office box. Attempt to obtain accurate addresses for these members. Ballot packages with updated addresses should be re-mailed as soon as possible. Observers have the right to be present for the pickup and re-mailing of ballot packages.
- o Advise members how to request another ballot if the ballot package is not received or if the ballot is spoiled while voting. Include this information in the election notice, post a copy of the election notice at the union hall and at work sites, and print an announcement in any union publication. Send a replacement ballot package to any eligible member who makes a request.
- o Keep a list of the names and addresses of any members who request replacement ballots. Replacement ballot return envelopes should be marked with a special designation (such as "D" for duplicate) to alert election officials at the tally that these members have been sent more than one ballot. A record must be kept of all replacement ballots sent in response to requests and all ballot packages which were re-mailed after being returned undelivered, including dates received and mailed.
- o Plan for the pickup of ballots from the post office and the tally of ballots. Determine the ballot counting method and voiding rules to be used and prepare tally sheets.

### **Counting Ballots**

- o Pick up the envelopes containing the voted ballots from the post office box only at the scheduled date and time, allowing candidates to have an observer present. Under no circumstances should ballots be picked up before the ballot return deadline or by anyone other than election officials.
- o Verify voter eligibility at the tally site using the following recommended procedures:
  - oCount and record the number of return ballot envelopes received at the post office box, removing any envelopes addressed to a different party.
  - oPut the return ballot envelopes in the order (alphabetical, numerical, etc.) which corresponds to the voter eligibility list. Void (but do not open) any return ballot envelope which does not contain information that identifies the member as an eligible voter.
  - oCall out the name of each voter and mark the name off the voter eligibility list to insure that no member casts more than one ballot. If a voter's name does not appear on the list, challenge the ballot, add the voter's name to the end of the voter eligibility list, and mark both the list and the envelope with a "C" for challenged ballot.
  - oIf a voter returns a replacement ballot in an envelope marked by election officials with a "D" for duplicate, indicate that fact on the voter eligibility list and on the list of replacement ballots maintained by election officials. If a voter returns two ballots, election officials must decide in advance which ballot to count. Usually the replacement ballot should be counted; the other returned ballot envelope should be voided.
  - oIf the return ballot envelope does not contain the voter's name or other required information but does contain information identifying the person as eligible to vote (such as a voter identification number), the ballot should be counted. For example, if a voter uses a pre-printed return address sticker rather than printing or signing his or her name as directed by the voting instructions, the ballot should be counted. (Voters should not be required to sign the ballot return envelope unless election officials are going to physically compare each signature to some other record, a task which is extremely difficult and time-consuming.)
- o Resolve any challenged ballots, if possible, before any ballot envelopes are opened and the counting begins. Elec-



tion officials should keep a record of decisions made and explain the reason for each voter eligibility decision to observers.

- o Remove (but do not open) the Secret Ballot Envelopes from the return ballot envelopes after voter eligibility is established and thoroughly mix all of the Secret Ballot Envelopes together to preserve ballot secrecy. Observers should not be permitted to handle any envelopes or ballots.

Prior to the tally, election officials should decide what to do if a voter has not used the Secret Ballot Envelope. Election officials have two choices: 1) Election officials may decide to void a ballot if a voter has not used the Secret Ballot Envelope. (If this policy is adopted, include a warning to members in the voting instructions that a ballot will be voided if it is not returned in the Secret Ballot Envelope.) **OR** 2) Election officials may decide to count these ballots, but they must take necessary steps to preserve secrecy. (In such cases, carefully remove the ballot from the return ballot envelope without allowing anyone to see how it is marked. Immediately place the ballot face down and mix it together with the other ballots after they are removed from the Secret Ballot Envelopes to preserve secrecy.)

- o Open the Secret Ballot Envelopes, remove and unfold the ballots, and place them face down. (If a Secret Ballot Envelope does not contain a ballot, make a notation to that effect on the envelope and set it aside. Remember to account for any such envelopes when determining the total number of ballots returned.)
- o Begin the actual counting of ballots after completing the voter eligibility check and attempting to resolve any challenged ballots. Count the votes on each ballot and enter the results on tally sheets.
- o Void the entire ballot if it contains information identifying the voter. Void only the particular office involved if voter intent is not clear or if too many candidates have been selected for an office.
- o Announce the tally results for each office. Report the number of valid ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.
- o Pack and seal in boxes all return ballot envelopes, Secret Ballot Envelopes, voter eligibility lists, tally sheets, and the used and unused ballots after the counting is completed and keep them for at least one year as required by federal law. Sign and date across the sealing tape of each box.
- o Publish and post the election results promptly. The date of the election is the date the election committee counted the ballots and announced the results.
- o Return to the post office at a later date and pick up any ballots received after the deadline. Void (but do not open) any ballots received after the ballot return deadline, marking the ballot envelopes "Void - Received after Deadline." Retain these ballot envelopes with the other election records.

