

**ELECTION GUIDELINES
FOR UNITED ASSOCIATION
LOCAL UNIONS**

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I. INTRODUCTION

The UA Constitution, Local Union By-Laws, Local Union election rules and applicable laws can all come into play to varying degrees when Local Unions hold their elections of officers. Local Unions should make every effort to conduct their elections in accordance with the relevant requirements and procedures. Not only will this promote fairness in elections, it will also help avoid election protests which, if upheld, can result in elections being invalidated.

These guidelines are meant to assist Local Unions that are preparing for and conducting elections of officers. While many of the suggestions in these guidelines do not constitute hard and fast rules, those provisions of the UA Constitution that relate to officer elections are binding on Local Unions and must be followed. Likewise, provisions in Local Union By-Laws that are not inconsistent with the UA Constitution or with applicable laws should be honored when conducting officer elections. For that reason, Local Unions should periodically review any election provisions in their By-Laws to be sure they are up to date and in accordance with actual practice.

Many Local Unions maintain a separate set of election rules that are not part of their By-Laws. Such rules can be carried over from election to election and/or they can be adopted or revised prior to each election. A significant advantage of having detailed election rules that are not part of the By-Laws is that the rules can be changed and adapted as circumstances require, without the need to invoke By-Law amendment procedures. In many Local Unions, it is the Election Committee that meets early on and decides on the election rules that will apply in an upcoming election.

With some exceptions, the recommendations in these guidelines apply generally to elections conducted by manual ballot as well as to those conducted by mail ballot. Local Unions conducting elections by mail ballot should also consult the UA's Guidelines for Mail Ballot Elections of Local Union Officers for assistance with issues connected with the use of mail ballots.

A final important source of authority that can impact the conduct of Local Union elections are the statutes, regulations and administrative/judicial precedents that address pre-election and election procedures, member and candidate

rights, and the like. In the United States, Title IV of the Labor-Management Reporting and Disclosure Act, or “LMRDA,” 29 U.S.C. §§ 481-484, establishes specific requirements that apply in all regular elections. Regulations adopted by the U.S. Secretary of Labor, along with administrative and court decisions, interpret the requirements of the LMRDA and can affect various aspects of the election, pre-election and post-election process. Although there is no counterpart to Title IV of the LMRDA in Canada, application of various provincial laws along with principles of natural justice can effectively impose similar rules.

For practical purposes, Local Unions in the U.S. and Canada are all subject to the same general rules and they should review and take heed of the information set forth in these guidelines.

II. THE ELECTION COMMITTEE

The first step in preparing for a Local Union election is to have an Election Committee in place. The Election Committee should be up and running in time to make decisions about the mechanics and timing of the election and to review and/or agree on a set of election rules. They should be up to speed prior to the nominations meeting in order to rule on the eligibility of nominators and to make candidate eligibility determinations as promptly as possible.

The UA recommends that the Election Committee be appointed by the Local Union President. The Committee should be composed of members in good standing, none of whom should be a candidate for office. If a Committee member decides, after being appointed, to run for office, a replacement should be appointed immediately. The Election Committee typically consists of an odd number of members, such as three or five (or more in a larger Local Union), in order to avoid the possibility of a stalemate on a critical matter.

Chairman : The Local Union President may designate one of the Committee members to serve as the Chairman of the Election Committee.

Election Judge: The Chairman of the Election Committee may appoint an Election Judge from among the remaining Committee members.

Secretary : The members of the Election Committee may elect a secretary from among the remaining members.

III. THE TYPE OF ELECTION

There are two ways in which UA Local Unions have traditionally conducted their elections – by manual ballot or by mail ballot. In recent years, electronic voting systems in which voters cast their ballots online have emerged as another possible method for conducting union officer elections. At this time,

the use of electronic voting systems is not permitted under UA policy, because experience with them is relatively limited and their use poses significant practical and legal challenges. The UA will continue to examine this issue as the technology evolves.

As between manual and mail ballot elections, the predominant rule is that UA Local Union elections are conducted by manual ballot. The exception to this rule is when a mail ballot is authorized or directed pursuant to Section 123 of the UA Constitution.

