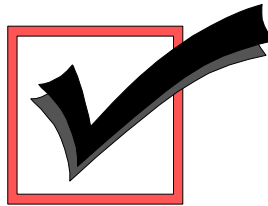




***GUIDE FOR
LOCAL UNION
ELECTIONS***



MAY 1, 2003

The CAW Constitution is the law of our Union. It guarantees basic trade union rights to all members. It is intended to protect equally the rights of individual members, and of the Union as a whole.

The most important of these trade union rights is the right of the membership to fair, democratic election procedures in all instances when they vote to choose their officials. In order to guarantee this right, the CAW Constitution provides basic regulations for the conduct of elections for Local Union Office, Convention Delegates, Stewards, Committeepersons and Chairpersons where elected separately.

This booklet should help Local Unions to carry out the constitutional and legal provisions which regulate elections.

In some cases, the comments contained herein reflect constitutional language, or official interpretations of constitutional language. In most cases, however, the recommended details of election procedure can be varied by Local Unions without violating constitutional provisions or official interpretations so long as the basic thinking reflected in the recommendations is followed.

NEW If a Local Union has not developed its own set of ELECTION RULES the procedures outlined in this booklet are to be considered an extension of the CONSTITUTION and must be followed to the letter.

This booklet may not be used as a substitute for constitutional interpretations if a Local Union finds it necessary to decide whether a particular element of its election procedure is or is not constitutional.

INDEX

SECTION 1

	Page
The Election Committee.....	4

SECTION 2

Procedure for Electing Local Union Executive Officers.....	4
A. Setting the Date of the Election	4
B. Notice of Election.....	5
C. Nominations and Eligibility.....	5
D. Location of Polling Places and Hours of Voting.....	6
E. Inspection of Membership Lists	6
F. The Ballot.....	7
(1) Ballot	7
(2) General	7
G. Conduct of the Election	8
(1) General Considerations	8
(2) Preparation for Actual Voting.....	8
(3) Identification of Voter and Actual Voting.....	8
(4) Instructing and Assisting.....	9
(5) Challenged and Spoiled Ballots	9
(6) Eligibility to Vote.....	9
(7) Challengers	9
(8) Ballot Boxes	10
(9) Absentee Ballots.....	10
(10) Advance Polling	10
H. Count of Ballots	11
(1) General Preparation.....	11
(2) Actual Counting of Votes	11
I. Certification of Election and Run-Off Election	11
J. Recounts	12
K. Appeals and New Elections	13
(1) Appeal from Decision on Validity of Ballots	13
(2) Charges that Fraud or Other Misconduct	13

SECTION 3

Procedure for Electing Executive Board Members at Large.....	14
--	----

SECTION 4

Procedure for Electing CAW Convention Delegates	14
A. General	14
B. Date of Election.....	14
C. Nominations and Eligibility.....	14
D. Alternate Delegates	14
E. Certification of Election and Run-Off Elections	15

F. Appeals and New Elections 15

SECTION 5

Election of Stewards, Committeepersons and Chairpersons 15

- A. General Procedures 15
- B. Notice of Election..... 15
- C. Eligibility to Run for Office..... 16
- D. Secret Ballot and Challengers..... 16

E. Majority or Plurality..... 16

SECTION 1

The Election Committee The Election Committee

The Constitution provides that each election for Executive Officers, Stewards, Committeepersons and Chairpersons conducted by a Local Union must be held under the supervision of a democratically elected Election Committee. The Election Committee may be a standing committee which serves for a specified term, in which case it would supervise all general elections held during its term, or a special committee chosen by the Local Union to supervise a particular election. In either case, the Election Committee must be democratically elected by the membership of the Local Union. The vote for the committee should be by secret ballot at a membership meeting. In the case of an Amalgamated Local Union having a constitutionally established Joint Council, however, the Election Committee should be elected in the same manner by the membership of the Joint Council. It is recommended that at least seven (7) days notice be posted of the meeting at which the Election Committee is to be elected. The Election Committee shall include only the members elected thereto. The President of the Local Union may not serve as an ex-officio member. No member of the Election Committee shall be eligible to run for the office, or to serve as a challenger for a candidate for office, in any election which the Committee supervises. A member of the Election Committee who wishes to run for office in an election which that Committee will supervise, must, immediately subsequent to nominations for that office, resign from the Election Committee.

The Election Committee shall have complete charge of the election of Executive Officers as set forth under Article 34, Sections 6B and 6C, of the National Constitution. It shall be responsible only to the Local Union membership. Its action shall be governed by the National Constitution, the Local Union Bylaws, and the instructions given by vote of any general membership meeting held prior to the election. All details regarding the conduct of elections, such as preparation of ballots, procedure for voting, etc. (unless determined by membership action) shall be made by the Election Committee except in those cases where this booklet indicates membership action is necessary. Examples of the type of decisions which requires membership action: the decision to hire a certified public accountant or other outside agency to conduct balloting, or the

date, time and location of the election.

The Election Committee is obligated to obtain prior approval from the Local Union for any lost time that might be incurred, and for any expenditures necessary for the proper conduct of the election, in the same manner and in accordance with the same procedure as any other committee of the Local Union. The Local Union Executive Board is obligated to approve as much lost time as is necessary for the Election Committee to prepare for and conduct the election, as well as to approve expenditures which the Election Committee recommends as necessary to insure proper operation of the election machinery.

