

## CHAPTER 19

### CHAPTER ELECTIONS

This chapter deals with the nomination and election of chapter officers and delegates to NTEU conventions. It describes the requirements which govern these elections, and gives step-by-step guidance on how to conduct a proper secret ballot election, both by mail and by ballot box.

All officers and members of a chapter's executive board must be elected by the chapter members in a secret ballot election. The rules and laws governing all regularly scheduled chapter elections are set forth in the NTEU National Bylaws Part IV, Section 2 (Attachment No. 1), in Title IV of the Labor Management Reporting and Disclosure Act, 29 U.S.C. 402, et seq., and in regulations at 29 C.F.R. 207 et seq. A chapter's constitution and bylaws must also be followed, unless they are inconsistent with the National Bylaws.

The importance of conducting a proper election cannot be overemphasized. The law and NTEU's internal rules of governance require it. But there are practical reasons for following the rules as well. Election problems are extremely disruptive for the chapter and for the union as a whole. Rerunning an invalid election costs time, money and the confidence of members. It is much easier and cheaper to run an election properly than to rerun it.

Because the procedures are complicated, each election requires careful, advanced planning. The Chairperson of the Nominations and Election Committee must be capable and willing to take on this important responsibility. Ideally, the Chairperson would serve as the chapter's election expert on a continuing basis.

Planning for an election must begin at least four (4) months before election day.

Utilizing a four month/120 day time line, this guide takes you through the entire process for holding successful chapter elections. In so doing, always consult with the National Field Representative assigned to your chapter.

## STEP 1 - DAYS 1-5

### **Select Nominations and Election Committee**

The Chapter Executive Board or Chapter President selects the members and Chairperson of the Nominations and Election Committee. Chapter bylaws will designate who has the authority and responsibility to make this selection.

- **A good size for the committee is three people. Committee members must be NTEU members in good standing.**
- **Absolutely no one on the Election Committee can be a candidate for local office. If a member of the Election Committee is nominated for office and agrees to run, that member must immediately resign from the Election Committee.**
- **No one on the Election Committee may assist the campaign of any candidate, nor should any Committee member be identified as supporting or opposing any particular candidate or group of candidates.**

## STEP 2 - DAYS 6-10

### **The Election Committee Selects a Date, at Least Four (4) Months from Now, as Election Day for Your Chapter**

- **Local bylaws may specify when elections are to be held. If not addressed in chapter bylaws, local elections must be held only every three (3) years.**

## STEP 3 - DAYS 11-15

### **The Election Committee Develops an Updated List of Chapter Members and Addresses**

Invariably, members in good standing have moved, and the NTEU National Office has not been informed of the address change. While the Election Committee is only obligated to send election materials to a member's last known address, the Committee must still take reasonable steps to insure the accuracy of our lists to reach all members.

- **Distribute a simple flyer announcing the upcoming election, and asking members to update their addresses if they have moved, or have not been receiving NTEU publications, or otherwise believe NTEU does not have their correct address. Attachment 4.**
- **Include a change of address form on the flyer, with directions to return it by a specific date to the chapter office or Election Committee as appropriate.**

- The flyer should be **posted** on the NTEU bulletin board (including electronic modes), **desk dropped** , and **printed** in the Chapter's newsletter.
- The Election Committee should also announce (through the same media as above) when (times/days) the Committee will **be available** in a specified location (e.g, cafeteria, or union office) for members to verify addresses.
- Any recently signed 1187s, 1158s and/or 1188s should be checked against the current membership list.

#### STEP 4 - DAYS 16-20

#### **Election Committee Plans Election**

Soon after the appointment of the Election Committee, it should meet to undertake the critical planning for the election. Even though the election remains over three months away, a number of extremely important decisions need to be made. The National Field Representative should be consulted and, if necessary, invited to attend the meeting. The decisions made by the Election Committee, particularly decisions regarding deadlines, will ultimately be communicated to the members through the Notice of Nominations and Elections (Step 5 below).

The following issues should be considered:

- **Type of Election** - Unless specified by the chapter's bylaws or otherwise directed, the Election Committee must decide what type of election it will conduct. There are two types: ballot box and mail ballot. Although the chapter may choose either process, in light of the logistical problems associated with holding a ballot box election, most Election Committees choose mail ballot elections.
- **Election Date** - Decide precisely the day of the election.
  - ❖ In ballot box elections, it is the day of actual voting.
  - ❖ In mail elections, it is the last day on which ballots may be received.
- **Secure a post office box** - The Election Committee must secure a post office box to which only its members have access. **NO ONE** else may have a key. This may **not** be the chapter mail box. This can be either a public or private mail box.
  - ❖ Insure that the mail box is either large enough to hold all of the anticipated mail or that the mail box service will take steps to secure mail received.
  - ❖ Whenever it is necessary to go to the post office box, at least **two** members of the Committee must go.
- **Membership eligibility** - Review membership list to ensure that all individuals are eligible for membership within your chapter as within your post-of-duty. Under the NTEU Constitution and Bylaws, individuals must be members of the chapter with jurisdiction over his or her post-of-duty.