To invoke the procedures of Section 123 in order to request permission to use a mail ballot, the Local Union membership must vote at a regular or special meeting to make that request. The Local Union should then send a letter to the General President requesting approval of the mail ballot, being sure to attach a copy of the meeting minutes reflecting the membership vote and explaining the reasons for the request. The Local Union membership must vote on whether to request to use the mail ballot well in advance of the anticipated election date because, after receiving the request, there must be sufficient time to allow an investigation and report on the matter by an International Representative. The decision of the General President on a Local Union's request to use a mail ballot is final and binding.

Even in the absence of a membership request, the General President may, in his discretion, direct that a Local Union conduct its election by mail ballot. If a mail ballot is either authorized or directed, the General President may also order that the Local Union's nominations and election be moved forward one month earlier than the months specified in Section 122(a).

As noted above, a Local Union that has been authorized to conduct a mail ballot election should consult both these guidelines and the UA's Guidelines for Mail Ballot Elections of Local Union Officers. This should be done well in advance of any membership vote under Section 123(a), so that there is a full understanding of the procedures that a mail ballot election will entail. Section 123(a) of the UA Constitution requires that a request for permission to use a mail ballot be filed with the General President thirty days before the holding of nominations; however, as a practical matter, the consideration of such a request – and the planning for a mail ballot election – needs to commence at a much earlier time.

IV. USE OF A CPA OR AN ELECTION COMPANY

Although some Local Unions conduct their elections without outside professional support, most UA Locals employ either a certified public accountant (CPA) or an election company to assist them in conducting their elections of

officers. In a mail ballot election, the use of professional assistance should be considered essential. Whatever the type of election contemplated, the Local Union should research its available options thoroughly before deciding on a CPA or an election company.

V. ESTABLISHMENT OF A TIMELINE

Section 122(a) of the UA Constitution specifies that Local Union elections must be held in either June or December and that nominations must occur in the preceding month. As noted above, these requirements can be changed by the General President in a mail ballot election. The UA Constitution and United States law also require that certain minimum time periods be observed for certain events within the election process.

The required time periods in a manual election¹ are as follows:

- Under Section 124(c), any request to the General Secretary-Treasurer for eligibility lists should be made at least 30 days prior to nominations.
- Under Section 122(a), nominations must be held not less than 25 days before the date of the election.
- Under Section 122(a), the election notice must be mailed no later than 10 days before nominations.
- The membership list must be made available to candidates (for inspection only) 30 days before the election.

Once an election date is established, the Election Committee can work backwards from that point to identify the dates by which particular steps in the process must be completed. Local Union Election Committees may find it helpful to use an “election planner,” such as the following, which is designed to apply in a manual ballot election:

- __(date)__ Review and update member address list
- __(date)__ Election and campaign rules prepared
- __(date)__ Request eligibility lists from General Secretary-Treasurer
- __(date)__ Review/Correct eligibility lists
- __(date)__ Mailing of nomination and election notice

¹ Required time periods and a sample election planner in a mail ballot election appear in the UA’s Guidelines for Mail Ballot Elections of Local Union Officers.

__(date)__ Nomination meeting held

__(date)__ Candidate eligibility verified and nominees notified of determinations

__(date)__ Candidate Notice provided to candidates

__(date)__ Local Union facilities ready and available for campaign mailings

__(date)__ Membership list made available to candidates (inspection only)

__(date)__ Ballots printed

__(date)__ Challenged ballot envelopes, voter sign-in register and tally sheets prepared

__(date)__ Election

__(date)__ Ballots counted and results announced

__(date)__ Runoff, if necessary

The LMRDA requires that election officials give all members reasonable notice of the opportunity to nominate candidates, and further mandates that the election notice be mailed to every member at his or her last known address. Consistent with these requirements, Section 122(a) of the UA Constitution requires that a nomination and election notice be mailed to the last known address of all members in good standing at least ten days prior to the nominations meeting. Thus, it is advisable that Local Unions ensure that they have ongoing procedures to keep their membership address lists current.

VI. NOMINATION AND ELECTION NOTICE

Section 122(a) of the UA Constitution requires that the nomination and election notice be sent to all members in good standing at their last known address. The U.S. Department of Labor's position is that, under the LMRDA, all members – not just members in good standing – must receive this notice. A member who has been deemed ineligible to vote by the Local Union, but who believes that he or she is in fact eligible, should be given the opportunity to file a challenged ballot. Accordingly, it is allowable under the UA Constitution – and advisable in order to avoid a Department of Labor complaint – for Locals to send their nomination and election notices to all members, not just those in good standing.