In preparation for an election, the Election Committee is required to consult and cooperate with the officers of the Local Union in establishing the procedures for the conduct of the election. However, the actual conduct of the election is entirely the responsibility of the Election Committee.

SECTION 2

Procedure for Electing Local Union Procedure for Electing Local Union Executive Officers

A. SETTING THE DATE OF THE ELECTION

The Constitution requires that Executive Officers shall be elected for three year terms during the month of May or June unless special permission is given the Local Union by the National Executive Board to conduct the election before or after this two-month period. The Local Union should, either through its Bylaws or by membership action in advance of the election date, establish the date or dates of the election.

The membership must set the time, date and location of the election. Where in unusual circumstances, a Local Union is unable to secure a quorum at a membership meeting with at least forty-five (45) days prior to the time required to begin conduct of their elections, the decision as to time, date and location of the election should be made by the Local Union Executive Board. At least seven (7) days shall elapse between the closing of nominations and the beginning of the election.

B. NOTICE OF ELECTION

Notice of each regular triennial election of Local Union officers must be given by the usual posting on all available bulletin boards, etc., at least **15 days in advance of the election**. The notice should include the place and date of the election and the times when the polls will be open. The notice must contain the same information on any run-off election which may be necessary for any office where a candidate does not receive a clear majority of all votes cast in the general election. If a run-off election is required, it will only be necessary to post on bulletin boards a simple statement that a run-off election for certain offices is necessary and will be held pursuant to the schedule on the original notice. The only requirement for this posting would be for a sufficient number of days so that the membership would be generally informed that the run-off election was to be held.

C. NOMINATIONS and ELIGIBILITY

Not before March 15 of the year in which elections are held, the Local Union shall conduct nominations at a regular or special membership meeting. The membership must be given at least 7 days advance notice (by posting or by some other appropriate method), of the fact that nominations are to be made at this meeting.

At a nominating meeting for executive officers or convention delegates, all meetings must be chaired by the president of the Local Union or in his/her absence, the succeeding presiding officer as set forth in Article 36, Sections 1 & 2 of the National Constitution. It is improper and illegal for an Election Committee of the Local Union to take nominations where nominations are made at an official Local Union membership meeting.

At the nominating meeting, any member in good standing may nominate himself/herself or any other member for any office. No second shall any action of the membership be necessary.

A Local Union may not require a member to be present at the membership meeting in order to accept nomination.

The notice of the nominating meeting to the membership shall provide for a specific period of time during which a member who is nominated must accept his/her nomination in writing unless he/she has orally

accepted at the nominating meeting. Further, the notice of the nominating meeting should instruct members as to whom or to what address to submit written acceptance. This period of time should not be less than three (3) days nor more than (7) days. In either event, the notice of the nominating meeting should specifically contain the information as to the deadline for acceptance of nomination.

Local Unions are free to adopt an alternative method of nominating whereby notices are posted in the customary manner announcing that all members are automatically nominated for all offices and requiring members who wish to accept nomination to indicate their intentions in writing in the manner prescribed in the notice of nominations. The notice must announce the deadline for acceptance and the person and address to whom the acceptance should be addressed.

Such alternate procedure may not prevent a member from making a nomination of some other member or members. Where a member, chooses to nominate another member, he/she would be required to notify the Local Union of his/her nomination in writing, within the first five (5) days of the nominating period. He/she should also be required to notify the member he/she had nominated for the specific office, so that his/her nominee will be aware of the nomination and of his/her obligation to accept such nomination within the deadline. If a member is nominated and the nominator fails to notify the nominee, such failure will not invalidate or excuse the member's responsibility to accept such office or position to which he/she was nominated within the established deadline period.

After the deadline for acceptance of nominations, the Election Committee must check the membership records of all nominees in order to determine whether or not the nominee was in continuous good standing for one year immediately preceding the nomination. A member who originally declines a nomination can subsequently change his/her mind and accept the nomination, providing he/she makes this fact known to the Election Committee prior to the deadline for accepting nominations.

A member who holds a withdrawal card during the qualification year thereby usually interrupts his/her continuous good standing and disqualifies himself/herself for running for executive office. There are, however, three exceptions under which a member who has taken withdrawal card during the qualification year would not interrupt his/her continuous good

standing and would still be qualified to run for executive office. They are:

(1) Where the member has re-deposited his/her withdrawal card in the Local Union in the same month in which it was issued.

(2) Where a laid-off member has taken a transfer to another CAW Local Union, deposits his/her withdrawal card in the second CAW Local Union and within a period of one year from his/her layoff, returns to his/her original Local Union depositing a withdrawal card from the second Local Union where he/she temporarily worked.

(3) When a member in good standing is transferred to another workplace as the result of transfer of operations or pursuant to a collective bargaining agreement, which workplace is under the jurisdiction of another Local Union, his/her continuous good standing shall not be broken and shall be considered continuous good standing in the new Local Union.

All candidates must have been nominated as set forth above and must have submitted proper acceptances. Write in candidates are not permitted.

D. LOCATION OF POLLING PLACE and HOURS OF VOTING

The number of voting locations will vary with the size and structure of the Local Union. The number and location of the polling places must be set by By-Law or membership action. A sufficient number of locations should be provided to insure every member a convenient opportunity to cast his/her vote. Usually it is advantageous to locate the polling sites near the place of work. Holding Local Union elections on company property is not unconstitutional so long as the Local Union conducts the election in a completely independent manner, free from any company interference.

