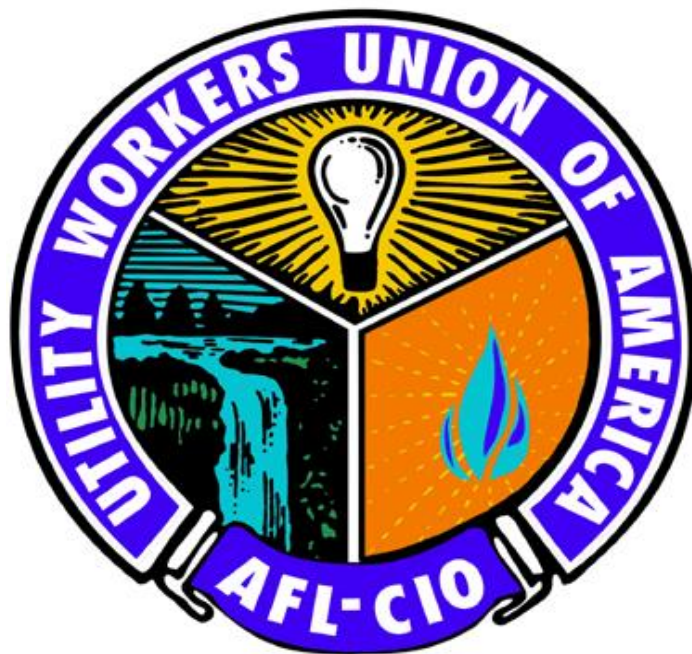


Local 223 Election Manual

AFL-CIO
Utility Workers Union of America
Local 223

Local 223 Election Manual



For use with
Local Elections
Bargaining Unit Elections
Contract Ratification Votes

Local 223 Election Manual

UWUA Local 223 – Local Officer and Trustee Election Manual

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Part I. Election Roles and Responsibilities

Section 1: General Council and Local Officers

A. Local Union President – Ensures that appropriate meetings are scheduled according to the time lines set for in the Constitution and By-Laws. 2. Appoints the Election Committee with General Council approval with at least one (1) member from each Division. 3. Appoints the Ballot Counting Committee, submitting no more than five (5) people for the latter.

B. General Council – Has approval authority for the appointed Election Committee. Receives the Report of the Election Committee. Witnesses the Installation of Officers. Shall, upon vacancy of Local Union Officer or Trustee, either call for a special election or appoint to fill the vacancy in accordance with Constitution and By-Laws, Article VI, Section 8a or 8b.

C. Local Recording Secretary/Treasurer - shall provide the Election Committee with a certified list of names and addresses of all members in good standing. The Recording Secretary is responsible for Election document retention for one year.

The Local Recording Secretary will also ensure that the necessary information is available for validation of nominators at the General Membership meeting held for the purpose of nominating the candidates of a Local Election.

D. Local Union Executive Board - In the event of an Election Challenge, The Executive Board of the local union shall designate an Investigative Committee, and if the officer challenged is a member of the Executive Board, that member shall not participate in the selection. The National Union's Constitution defines this process and the additional roles and responsibilities required to properly administer a challenge.

Section 2: Bargaining Unit Officers

Divisional Treasurer - Shall submit monthly reports per Article VIII, Section 5.a. of The Local 223, UWUA Constitution and By-Laws updating the Local Member List.

Election Committee Divisional Representative – The Divisional Treasurer would best fit this task. In lieu of, the representative should be prepared to contact their respective members for address corrections and to be the decision maker/liaison between the Committee and their Division for any other Election matters.

Section 3: Trustees

Trustees perform duties as assigned by the President of the Local. If a Trustee is not a candidate they are a good choice as Election Committee Chair. The Trustee's shall have been assigned the general ownership of the Local Election Manual and should periodically verify the contents of the manual for compliance with our Local Constitution and By-Laws, National Constitution and Title 4 of the Labor-Management Reporting and Disclosure Act of 1959.

Section 4: Local Union Administrative Staff

The Local Union Administrative Staff is an excellent resource for an Election Committee. They provide the administrative support to supply the committee with the necessary ballots, forms, tally sheets, etc. and other required election materials. They are also a valuable reference when guidance is needed to solve election specific problems.

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Section 5: Observers/Challengers

Challengers, also known as Observers by the DOL, have the following Constitutional guidance:

Section 5.b. Each candidate shall be entitled to have one challenger present at the counting of the ballots. The candidate shall pay the expense of such challengers.

Title 4 of the Labor-Management Reporting and Disclosure Act of 1959. also provides the following requirements for an observer:

All candidates have the right to have an observer at the polls and at the counting of the ballots. If there is more than one polling place, the candidate may have an observer at each location. If ballots are being counted at more than one location or at more than one table at a single location, a candidate is entitled to as many observers as necessary to observe the actual counting of ballots.

In mail ballot elections, election officials must allow candidates to have observers present when the ballot envelopes are stuffed, labeled, and mailed and during any visits to the post office to pick up and remail ballot packages which were returned undelivered. Observers must also be allowed to accompany election officials when the returned ballots are picked up from the post office, transported to the tally location, reviewed for eligibility, and counted.

An observer is not required to be a member of the union unless the union's constitution and bylaws require an observer to be a member. Likewise, a candidate may serve as his or her own observer unless prohibited by the union's constitution and bylaws, election rules, or past practice.

Observers do not have the right to interfere with or disrupt the conduct of the election. Their role is limited to observing the election process, asking procedural questions, challenging the eligibility of any individual voters, and lodging protests with election officials as appropriate.