Section 122(a) also sets forth in detail what information must be included in the nomination and election notice. Required information includes:

- the date and place of the nomination meeting and the offices to be filled
- the date, time and place of the election meeting
- the date, time and place of any runoff election, in case of a tie vote

Note: Instead of providing for a runoff election, it is acceptable for a Local Union to utilize a coin toss or some other reasonable method to resolve a tie vote. If a coin toss or some other reasonable method is to be used to resolve a tie, this should be stated in the nomination and election notice.

Additional information may be included in the notice. For example, the notice can provide some or all of the information set forth in the following section with regard to the conduct of nominations. In particular, it would be advisable to include in the notice information about how written acceptances and self-nominations may be submitted pursuant to Section 121 and any deadlines for such submissions. A sample notice for a manual ballot election, which includes both the required information and additional discretionary information, is attached as Exhibit A.

It is acceptable for a Local Union to send its nomination and election notice to members as part of a union newsletter or newspaper, as long as the mailing goes to all members at their last known address. Local Unions should be aware that the U.S. Secretary of Labor has issued an interpretative regulation stating that any such notice should either be conspicuously placed on the front page of the publication or the front page should have a conspicuous reference to the inside page where the notice appears.

There are a number of decisions under the LMRDA which have invalidated elections because of what the courts perceived as a failure by the local union to maintain up-to-date member address lists. The Department of Labor (Office of Labor Management Standards) website has recommendations for updating address lists prior to an election in a compliance document entitled "Updating Your Union's Membership Mailing List," a copy of which is attached as Exhibit B.

NOMINATIONS MEETING

The nominations meeting should be held in May or November for a manual ballot election. Under Section 123(b) of the UA Constitution, the General President may authorize a Local Union to move up by a month the date of its nominations and election in a mail ballot election.

Nominations should be at a date, time and place which allow members a reasonable opportunity to attend. The meeting must be scheduled to take place at least 25 days prior to the election.

The person chairing the nominations meeting should open nominations for each office separately. The Election Committee should have a list of members who are eligible to nominate candidates for office under Section 124(a) of the Constitution, including apprentice members who have successfully completed their third apprenticeship year as of the date of nominations, so that the eligibility of those making nominations can be immediately ascertained. If a nominator is ineligible under Section 124(a) or is disqualified from participating in nominations under Section 160(a) of the UA Constitution concerning “financial interest” members, the chair should make a ruling disqualifying that member as a nominator. If a nominator is disqualified, the meeting chair should provide the opportunity for further nominations for that office.

Under Section 122(a) of the UA Constitution, a member may only be nominated for one of the offices set forth in Section 100 of the Constitution. A nominating member may only nominate one candidate for each office up for election, except for those in which multiple positions must be filled, i.e., the Executive Board, the Finance Committee, the Examining Board, and elected Business Agents. Under Section 121, a member must be allowed to nominate himself or herself.

After each nomination is made, the chair should determine if the nominee is present and accepts the nomination or ascertain if the nominee has submitted a written acceptance of the nomination. Members must also be allowed to nominate themselves and, in such cases, no “second” of a self-nomination may be required. In addition, members who are not planning to attend the nominations meeting for any reason must be permitted to accept a nomination by submitting a written notification identifying the Local Union office for which a nomination is sought or accepted. Local Unions may choose to accept such written acceptances up until the start of the nominations meeting or within a defined short period of time after nominations. Written acceptances should be allowed from a nominee either in paper form, or by electronic mail or facsimile transmission. A list should be kept of the name of each nominee, the office to which each was nominated, and the names of the nominating and any seconding members for each nominee.

If, after a full opportunity is given for nominations to be made, there is only one candidate nominated for a particular office, that candidate may be declared elected. This can be done at the nominations meeting if there is no question concerning the candidate’s eligibility for office. The name and office of any such “white ticket” candidate should not appear on the ballot.

VIII. ELIGIBILITY LISTS

The Local Union should request eligibility reports from the General Secretary-Treasurer. Under Section 124(c) of the UA Constitution, this request

should be made at least 30 days before nominations, but it can be made much earlier. The eligibility reports that the General Secretary-Treasurer will prepare for the Local will be based on the latest cash sheet received from the Local and will consist of four reports entitled, respectively, “Members Eligible to Vote and Nominate,” “Members Eligible to Run for Office,” “Members NOT Eligible to Vote and Nominate,” and “Members NOT Eligible to Run for Office.” The Local Union will need to review these reports and make any necessary updates or corrections, as discussed below.