The number of ballot distribution within a given voting location again must be determined on the basis of the number of members expected to use that location and the distribution of those members by shifts which will determine the concentration of membership voting in particular periods. Every effort should be made to minimize the time a member must wait in line to cast his/her vote.

Unless established by membership action, the

Local Union Executive Board may determine the period or periods, on the election day, or days, during which each voting location shall be open. These locations shall be open as long as necessary to provide each member an opportunity to vote outside his/her working hours. When locations are set up near the place of work, the hours during which they should be open will depend upon the number of members expected to vote during each period as well as the location of voting site. It is important that the details of location and hours be included in the fifteen (15) day notification of election which is discussed in Section 2(B) of this booklet. All members waiting in line to vote at the hour when the voting location is scheduled to close, either temporarily or at the conclusion of the election, shall be allowed to cast their votes.

E. INSPECTION OF MEMBERSHIP LIST

Candidates for executive office have the right to **inspect**, within 30 days of an election, a mailing list of the membership of any Local Union. This right of inspection **does not** include the right to copy. The Local Union should therefore insist that any such inspection which a candidate may request take place in the presence of an officer or office employee of the Local Union, and the candidate inspecting the list should not have any pencil or paper in his/her possession while so inspecting.

The Local Union may require a candidate wishing to inspect the list to make his/her inspection at a time and place reasonably convenient to the officers or office employees of the Local Union, but the Local Union must be careful to insure that it does not effectively deprive a candidate of his/her rights by specifying unlikely hours or places which would, in practical effect, result in the member not having a real right of inspection.

Under no circumstances, should a copy of the list be made available to any candidate or any other member. The membership mailing list is to be used only for official purposes of the Local Union.

F. THE BALLOT

All candidates running in an election must be listed on the ballot. No provision should be made for write-in candidates since such candidacies are not permitted.

(1) **Ballot**

The Election Committee shall design a ballot and make arrangements for its duplication.

Where there are more candidates for any office than there are vacancies, the Election Committee, unless the membership shall have made a decision, shall place the names on the ballot in an order determined by lot.

The Election Committee shall set a date, place and time for the lottery. Each candidate shall be notified, and shall be entitled to attend the lottery or to designate a representative to do so. The Local Union will not be obligated to pay any of the candidates or their representatives for attendance at the lottery and the Election Committee insofar as possible should schedule the lottery outside of working hours. As an example of how this lottery should be conducted, assuming that four (4) candidates have been nominated for the office of President, the Committee would place the four (4) names on uniform slips of paper. The papers would be folded and placed in a container. One member of the Election Committee would be blind-folded and would withdraw the slips of paper from the container one at a time. The order in which the names are withdrawn would be the order in which the candidates for the office of President would be listed on the ballot. This process would be repeated for each office for which there were more nominees than vacancies.

If the Local Union intends to use more than one voting location, it is strongly recommended that the ballots be numbered consecutively with the numbers appearing on a perforated corner of the ballot in such a way that the corner with the number can be torn off the marked and folded ballot when it is deposited in the ballot box. It is also important to group all candidates for a particular office in a separate area of the ballot where clear bold face printing indicates the office for which they are running. Since, occasionally, a typographical error will result in an improper spelling of a candidates' name or some other error in a ballot that might prejudice particular candidate, it is important to **carefully** proof-read the ballots so as to make certain that all candidates' names appear on the ballot in the form submitted in acceptance of the Election Committee.

Ballots should be so arranged as to provide sufficient space between the names of the candidates. The box adjacent to the name should be large enough

so as to make voting as easy as possible with a minimum possibility of error.

The three (3) Trustee positions should be treated as a single office and the ballot should instruct the membership to vote for not more than (3) of the nominees for Trustee.

If more than one ballot is being used in the Local Union elections, it is important that the ballots be of different colours.

The Election Committee shall order a number of ballots in excess of the amount which past experience indicates is likely to be required. It is most important that a substantial safety margin be allowed since a shortage of ballots jeopardizes the entire election. At the time the vote tally is made the number of ballots that have been printed or mimeographed should be made known to all members of the Election Committee, and all candidates or challengers who are present.

(2) General

Any candidate shall be permitted the right to submit in writing his/her commonly known name, including nickname, if any, to the Election Committee as he/she desires it to appear on the ballot and it shall so appear.

It is not permissible under the Constitution to give any candidate a designation on the ballot unless two (2) or more candidates for the same office have surnames identical in every way. In the event two (2) candidates for an office do have identical surnames, the Election Committee shall allow appropriate designations for each, and, where possible shall utilize present or former union positions as the designation.

If candidates on a ballot are assigned a number which might be of assistance in tabulating, they shall receive these ballot designation numbers in the same order in which their names are drawn and appear on the ballot. The ballot designation numbers shall remain constant for each candidate on all ballots.

G. CONDUCT OF THE ELECTION

(1) General Considerations

If a Local Union has a membership in excess of 2,000, it should give serious considerations to the employment of a Certified Public Accountant or some

other appropriate outside agency to conduct the election and tabulate the count. If an outside agency is retained, the Local Union can sharply reduce the number of members of the Election Committee. The difference in cost between having the election conducted by an Election Committee as against having it conducted by an outside agency will not be substantial. In many cases it will be less costly.