Observers should be allowed to adequately monitor the election process but not compromise, or give the appearance of compromising, the secrecy of the ballot.

Observers may not wear campaign buttons, stickers, or other campaign apparel, distribute literature, or engage in campaign activities inside the polling place, including conversations about candidates or the election campaign.

Observers do not have the right to count or handle the ballots in any way but must be allowed to observe the counting closely enough to verify the accuracy of the tally.

Section 6: Election Committee

A Message to Local Union Election Officials - DOL

Congratulations! You have been selected to serve as an election official in your union. You may have volunteered, been elected by the membership, appointed by your union's president, chosen by one of the candidates, or maybe you were "drafted" to serve in this role. In any event, during the upcoming weeks you and your fellow election officials will be entrusted with the responsibility of providing members with the opportunity to exercise the most fundamental of union rights, the right to elect their union's officers by secret ballot. Don't underestimate the importance of your role

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— you are an essential part of the democratic process. The persons elected to office will help shape the future of your union as they handle the union's finances, are involved in contract negotiations and grievances, and conduct other business affecting the welfare of your union's members.

Your role as an election official, you will be responsible for conducting your union's election of officers in accordance with federal law and your union's constitution and bylaws. In doing this, you will have several different roles — rule maker, communicator, and judge. You will need to be patient, knowledgeable, organized, firm, and, most of all, impartial. At times, your hard work may seem thankless. But remember, your job is not to please everyone but to run a fair and honest election.

Throughout the election process, election officials should be guided by three principles. First, you should be fair and impartial, treating all candidates equally and avoiding any acts of favoritism or even the appearance of favoritism. You should maintain a businesslike relationship with all candidates even if you work with or are personal friends with any of them. Second, you must follow the election provisions in your union's constitution and bylaws as well as any other union election rules as long as they are not inconsistent with federal law. Finally, you should uphold American democratic traditions by protecting the right of every member in good standing to nominate candidates, run for office, and vote by secret ballot for officers of your union.

A. Election Committee - The Election Committee, shall conduct the election according to the provisions of the Constitution and By-Laws, Article IV, Section 2, the National Union's Constitution and Title 4 of the Labor-Management Reporting and Disclosure Act of 1959. The Election Committee will review and update the Local 223 Election Rules and distribute to all candidates. The Election committee will turn over all ballots and election materials to the Local Recording Secretary for retention. The Election committee will announce the results of the election at the 1st General Council meeting following the election.

B. Election Committee Chairperson - shall be appointed by the Local Union President. The Chairperson shall ensure the election is conducted in accordance with the Constitution and By-Laws, Article IV, Section 2, the National Union's Constitution and Title 4 of the Labor-Management Reporting and Disclosure Act of 1959.

The chairperson shall have the election committee conduct a recount if said request is received within 5 days after the election and the candidate requesting the recount has put up the money to pay for such a recount.

The chairperson shall ensure that the candidates are provided with the necessary information to allow for an efficient and fair election process.

Section 7: Nominees, Candidates, and Others

A. Nominators - Has the responsibility of notifying the Nominee of their nomination.

B. Nominees - shall, within the specified time guidelines per Article VI, Section 2a submit a signed nomination acceptance form. Forms will be available at the Nomination Meeting, the Local 223 Website and the Local 223 Hall.

C. Candidates - should review the Local Election Manual and the updated Election and Campaign rules to understand their rights under the following:

1. Nomination process
2. Viewing member list
3. Election process

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4. Their ability to have a challenger.
5. Mailing campaign literature.
6. Prohibition against Using Company or Union assets for creating flyers, distributing literature campaigning, etc.
7. Requesting a recount.

D. Member - A Member in good standing per the Constitution and By-Laws may cast a ballot in the election.

Part II. Local Elections

Section 1: Election Committee

223 Constitution and By-Laws Article VI, Section 4. a. Election Committee. The Election Committee shall be appointed by the Local Union President and approved by the General Council. This committee shall consist of a minimum of one (1) member from each Division. The Election Committee shall be approved at the preceding November General Council meeting, The Election Committee shall be responsible only to the membership.

The Election Committee Chairperson needs experience in the Local Election Process, and must be a member in good standing. The Election Committee will be notified of the need to reestablish the committee for the purpose specified.

A. Election Committee Divisional Representative - should be prepared to contact their respective members for address corrections and to be the decision maker/liaison between the Committee and their Division for any other Election matter.

Section 2: Notification Process

A. Notice of Local Union Elections will be given to the members in the following manner: An election notice will be printed in an Annunciator (the Local Union's paper) and will mailed at least fifteen days prior to the Special Nominating meeting. The notice will list the purpose, date, time and location of the Special Nominating meeting. Other means to notify members of the Special Nominating Meeting may be used, in addition to the Annunciator. The Election Committee Chairperson has the responsibility to ensure this is done.

B. Special Nominating Meeting - Art VI, Sec 2.a of UWUA Local 223 Constitution and Bylaws states: "A General Membership meeting shall be scheduled during the first fifteen (15) days of January in an election year. The members attending this meeting will constitute a legal quorum to receive nominations for Local Union Officers and Trustees for the ensuing term."

Section 3: Nomination Process

A. The Election Committee Chairperson - chairs the meeting; the only order of business is to open the floor for nominations for Local Officers and Trustees. The nominations will proceed from President to Trustee, including such positions that are up for election. The Election Committee Chairperson will denote an Election Committee Recording Secretary from the Election Committee Members. The Election Committee Recording Secretary will make a record of this meeting.