First, because these reports can be requested at any time during the several months preceding the election, they will reflect information as of the date of the report and not necessarily as of the date on which eligibility will depend. Thus, reports requested in mid-February for a June election will show the members’ continuous good standing as of February 1, whereas under Sections 121 and 124 eligibility to nominate, vote and run for office in manual elections are keyed to periods of continuous good standing *as of the date of the election*. Therefore, in a manual election, if the Election Committee is using eligibility reports generated in any month other than the month of the election, the Committee will need to examine the specific information on the reports to determine actual eligibility as of the election date. For example, if a member paid a reinstatement fee in November 2020 but maintained continuous good standing from that time forward, he or she will be eligible to run for office in a manual election held in December 2022, even though UA eligibility reports generated in October 2022 will place him on the “Members NOT Eligible to Run for Office” list. Or, a member who had continuous good standing as of an October 2022 eligibility list may go in arrears in November 2022 and be rendered ineligible to nominate candidates and vote for that reason.

Also, Local Unions should bear in mind that, under Section 148(b) of the UA Constitution, apprentice members are eligible to vote for and nominate candidates in a Local Union election if they have successfully completed their third apprenticeship year. Before requesting eligibility reports, the Local Union needs to ensure that the General Secretary-Treasurer’s office has the latest information on such apprentice members in order to avoid having them improperly excluded from the “Members Eligible to Vote and Nominate” report. Accordingly, before each request for an eligibility report from the Secretary-Treasurer’s office, the Business Manager or his/her designee should log on to UANET, click the link for “Apprentice Voting Registration” and use the Registration Application to identify all apprentices who have successfully completed their third apprenticeship year.

Remember that the “Members Eligible to Vote and Nominate” reports provided by the General Secretary-Treasurer’s office reflect information as of the date of the report. Thus, if an apprentice who otherwise meets the member-

ship in good standing requirements of the UA Constitution successfully completes his or her third apprenticeship year on the day before the nominations meeting, that apprentice is eligible to nominate, irrespective of what a previous “Members Eligible to Vote and Nominate” report might say. Likewise, if an apprentice successfully completes his or her third apprenticeship year on the day before the election, the apprentice is eligible to vote in the election, irrespective of any previous “Members Eligible to Vote and Nominate” report—and even though the apprentice in this example was not eligible to make a nomination at the nominations meeting.

In a mail ballot election, pursuant to Section 123(c) of the Constitution, eligibility to nominate, vote, and run for office are keyed to the date that is seven days prior to the mailing of the ballots. Thus, in such elections, eligibility reports from the General Secretary-Treasurer’s office that are generated in any month earlier than that date will need to be reviewed by the Local Union and corrected as necessary.

In addition, when reviewing eligibility reports, the Local Union may discover that it has neglected to notify the General Secretary-Treasurer that a member in fact paid his or her dues within the three-month period established by Section 156 of the Constitution. As a result, the UA’s records may erroneously reflect a reinstatement fee which should not have been charged, necessitating a correction.

Finally, and just as importantly, the lists generated by the General Secretary-Treasurer’s office will not reflect whether a member is ineligible to nominate candidates, vote, or run for office by virtue of the restrictions in Section 160 of the UA Constitution. Under that provision, members who enter into business or hold a financial interest in any business directly connected with the plumbing and pipe fitting industry do not have the right to vote, nominate, or run for office (or otherwise take part in the official affairs of the Local) until six months after the business or financial interest has been terminated.

Whether a member is disqualified from voting, nominating, or running for office under Section 160 is a fact-intensive inquiry that the Local should make after consideration of the circumstances. Such inquiries generally should be resolved by the Election Committee. The Election Committee is not required to review the eligibility lists and investigate whether every member listed may have a disqualifying business or financial interest under Section 160. However, if the members of the Election Committee possess or receive information that raises a legitimate question about a member’s status under Section 160, the Election Committee should gather information as appropriate and decide whether the member is disqualified.