Notes:

## ATTACHMENT 17

### **GUIDELINES FOR CHALLENGED BALLOTS**

The term “challenged ballot” refers to a ballot cast by a person whose eligibility to vote has been questioned by election officials, candidate observers, or members. Unfortunately, the term conveys a negative image and seems to imply that the voter is somehow at fault. Most questions concerning eligibility to vote, however, are the result of misunderstandings, administrative errors, or the failure to prepare an accurate voter eligibility list.

In many cases, voter eligibility questions occur in the midst of the voting and cannot be immediately answered since the records and information necessary to resolve them are not available at the polls. Trying to obtain the information will result in delays or disruptions at the polls and may lead to possible confrontations with impatient members waiting to vote. Usually, the best way to handle any voter eligibility question is to have the person whose eligibility is in question vote a challenged ballot.

By using a double envelope challenged ballot system, the voter whose eligibility is in question can cast a secret ballot and election officials can later review necessary records and resolve the eligibility question. This insures that the union will be in a position to count only those ballots which are cast by eligible members. A ballot can be “challenged” for any of several reasons:

- individuals appearing at the polls to vote may be new employees, transferred members from another local, or discharged or laid-off members whose names are not on the union’s voter eligibility list;
- a member’s payment of dues may be in dispute;
- a member may have been scheduled to vote at another polling site and therefore his or her name is not on the eligibility list at the site where the member appears to vote;
- a member’s name may not be on the voter eligibility list due to human or computer error or some other administrative oversight;
- a member who is unknown to the election officials may not have brought appropriate identification to the polls.

If a member’s name appears on the union’s voter eligibility list, he or she should be presumed to be eligible to vote in the election. Therefore, if such a member’s eligibility is questioned, the person making the challenge must give a specific reason why the member is not eligible to vote. However, if a person’s name is not on the official voter eligibility list, election officials must insist that he or she vote a challenged ballot. Election officials should remember that no matter what the situation, it is always better to have a person vote a challenged ballot (which will not be counted if the voter is later determined to be ineligible) than to risk denying an eligible member (whose name was improperly omitted from the eligibility list) the right to vote.

#### **Challenged Ballot Voting Procedures**

Election officials should anticipate the need to use challenged ballots at the polling site and should prepare in advance a supply of the two types of envelopes which will be used (as described below). Prior to the opening of the polls, election officials should thoroughly review the challenged ballot rules and procedures

to be followed, including proper use of the double envelope system. After the polls open, if the eligibility of a voter cannot be resolved immediately at the registration table, officials should “challenge” the ballot. The following procedures should be used for all challenged ballots:

- After moving to a less busy place in the polling area, an election official should explain to the voter (1) why a challenged ballot must be cast, (2) the procedures for casting a challenged ballot using a double envelope system, and (3) that ballot secrecy will be maintained and the challenged ballot will be counted if the eligibility of the voter is later verified.
- The challenged voter should be furnished a blank ballot, a small “Secret Ballot Envelope,” and a large outer “Challenged Ballot Envelope.”
- An election official should record on the larger Challenged Ballot Envelope the voter’s name, other identification information, the reason for the challenge, and the name of the person(s) who raised the challenge.
- Election officials should create a separate challenged voter list containing the same information recorded on the outside of the larger Challenged Ballot Envelope. (This will allow officials to attempt to resolve the challenges before the ballot tally begins even though the envelopes with the necessary information have been deposited in the ballot box and are not available.)
- Election officials should place a “C” next to the challenged voter’s name on the eligibility list to indicate that the person voted a challenged ballot. If the person’s name is not on the list, his or her name should be added to the bottom of the eligibility list and a “C” placed next to the name.
- The voter should be directed to a voting booth or private voting area and instructed to mark the ballot, place it in the Secret Ballot Envelope, seal it, put the sealed envelope in the larger Challenged Ballot Envelope, and return it unsealed to an election official.
- Within sight of any observers, the election official should insure that the Challenged Ballot Envelope contains the sealed Secret Ballot Envelope. The voter should then seal the Challenged Ballot Envelope and place it in the ballot box.
- An election official must watch the voter closely to insure that the voter does not discard the envelopes, proceed directly to the ballot box, and deposit the ballot.