- **Determine the voter eligibility cut-off date (unless the chapter bylaws specify a particular one) - all members in good standing as of a specified date must be allowed to vote. The Election Committee must set a cut-off date by which people must be local chapter members in order to receive a ballot and to vote.**
  - A good practice is to identify as eligible only those members whose names appear on the National Office list.
  - Thirty (30) to forty-five (45) days **prior** to the election are reasonable cut-off dates, but consideration should be given to having the cut-off date coincide with the date on which the membership list is generated by the National Office.
- **Establish duplicate ballot procedure - In a mail ballot election, it is not uncommon for members to indicate that they did not receive a ballot or that they sent their ballot in, but want to change their vote.**

**The Election Committee must decide the manner in which it will honor requests for duplicate ballots.**

- This can be done by requiring written requests by a certain reasonable date or by setting out certain times on which the members of the Election Committee are available to receive requests.
  - Where duplicate ballots are sent out, this should be noted by two members of the Election Committee on the membership list.
  - The return envelope provided to the voter should have "Duplicate Ballot" indicated plainly on the outside of the envelope.
  - "Duplicate" should be noted next to the member's name on the membership list.
  - Under no circumstances should the Election Committee allow for hand delivery of duplicate ballots to members of the Election Committee.
- **Establish absentee ballot procedure - Absentee ballots must be made available. The Election Committee must give its members reasonable notice of the availability of such ballots.**
    - In mailbox elections where a member knows he/she is going to be away from his/her mailing address, they may request that his/her ballot be sent to a different address.
    - The same procedures with respect to sending and noting a "Duplicate" ballot should be followed except that "Absentee" should be noted instead.
  - **Inspection of membership lists - Once the nominations are made and accepted, candidates will often request copies of membership lists or mailing labels.**

- The Election Committee is only obligated to allow bona fide candidates to **inspect (not copy)** the membership names and addresses once within 30 days **prior** to the date the ballots are sent out.
- The NTEU Executive Board has determined that membership lists or labels may **not** be released to any candidate under any circumstances. Thus, it would be improper for any candidate to utilize a membership list or mailing list he or she obtained due to his/her prior union office.
- The Election Committee should decide where and when it will honor requests to inspect the membership list.
- Whenever a candidate inspects the membership lists, a member of the Election Committee must be present.
- **Process Honoring Requests to Mail Out Campaign Material - The chapter must honor all reasonable requests by a candidate, at the candidate's expense, for the chapter to distribute campaign literature to the members by mail.**

**The Election Committee must ensure that if a candidate so desires, campaign material will be sent out before mail ballots are mailed.**

- The **candidate**, not the Election Committee, is responsible for stuffing and affixing postage to envelopes, so that the material is ready for mailing.
- The Election Committee should insist that the candidates and/or their volunteers affix the mailing labels to the envelopes in the presence of at least one Election Committee member.
- Because labels may not be released to the candidate, the Election Committee is responsible for depositing the candidate's material in a mail box.
- The candidate or a designated observer may accompany the Election Committee to the mail box.
- While a candidate can insist that campaign material be mailed before ballots are sent out, this is **not** the only time in which a candidate can have materials sent out. Rather, a candidate, if s/he so desires, can send out literature at any time during the election process. The Election Committee is required to work with candidates to establish a reasonable time frame during which this will be completed.
- **Campaign Safeguards - The chapter, its officers, and the Election Committee may not discriminate between candidates with respect to facilities or procedures.**
  - No chapter funds may be used to promote the candidacy of any individual in a chapter or national election.
  - If one candidate is provided a forum (newsletter or meeting) to express his/her views, all candidates must be given the same privilege.

- The chapter may, however, pay for the publication of candidates' statements, as long as all candidates are offered the same opportunity to present such a statement.
- The chapter may **not** regulate the contents of the campaign literature that candidates wish to have distributed by the Election Committee. This is left to the discretion of each candidate.
- The Election Committee may not require that it be permitted to read a copy of the literature before it is sent out, nor may it censor the candidates in any way, even though the statement may include derogatory remarks about other candidates.
- Use of chapter or employer resources (e.g., computers, bulletin boards, paper, typewriters, copiers, etc.) by candidates is prohibited.
- Government e-mail systems may **not** be used to distribute campaign material or solicit support.
- Candidates may distribute literature consistent with the practice of any other employee group other than the NTEU, such as Toastmasters. Thus, if other groups are allowed to do desk drops, then candidates are allowed the same privilege (on off-duty time). Candidates' rights are **not** parallel to the Union's right to distribute literature but, rather, those of other non-Union entities. It is recommended that the Election Committee discuss this with the Labor Relations Office. In so doing, however, the Labor Relations Office may **not** become an arbiter of distribution of material. This rule applies to newsletters, chapter letterhead, or any other item or forum for which chapter funds are needed. No union publication may be used to attack or promote any particular candidate or group of candidates. No union or employer funds or assets of any kind, such as computers, bulletin boards, paper, typewriters, or copiers, may be used to promote the candidacy of any individual in a chapter or national election. This prohibition applies to any union and to any employer, not just NTEU or the agency employer.
- Campaigning may **not** be carried out while a candidate is on official time or bank time or work time. It may be carried out only when the candidate is in a non-pay status such as before work, on breaks, during lunch, after work, on annual leave, or leave without pay.

### **Draft Notice of Nominations and Election**

- **A Notice of Nominations and Election ( Attachment No. 5) must be sent to each chapter member at his/her last known address. The Notice must be sent by first class mail at least 45 days prior to the election. Note that the time for mailing this notice has increased from 30 to 45 days pursuant to a change in Part IV, Section 2(A) of the NTEU Bylaws. See Attachment 1.**
  - E-mailing the notice or posting it on a bulletin board will **not** satisfy this obligation although it is a good idea to do so in addition to mailing the Notice.
  
- **The Notice must contain all of the following:**
  - A list of offices open for nomination.
  - Indicate that the elected Chapter President and Vice President(s) shall automatically serve as delegates to District Conferences and National Conventions (unless Chapter Bylaws provide for electing delegates in some other manner, in which case it should be so noted on the Notice itself).
  - The date, time, and place of the election.
  - Whether the election will be conducted by mail ballot or by secret ballot in person.
  - If the election is to be conducted by mail, indicate when ballots will be sent to members and provide instructions for obtaining absentee and duplicate ballots if a member has not received one by a specified date.
  - How, when, and where nominations may be submitted:
    - 1) Require that nominations be submitted in writing by a specific date and time to the post office box, and that nominations may **not** be submitted directly to the Election Committee.
    - 2) The deadline for submitting nominations must be at least **25** days prior to the scheduled election. However, it is strongly recommended that more than **25** days be provided. Again, note that this deadline has been changed to increase the time from 15 to 25 days. **See Attachment 1.**
    - 3) The Notice should indicate that the nominations must be **received** by the date and time provided as opposed to post mark. Nominations received after the designated date may **not** be accepted.
    - 4) Any member can nominate any other member. Self-nomination is permitted but **cannot** be the exclusive method for nomination.