(2) Preparation for Actual Voting

In advance of the hour when a voting location is first scheduled to open during the election period, workers operating the voting location should check all ballot boxes to be sure they are empty and shall lock and seal the boxes in a way which will insure that any tampering with the ballot boxes will break a seal. Under no circumstances should a ballot box, once sealed, be open until all voting is completed.

All challengers should be notified of the time the Election Committee is to check the ballot boxes so that they may have an opportunity to exercise their right to be present when this function is performed.

The ballot to be used at a polling location should be divided into as many piles as there are voter check-in points. If the ballots are numbered, each pile should be checked to determine if the numbering sequence of the ballots in that pile is correct.

(3) Identification of Voter and Actual Voting

All ballots must be cast personally by the individual members at the established place of voting.

Except in rare cases where elections are conducted on company time, Local Union elections are unlike governmental elections inasmuch as there is a high concentration of voters at three times during the day: before a work shift, during lunch hour, and after the work shift. Consequently, mechanics must be established which allow for speedy processing of voters on the one hand and proper democratic safeguards on the other. The essence of democratic safeguards in elections is to retain some type of record which will assure, in the event of a challenge, that a complete list identifying each member who voted can be constructed.

It is difficult to prescribe one best method of identification. Local Unions vary a great deal in size and structure and in other important ways which may

have an effect on the procedure for conducting an election.

What may be completely efficient and democratic procedure in one situation might be unsuitable in other situations. Many Local Unions use a polling list as the check-point insofar as identification of the voter is concerned. If the polling list is used as the basic control, the member should be given a ballot upon showing of his/her badge and/or presentation of a membership card. In order for this system to work properly and efficiently, the polling list should be constructed by department, and numerical order. In some Local Unions, the polling list will be extremely difficult to obtain, or if obtainable, will not be in usable form. Accordingly, proper safeguards can be established by other methods of identification without the use of polling lists. For example: every member might be required to affix his/her signature and badge number to a uniform size card. This card then would be deposited with the Election Committee in return for a ballot. The Election Committee would compare the name and badge number on the card with the member's badge, payroll stub, or other means of identification and then give the voter his/her ballot after the voter has been identified.

Either method, or combination of both, (or other types of identification such as Social Insurance card, recent pay stubs, etc.) would be considered acceptable identification. Whatever method of identification the Local Union intends to employ should be described in the Notice of Election.

Having properly identified himself/herself, the voter is in a position to cast his/her ballot. The voter will be given a ballot which he/she will take into a curtained polling booth, or some other area or position where his/her vote can be cast in privacy. The voter will mark and fold the ballot in such fashion as to conceal the way he/she has voted. If the ballots are numbered, the voter should be certain that in folding the ballot, the perforated corner on which the ballot number appears is on the outside of the fold so that it can be conveniently torn off (unless the Local Union has adopted a rule providing that the perforated number shall be torn off the ballot at the time it is given to the voter). The voter should then leave the polling booths and take the folded ballot to the ballot box where an election worker should be stationed. The voter should deposit his/her ballot in the ballot box. If ballots are numbered, the perforated corner on which the number appears must be torn off **before** the ballot is deposited

in the ballot box.

(4) Instructing and Assisting Voters Because of Language Difficulty or for Other Reasons

When a voter requests instruction on how to mark his/her ballot, he/she shall be given instruction by an election worker. However, the instruction must be confined to a general explanation, during which challengers may be present. When a voter requests instruction the election worker cannot go into the booth with him/her.

If a voter is unable to read, he/she may ask an election worker to assist him/her in voting. In these circumstances, two election workers shall accompany the voter to the booth and shall mark the ballot for the candidate for whom the voter indicates his/her preference. Challengers cannot be present during this period when the election worker is actually assisting the voter to cast his/her ballot.

(5) Challenged and Spoiled Ballots

If a member spoils his/her ballot he/she may return it to the Election Committee and exchange it for a new ballot. The Election Committee should carefully preserve the spoiled ballots so that the total number of ballots used, less the spoiled ballots, can be checked against the total number of members voting.

If a member wishes to vote, but cannot identify himself/herself as required by the election rules, or if a voter is challenged as ineligible at the polling place, he/she should be given a ballot. After voting, his/her challenged ballot shall be placed in a blank envelope, and the sealed, blank envelope shall be placed in another envelope across the flap of which the voter must sign his/her name.

Challenged ballots are held by the Election Committee until the counting is about to begin. At that time, each of the names on the outer envelope (cover envelope) is checked. Ballots cast by voters then declared ineligible are held pending possible appeals. The cover envelopes on the ballots of eligible voters are removed and the remaining pile of plain unmarked envelopes are shuffled. Then the envelopes are opened and the votes are counted.

(6) Eligibility to Vote

The member's right to vote begins on the first day of the month for which dues are paid. Situations

might arise, where the mechanics of the check-off system might provide that dues are deducted in one month for a previous month. For example, a new member's dues for the month of June may be in the month of July. Yet, in accordance with the Constitution, his/her membership dates from the first day of June. Consequently, this member is eligible to vote in any election conducted in the month of June despite the fact that at the time the election takes place no dues have yet been deducted from his/her pay though the check-off arrangement assures the Local Union that his dues will be deducted in a subsequent month.