B. Any Member In Good Standing - may nominate someone for a position. A member may only accept the nomination for one position during an election. It is the responsibility of the Nominator to ensure that they are members in good standing at the time of nomination. Members may nominate themselves. Nominators must check in with the Election Committee Chairperson

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or their designated representative to be validated as a member in good standing. The validation process for nominators will occur the night of the meeting. When all nominations are complete for any position, the Election Committee Chairperson will ask three times, "Are there any other nominations?" When there are no additional nominees, the Chairperson will close that nomination, and move along to the next. The Election Committee Chairperson will at the end of all nominations close the meeting with a motion.

C. Candidate Eligibility - To be eligible for election, a member must be in good standing at the time of nomination. A member must never have been in the communist party. A member cannot serve until thirteen years after a felony conviction and any applicable time has been served. The complete list of felonies that are covered by this language can be found in LMRDA, Section 504 of the DOL Code.

Also, the following excerpt from the Local 223 Constitution and By-Laws applies:

D. Executive Board – Local 223 Constitution Section 7. A Local or Divisional Officer shall be required to automatically resign if and when they apply for a job in supervision. After they resign, they will not hold any elected or appointed Union office for a minimum period of two (2) years. This section will also apply to all Union representatives either appointed or elected and all Union representatives who have temporarily taken a step-up position to Supervision. Supervision being as defined under the Taft-Hartley Act, Section 2, (11).

E. Candidate Informational Meetings - The Election Committee Chairperson may choose to hold an informational meeting for the candidates. This meeting should provide candidates with the information that will help guide them through the election process. Each candidate will also be provided with a copy of the updated Local Election Rules. Each candidate should sign for receipt of these rules.

The Election Committee Chairperson shall inform candidates of the date, time and place for the preparation and mailing or re-mailing of ballot packages and the date, time and place of the ballot pickup at the post office and tally. They are also to be informed of their right to have Challengers at each of these functions.

If an informational meeting is not held it is the responsibility of the Election Chair to ensure that the above information is provided to the candidates.

Section 4: Balloting Process

A. Ballots - Per the Local Constitution and By-Laws Article VI, Section 2a, voting by ballot will be conducted through the U.S. Mail. A period of three weeks from the initial date that the ballots are mailed to the date that they are counted is recommended by the Department of Labor.

B. After the Formation Of The Election Committee - the designated chairperson will work with Local 223 staff to obtain the necessary materials to conduct the vote. This would include initial mailing envelopes, numbered return envelopes, coin envelopes, ballots, sample ballots and the mailing lists. (The mailing lists will be in the form of mailing labels.) The Local 223 staff will also provide the necessary tally sheets to facilitate the counting of the ballots.

C. Before Initial Mailing - a designated member of the committee or a Local Trustee will obtain the key for the local P.O. Box from the Local office staff and proceed to the

Post Office where they will check to ensure that the box is empty.

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Any content found in the box should be turned over to the office staff along with P.O. Box key. This person should also inform the Post Office not to release information as to the number of Ballots or names of voters prior to Ballot pickup.

D. The Election Committee - as overseen by the Election Committee Chairperson, will be responsible for the mailing of the ballots, verification of returned ballots, issuing of duplicate ballots based on returned, undeliverable ballot packages or requests made for replacement ballots. The Election Committee Divisional Representative should be prepared to contact their respective members for address corrections and to be the decision maker/liaison between the Committee and their Division for any other Election matter. They will be responsible for distributing the sample ballots for posting in their respective Divisions. Sample ballots should also be provided to the Local 223 webmaster for posting on the Local 223 website.

E. The Sample Ballots - shall include the by date for receiving ballots, instructions for the member if they did not receive a ballot and the date the member must make contact by in order to be included in the mailing of replacement/duplicate ballots.

On the date identified in the Sample Ballot, designated Election Committee members will conduct the Second mailing with a list developed following the above procedures.

F- Ballot Initial Mailing - At the initial mailing, the Election Committee Chairperson should organize this process to facilitate a timely as well as accurate mailing. Before the mailing the chairperson or their designated representative/s should do the following:

1. Obtain the Certified Membership List - along with one copy, which will come in the form of mailing labels, from the Local 223 Administrative Staff. The copy of the mailing list is for the recording of the return envelope numbers to be used for verification of the returned ballots.

2. Ensure that you have the appropriate Number Of Ballots - mailing envelopes, coin envelopes and numbered return envelopes. Election officials must be able to account for all ballots printed. The number of ballots printed minus the number of ballots issued to members should equal the number of unused ballots on hand at the end of the Election. Adequate controls and safeguards must be adopted by Election officials to protect the ballots such as counting the number of ballots received from the printer, maintaining ballots in a secure place prior to use, and keeping control of ballots throughout the Election process.

3. Designate the Number Groupings - for the return envelopes based on the size of the individual Divisions. (i.e. A Division that has 92 members you would designate envelopes 1000 thru 1100.) The left over envelopes in a group will be used at the second mailing if needed. Record these designations for each group. There are many ways to organize to stuff the envelopes but is recommended that numbered return envelopes be recorded at the time the address labels are applied and each envelope is checked for content before sealing.

4. The Mailing Label - sheets should be identified as to what Division they are from and kept as part of the election documentation.

5. The Return Address - of the initial mailing envelope should be that of the Local's normal mail in order to identify undeliverable ballot packages. The Local 223 office administrator's will receive returned ballot packages and deliver them to the Election Committee following the by date identified on the sample ballot. Any other returned ballots that come in after the by date will also be delivered to the Election Committee. All returned ballot packages will be time stamped.