Election officials should insure that members and candidate observers understand the challenged ballot voting rules and that all procedures are properly implemented to insure ballot secrecy and allow for resolution of challenged ballots.

### **Use of Challenged Ballots at Multiple Polling Sites**

If a member scheduled to vote at a certain polling site appears at the wrong site (when multiple polling sites are used), election officials should have the member vote a challenged ballot. In order to insure that a person does not vote more than once, all ballots challenged for this reason must be later cross-checked at the ballot tally against the voter eligibility lists for all polling sites before the challenged ballots are opened and counted.

## **Challenged Ballots for Voters Without Identification**

If a member is unable to present identification and cannot be identified by union officials, he or she should be requested to return to the polls after obtaining identification. Challenged ballots based on voter identification should be avoided to the extent possible since it is not usually feasible to later resolve the challenge unless the individual whose identity is in doubt returns to the polls or the tally with acceptable identification.

## **Resolution of Challenged Ballots**

If possible, election officials should not wait until the conclusion of the voting to begin resolving challenged ballots and should start obtaining eligibility information while the election is still in progress. By maintaining a separate challenged voter list containing the same information which was written on the outer envelopes, election officials may be able to resolve some or all of the challenges before the ballot box is opened at the conclusion of the voting. Although preliminary decisions about a challenged voter's eligibility can be made by election officials while the election is still in progress, a formal announcement regarding the resolution of any challenged ballots should wait until the start of the ballot tally to allow all observers to be present. To the extent possible, challenged ballots should be resolved prior to the conduct of the tally to help preserve secrecy.

At the start of the tally of ballots, decisions about the counting of each challenged ballot should be announced to those in attendance and the reason for each decision should be explained to observers. Election officials should record the decision as to whether to count the ballot on the front of the Challenged Ballot Envelope (such as "eligible" or "not eligible – delinquent direct pay") and initial and date it. If challenged ballots are resolved as eligible, election officials should remove (but not open) the Secret Ballot Envelopes from the outer envelopes and mix them together. In order to preserve secrecy, the Secret Ballot Envelopes should then be opened and the ballots removed and mixed in with other uncounted ballots.

Envelopes containing challenged ballots resolved as not eligible should be left unopened and marked "void." If any challenged ballots cannot be resolved by the end of the tally, election officials should determine whether the number of unresolved challenged ballots could affect the outcome of any race. If not, they should not be opened but maintained with other election records. At the end of the tally, if the number of challenged ballots not yet resolved could affect the outcome of any race, they must be resolved at a later date when more eligibility information becomes available and a final decision can be made as to whether to count each ballot.

Every effort must be made to preserve the secrecy of challenged ballots which have been resolved as eligible. However, in the rare instance where this is not possible (such as in an election where only one challenged ballot is cast and that voter has been determined to be eligible after all other ballots have been counted), it is more important to count a ballot than to preserve secrecy if the ballot could affect the outcome of any race.

All envelopes used in the challenged ballot process, all unopened "voided" challenged ballots, and the challenged voter list should be maintained for at least one year after the ballot tally with other election records.

Notes:

**VOTER SIGN-IN REGISTER**

AFGE Local \_\_\_\_\_  
Polling Location: \_\_\_\_\_

Date: \_\_\_\_\_

Members who cast ballots in the above-referenced officer election are required to **print** their name below:

- |           |           |
|-----------|-----------|
| 1. _____  | 26. _____ |
| 2. _____  | 27. _____ |
| 3. _____  | 28. _____ |
| 4. _____  | 29. _____ |
| 5. _____  | 30. _____ |
| 6. _____  | 31. _____ |
| 7. _____  | 32. _____ |
| 8. _____  | 33. _____ |
| 9. _____  | 34. _____ |
| 10. _____ | 35. _____ |
| 11. _____ | 36. _____ |
| 12. _____ | 37. _____ |
| 13. _____ | 38. _____ |
| 14. _____ | 39. _____ |
| 15. _____ | 40. _____ |
| 16. _____ | 41. _____ |
| 17. _____ | 42. _____ |
| 18. _____ | 43. _____ |
| 19. _____ | 44. _____ |
| 20. _____ | 45. _____ |
| 21. _____ | 46. _____ |
| 22. _____ | 47. _____ |
| 23. _____ | 48. _____ |
| 24. _____ | 49. _____ |
| 25. _____ | 50. _____ |

# Local \_ VOTE TALLY SHEET

Date:

Candidate	Team 1	Team 2	Team 3	Team 4	Team 5	Team 6	<u>TOTAL</u>
<b>President</b>							
Candidate name							
Candidate name							
Candidate name							
<b>Total</b>							
<b>Vice President</b>							
Candidate name							
Candidate name							
<b>Total</b>							
<b>Secretary</b>							
Candidate name							
Candidate name							
Candidate name							
<b>Total</b>							
<b>Delegates</b>							
Candidate name							
Candidate name							
Candidate name							
Candidate name							
Candidate name							
Candidate name							
Candidate name							
Candidate name							
<b>Total</b>							

## ATTACHMENT 20

# **BALLOT TALLY CERTIFICATION**

Election officials are responsible for providing a full accounting of the ballots cast in the election and announcing the results of the election to the membership. The sample Ballot Tally Certification on the next page, which includes a ballot recap and the election results, can be used to fulfill both of these purposes.

To account for all ballots cast in the election, officials should enter the number of valid ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots in the Ballot Recap section of the Ballot Tally Certification. Added together these three entries should equal the total number of ballots cast in the election. Election officials also should enter vote totals for each candidate in the Election Results section, entering “None” where appropriate. Before entering the tally results, election officials should double check the figures with vote totals on the tally sheets and the vote summary sheet for accuracy.

Election officials should sign the Ballot Tally Certification and request observers to sign in the appropriate spaces. However, observers are not required to sign the certification if they choose not to do so.

Election officials may wish to post copies of the completed certification at the union hall and the work site(s), give copies to candidates, and provide a copy to union officials when making their final report on the election. The original certification should be kept with the ballots and other election records for at least one year, as required by federal law, by the local officer designated in the local's constitution/bylaws.

Continued . . .

# AFGE LOCAL \_\_\_\_ - BALLOT TALLY CERTIFICATION

Date of Election: \_\_\_\_\_ Tally Location: \_\_\_\_\_

The undersigned acted as Election Officials or Observers at the tally of the ballots cast in the above-referenced election. We certify that the ballot tally was fairly and accurately conducted, the secrecy of the ballots was maintained, and that the election results were as indicated below.

**BALLOT RECAP**

Number of Ballots

Valid Ballots Counted: \_\_\_\_\_  
 Totally Void Ballots: \_\_\_\_\_  
 Unresolved Challenged Ballots: \_\_\_\_\_  
  
 Total Ballots Cast: \_\_\_\_\_

**ELECTION RESULTS** (Offices elected by acclamation should so indicate)

<u>Office</u>	<u>Candidate Name</u>	<u>Number of Votes</u>
President	name	_____
	name	_____
	name	_____
Vice President	name	_____
	name	_____
Treasurer	name	_____
	name	_____
Secretary	name	_____
	name	_____
	name	_____
Delegates	name	_____
	name	_____
	name	_____
Alternate Delegates	name	_____
In order of votes received	name	_____
	name	_____

**OBSERVERS**

**ELECTION OFFICIALS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## ATTACHMENT 21

### **GUIDELINES FOR COUNTING BALLOTS**

Prior to the day of the ballot tally, election officials should prepare the necessary blank Vote Tally Sheets (Attachment 19 (page 71)) and a Ballot Tally Certification (Attachment 20 (page 72)). Election officials should also insure that the necessary supplies are available at the tally site including pencils, pens, rubber bands, staplers, tape, and a calculator(s).

Used and unused ballots should be safeguarded at all times before, during, and after the tally. If the ballot tally is scheduled for a location other than the polling site or is to begin at a later time, election officials should seal the ballot box(s) with tape in the presence of observers and, along with the observers, initial across the tape. The tally of ballots should begin only after all polling sites have closed.

Election officials should plan the layout of the tally site in advance and, if necessary, make arrangements to have additional persons available to help count the ballots, using one or more tally teams. If additional ballot counters are used, election officials must explain the counting and voiding procedures to them prior to the start of the tally and closely monitor each tally team. To prevent confusion, the tally teams should be positioned far enough apart to avoid hearing each other. Tally teams should be instructed to set aside any ballots which contain extraneous marks and those ballots where voter intent is unclear, until election officials can rule on whether a vote for a particular office or an entire ballot should be counted or voided. (See Guidelines for Voiding Ballots - Attachment 22 (page 76))

If the election was conducted by mail, election officials must first verify voter eligibility before opening and counting the ballots. (See Electing Local Union Officers by Mail - Attachment 16 (page 62)) Prior to the start of counting ballots in either a mail or polling place election, an election official should explain to observers and any others in attendance the counting procedures that will be used. Ballots should be kept in full view of candidate observers at all times, but only election officials and any others counting ballots should handle the ballots. Any challenged ballots should be resolved as soon as possible, but prior to the completion of the tally, if possible, in order to preserve ballot secrecy. (See Guidelines for Challenged Ballots - Attachment 17 (page 67))

Election officials must insure that the ballots are counted accurately, decisions regarding the voiding of ballots are consistent, and ballots are properly safeguarded throughout the tally process.