- 5) Nominations must be in writing, unless they are allowed from the floor on election day in a ballot election.
- 6) If members of the Election Committee are nominated for office, they are free to accept nomination, but must immediately resign from the Committee.

- **A model nomination form is provided in Attachment No. 6.**

- Members may only run for **one** office. If nominated for more than one office, the nominee may only accept one nomination.
- Indicate the date by which individuals must be members to either run for office or vote. Members who are nominated for office will receive written notification from the Election Committee.
- Indicate the date by which nominations must be accepted in writing.
  - 1) Nominees must accept the nomination in writing no later than **15** days before the election. Again, note that the time for acceptance has been changed from 5 to 15 days. **See Attachment 1.**
  - 2) However, **set an earlier deadline** to allow ample time for ballot preparation.
  - 3) If the election is by mail, the deadline for nominations and acceptance **must** be considerably earlier to allow for printing, mailing, and returning the ballots.
  - 4) The acceptance letter should be date-stamped upon receipt by a committee member. See Attachment No. 6.
- Indicate that if only one person is nominated for a given office, no formal election for that office is necessary and the nominee shall be declared elected.
- State that where there is more than one candidate, the candidate receiving the plurality of votes shall be declared the winner.
- In mail box elections, state the date and time when ballots **must be received.**
  - 1) State that the ballots will be counted at a certain date and time at a specified location.
  - 2) State that a candidate or appointed observer may be present at all phases of the election.
- For ballot box elections, state the date, time and location for voting.
- The Chairperson of the Election Committee should sign the Notice. The names of all members of the Election Committee should appear on the Notice.

**Complete Notice of Nomination and Election, Order Mailing Labels, and Mail Election Notice**

- **Before sending out the Notice of Nomination and Election, send it to your chapter's National Field Representative to review and approve it. If an incorrect Notice is sent to members, the election may be declared invalid.**
- **The chapter must obtain a list of members and their addresses on mailing labels from the National Office Administrative Controller.**
  - To ensure timely receipt, send the completed label request form (Attachment No. 3) with a \$35.00 chapter check to the Chief Operating Executive **at least three weeks** before the labels are needed.
  - The request must be made by the Election Committee chairperson or a member of the committee.
  - Requests by chapter officers or via personal checks will not be honored. Four sets of mailing labels will be provided.
  - The membership mailing labels will include a list of members' names for whom the NTEU National Office does not have an address. Upon receipt of this list, the Election Committee should attempt to contact these individuals to obtain new addresses.
- **Send the finalized Notice of Nomination and Elections to a printer.**
  - When the printed Notices are picked up, retain a receipt identifying the number of notices.
- **Post a copy of the Notice of Nominations and Elections on the union bulletin board.**
- **Finalize member mailing list, utilizing the address labels and any corrections obtained by soliciting members' address changes. Notify the National Office of any address changes.**
- **The entire Election Committee stuffs, stamps and addresses envelopes.**
  - Immediately mail envelopes at the post office.
  - At least two members of the Election Committee should take the envelopes to the post office.

### **Check Post Office Box for Returned Notices and Update Bad Addresses**

- Seven to ten days after the notices have been mailed, two members of the Election Committee should go to the post office box to pick up any notices that have been returned due to bad addresses.
- If the post office has provided an updated address on the returned notices, correct the mailing labels and notify the National Office of the address change.
- To the extent possible, contact the remaining members whose notices were returned. Correct the mailing labels and notify the national office each time a member provides an updated address. If there is time, resend notices to the updated addresses.

### **Pick-up Nominations and Prepare Ballots**

- At least two members of the Election Committee should go to the post office box to pick up the nominations on the deadline specified in the Election Notice for submitting nominations.
  - Accept no nominations after the cut-off date.
- The Election Committee should verify that the nominee and nominator are NTEU members and eligible to be members of the chapter.
- The Election Committee should immediately contact each nominee in writing informing them of their nomination and informing them that they must accept in writing by the date specified in the notice. (See Attachment 7.)
  - Date-stamp letters of acceptance. Acceptances received after the designated date will not be valid.
  - The Election Committee should also attempt to orally (e.g. via phone) contact nominees.
  - All nominees must be contacted in the same manner.
- At the time members are notified of their nomination, the Election Committee should also inform nominees of:
  - The nominee's right to inspect, but not copy, membership names and addresses once within 30 days prior to the mailing of the ballots.
  - The nominee's right to have an observer at all critical stages of the election. Nominees are free to serve as their own observers.

- The conditions under which the Election Committee will distribute campaign material. This will be done only at the candidate's expense.
- Campaign safeguards regarding use of chapter resources, employees, e-mail, and campaigning on non-duty time.
- Once the acceptance of nominations are received, the Election Committee should prepare the ballot.**
    - The ballot must list the offices subject to election and the eligible candidates for those offices.
    - Where there is only one eligible candidate and she/he is, therefore, elected as a matter of law, these individuals should be noted.
    - Candidates should **not** be listed to give any special preference to any individuals or group of individuals.
      - 1) List candidates without designation of incumbency, position or job title.
      - 2) Listing alphabetically or randomly as a result of a drawing is appropriate.
      - 3) Using Attachment 6, ask the candidates how they wish their name to be printed on the ballot.
- Ballots must be printed.**
    - The Election Committee should have a specified number printed and be prepared to account for this number.
      - 1) The number of ballots printed and delivered should be shown on the printer's receipt (which should be retained in the file).
    - The ballot must give precise instructions for marking and mailing:
      - 1) That the completed ballot should be placed in the blank envelope, which, in turn, must be placed in the return envelope.
      - 2) That the ballot must be **received** by a specified date provided in the Notice, or it will **not** be counted.
      - 3) A model set of voting instructions is provided in Attachment No. 8.
- The mail procedure must allow for individuals who claim not to have received ballots, to obtain duplicate ballots.**
    - Notice of this procedure must be given in the original election notice, as well as by posting or by newsletter. See Step 5.