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6. Sealed Mallots Mailed - shall be bundled and immediately delivered to the Post Office for mailing by the designated committee representatives.

The remaining election materials will be held by the election committee's designated members in order to facilitate the second mailing.

G. Second Mailing - On the date identified on the Sample Ballot, a Second Mailing will be conducted using the information obtained from the above processes.

Ballot packages will be prepared using the spare envelopes leftover from the initial mailing. Members who are requesting replacement ballots who were not on the original mailing list, will, after written verification from the appropriate Division, be sent a ballot and it will be recorded in the same manner as the initial mailing. Members who are requesting replacement ballots that are identified as having had one mailed during the initial mailing shall be sent a replacement ballot with the original return envelope number, as well as the replacement ballot envelope number recorded on them. The replacement ballots will be marked as duplicate ballots on the return envelopes for easy identification.

A list shall be compiled of the duplicate ballot return envelope numbers and the original ballot return envelope numbers that the duplicates replace.

The Second mailing ballots will immediately be delivered by the designated representative/s of the election committee to the Post Office for mailing.

H. Election Ballot Counting - Ballot counting should be conducted in the following manner.

1. The Designated Election Committee - members will retrieve the P.O. Box key from the Local Office Staff. They will proceed to the Post Office where they will open the P.O. Box and retrieve the ballots at the designated time and date.

They will also ensure, by contacting Postal Employee's, that they have received all mail designated for this P.O. Box. Security for the Ballots should be maintained by the designated Election committee members until the start of the ballot counting process.

2. For an Orderly Count to take place, it is recommended that a discussion be held with those involved in the Ballot counting process to identify their respective roles in the process. It is also recommended that the notice of election be reviewed to see if there are any specific instructions as to what disqualifies a Ballot. If there are none, then the only disqualifying conditions for a Ballot would be:

- a. If you can identify the individual who is casting a Ballot, or
- b. If you cannot identify what the voter's intent is. If the Ballot has multiple candidates or issues, not being able to identify the intention of the voter will be on a line by line basis. The total number of return envelopes should be noted.

3. Disqualified Ballots - developed during the second ballot mailing procedure will be used to identify and remove questioned ballots. This process will be followed in order to remove disqualified Ballots before removal from the numbered return envelopes.

4. Numerical Sequence - The returned ballots should be put in numerical order in groups of one hundred in order to facilitate easy identification of disqualified ballots.

5. Challenged/Disqualified Ballots - will be rechecked, pulled and kept. Duplicate ballots will be checked against the initial mailing number and if there are two ballots for one voter the most recent or duplicate ballot will be counted and the original ballot will be voided and kept with other disqualified ballots.

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6. Resolve any Challenged Ballots - if possible, before any ballot envelopes are opened and the counting begins. Election officials should keep a record of decisions made and explain the reason for each voter eligibility decision to challengers.

7. The Returned Ballot Envelopes - will now be opened and the coin envelopes mixed together. Ballots returned without being inside the coin envelopes, in order to maintain secrecy, will be carefully removed 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.

8. At this time the Coin Envelopes - will be opened and the Ballots removed and the Ballots placed in piles. All of the coin envelopes will be opened before proceeding to the next step. The coin envelopes will be bundled and kept. If any coin envelopes do not contain ballots they will be marked and kept.

9. At this time the Individual Ballots - will be unfolded and placed in stacks of fifty or one hundred, face down, in order to obtain the total number Ballots returned. After the total number of ballots is identified, the stacks will be placed face up and the prepared tally sheets will be placed on top of each stack. There will be no more than five counters as appointed by the President of the local.(see Local Constitution and By-Laws.) Each stack will be divided into separate stacks indicating the voter preference for each office and counted twice.

If the separate tallies are not the same for each candidate the procedure will be repeated until an accurate tally is obtained.

10. The Tally - amount from each stack will be entered onto a Vote Summary Sheet. The totals from the Vote Summary Sheet will entered onto a Ballot Tally Certification. This sheet will be signed by Election officials as well as any attending challengers.

11. At this time all Election Materials - including record of nominations, should be placed in an appropriate container, sealed and signed by those present at the ballot count. This should include counted ballots, voided ballots, return envelopes, coin envelopes, unused ballots, sample ballots and a copy of the notice of election and any other Election material. Also included would be any records as to the disposition of any challenged ballots and the eventual outcome of the challenge. These records are to be maintained for a period of one year according to Federal Law.

Section 5: Report of Election Results

When the ballots have been counted, and verified, the Election Committee Chairperson will:

- A. Complete the Ballot Tally Certification Form
- B. Copy that form and ensure a copy is kept with all election materials.
- C. Deliver the original Form to the Local Union President.

At the next General Council meeting, the Election Committee Chairperson will report the outcome of the election to the General Council.

The Local Union President receives the report from the Election Committee Chairperson, and communicates the results to the general membership in a manner they see fit.

Section 6: Installation of officers

In accordance with the Constitution and Bylaws, Article VI, Section 7 – the installation of Local Union officers shall take place at the first General Council meeting after the Election Committee has announced the results of the election, and reported the same to the General Council.

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Section 7: Officer Terms

In accordance with UWUA Local 223 Constitution and Bylaws Art. VI, Sec 1.b: “All Officers and Trustees of the Local Union shall serve for a period of three years starting at the March General Council meeting, or until successors have been elected and installed in office.”