Two-person teams count ballots by separating them into stacks based on the votes cast for each officer position. This tally procedure is very accurate and significantly faster and more efficient than other methods. For these reasons, the stack method is recommended by OLMS. Step-by-step instructions for the stack method follow:

1. Election officials should open the ballot box in the presence of observers, remove and unfold all marked ballots, and place them in bundles of 50 or 100, numbering each bundle #1 of \_\_, #2 of \_\_, etc., to insure accuracy and provide a means of control. Any ballots voided in their entirety should be removed and set aside.
2. Election officials should determine the first race to be counted, usually the office of President. The counting should be done by two person teams. Each tally team should take one bundle of ballots, record the bundle number on the tally sheet, and divide the ballots into separate stacks

based on the votes cast for each candidate for the office of President.

3. If voter intent is unclear for any office(s) on a ballot, election officials should rule on whether the vote(s) should be counted and, if so, for which candidate(s).
4. After all the ballots in the bundle are separated, the stacks for each candidate should be counted by each team member, who should also verify that the votes in each stack are all for the same candidate.

If the team members' vote totals do not agree, each stack should be recounted and the agreed-upon vote totals for each candidate entered on a tally sheet. The number of ballots voided for that office and the number of ballots which contained no vote for that office should also be noted on the tally sheet. (The total of all valid votes, voids, and no votes should equal the total number of ballots in the bundle.)

5. After all votes for the first office are counted, the stacking procedure should be repeated by the tally team for the next office on the ballot. The ballot tally should continue until the votes are counted for each office on the ballots in that bundle.
6. When all ballots in the bundle are counted for each office, the tally team should sign and date the tally sheet. The bundle of ballots which corresponds to the completed tally sheet should be wrapped inside the tally sheet and banded together.
7. The tally team should then begin a new tally sheet for another bundle of ballots and continue counting in this manner until all bundles are counted.
8. After ballots are tallied, the tally sheets should be assembled and the vote totals from each tally sheet transferred to a Vote Tally Sheet (Attachment 19 (page 71)) where totals should be calculated.
9. Election officials should complete the Ballot Tally Certification (Attachment 20 (page 72)) and announce the results for each office as well as the number of ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.

**Remember that the total number of ballots counted may not equal the total votes counted for a specific race since not all voters will vote for every office and ballots may be voided for certain offices.**

10. After the results are announced, all tally sheets, used and unused ballots, voter registers, eligibility lists, and other election materials should be packed and sealed in boxes. All election records must be maintained for at least one year.

The stack method is particularly efficient in elections which have slate voting or a small number of candidates. If fewer than 500 ballots were cast, election officials may choose to count all ballots at once rather than in bundles.

## ATTACHMENT 22

### **GUIDELINES FOR VOIDING BALLOTS**

In union officer elections, questions often arise at the tally of ballots concerning whether an individual vote for a particular office or an entire ballot should be voided. (See Guidelines for Counting Ballots - Attachment 21 (page 74)) A voter may have marked more than one box for a given office, crossed out or erased a mark, or marked the ballot in such a way that his or her intent is unclear. Observers may challenge the way the ballot is marked or election officials themselves may have questions about a voter's intent with respect to a particular office. It is the responsibility of election officials to decide whether a vote for a particular office or an entire ballot should be counted or voided.

Most importantly, election officials' decisions regarding voter intent and voiding ballots must be uniform and consistent. To achieve this, election officials should discuss ballot voiding rules prior to the tally. Usually, one election official should be designated as the final judge in these decisions to insure that ballots are counted consistently and voided uniformly.

As a general rule, every vote on a valid ballot should be counted if the voter's intent is clear no matter what mark ("X," "■," "✓," etc.) is used to indicate his or her choice. Election officials should count a vote even if the mark strays outside the box next to a candidate's name. In the absence of specific union rules, marks which do not identify the voter should not cause a ballot to be voided and erasures or "cross-outs" should not cause a vote for a particular office to be voided if the intent of the voter is clear. Election officials must void a ballot in its entirety if it contains any marks which identify the voter.