(7) Challengers

Challengers have a right to be present during all phases of the voting procedure as well as during the preparation of the voting areas. While each candidate for each office has the right to designate one challenger, where there is a large number of candidates running for the different offices, the candidates should be urged by the Election Committee to agree on challengers to serve on behalf of several candidates in order to minimize congestion and confusion at the election location. While challengers have a right to observe all activities of the election workers, they must make their observations in such a way as not to interfere with the election procedures. If a challenger wishes to object to any action other than the eligibility of an individual voter, he/she should make his/her objection to the election worker in charge of the voting location. If a challenger wishes to challenge the eligibility of a voter, he/she may make his/her challenge to the election worker to whom the voter is presenting his/her identification.

Challengers have a right to be present during preliminary preparations when (as described in Section 2-G (2) above) the election workers are checking ballot boxes and are preparing the piles of ballots and polling lists for reception of voters. Challengers also have a right to be present during the tabulation of the votes. Challengers have a right to accompany ballot boxes at all times during the course of an election and until the ballot boxes are emptied and counted, unless the ballot boxes are placed in the custody of an outside agency and that agency will not permit challengers to be present while they have custody.

When voting locations are closed for different periods during the voting day (or overnight when the election is held on two or more days) challengers shall

have a right to note the serial number of the top ballot in each pile of ballots (if the ballots are numbered.) They may thereafter check these figures against the top ballot when the election site is again opened. The challengers shall also be entitled to inspect and note the number of challenged ballots already accumulated whenever polls close, and to note the names of those members who have cast challenged ballots. These names, it will be recalled, will be written across the flap of each outside envelope in which a challenged ballot is enclosed. Under no circumstances however, should any challenger be allowed to touch or handle a ballot.

(8) Ballot Boxes (8) Ballot Boxes

Local Unions should attempt to obtain official ballot boxes from the agency which supplies local governments, or to rent ballot boxes from one of the local governments. Ballot boxes should have a method of locking or sealing the slot separate from the lock and seal of the box itself. Whenever the voting location is closed, either during the day or overnight, or at the conclusion of the balloting, the device which seals off the slot should be locked and sealed in some way, and the slot should not again be opened until voting resumes at that location. When voting is about to resume, or when the votes are about to be counted, the challengers may check the lock and seal which secures the slot and box so as to make sure that they have not been tampered with in the interim

(9) Absentee Ballots

The National Executive Board established a limited procedure which MAY BE USED by Local Unions to permit absentee voting where a member is away from his/her Local Union during the entire period of an election on an assignment for his/her employer or on Local Union business. The National Executive Board adopted the following procedure for the guidance of Local Unions:

A Local Union at its option, may make provisions for such members to vote an absentee ballot in their Local Union elections.

Should a Local Union determine that it desires to provide such limited absentee ballot voting, it may do so after affirmative action of the membership in adopting the following procedure prior to the election.

The Procedure that may be adopted is as follows:

(1) A member who will be away from his/her Local Union during the entire period of an election on a work assignment for his/her employer or on Local Union business may apply for an absentee ballot by filing with his/her Local Union, by mail (registered or certified) or in person, a signed statement that he/she will be away from his/her Local Union for the entire period of the election on a work assignment by his/her employer or on Local Union business. Such statement or request must be filed with the Local Union in sufficient time for the member to secure a ballot and redeposit same with the Local Union prior to the start of the election.

(2) Upon such certified application, the Local Union shall immediately provide the member with a ballot and two envelopes, one return-addressed. The member shall place his/her marked ballot in the unmarked envelope and enclose it in the return-addressed envelope.

The ballot as indicated may then be presented to the Local Union in person or as contained in the return-addressed envelope returned by mail (registered or certified). However, under either circumstance, the ballot must be received by the Local Union before the start of the election.

Accordingly, therefore, in accordance with this action by the National Executive Board, each Local Union is given the option to develop such rules permitting members, under the circumstances as mentioned above, to vote in such elections with the understanding that the Local Union may not go beyond the limitations as set forth and no other form of absentee voting will be permitted.

(10) Advance Polling

Advance Poll is allowed under the conditions identified in Policy Letter #12.

H. COUNT OF BALLOTS

(1) General Preparation

At the conclusion of all voting, the Election Committee shall set a time and place, if possible immediately after the conclusion of voting, when the cast ballots shall be counted and tabulated. All ballot boxes from voting location or locations shall be brought to the counting place, which shall be a large

room equipped with ample table surface so that the counting and tabulating can proceed in an orderly fashion.

A careful record should be kept of the number of ballots actually used. If numbered ballots are used, the total can be obtained by reference to the serial numbers of the unused ballots.

(2) Actual Counting of Votes

(a) **General:** The procedure recommended in this Section for counting and tabulating votes is advisory. This procedure is necessarily quite detailed. Most of its elements can be varied without interfering with the accuracy of the count. However, in varying the recommended procedure described below, care should be taken to protect the challenger's **right** to observe all phases of the counting and tabulation.

(b) **Ballots:** When the ballot boxes have been emptied at one place, the ballots shall be opened one-by-one and arranged in an orderly pile. One election worker or member of the Election Committee shall go through the piled ballots and call off the votes on each ballot to another election worker or member of the Election Committee, who shall record in writing the votes as they are called out. Challengers shall have the right to be present during this entire operation. All phases of the counting shall be conducted in such a way that a challenger can observe the entire procedure.