Section 8: Regular Scheduled Elections

In accordance with the Constitution and Bylaws, Article VI, Section 2 – A General Membership meeting for the purpose of Local Officer nominations shall be scheduled within the first 15 days of January in an election year. Local officer terms are three years.

Section 9: Special Elections (Triggers)

A. Officers - Special elections shall be called when conditions merit. In accordance with the Constitution and Bylaws, Article VI, Section 8.a. – Upon the death, resignation or removal for cause of any officer except Trustee, the General Council shall order an election to fill such vacancy. This shall be an agenda item at the next General Council meeting. The results of the action of the General Council will be noted in the minutes from that meeting. This Special Election will follow the guidance provided in this election manual for Local Elections. For a vacancy with less than 12 months remaining in the position, the position will be filled by appointment of the General Council.

B. Trustees - For intra term vacancies (Less than three years), trustee positions will be filled by appointment of the General Council. When the next either General or Special Election occurs, the appointed position will be filled by the Local Election process, as outlined in this Election manual.

Section 10: Recount Process

In accordance with Article VI, Section 6, Local 223 Constitution and By-Laws:

All candidates shall have five days after the announcement of the election results by the election committee to request a recount. The candidate that chooses to recount must request the recount in writing to the Election Committee Chairperson. This candidate shall post the expense of the recount with the Local Treasurer. If the recount reveals an overturn in the results, the challenger's monies are refunded. If the election results stand, the monies are forfeit.

The cost of the recount shall be determined in the following manor. The Committee Chairs anticipated lost wages plus the five ballot counters anticipated lost wages and the cost of any office supplies. The sponsor of the recount will be responsible for the wages of a challenger is so desired.

Section 11: Election Challenge

The National UWUA's Constitution covers challenges outside of ballot recounts. Below is the excerpt from the National Constitution:

Election Challenges

Section 1-C. All challenges to election results for officers, delegates and representatives, must be made in writing to the local union within 15 days of the time the challenger becomes aware, or reasonably should have become aware, there have been violations of the election procedures of the local bylaws or the Labor-Management Reporting and Disclosure Act of 1959 as amended,

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which would have affected the outcome of the election. The challenge(s) must be signed by the person(s) proffering the challenge(s) and must set forth the specific violation(s) or wrong(s) and the date on which they allegedly occurred. Any challenge(s) must contain a brief statement of the facts upon which the challenge(s) is based and must be sufficiently specific to permit an adequate investigation into the matter.

Section 2-C. An Investigative Committee shall be designated in a manner specified in the local bylaws. If the bylaws do not provide for an investigation committee, then:

(a) The Executive Board of the local union shall designate an Investigative Committee, and if the officer challenged is a member of the Executive Board, that member shall not participate in the selection.

(b) Neither the member whose election has been challenged nor the individual(s) challenging the outcome of the election shall serve on the Investigative Committee.

Section 3-C. Within seven (7) days after the challenge(s) has been filed, a copy of the challenge(s) to the election results shall be forwarded to the member being challenged, to the member's last known address by certified mail. The Investigative Committee shall convene and shall choose its own chairman, who shall have full voting rights. It first shall review the challenge(s).

(a) If the Investigative Committee determines that the challenge(s), in whole or in part, have not been properly or timely filed, do not state an offense for which an election may be challenged, or have not been supported by the evidence provided by the complainant, it shall render a report and recommendation to the local union's Executive Board as outlined in subsection (5) recommending dismissal of those portions of the challenge(s).

(b) If the Investigative Committee, upon examining the evidence provided by the complainant concerning the remaining portion of the challenge(s), finds there is sufficient evidence to warrant a hearing, the complainant and challenged party shall be notified by certified mail with a written notification of the time and place the Investigative Committee will hold a hearing on the matter. The hearing shall take place not less than one week or no more than twenty-one (21) days from the date of the mailing of the challenges to the member whose election was challenged.

Section 4-C. Upon completion of the hearing, the Investigative Committee shall submit its report and recommendations to the next meeting of the local union's Executive Board, listing each of the claimed violations of voting procedures and its findings regarding each claimed violation of the voting procedures. The Investigative Committee shall also ascertain whether or not the claimed violations would have affected the outcome of the election and set forth its reasoning for the conclusion reached.

Section 5-C. The local unions' Executive Board shall have the right to (1) order a new election; (2) certify the election of all positions involved; (3) certify all positions not affected by the challenge; or (4) refer the matter to a regular or special membership meeting within thirty (30) days for a decision, or (5) otherwise remedy the election violation. A copy of the local union's Executive Board decision shall be forwarded immediately to the challenged and the challenger, with a copy to the office of the National Union.

Section 6-C. If the local unions' Executive Board does not refer the matter to the membership for a decision and if either the challenged or the challenger is not satisfied with the decision of the Executive Board, either or both parties may request the challenge be submitted to the membership for a decision. The membership may, after receiving a report of the Investigative Committee (a) order a new election; (b) certify the results of the election; or (c) certify the election of all positions not challenged or those for which the outcome would not have been affected by the challenge. A copy of the membership's decision shall be forwarded immediately to the challenged, the challenger and the National Office.

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Section 7-C. An appeal from the decision of the membership may be filed with the National Union Executive Committee by either the challenger or the challenged, within thirty (30) days of the mailing of the local union's decision.

Section 8-C. Within thirty (30) days of the receipt of the appeal from the decision of the local union, the National Union's Executive Committee will review the written challenge, the Local Investigative Committee Report, the decision of the local union's Executive Board and/or the decision of the local union.