- For ballot box elections once the list of candidates is completed, post a copy on official bulletin boards.
- Send a list of the names and addresses of all the candidates to your National Field Representative. Under Part IV, Section 4(A) of the NTEU National Bylaws, in the event someone challenges the conduct of an election, the National President must notify all the candidates of such challenge. By having the names and addresses already in hand this will expedite this process.

**STEP 8 - DAY 96**

**Distribution of ballots for mail ballot elections**

- The up-to-date membership list should be used for the mailing. All members eligible as of the determined cut-off date must be sent ballots.
- This includes any supervisors or management officials who are members.
- Each member must be sent an envelope by first class mail which contains:
  - a pre-addressed return envelope with the member's name or identifying number in the return address area.
  - a ballot
  - a second plain/unmarked envelope for the ballot itself
  - specific instructions for completing and returning the ballot.
- The return mail envelope must be pre-addressed to the post office box secured by the Election Committee for the election.
- **It is essential that there is a method to identify the voter (but not the vote itself); otherwise, it will be impossible to determine who is voting, or how often.**
  - The return address area of the return envelope must contain some method of identifying the member.
    - 1) The recommended method is to number each envelope consecutively to correspond to numbering on the membership list; or the name of the member could be printed on the envelope. Secrecy is maintained because the ballot goes in the unmarked envelope which is then placed by the voting member inside the mailing envelope.

It is **strongly** recommended that the Election Committee utilize the numbering system for identification. Numbers are much easier to read than signatures.

- 2) If the Committee prefers to use names, it should assume responsibility for including the name or identifying number on the return envelope before mailing the ballot packet. One effective method is to use a set of address labels for the members' return addresses on the return envelope; alternatively, the Committee can print members' names in the return address area. Asking members to sign or print names is not recommended because voters frequently forget to sign the outer envelope.

- **Failure to place the ballot in the proper return envelope will void the ballot. The return envelope guarantees the proper member voted. However, failure to utilize the blank envelope does not void the ballot.**
- **It is not necessary to put a stamp on the return envelope at chapter expense, but it may be done at the option of the chapter, and/or as directed in the chapter's bylaws.**

#### **STEP 9 - DAYS 110-115**

##### **Distribute Duplicate Ballots**

- **As provided for in the Notice of Nominations and Elections, the Election Committee should distribute duplicate ballots.**
  - The Election Committee must be available to distribute duplicate ballots as provided for by the Notice of Nomination and Elections and must treat all requests for duplicate ballots in a consistent manner.
  - Follow the duplicate ballot procedures set forth in Step 4.

#### **STEP 10 - DAY 120**

##### **Election Day**

- **Mail Elections - the day ballots are counted in a mail election - the following procedure should be used:**
  - Each candidate is entitled to be present, or have an observer present, for all steps of this process.
  - At least **two members** of the Nominations and Election Committee should obtain the ballots from the post office box.
  - When the return envelopes are brought to the counting area, they should be placed in alphabetical or numerical order, depending on the tracking system used.
  - The names of those voting should be checked against the membership list.

- Unidentified envelopes must **not** be opened or counted. They should be placed aside.
  - Where members voted by duplicate or absentee ballots, count only those returned ballots, **not** the original ballot if it has been also returned.
  - After this step is completed, open all the return envelopes and remove and mix up the ballot envelopes.
    - 1) Mix up or scramble the ballot envelopes.
    - 2) Occasionally, a member will fail to place his/her ballot in the ballot envelope. This is **not** a basis for voiding the ballot as the ballot envelope is for the voter's benefit. At this point, remove the ballot without unfolding it and place it with the other ballot envelopes.
  - Remove the ballots from the ballot envelopes.
  - Count the ballots.
    - 1) One person should call out the vote while the other Election Committee members tally the votes.
    - 2) At least two (2) Election Committee members should be present at the count at all times. The Election Committee chairperson should conduct the count.
  - The candidate receiving a plurality (the most votes but not necessarily a majority) is the winner.
  - Unopposed candidates may be declared victorious.
  - A tie vote requires the rerunning of the election for that office or use of other tie-breaking procedure approved by the bylaws (e.g., coin toss).
  - The Election Committee is to resolve and document election challenges during the course of the vote count.
- **Ballot Box Election:**
    - A ballot box must be provided at the designated place. Voting must be by secret ballot.
    - For chapters with multiple posts-of-duty, a ballot box should be established at each location.
    - The hours of polling should be established to coincide with the members' tours of duty and hours of work.

- At least two (2) members of the Election Committee should remain with the ballot box at all times.
  - Each voter's name should be checked off the membership list as he/she votes to ensure that only members vote, and that they vote only once.
    - ◆ Appropriate identification should be required.
  - Count all absentee ballots per the directions for counting mail ballots described above.
  - Each candidate is permitted an observer at the balloting and at the count.
    - ◆ Electioneering at the polling place is prohibited.
  - At least two (2) Election Committee members should be present at the count at all times. The Election Committee chairperson should conduct the count.
  - The candidate receiving a plurality (the most votes but not necessarily a majority) is the winner.
  - Unopposed candidates should be declared victorious.
  - A tie vote requires the rerunning of the election for that office or use of other tie-breaking procedure approved by the bylaws (e.g., coin toss).
- **Ballot Box Election at a Chapter Meeting**
    - Ballot boxes should be provided.
    - Voting must be by secret ballot.
    - The Nominations and Election Committee should pass out ballots individually by checking off the chapter membership list the name of the individual receiving the ballot. This will ensure that no one votes twice.
    - Each candidate is permitted an observer at the balloting and the count.
    - Count all absentee ballots per the directions for counting mail ballots described above.
    - At least two (2) Election Committee members should be present at the count at all times. The committee chairperson should conduct the count.
    - The candidate receiving a plurality (the most votes but not necessarily a majority) is the victor.
    - Unopposed candidates should be declared victorious.