To void ballots properly, OLMS recommends the following procedures:

- During the tally process, ballots which are voided in their entirety should be marked "void" on the front and initialed by election officials using a distinctive color ink pen. A brief description of the reason for voiding the ballot (no votes for any candidate, identifying marks, etc.) should be written on the back of the voided ballot. All totally void ballots should be placed in a separate envelope.
- If voter intent is not clear for any office or if too many candidates have been selected for one or more positions, election officials should void only the particular office involved by lining through the boxes for that office and marking "void" and their initials next to the position being voided.
- If a voter fails to vote for any candidate for a position, election officials should insure that no one can mark the ballot at a later time by lining through the boxes next to the candidates' names and marking "void" and their initials next to the position.
- If election officials rule on the question of voter intent for one or more positions on a ballot, they should circle the name of the candidate being awarded the vote and place their initials next to the position. This will insure that the vote will be counted for the same candidate in case of a recount.

Election officials should recognize that decisions about voiding ballots are often close calls which require judgment and impartiality. These decisions may affect the outcome of a given race and can become the subject of heated disputes. By establishing ballot voiding rules and procedures in advance and following these rules uniformly, election officials can minimize controversy at the ballot tally and reduce the need for recounts.

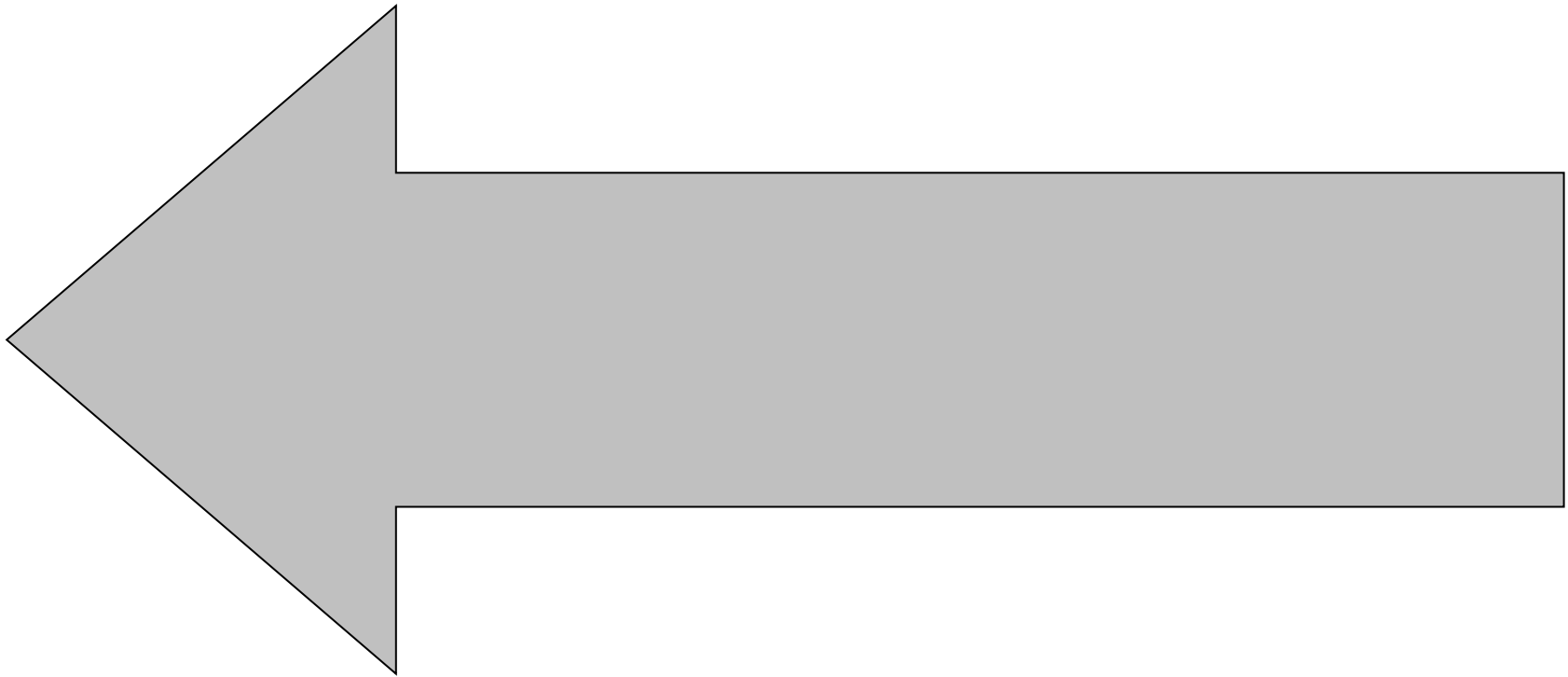
**Local \_\_\_\_\_**

**ELECTION**

**[place]**

**[time]**

**[date]**



# POLLING PLACE

# **BALLOT BOX**

**NO**  
**CAMPAIGNING**  
**BEYOND THIS**  
**POINT**



**NO TALKING**  
**IN POLLING**  
**AREA**

# OBSERVERS

# **CHALLENGED BALLOT TABLE**

# Credentials Committee

# **Election Committee**

# **OFFICIAL ELECTION NOTICES**

**Leave all election  
paraphernalia  
and handbags  
on table**

**EXIT**



ATTACHMENT 24

**CHALLENGED BALLOT ENVELOPE**

LOCAL: \_\_\_\_ Number of Votes: \_\_\_\_ CHALLENGED BY: \_\_\_\_\_

REASON FOR CHALLENGE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RESOLUTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Election Committee Chair      Date

**Secret Ballot Envelope**

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

This small envelope will be used by the voter to enclose the marked ballot.

ATTACHMENT 25

**OBSERVERS LOG**

Observer

for Candidate:

1. \_\_\_\_\_ for \_\_\_\_\_

2. \_\_\_\_\_ for \_\_\_\_\_

3. \_\_\_\_\_ for \_\_\_\_\_

4. \_\_\_\_\_ for \_\_\_\_\_

5. \_\_\_\_\_ for \_\_\_\_\_

6. \_\_\_\_\_ for \_\_\_\_\_

7. \_\_\_\_\_ for \_\_\_\_\_

8. \_\_\_\_\_ for \_\_\_\_\_

9. \_\_\_\_\_ for \_\_\_\_\_