When the counter reaches a ballot which he/she believes to be invalid, he/she shall put that ballot in a separate pile and shall not call off the names of the candidates given votes on that ballot. Whenever a challenger challenges the validity of a ballot, it shall be placed in a separate pile and the vote on that ballot shall not then be included in the count. When all other ballots have been counted, the Election Committee shall determine whether there is a mathematical possibility that the total number of challenged ballots can affect the result for any office. If there is such a mathematical possibility, the members of the Election Committee shall inspect all challenged ballots and decide which, in their judgement, are properly marked. They shall then count the votes for the office(s) in question (*those which can be affected by the number of ballots challenged for validity*) and record them in the poll records. After challenged ballots have been considered by the Election Committee and either accepted or rejected, they shall be separated into two piles - - the accepted and the rejected. The pile of

challenged but counted ballots and the pile of rejected ballots shall both be preserved in sealed envelopes, properly labelled, so that they will be available in the event of any appeal.

As the ballots from each box are tabulated, another box shall be opened and the same procedure followed. However, in large Local Unions where there are many different ballot boxes, the Election Committee may arrange a number of separate counting stations within the counting area. Each counting station shall use a separate tally so that the counting may proceed simultaneously. Each candidate shall be entitled to place one challenger in the room for each counting station. Again, candidates are urged to agree on a single challenger to represent them jointly so as to minimize confusion.

When all ballots have been counted, and the votes recorded, the Chairperson of the Election Committee, together with such other members as may be needed, shall add and total the votes recorded for each candidate. This final step shall also be performed within plain view of the challengers. The Chairperson of the Election Committee shall then record the total vote received by every candidate for every office on a single sheet of paper. These figures shall constitute the official canvass of votes cast in the election. The Chairperson of the Election Committee shall then sign the official canvas, as shall each member of the Election Committee and challengers may be requested to sign.

I. CERTIFICATION OF ELECTION and RUN-OFF ELECTION

(1) If a candidate is unopposed for office he/she may be declared elected by acclamation, in accordance with Article 34, Section 7(a), of the National Constitution.

(2) Any ballot which clearly indicates the intention of the voter shall be considered valid provided, however, that a ballot which bears any identifying marks shall be void. Any unusual marking on the ballot may identify it. It may be made in the voting square or on another part of the ballot. If the mark appears in one of the voting squares the ballot should not be voided unless the marking is so obvious as to be unmistakable. If a voter uses a mark other than "X" but which clearly indicates his/her intention to vote for a particular candidate, for example: if a voter places an "X" to the right of a candidate's name or strikes out

the names of all candidates except one, his/her ballot should not be considered to bear an identifying mark. If, on the other hand, the markings does not bear any relationship to the voter's intention with regard to candidates, normally it should be held to be an identifying mark and the whole ballot should be voided.

If a member has voted for more candidates than can be elected to an office or if for any reason (other than the presence of an identifying mark) the member's vote for one office is declared invalid, his/her vote for that office shall not be counted, but this shall not affect the validity of the remainder of the ballot.

(3) All candidates for Executive Offices must be elected by majority vote. The majority required for an office is the first number higher than half of all valid ballots cast for that office.

(4) Local Unions must elect three Trustees at the same time. In the election of three Trustees, the majority is determined in the following manner:

- (a) Trustees are elected simultaneously and there is no distinction between the three offices and the membership is entitled to vote for three (3) Trustees.
- (b))Where there are less than seven (7) candidates, the three (3) candidates receiving the greatest number of votes shall be declared elected.
- (c) Where there are seven (7) or more candidates, the majority point is determined by adding the total votes cast for the office of Trustee, dividing by the number of positions to be filled [which is three (3)], again dividing by two (2), which will determine the 50% mark, and then adding one (1) to determine the majority point.
- (d) In the event more than three (3) candidates receive a majority vote, the three (3) candidates with the greatest majority shall be declared elected.
- (e) Where there are seven (7) or more candidates and no candidate receives a majority, the run-off is confined to the six (6) candidates receiving the greatest number of votes .

(f) Where there are seven (7) or more candidates and only one candidate receives a majority, the run-off is confined to the candidates who finished in second, third, fourth, and fifth positions.

(g) Where there are seven (7) or more candidates and only two (2) candidates receive a majority, the run-off is confined to the candidates who finished in third and fourth positions.

(5) Where no candidate receives a majority of the votes cast for an office there shall be a run-off election between the two candidates receiving the greatest number of votes.

(6) When the final results of the election are tabulated, the tabulation for the winning candidate for each office should be set forth in a written report and certified to by the Election Committee. This certified report or canvass shall be reported by the Election Committee to the next membership meeting.

J. RECOUNTS

(1) Any candidate may request a recount from the Election Committee. The Election Committee, in the exercise of sound judgement based primarily upon the closeness of the vote and the number of ballots cast, may grant or deny a recount. If the candidate who is requesting the recount is dissatisfied with the decision of the Election Committee, he/she has recourse by appealing to the Local Union membership meeting. Local Unions should consider adopting a general rule whereby in any election where the difference between the candidate requesting a recount and the candidate receiving the highest number of votes is less than 1% of the total votes cast for that office, the Election Committee automatically grants such a recount upon request. Even if the Local Union should adopt such a rule, however, a candidate could request a recount, though the difference is more than 1% in the normal way and if the Election Committee denies the candidate's request the candidate could appeal the denial to the membership. In recounting the ballots, the same general procedure used in the original counting should be employed.