- A tie vote requires the rerunning of the election for that office or use of other tie-breaking procedure approved by the bylaws (e.g. coin toss).

- **Post-vote count procedures – all types of elections.**
  - Once the vote count is completed, immediately seal the ballot box with tape in the presence of the candidates or their representative and have the Election Committee write their signature over the tape.
  - The box must contain:
    - 1) all election material, used and unused
    - 2) challenged ballots
    - 3) envelopes containing ballots
    - 4) membership lists, nomination and acceptance letters
    - 5) any other documents including notes used in the conduct of the election.
    - 6) The chapter is required by law to maintain all of this election material for one year.
    - 7) This material should be retained in a secure place by the chapter secretary.
  - The Election Committee should promptly communicate the results to the NTEU Administrative Controller and the National Field Representative. See Attachment 6.
  - The general membership should be notified by posting the results on the bulletin board and through the chapter newsletter.
- **Any person who wishes to challenge a ruling of the Nominations and Election Committee regarding the conduct of an election or eligibility to run for office or to vote, may file a challenge in writing with the National President within 96 hours of the election. See NTEU Bylaws, Part IV, Section 4.**
- **The National President’s decision may be appealed to the National Executive Board. In order to be timely, the appeal must be received in the National President’s office within thirty (30) days of the date of the National President’s decision.**

## Attachment 1

### NTEU National Bylaws, Part IV, Section 2

#### Section 1. Candidates for Election

All candidates for election to any office in a Chapter and all persons who vote in a Chapter election must be a member of that Chapter; provided, however, if a Chapter authorizes the issuance of a proxy for purposes of representation at any National Convention or District Conference, any member of NTEU who is eligible to serve as a delegate as set forth in Section 3 of this Part is eligible to serve as a delegate from the Chapter.

#### Section 2. Election of Chapter Officers

All elected Chapter Officers shall be selected in the following manner.

- (A) No less than forty-five (45) days prior to the scheduled election, a Chapter must mail to each member at his/her last known address, a combined Notice of Nominations and Notice of Election which shall:
  - (1) Identify the offices to be filled; and
  - (2) Provide that nominations must be submitted in writing to the Chairperson of the Nominations and Elections Committee by a specified date which shall be at least twenty-five (25) days prior to the scheduled election date; however, a Chapter shall have the authority to authorize nominations and acceptance of nominations from the floor on the date of the scheduled election; and
  - (3) Specify the date, time, and place of the scheduled election.
- (B) The Chairperson of the Nominations and Elections Committee shall notify all nominees of their nominations for office.
- (C) A member otherwise eligible to run for office shall become a bona fide candidate only upon his/her nomination for office and acceptance of the nomination. Acceptance of a nomination must be made in writing no later than fifteen (15) days prior to the scheduled election date, unless a Chapter has authorized nominations from the floor on the date of the election.
- (D) The election shall be held on the date, time, and place specified in the Notice of Election, and the election shall be by secret ballot to be placed in boxes, unless the Chapter Executive Board has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote. In the alternative, a mail referendum ballot procedure may be established which will ensure that all members will receive a ballot, that an envelope is provided in which to place the ballot, that a return envelope is furnished in which to mail the ballot and which identifies the voter, that the confidentiality of the ballot is maintained, and that the ballot will be secure until counted.
- (E) The candidate for each office who receives a plurality of members' votes cast for that office shall be selected thereto. Where the nominee is unopposed, there shall be no necessity for

the election of such nominee, and he/she shall be declared duly elected, effective as of the conclusion of the term of the previous incumbent.

- (F) The Chapter Secretary shall maintain for one (1) year all used, unused, and challenged ballots, envelopes used to mail marked ballots in the case of the mail ballot election, tally sheets, and related election documents.

## Attachment 2

### 120 DAY CHAPTER ELECTION TIMELINE

- DAYS 1-5** Chapter President and Chapter Executive Board check bylaws to determine how to establish an Election Committee and, per those bylaws, select Election Committee
- National Field Representative check with Chapter President re: appointment of Election Committee
- DAYS 6-10** Election Committee selects date of election
- DAYS 11-15** Election Committee updates membership list and distributes change of address forms
- DAYS 16-20** Election Committee meets to establish:
- Type of Election
  - Eligibility Cut Off Date
  - Secure P.O. Box
  - Deadline for receipt of nominations
  - Deadline for acceptance of nominations
  - Ballot Procedure - Number v. Name
  - Duplicate and absentee ballot procedure -  
mail and/or personal pick-up
  - Access to membership list
  - Distribution of campaign material
- DAYS 21-25** Draft Notice of Nominations and Election
- Send National Field Representative draft of Election Notice for review
- DAY 26** Election Notice in final format is sent to printer; request for final certified membership list and mailing labels is made to national NTEU(with full \$35 payment)
- DAYS 31-54** Election Committee orders return-address stamp; buys envelopes; finalize arrangements for secure ballot box for receipt of nominations. Committee pick up Election Notice from Printer
- DAY 55** Stuff, return-stamp and address envelopes for mailing Election Notice
- Mail Election Notice
- DAYS 62-65** Election Committee checks post office box for return notices and immediately attempts to correct bad addresses.
- DAY 75** Election Committee checks Post Office Box for nominations and immediately contacts nominees orally and in writing.