Section 9-C. The Executive Committee will have the authority to:

- (a) order a new election;
- (b) certify the results of the election;
- (c) certify all positions not involved in the claimed violations and those elections where the outcome would not have been affected by the violations and order a new election only for the positions, the outcome of which would have been affected by the violations.

Section 10-C. Elections challenged by a member will be presumed valid pending a final decision on the claimed violations and their effect on the outcome.

Part III: Record Retention

Section 1: Local's Responsibility

Local 223's Constitution and By-Laws require record retention for election material and documentation as follows:

4.c. The ballots and all other records of the election shall be kept intact and preserved in the Local Union files for a period of one (1) year.

Part IV: Definitions

Key Definitions

- Ballot Counters (Subcommittee of Local Election Committee) – As defined in Article VI (Election of Local Officers and Trustees) Section 4d of the UWUA Local 223 Constitution and By-Laws, the Local Union President shall appoint the (5) members of the subcommittee. The counting of ballots will be conducted by the subcommittee with a limit of no more than five (5) members.
- Candidate (Divisional) - As defined in Article IX (Election of Divisional Officers) Section 2c of the UWUA Local 223 Constitution and By-Laws, no member shall be eligible for election as a Local Union officer if they have been a Communist or convicted of a felony within the past five (5) years. They must be a member in good standing for a period of at least one (1) year. The acceptance of nomination must be in writing and received within five (5) days after the date of the nomination meeting via certified/registered mail or given to the Election Committee Chairperson (or designated representative) on the night of the nomination.
- Candidate (Local) – As defined in Article VI (Election of Local Officers and Trustees) Section 3 of the UWUA Local 223 Constitution and By-Laws, no member shall be eligible for election as a Local Union officer if they have been a Communist or convicted of a felony within the past five (5) years. They must be a member in good standing for a period of at least one (1) year. They must have accepted nomination in writing via certified or

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registered mail. The acceptance of nomination must be in the hands the Election Committee five (5) days after the date of nomination.

- Election Committee (Divisional) - As defined in Article IX (Election of Divisional Officers) Section 4a, before any election is conducted, it shall be the duty of the Chairperson to appoint or have elected two (2) or more tellers to see the ballots are properly counted and to safeguard the secrecy and honesty of the vote.
- Election Committee (Local) – As defined in Article VI (Election of Local Officers and Trustees) Section 4a & 4b of the UWUA Local 223 Constitution and By-laws, the Election Committee shall be appointed by the Local Union President and approved by the General Council. This committee shall consist of the Treasurer from each Division. The Election Committee shall be approved at the preceding November General Council meeting. The Election Committee shall be responsible only to the membership.
- Election Committee Chairperson (Divisional) – Appointed by the Divisional Chairperson, designated to lead the Election Committee (Divisional).
- Election Committee Chairperson (Local) – A Local Union Trustee appointed by the Local Union President, designated to lead the Election Committee.
- Member in good standing – As defined in Article XV (Loss of membership, Reinstatement) Section 1 of the UWUA Local 223 Constitution and By-laws members who are employed all or part of the time must pay dues and assessments in advance. Working members are not in good standing who owe one (1) month's dues, assessments or fines. As defined by the US Department of Labor, a member who has failed to pay dues can lose good standing without a union trial or without notice if the union's constitution and bylaws so provide.
- Observer – As defined by the US Department of Labor, an observer is a candidate representative who is can be present throughout the Election process. Observers may only observe the process, ask procedural questions, and challenge the eligibility of any individual ballot.
- Supervisor – As defined in Article XXI (Executive Board) Section 8 of the UWUA Local 223 Constitution and By-laws, the term “supervisor” means any individual having authority in the interest of the employer to hire, transfer, suspend or layoff, recall, promote, discharge, assign, reward, or discipline other employees; or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, it in connection with the foregoing, the exercise of such authority is not merely routine or clerical nature, but requires the use of independent judgment.

Part V: REQUIRED FORMS

An efficiently ran election requires the use of several forms and documents. The Election Committee Chairperson will determine their specific needs and work with the Local Office Administrative Staff to acquire the necessary materials. The Department of Labors, “Conducting Local Union Officer Elections - A Guide for Election Officials”, is an excellent source for examples of needed forms/documents if they don't already exist. Below is a list of these examples that would apply to an election by mail:

Section 1; Required Forms

Local 223 Election Manual

1. Election Planner
2. Election and Campaign Rules
3. Nomination Acceptance Notice
4. Candidate Eligibility Letter - Eligible
5. Candidate Eligibility Letter - Ineligible
6. Union and Employer Funds Prohibition Letter
7. Election Notice
8. Nomination and Election Notice
9. Guidelines for Challenged Ballots
10. Rules for Observers
11. Tally Sheet
12. Vote Summary Sheet
13. Guidelines for Counting Ballots
14. Guidelines for Voiding Ballots
15. Ballot Tally Certification

Also, Local 223, UWUA has decided to use a Nomination Acceptance Form that ensures any candidate for Local Officer understands the restrictions placed on a potential candidate. As actual Forms/Document are created by the Local they will be attached to this manual as examples.

Local 223 Nomination Acceptance Form
Local Candidate Eligibility Letter
Local Candidate Ineligibility Letter
Others as needed

ELECTION AND CAMPAIGN RULES **Utility Workers of America, Local 223** **2006 Local Union Election**

1. Constitution and By-Laws

The nomination and election of Utility Workers Union of America Local 223, Local Officers and Trustees will be conducted in accordance with the Constitution and By-Laws of Local 223, UWUA, dated July 1, 2002 and the Labor-Management Reporting and Disclosure Act of 1959, as amended.