10. \_\_\_\_\_ for \_\_\_\_\_

11. \_\_\_\_\_ for \_\_\_\_\_

12. \_\_\_\_\_ for \_\_\_\_\_

13. \_\_\_\_\_ for \_\_\_\_\_

14. \_\_\_\_\_ for \_\_\_\_\_

15. \_\_\_\_\_ for \_\_\_\_\_



ATTACHMENT 27  
**General Counsel's Quiz  
on Elections**

**Multiple Choice/True or False**

**T F**

1.   Paid AFGE staff have the right to run for office only if they resign from employment prior to nominations.
  
2. The minimum notice to members for an election is:
  - A  5 days
  - B  10 days
  - C  15 days
  - D  30 days
  
3.   Whether to permit write-in candidates or write-in votes is left up to each local in accordance with its constitution.
  
4.   A local Election Committee does not have to be elected by the members.
  
5. An Election Committee should use as its address:
  - A  the local's post office box
  - B  the Election Committee's post office box
  - C  the Election Committee chair's home address
  - D  any of the above
  
6.   Where a local president who is a delegate by virtue of office leaves office, and the vacancy is filled by a successor in accordance with the constitution, the successor is accorded delegate status.
  
7.   Incumbent officers who are not running for re-election may serve on the Election Committee.
  
8. A notice of nominations should include:
  - A  the offices and term of office
  - B  qualifications for office
  - C  how nominations are made and accepted
  - D  all of the above
  
9.   If a losing candidate believes there have been election violations which have af-

ected the election outcome, a protest must be filed within 25 days with the district's National Vice President.

10.   Where a local is entitled to more than one delegate, the local president (if a delegate by virtue of office) may cast all the local's votes, if the local has not met to elect its full complement.

11. The maximum number of proxies a delegate may carry to the AFGE National Convention is:

- A  4 as local officer
- B  4 as local officer and 4 as council officer
- C  both of the above
- D  none of the above

**T F**

12.   As a criterion for eligibility as a candidate within AFGE, a local may require attendance at a minimum number of meetings, so long as it a reasonable number and does not disqualify a high proportion of members.

13.   The prohibition against using "employer funds" in union elections means only that a candidate cannot use any resources from the candidate's employer (or spouse's employer) to promote his/her candidacy.

14. The maximum number of proxies a delegate may carry to a district caucus is:

- A  1
- B  4 as local officer
- C  4 as local officer and 4 as council officer
- D  none of the above

15.   Regardless of how many people run for an office, a majority, as opposed to a plurality, of the valid votes cast is always required to win an election.

16.   Appendix A of the AFGE National Constitution, AFGE Rules of Conduct for an Election, applies to an election unless the local's constitution and bylaws are different (and not unlawful).