(2) The National Constitution, Article 34, Section (6)(j) provides that **all ballots must be preserved for one year** after the close of the election and a notarized statement by the Election Committee

shall be made with regard to the election results (i.e. the official canvass) and the disposition of the ballots before the ballots are destroyed. During this period the ballots should be kept in a safe place where they can be locked and sealed, and all challengers should be notified of the place of safekeeping and be entitled to be present when the ballots are originally locked and sealed and later when the seals are broken. While the Constitution specifies ballots must be preserved for a minimum of one year, if there is any question under consideration as to the validity or propriety of the election, or any appeal in progress growing out of the election, the Local must continue to preserve the ballots indefinitely until any dispute or appeal is finally settled.

K. APPEALS and NEW ELECTIONS

(1) Appeal from Decision of Election Committee on Validity of Ballots

Where the difference between the winning candidate and the runner-up as reported by the official canvass, is small enough so that it could have been affected by a decision of the Election Committee to count certain challenged ballots or to reject certain ballots in the counting procedure over the objections of a candidate's challenger, the candidate feeling himself/herself aggrieved by the Election Committee's decision, may appeal that decision to the Local Union membership. In that event the ballots in question (pursuant to the discussion in section G(5) above), will have been preserved in separate sealed envelopes and shall be produced before the membership for their consideration.

(2) Charges that Fraud or Other Misconduct Have Made the Whole Election Void

Any candidates or his challenger may, at the conclusion of the counting, challenge the entire election. This challenge should be made to the Election Committee immediately after the final counting of the votes. In no event will the challenge be considered if it is not made within seven (7) days of the closing of the polls, or at the next membership meeting, whichever occurs later. The person making the challenge should specify the reasons for the challenge. The Election Committee may consider the challenge and shall make a recommendation to the next membership meeting where it must report the results of the election, but the Election Committee cannot itself take action on the challenge. The membership shall consider the challenge and the recommendations of the

Election Committee and if convinced that the election was fraudulently or improperly conducted to such a degree as to invalidate it, may, by a majority vote, order a new election. This is subject to Article 34, Section 11(b).

A well substantiated showing of fraud, or of extremely loose practices in conducting the election, should be required by the membership before voting to invalidate an election and order a new one.

In some cases a minority of the membership of a Local Union may be in a position to overrule the will of the majority in passing judgement upon the report of the Election Committee. A situation may arise when a group of officers is elected by the votes of a thousand or more yet when the Election Committee reports to the membership, a group of 50 or 75 might constitute the majority of that membership meeting and reject the Election Committee's report on some very minor, technical, or insubstantial grounds, thus frustrating the will of the majority. Accordingly, certain safeguards must be taken to protect the democratic decision of the majority against minority action. The safeguards are described in Article 34, section (11)(b) and (c) of the National Constitution.

No new election for an Executive Office should be conducted in a Local Union until a complete report of the circumstances leading the membership to order a new election, as well as the official minutes of the membership meeting where the members took that action, are submitted to and approved by the National President. Upon the submission of such a case to the National President, he/she will either make a decision on the basis of the record submitted to him/her, or, if the facts are sufficiently contradictory to warrant the step, arrange for the Appeals Committee of the National Union which normally handles appeals (pursuant to Article 24, Section 8(d) of the National Constitution), to investigate and make recommendation to him/her. The National President may make a decision approving the action of the membership in which case the new election shall proceed, or may make an interim decision overruling the action of the membership in which event, the matter shall be referred to the next meeting of the National Executive Board for final decision. During any period when the National President (or the National Executive Board) is considering the propriety of Local Union action in ordering a new election, the offices which were voted upon in the election which is being questioned, shall be temporarily occupied by those candidates who would

have been elected on the basis of the official canvass if the election had not been challenged. During the period of any such appeal, the ballots of the election must, of course, be preserved until the matter is finally settled as stated in Section 2-J (2) above.

SECTION 3

Procedure for Electing Executive Board Members at Large

Where a Local Union has Executive Board members in addition to its executive officers, these members may be elected by a variety of methods as may be set forth in the Local Union's Bylaws. However, the procedures outlined in paragraphs B and E of the preceding Section must be followed. Additionally, the other procedures set forth in the preceding Section should be observed insofar as applicable to the special circumstances of any such election.

SECTION 4

Procedure for Electing Local Union Delegates to CAW Constitutional Conventions

A. GENERAL

This Section is intended to set forth the procedure a Local Union should follow in electing delegates to the triennial convention of the National Union. Since most of these procedures are identical with those already fully set forth in relation to the election of Local Union officers, this Section will be confined to a discussion of the few differences in procedure between Local Union officer elections and delegate elections. On those phases of the procedure which are identical, no comment will be made. In the following respects, the procedure set forth in the previous Section must be modified in connection with delegate elections. However, the procedures set forth in Section 2, Paragraphs B and E must be followed in these elections.

B. DATE OF ELECTION

(Delegate Elections)

The Local Union membership shall elect an Election Committee to conduct their elections for delegates to the National Convention. Such election may also be conducted by the Local Union standing Election Committee. The time, date and location of the election shall be established pursuant to the provisions of Section 1 and 1A of this booklet. The date must be set after the issuance of the convention call and upon receipt by the Local Union of their credentials and the number of delegates entitled allowing time for nominations, preceded by at least seven (7) days notice. At least seven (7) days must elapse between nomination and the election. A fifteen (15) day notice of the election must be given by posting in the same manner set forth for executive office elections in Section 2, Paragraph B. The election must be scheduled to make the results available at least twenty-one (21) days prior to the opening of the convention in order that the names of delegates elected can be submitted to the National Union within the time prescribed in the Constitution.