**DAY 86**      Deadline for written acceptance of nominations

**DAYS 88-95** Election Committee prepares ballot

Send ballot to printer

Election Committee picks up ballot from printer

**DAY 96**      For ballot box election, post list of nominees on Bulletin Boards

For mail election, Election Committee stuffs, addresses, stamps and mails ballots

**DAYS 110-115**      Distribute Duplicate ballots

**DAY 120**      Election Day

Mail ballot Election Day:

- Committee picks-up ballots
- tally votes
- prepare final tally sheets
- seal all election material
- post tally sheets
- send certified results to NTEU Administrative Comptroller and National Field Representative.

Ballot Box Election Day:

- Tally votes
- prepare final tally sheets
- seal all election material
- post tally sheets
- send certified results to NTEU Administrative Comptroller

**Attachment 3**

**MAILING LABEL REQUEST FOR CHAPTER ELECTIONS**

CHAPTER # \_\_\_\_\_ MAIL LABELS TO THE FOLLOWING PERSON ON THE  
NOMINATIONS & ELECTIONS COMMITTEE:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
**(not a P.O. Box)**

**LABEL OPTIONS: (CHECK ONE)**

- 1. All Members (Alphabetical order)
- 2. All Members (Zip code order)
- 3. Other, please specify (Example: only retirees)  
\_\_\_\_\_

**\*\* If you need a specific cut-off date, please specify:** \_\_\_\_\_  
(must be 30 days prior to date labels needed)

**NOTE: Cut-off date MUST be the end of a pay period.**

DATE REQUESTED: \_\_\_\_\_  
DATE NEEDED: \_\_\_\_\_  
REQUESTOR: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
**(not FTS)**

**PLEASE ENCLOSE A CHAPTER CHECK FOR \$35.00**

**\*\*\*\*\* TO COVER PRODUCTION AND SHIPPING. \*\*\*\*\***

I certify that the recipient of these labels, \_\_\_\_\_  
\_\_\_\_\_ is on the Nominations and Elections Committee of Chapter \_\_\_\_\_  
and is not a candidate for chapter office.

\_\_\_\_\_  
President of NTEU Chapter \_\_\_\_\_

\*\*\*\*\*

**At least three weeks before the labels are needed, mail your request to:**

**NTEU  
Attn: Tony Reardon  
1750 H Street, NW  
Washington, D.C. 20006**

cc: National Field Representative  
label.req

Attachment 4

**Model Flyer**

**To: Members of NTEU Chapter \_\_**

**Re: Correct Mailing Address for Chapter \_\_ Election**

NTEU Chapter \_\_ will be holding a chapter election in \_\_\_\_\_, \_\_\_\_\_. We want to make sure that any mailings sent out in the course of this election go to your correct home address.

If you have moved during the last 12 months or have not been receiving any materials from NTEU such as the *NTEU Bulletin*, please give us your correct address.

Fill out the attached form and bring it to the NTEU Chapter \_\_ office [identify the room number] or mail it to: NTEU Chapter \_\_, [Chapter Address]. Do so no later than [Date Notice of Nominations and Elections will be sent out].

\*\*\*\*\*

Change of Address

Member Name: \_\_\_\_\_  
(print)

Prior Address: \_\_\_\_\_  
\_\_\_\_\_

New Address: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

**Attachment 5**

[Date]  
[Election Committee Post  
Office Box Address]

**NOMINATIONS & ELECTIONS COMMITTEE**

\_\_\_\_\_, Chair \_\_\_\_\_ [tele.#s] \_\_\_\_\_  
\_\_\_\_\_, Member \_\_\_\_\_  
\_\_\_\_\_, Member \_\_\_\_\_

**CHAPTER ELECTIONS-NTEU Chapter \_\_\_\_**  
**[Election Date]**

**ELECTION NOTICE OF NOMINATIONS AND**  
**ELECTION OF CHAPTER OFFICERS**

In accordance with Part IV of the NTEU Bylaws, this is the Official Notice for Nominations and Election of Office for Chapter \_\_\_\_\_. Chapter \_\_\_\_\_ will hold a secret ballot election on **[Date]** for the following offices: **[List]**\_\_\_\_\_.

The term of the above offices is \_\_\_\_\_ years, commencing on **[Date]** and ending on **[Date]**. The elected President and Vice President[s], who are elected at-large, by virtue of the NTEU National Constitution and Bylaws serve as delegates to the National Convention. **[Unless the Chapter Bylaws provide for electing delegates in some other manner, in which case it must be so noted on this Notice].**

Any member wishing to nominate a candidate for the **forementioned** offices must submit his/her nominations in writing (using the form at the end of this notice or a photocopy thereof) only by U.S. Mail. Nominations must be **received** by the Chair of the Election Committee at \_\_\_\_\_ **[Designate the post office box controlled exclusively by the Election Committee]** by **[Time]** on **[Date]**. Nominations by phone or personally delivered will **not** be accepted.

Any member nominating a candidate, including him/herself must identify him/herself. Only those members who joined Chapter \_\_\_\_ on or before **[Date]** are eligible to nominate candidates and vote in this election.

Self-nomination is permitted.

All candidates must be a member in good standing of Chapter \_\_\_\_\_ as of **[Date]**.

Any member of this Chapter (except an employee who under the provisions of the Civil Service Reform Act of 1978 is considered a supervisor and, therefore, ineligible to participate or represent this Chapter as an officer) may be elected to any office. The Election Committee will notify all candidates in writing of their nomination.

Each nominee, except those who are self-nominated, must submit a written acceptance to run for office (using the attached Acceptance Form or a photocopy) to the Chair to be **received at [Designate the post office box]** no later than **[Time]** on **[Date]**. An individual may run for only **one** office and, if nominated for multiple offices, a nominee may accept for only **one**. If a candidate is unopposed, there shall be no necessity for the election of such nominee and he/she shall be declared duly elected.