2. Term of Office

All Local Officers and Trustees of Local 223, UWUA shall serve for a period of three years and be installed at the March, 2006 General Council Meeting.

3. Eligibility to Hold Office

No member shall be eligible for election as a Local Officer or Trustee if they have been a Communist or convicted of a felony within the past thirteen (13) years. They must be a member in good standing for a period of at least one (1) year. No member shall be a candidate for more than one (1) office of the Division.

4. Nomination Notice

A notice of the nominating meeting and Election will be sent by mail to each member's last known home address at least 15 days prior to the meeting. Notification can be also be made by insertion in the Local Union Paper to be mailed at least 15 days before the nominating meeting.

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5. Nomination Meeting

In accordance with the Constitution and Bylaws, Article VI, Section 2 – A General Membership meeting for the purpose of Local Officer and Trustee nominations shall be held on 11 January 2006, at the Local 223 Hall at ????????

6. Nomination Acceptances

Acceptance of nominations must be made by certified or registered mail and must be in the hands of the Election Committee five (5) days after the date of nomination – excluding all days during which there are no scheduled postal deliveries.

7. Candidate Eligibility Determinations

The Election Committee will check the candidates eligibility based on, being a member in good standing and that the candidate accepted the nomination in the writing within the appropriate time frame. Candidates will be notified in writing as to their eligibility.

8. Meeting with Candidates

At _____ the Election Committee will meet with all interested candidates at the Local 223 hall to discuss election procedures, inspection of the union's membership list, distribution of campaign literature,

Observers, and other campaign rules. If a candidate is absent, they may elect to have a representative there in their place, with the Election Committee being informed as to the candidates alternate.

9. Inspection of the Membership List

The membership list will be available for inspection for 30 days prior to the mailing out of the ballots. Each candidate may inspect (not copy) the Local 223 list once. No candidate is entitled to receive a copy of the list.

The membership list will be available for inspection at the Local 223 hall between 8:00 a.m. and 4:00 p.m. from December 16th, 2005 through January 15th, 2006. Any candidate who wishes to view the list should contact Local 223's office administrator, Aurora Berlasi at 313-271-9700 on normal business days.

10. Distribution of Campaign Literature

Candidates desiring to send campaign literature through the mail will be directed to a local union mailing company that will be provided with a Local Mailing List. (Can insert name here if obtained from Aurora)

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, etc., of UWUA Local 223 and any other union, and of employers whether or not they employ Local 223 members. Union officers and employees may not campaign on time paid for by the union. 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.

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12. Voter Eligibility

All members in good standing shall be entitled to vote. The Recording Secretary and Treasurer shall provide the Election Committee with a certified list of names and addresses of all members in good standing.

13. Election Notice

The Election Notice will be included in the Nomination Meeting Notice as well through the Local Union Annunciator.

14. Observers

Observer – Must be a member in good standing and not a candidate for this or any other position for this current election. An observer shall follow the direction for their position as set forth in by the Election Committee. The names of observers shall be provided to the Election Committee in writing before any proceedings allowing observers takes place.

15. Ballot Mailing

Per the Local Constitution and By-Laws Article VI, Section 2a, voting by ballot will be conducted through the U.S. Mail. The process shall take three weeks from the initial date that the ballots are mailed to the date that they are counted as recommended by Department of Labor.

A sample ballot shall be distributed for posting on all union bulletin boards which will include a date that a member should have received their ballot by and the Election Committee members to be contacted along with contact information.

The sample ballot shall also contain the date that the second mailing will take place.

The return address of the mailed ballot package will be that of Local 223. Any returned, non-deliverable ballots will be given to the designated Election Committee representative for disposition. The Election Committee will make all efforts to provide eligible members the opportunity to vote.

16. Tally of Ballots

Ballots will be counted by the Election Committee after the ballots are picked up at the Post Office at 9:00 a.m. on ?????????????? at the Local 223 hall.

Those candidates (except Trustees) receiving the majority of the votes cast shall be elected. If no one receives a majority of the votes cast, there shall be a run-off election held within twenty-one (21) days of the election, between the two (2) candidates receiving the highest number of votes for the respective office.

Candidates for the position of Trustee will be elected by a plurality of the votes cast.

17. Election Results

The election results will be delivered by the Election Committee to the Local Union President and posted on the Local 223 website. www.local223uwua.org.

18. Election Records

The Local 223 Recording Secretary is responsible for maintaining all nomination and election records for at least one year after the election, as required by federal law.

19. Questions or Problems

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Candidates and members with questions about the nomination or election procedures should contact a member of the Election Committee. Any violation

of these rules should be reported promptly to the Election Committee so that corrective action can be taken, if necessary.

20. Recount Request

Any candidate shall have five (5) days after the announcement of the election results by the Election Committee to request a recount; this request is to be made in writing to the Chairperson of the Election Committee . Said candidate shall

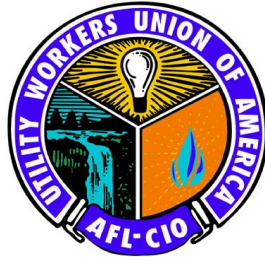
post the expense of the recount and should they lose, they shall forfeit this amount.

The above rules are not all inclusive. Additional election rules or clarifications may be issued by the Local 223 Election Committee as needed during the nomination and election period.