C. NOMINATIONS and ELIGIBILITY

In order to be eligible to serve as a delegate to a CAW Constitutional Convention, a member must have been in continuous good standing in the National Union for twelve (12) months immediately preceding the first (1st) day of the month in which the Convention is held and shall have been a member of his/her Local Union for three (3) months immediately preceding the first day of the month in which the Convention is held.

D. ALTERNATE DELEGATES

Only the Local Union membership or Joint Councils in Amalgamated Locals may decide whether or not the Local Union will elect alternate delegates. If the Local Union membership decides to elect alternate delegates (which may be less, but not more, than the number of legal delegates from that Local Union) they may do so in one of two ways:

(1) By providing in advance of the election that a certain number of runners-up in the contest for delegates shall be alternates, in the order in which they finish. If the Local adopts this method, it must specify in advance of the election, whether the voter will be allowed to vote for a total number of candidates equal to the total of delegates and alternates to be elected, or only for a number of candidates equal to the number of delegates to be elected.

(2) By providing, in advance of the nominations, for nominations of candidates for alternate delegate. In the event the Local Union membership follows the second course, the membership action must provide for the number of alternate delegates to be elected. These alternate delegates, having been nominated separately, shall be listed on the ballot under either the separate heading of Candidates for Alternate Delegate, or shall be listed on a separate ballot to be voted by each member at the same time.

E. CERTIFICATION OF ELECTION and RUN-OFF ELECTIONS

Candidates for convention delegate, and candidates for alternate convention delegate, shall be elected by plurality vote. Regardless of the number of nominees, the candidates having the greatest number of votes for delegate, or for alternate delegate, shall be considered elected. It is unconstitutional for a Local Union to require a majority vote for election of delegates or alternates, and, therefore, no occasion will arise for conducting a run-off election.

F. APPEALS and NEW ELECTIONS

The procedure in delegate elections differs from that outlined in Section 2-K only in that an appeal from the action of the National President would be taken to the Convention Credentials Committee. An appeal from a delegate election must be submitted to the National Secretary-Treasurer within seven days of the election but in no event less than ten days preceding the convening of the convention involved. Any such appeal will be referred to the Credentials Committee of the convention for processing in accordance with Article 9, Section 15(c) of the National Constitution.

**SECTION 5
Election of Stewards, Committee-
persons, and Chairpersons**

A. GENERAL PROCEDURES

The Constitution allows a Local Union wide latitude in electing stewards, committeepersons, chairpersons and non-executive officers (such as Executive Board Members at Large). The Constitution does demand that all be democratically elected.

It is extremely difficult to be specific with regard to most of the phases of steward, committeeperson and chairperson elections. However, each Local Union, being aware of its own individual situation, and being in the best position to determine its own rules within the general framework required by the constitutional mandate that these elections be democratic, should set forth its own election procedures for conducting these elections. These procedures should be adopted by the general membership or delegate body of the Local Union as a single resolution, as part of the Local Union's Bylaws. Insofar as possible, each of these Local Union procedures should cover in a definite way the various aspects of elections which are discussed with regard to Local Union officer and delegate elections in earlier sections of this booklet. The few specific requirements contained in this section of the booklet must be incorporated in a Local Union's steward, committeeperson and chairperson election procedure.

B. NOTICE OF ELECTION

One basic democratic safeguard which must be provided is that of proper notice. The Constitution specifies the amount of notice that must be given but it is strongly recommended that at least seven (7) days must be given for nomination and/or election of stewards, committeepersons and chairpersons. In some cases Local Unions prefer to conduct nominations and elections of stewards, committeepersons and chairpersons at the same meeting and this is permissible providing that the membership has been duly notified of this fact.

C. ELIGIBILITY TO RUN FOR OFFICE

Local Unions are free to establish reasonable eligibility requirements for stewards, committeepersons. The good standing requirements can be for a period of less than one year but not more than one year. The Local Union can also determine whether or not an executive officer is eligible to be a candidate for these offices. Whatever reasonable eligibility requirements the Local Union establishes, it is essential that the Local Union membership adopt the eligibility requirements and that these requirements be included in the posted notices of nominations.

D. SECRET BALLOT and THE RIGHT TO CHALLENGE

In the actual conduct of the election, the Local Union procedure must insure each member the right to

vote by secret ballot, though ballots need not be printed or mimeographed - they may be blanks of paper upon which the member may write the name of the candidate or candidates for whom he/she is voting. The Local Union procedure should insure that each candidate may designate a challenger to observe all phases of the voting and counting of ballots.

E. NECESSITY OF MAJORITY OR SIMPLE PLURALITY FOR ELECTION

The Local Union must itself decide whether a majority vote, or a simple plurality vote, is necessary for election of a steward, committeeperson or chairperson. It is extremely important that the Local Union, either by adoption of an appropriate By-Law or by specific action of a membership meeting, make definite decision as to whether a majority or plurality vote is required, in advance of the election. It is also important that a Local Union follow the same pattern in all steward, committeeperson, or chairperson elections though the membership may reverse itself, in which event, the new decision must be followed, until again reversed. The essential point is that during any given period of time, all steward, committeeperson or chairperson elections conducted by a Local Union must be decided by either a plurality or majority vote. It is not permissible for some such elections to be decided by majority vote and others by a plurality vote.

AK/gh/opeciu343