### **THE ELECTION**

The Election will be conducted by mail referendum ballot on **[Date-the day the ballots will be picked up]**. Write-in candidate are not allowed. Candidates or one appointed observer may be present at all phases of the election.

Ballots will be mailed on **[Date]**.

Members who do not receive a ballot before **[Date]** should make request for a **duplicate** ballot to the Chair [or Committee Members] at the **[Describe the location, date/time, and provide phone numbers]**.

Members who will not be at their current address during the Election should make requests for **absentee** ballots to the Chair [or Committee Members] at the **[Describe the location, date/time, and provide phone numbers]**.

Ballots must be **received** by **[Date/time]** at **[Location]** and will be picked up at that time from the **[Location]** post office. The ballots will then be tallied at **[Location]** beginning at **[Time]**. The candidate receiving a plurality of votes for each particular office shall be declared the winner.

Sincerely,

---

Chairperson, NTEU Chapter \_\_\_\_  
Nominations & Elections Committee

**Attachment 6**

\*\*\*\*\***NOMINATION FORM**\*\*\*\*\*

I nominate \_\_\_\_\_ for the office of \_\_\_\_\_  
in NTEU Chapter \_\_\_\_ for the term of \_\_\_\_\_.

**(IF YOU WISH TO SUBMIT MORE THAN ONE NOMINATION, PHOTOCOPY THIS FORM AND USE THE COPY IN LIEU OF AN ORIGINAL)**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (print) \_\_\_\_\_

.....

**ACCEPTANCE FORM - AGREEMENT TO RUN FOR CHAPTER OFFICE**

I, \_\_\_\_\_, accept the nomination and agree to be  
a candidate for the office of \_\_\_\_\_ in NTEU Chapter \_\_\_\_\_.

I understand the term of office is \_\_\_\_ years, \_\_\_\_\_ through \_\_\_\_\_.

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

**PRINT NAME AS IT IS TO APPEAR ON THE BALLOT:** \_\_\_\_\_

## Attachment 7

### Letter to Potential Candidates

Letter to Potential Candidates

Re: Nomination Acceptance and Campaign Rules

Dear \_\_\_\_\_:

You have been nominated for the position of \_\_\_\_\_ within NTEU Chapter \_\_\_\_\_. The term of office is \_\_\_\_\_. Unless you were self-nominated, you must affirmatively agree in writing to be a candidate. Attached is an agreement form. This must be **received** by the Election Committee no later than [hour] on [date]. It must be sent to [identify post office box]. Hand delivery of such acceptance to any members of the Election Committee will not be accepted.

If you should agree to be a candidate, you have the right to inspect the Chapter \_\_\_\_\_ membership list on one occasion within thirty days of the date on which the ballots will be sent out. You may not, however, copy the list in any manner. Should you desire to exercise this right, please contact the members of the Election Committee at \_\_\_\_\_ to arrange to do so.

In addition, the Election Committee shall honor any reasonable requests to send out, at the candidate's expense, any campaign materials to the membership. Should you desire to send out such materials, as a candidate, please contact the members of the Election Committee to arrange the date and time for mailing the material. It will be your responsibility to bring all of your campaign material in stamped and stuffed envelopes, ready for mailing, at the agreed upon date and time.

As a candidate, you also have the right to personally observe, or to designate someone on your behalf to serve as an observer, all critical points in the election process, such as when the ballots are stuffed for mailing, picked up from the designated mailbox on election day, and when the ballots are counted.

Please be advised that LMRDAA , Section 401(g) prohibits the use of any union or employer funds or resources to promote the candidacy of any person in a union officer election. This prohibition applies to cash, facilities, equipment (including typewriters, copiers, computers, printers, and e-mail), vehicles, office supplies, including paper, bulletin boards, newsletters and other publications, and any other financial or in-kind resources, of NTEU Chapter \_\_\_\_ and any other union, and of any employers whether or not they employ Chapter \_\_\_\_ members. Union officers and employees may not campaign on time paid for by the chapter or by any employer.

The Election Committee is particularly concerned about the use of employer e-mail to promote candidacies. Candidates, their supporters, and all other persons must refrain from sending campaign-related e-mail either from or to e-mail addresses provided by any employer or union. This use of e-mail violates Federal law governing union officer elections.

Outside of employer time (work hours, including official time), campaign-related e-mail

may be sent only within the following parameters: on a privately owned computer, from a private internet service provider (ISP) to a private ISP and from private, non-employer-supplied e-mail addresses to private, non-employer-supplied e-mail addresses. The same applies to the use of employer telephones to promote candidacy. Campaign-related phone calls may be made, outside of employer time, from private, non-employer-supplied phone/phone numbers to private, non-employer-supplied phone/phone numbers.

Candidates may not campaign to Chapter \_\_\_\_ members during work hours or in work areas. Candidates may only campaign to Chapter \_\_\_\_ members in non-work areas (e.g., snack rooms, lunch rooms, parking lots) and while both candidate and Chapter members being addressed are both in a non-pay status. Non-pay status describes the following conditions: before work, on breaks, during lunch, after work, on annual leave or leave without pay.

If candidates are approached during regular work hours in the course of everyday work activities, candidates should not engage in discussions concerning the election. Candidates can agree to meet with the interested member at a later scheduled and lawful time.

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

Should you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.

Sincerely,

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

## Attachment 8

### INSTRUCTIONS FOR COMPLETING AND RETURNING BALLOT FOR CHAPTER ELECTION OF OFFICERS

1. Vote for only one candidate for each office by placing a check mark in the space provided next to their name. **DO NOT** put any other marks on the ballots.
2. Place the completed ballot in the enclosed **blank** envelope and seal it. The blank envelope is for your benefit to ensure the secrecy of your ballot. **DO NOT** place any marks on this envelope.

As you can see, the pre-addressed **return envelope** has a number on it. This number corresponds to a number assigned to you on a list of eligible voters. This numbering is necessary to ensure that no one votes twice. Ballots **must** be returned in this numbered envelope to be counted. If it is not, it will **not** be counted.