Issued By: Local 223, UWUA, Election Committee

Date:

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Local 223 Nomination Acceptance Form

For The Office Of _____

Signature _____

By signing this form I certify that I understand the following.

1. No member shall be eligible for election as a Local Union Officer if they have been a Communist or convicted of a felony within the past thirteen(13) years. They must be a member in good standing for a period of at least (1) year. No member shall be a candidate for more than one (1) office of the Local Union.
2. A Local Officer shall be required to automatically resign if and when they apply for a job in supervision. After they resign, they will not hold any elected or appointed Union office for a minimum period of two (2) years.
3. Acceptance of Nominations for Local Officers or and Trustees must be made by certified or registered mail only and must be in the hands of the Election Committee five (5) business days after the date of nomination – excluding all days during which there are no scheduled postal deliveries.

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CANDIDATE ELIGIBILITY LETTER – ELIGIBLE

Date _____

Name _____

Address _____

Dear _____

As you know, Utility Workers Union of America, Local 223 conducted its regularly scheduled election of officers on _____ you were nominated and accepted nomination to be a candidate for the office of _____ for a three year term of office.

The Election Committee has reviewed Local 223 dues records and determined that you have been a member in good standing for at least the last twelve (12) months and that this is the only Local Office you are running for as required by the Local 223 Constitution and By-Laws and are therefore eligible to run for office.

You are invited to attend a meeting for candidates at _____ on _____, at the Local 223 Hall. At this meeting, the Election Committee will review the procedures to be followed in the election and discuss campaign rules. If you are not able to attend, you may send a representative.

Please complete and return the attached form by _____ so that your name (proper, familiar or nickname) will appear on the ballot exactly as you wish. If the form is not returned, your name will appear on the ballot as printed above.

I am enclosing a copy of the Local 223 "Election and Campaign Rules" for your information. If you have any questions about the election or the scheduled meeting for candidates, please contact me at _____.

I wish my name to appear on the Local 223 ballot as follows:

(please print)

Signature _____

Date _____

Detach and return this form to the Election Committee at the Local 223 Hall or

Fax to # _____.

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CANDIDATE ELIGIBILITY LETTER – INELIGIBLE

Date _____

Name _____

Address _____

Dear _____

As you know, Utility Workers Union of America, Local 223 conducted it's regularly scheduled nomination of officers on _____, you were nominated and accepted nomination to be a candidate for the office of _____ for a three year term of office.

The Election Committee has reviewed Local 223 dues records and determined that you did not pay dues for the period _____ through _____ and therefore, were not a member in good standing prior to the nomination meeting as required by the Local 223 Constitution and By-Laws, Article VI, Section 3. Consequently, the Local 223 Election Committee has determined that you are NOT eligible to run for a Local 223 office position in the year _____, and your name will not appear on the ballot.

If you have any question about your eligibility status, please call me as soon as possible at _____.

Sincerely,

Election Chairperson

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Local 223 Election Planner

This planner is designed to help Local 223 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 has been adopted and accepted as the established method of conducting Local 223 elections as outlined in the Local 223 Election Manual.

To use this planner, first enter the Election Date (Step 13) and then work backward entering the date of each activity. All dates entered must include consideration regarding weekends and holidays. Once completed follow the time frame as specified.

Step	Date Info	Activity Info
01		Nomination Notice posted or mailed to Membership at least 15 days prior to the Nomination Meeting as required by LMRDA. (Local 223 preferred method of notification is to post in Union Newspaper/Letter 1 or 2 months preceding the Nomination Meeting.)
02		Print Election and Campaign rules from the Local 223 Election Manual. Local 223 Election Committee Chairs to review prior to meeting with the Election Committee and Nomination Meeting.
03		Printed Election and Campaign rules from the Local 223 Election Manual to be distributed to the Local 223 Election Committee at a meeting prior to the Nomination Meeting.
04		Election and Campaign rules from the Local 223 Election Manual to be distributed to all nominees and/or their delegated assistants. (This should be done prior to the Nomination Meeting.)
05		Nomination Meeting.
06		Deadline for receipt of Candidate nomination acceptance. (Must be within 5 business days of Nomination Meeting excluding weekends and holidays.)
07		Ballots designed and arrangements made with printer. (First business day after nomination, and 4 weeks prior to the Election.)
08		Meet with Candidates to discuss election and campaign rules. (This should be done the first business day after the Nomination Acceptance deadline.)
09		Candidate eligibility verified and Eligibility/Ineligible Letters sent to all nominees. (This should be done the first business day after the Nomination Acceptance deadline and can be done in conjunction with meeting listed above.)
10		Period begins for Candidates to inspect the Union's membership list. (30 days prior to the election as required by the LMRDA.)
11		Ballots mailed. (3 weeks prior to Ballot Count.)
12		Second Ballot mailing. (New ballots sent out to members requesting replacement ballots for unreceived ballots from first mailing. (1 week prior to counting)
13		ElectionDate-Ballot counting process.
14		Ballot count turned over to Local 223 Executive Board and results announced. (Same day as the ballot counting process.)
		Election Process ends unless a Runoff Election is required.
15		Runoff ballot info prepared.
16		Runoff ballot designed and arrangements made with printer. (First business day after original election results determined need for a Runoff Election.)
17		Runoff Ballots mailed. (2 weeks prior to ballot count.)

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18		Second Runoff ballots mailing. (1 week prior to counting of runoff ballots.)
19		Counting of Runoff Ballots.
20		Ballot count turned over to Local 223 Executive Board and results announced. (Same day as the ballot counting process.)
21		Installation of new officers.