17. All local election related materials must be:

- A  sealed and preserved by the local for one year
- B  sealed and preserved by the local for three years
- C  sent to and preserved by the National Vice President
- D  none of the above

18.   Except in newly created locals, a candidate for office must have been a member of the local for one year.

19. Observers:

- A  have the right to be present throughout the election
- B  must be members of the local
- C  may be the candidates themselves
- D  all of the above

20.   It is the National Office's responsibility to provide the Election Committee with an up-to-date list of local members.

21. Candidates have the right to:

- A  inspect a current list of the names and addresses of all members of the local
- B  have the local distribute campaign literature at the candidate's expense
- C  both of the above
- D  none of the above

**T F**

22.   If an election is not being conducted by mail, a quorum at the meetings is required to conduct nominations and/or elections.

23. All candidates, so long as it is done without discrimination, may be allowed to utilize in their election campaign:

- A  union telephone
- B  union copy machine
- C  union email
- D  all of the above
- E  none of the above

24.   All candidates must be provided a list of all local members so they can distribute campaign literature.

25. As a general rule, locals may bar from voting in an election:

- A  members who are supervisors or management officials
- B  retirees
- C  both of the above
- D  none of the above

26.   In an election in which four delegates are to be elected, and eight people run, the four with the highest vote totals are declared the winners by plurality and the remainder are the alternate delegates.

27. Permissible activities in the polling room include:

- A  distribution of campaign buttons and other campaign material
- B  discussion of candidates
- C  marking ballots outside of the voting booth
- D  none of the above

28.   Closing the polls early is a per se violation requiring a rerun election.

29. When a local is unable to authorize funds sufficient to send a full allotment of delegates, then funds:

- A  are applied to delegates selected by virtue of their elected position in accordance with the hierarchy
- B  are applied secondly to delegates in accordance with the number of votes received by each
- C  both of the above
- D  none of the above

30.   Proxy delegates are elected by name after 15 days written notice of the election to each member at his/her last known home address.

31.   Election Committee decides whether or not to combine notices of nomination and election into one notice.

32.   Incumbent officers whose offices are not part of the election may serve on the Election Committee.

33.   Candidates may run for more than one office in the same local election unless prohibited by the local's bylaws.

34.   The Election Committee must declare a candidate elected by acclamation at the close of nominations if the candidate is unopposed.

### Answers to election quiz and authority for answer

1. **F**, Article VII, Sec. 5 of the AFGE National Constitution
2. **C**, Appendix A, Part I, Sec. 3(a)(4)
3. **F**, Appendix A, Part I, Sec. 1(e)
4. **T**, Appendix A, Part I, Sec. 2(a)
5. **B**, Department of Labor
6. **F**, Appendix A, Part I, Sec. 6(b)
7. **F**, Appendix A, Part I, Sec. 2(b)
8. **D**, Appendix A, Part I, Sec. 3(a)
9. **F**, Appendix A, Part III, Sec. 2
10. **F**, Appendix A, Part I, Sec. 6(c)
11. **D**, Article VI Sec. 3, 4
12. **F**, Appendix A, Part I, Sec. 1(e)
13. **F**, Appendix A, Part I, Sec. 4(b)
14. **D**, Article VIII Sec. 2(c)
15. **F**, Appendix A, Part I, Sec. 5(h)
16. **F**, Appendix A, Part I, Sec. 1(b)
17. **A**, Appendix A, Part I, Sec. 5(i)
18. **F**, Appendix A, Part I, Sec. 1(e)
19. **D**, Appendix A, Part I, Sec. 5(f)
20. **F**, Appendix A, Part I, Sec. 5(b)
21. **C**, Appendix A, Part I, Sec. 4(a)
22. **F**, Appendix A, Part I, Sec. 3(c)
23. **E**, Appendix A, Part I, Sec. 4(b)
24. **F**, Appendix A, Part I, Sec. 4(a)
25. **D**, DoL
26. **T**, Appendix A, Part I, Sec. 5(h)
27. **D**, DoL
28. **F**, DoL
29. **C**, Appendix A, Part I, Sec. 6(d)
30. **T**, Appendix A, Part I, Sec. 6(a)
31. **T**, Appendix A, Part I, Sec. 3(a)(4)
32. **T**, Appendix A, Part I, Sec. 2(b)
33. **F**, Appendix A, Part 1, Sec. 1(f)
34. **F**, Appendix A, Part I, Sec. 3(d)

Notes:



**Notes**