3. Place the sealed **blank** envelope in the enclosed pre-addressed return envelope and place it in the mail. The address should read:

NTEU Chapter \_\_\_\_\_

P.O. Box \_\_\_\_\_

\_\_\_\_\_

4. Ballots (including “**Duplicate**” and “**Absentee**” ballots) must be **received** at this address no later than **[Date/time - same as on the Election Notice]**. They will be collected and counted on that date. Therefore, please return your ballot sufficiently in advance to ensure it is **received** by **[Date/time - same as Election Notice]**.
5. Ballots hand-delivered to the Elections Committee will **not** be accepted. Rather, all ballots must be mailed to the designated post office box.

**Attachment 9**

National Headquarters  
1750 H Street, NW - Washington, DC 2006

**CERTIFICATION OF CHAPTER OFFICERS FORM**

We hereby certify that the following NTEU members were elected officers of Chapter No. \_\_\_\_\_,  
\_\_\_\_\_, on \_\_\_\_\_, in accordance with Part IV of the NTEU Constitution Bylaws  
(City and State) (Date of Election)

for a term of office to begin on \_\_\_\_\_ and end on \_\_\_\_\_.

Print or Type Name of Officer	Title	Street Address, City, State, Zip	Office Phone
_____	_____	_____	( ) _____
_____	_____	_____	( ) _____
_____	_____	_____	( ) _____
_____	_____	_____	( ) _____
_____	_____	_____	( ) _____

(Use Separate Sheet for Additional Officers)

\_\_\_\_\_  
(Signature of Current President)

\_\_\_\_\_  
(Signature of Current Secretary)

**Certification by Election Committee**

We, as members of the Election Committee, Chapter No. \_\_\_\_\_, \_\_\_\_\_, certify  
(City and State)  
that the above-named NTEU members were duly elected officers of the Chapter as shown; that the election was  
conducted in accordance with Part IV of the NTEU Constitution and Bylaws on \_\_\_\_\_,  
(Date of Election)  
and a report of the outcome of the election was presented to the officers and members of the Chapter on

\_\_\_\_\_.  
(Specify Date)

\_\_\_\_\_  
(Signature of Chair of Election Committee)

\_\_\_\_\_  
(Signature of Member of Election Committee)

**INSTRUCTIONS:**     Prepare in triplicate.  
                             Forward Original to NTEU Headquarters, Membership Records.  
                             Forward copy to National Vice President for your District.  
                             Retain copy for chapter file.

**NOTE:** Attach to this certification any published announcement regarding outcome of election

January 18, 2005

**Chapter Election Mailing Label Information**  
**Please Dispose of All Other Order Forms**

**MEMORANDUM**

**TO:** Chapter Presidents

**RE:** Mailing Label Requests for Chapter Elections

**SUMMARY:** Attached is the form that must be submitted when requesting member labels to conduct elections. Label requests will be processed only when this form is submitted. Please plan ahead for these important events. Please dispose of all old order forms.

The attached form has been revised to include all of the information needed by the NTEU National Office to properly and timely process requests for chapter election labels. When requesting labels for chapter elections, it is important to note the following:

1. The labels will only be sent to the Chairperson, or other designated member of the Nominations and Elections Committee. They will not be sent to any candidate, including the Chapter President.
2. Labels can be generated in either alphabetical or zip code order. Please specify which sort is requested. Note that four (4) sets of labels are provided for use in the election process.
3. If you need a specific membership cut-off date in accordance with your local bylaws or election rules, it must be specified. Note that the cut-off date MUST be the end of a pay period. Additionally, if you do identify a specific cut-off date, that date must be thirty (30) days in advance of your need for election labels. For example, if you identify July 24, 2005, as your specific cut-off date, the date you can expect to receive your labels is 30 days later, or August 24, 2005. The delay is due to the time required for the agency to forward each pay period computer tape to NTEU and time needed for NTEU to process that data.
4. A chapter check for \$35, payable to NTEU, must accompany the request. This cannot be a personal check from any individual.

Any questions on this subject should be directed to Tony Reardon, NTEU's Chief

Operating Executive, at extension 7045.

Colleen M. Kelley  
National President

**MAILING LABEL REQUEST FOR CHAPTER ELECTIONS**

CHAPTER # \_\_\_\_\_ MAIL LABELS TO THE FOLLOWING PERSON ON THE  
NOMINATIONS & ELECTIONS COMMITTEE:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
**(not a P.O. Box)**  
\_\_\_\_\_

**LABEL OPTIONS: (CHECK ONE)**

- 1. All Members (Alphabetical order)
- 2. All Members (Zip code order)
- 3. Other, please specify (Example: only retirees)  
\_\_\_\_\_

**\*\* If you need a specific cut-off date, please specify:** \_\_\_\_\_  
(must be 30 days prior to date labels needed)

**NOTE: Cut-off date MUST be the end of a pay period.**

DATE REQUESTED: \_\_\_\_\_  
DATE NEEDED: \_\_\_\_\_  
REQUESTOR: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
**(not FTS)**

**PLEASE ENCLOSE A CHAPTER CHECK FOR \$35.00  
\*\*\*\*\* TO COVER PRODUCTION AND SHIPPING. \*\*\*\*\***

I certify that the recipient of these labels, \_\_\_\_\_  
\_\_\_\_\_ is on the Nominations and Elections Committee of Chapter  
\_\_\_\_\_ and is not a candidate for chapter office.

\_\_\_\_\_  
President of NTEU Chapter \_\_\_\_\_

\*\*\*\*\*  
\*\*\*

**At least three weeks before the labels are needed, mail your request to:**

**NTEU**  
**Attn: Tony Reardon**  
**1750 H Street, NW**  
**Washington, D.C. 20006**

cc: National Field Representative  
H:\CPMAIL\Election Mailing Label Info.doc