There are no precise, rigid rules for when a member meets the standard of Section 160 but it is not true that any connection to a company in the plumbing and pipe fitting industry is disqualifying. As a general rule, to be disqualified, the member needs to have an actual ownership interest that is significant. For example, a member who owns a small amount of stock in a large company in the plumbing and pipe fitting industry is generally not disqualified under Section 160. However, a member who owns a substantial amount of stock in a smaller company is generally disqualified under Section 160, particularly when he or she has the right to set company policy and/or make management decisions.

A member who merely holds a management position with a signatory contractor – high-ranking or otherwise – is generally not disqualified under Section 160. Indeed, it is not uncommon for supervisors such as foremen, or even general foremen, to vote and run for local union office.

Sometimes a question arises under Section 160 when a member’s family member—typically his or her spouse—owns a plumbing and pipe fitting business. In such cases, the member generally would be disqualified if the member files a joint tax return with his or her spouse or if the member holds a significant ownership or other similar financial interest in the spouse or other family member’s business. On the other hand, if a member merely works for, and receives a paycheck from, a family-owned business, he or she generally would not be disqualified under Section 160.

The only exception to the disqualification provisions of Section 160 is that a Local Union that has requested and been granted an exemption pursuant to the procedures of Section 160(b) may allow members that would otherwise be disqualified to nominate and vote in officer elections, although they cannot run for office unless and until the business or financial interest has been terminated and the six-month period has elapsed. The General Secretary-Treasurer’s office does not have information regarding members with such business or financial interests; therefore, it is the responsibility of the Local Union to review and purge the eligibility lists accordingly.

When the Local Union has identified eligibility issues related to periods of good standing that need to be corrected, the Local Union should send a letter to the General Secretary-Treasurer identifying the correction to be made. The correction will then be made on the General Secretary-Treasurer’s records and will appear on any subsequent eligibility reports. If the correction changes the member’s eligibility status, the General Secretary-Treasurer’s office will contact the Local Union to acknowledge the correction to the previous report and state that the member is currently eligible to nominate, vote, and/or run, as the case may be.

Local Unions may request more than one set of eligibility reports from the General Secretary-Treasurer. For example, for a December manual election, a Local Union may wish to request preliminary eligibility reports in September and to request final eligibility reports in early December.

IX. ELIGIBILITY DETERMINATIONS

As soon as possible after nominations, the Election Committee should review the eligibility of all nominees, utilizing the eligibility lists that have been reviewed and corrected as described above. The requirements of Sections 121 (or 123(c) in mail ballot elections) and 160 must be strictly enforced as to all candidates. No other eligibility requirements can be imposed, unless a claim is made that a nominee is disqualified under Section 504(a) of the LMRDA, as discussed below.

In a regular election of officers, there is no requirement that a current office holder resign that office in order to be eligible for nomination. By its terms, Section 122(d) of the UA Constitution, which requires an officer “holding an office that is not up for election” to resign that office in order to be eligible to run for another office, applies only to an election to fill a vacancy.² That is because, in a regular election, all offices are “up for election.”

The primary eligibility requirement to run for office in a manual election, pursuant to Section 121, is that the nominee has been a member in good standing of the Local Union for a continuous period of two years as of the date of the Local Union election. Again, note that it is the date of the *election*, not the date of nominations, which is controlling in a manual election. In a mail ballot election, Section 123(c) provides that a member is eligible for office if he or she has been a member in good standing of the Local Union for a period of at least two years immediately prior to *the date which is seven days prior to the mailing of the ballots*.

² Depending on the Local’s By-Law provisions on the filling of vacancies, the application of Section 122(d) in a special election to fill a vacancy can become somewhat complicated and require advance planning. If, for example, an elected Business Agent decides to resign his or her office in order to run for a vacancy in the Business Manager position, that will create an additional vacancy in office. If the Local’s By-Laws require both vacancies to be filled by election, or if yet other vacancies are then created which also must be filled by election, the Local will need to provide appropriate advance notice of Section 122(d)’s requirements to all affected officers in time to allow resignations, nominations and a special election to proceed in an orderly fashion.

In both manual and mail ballot elections, good standing status is determined with reference to the provisions of Sections 156 and 157 of the UA Constitution. Thus, a member who has paid a \$50.00 reinstatement fee within the relevant two-year period is not eligible to run for office.

A member whose dues have been checked off by an employer may not be declared ineligible because of a delay or failure of the employer to send the dues to the Local Union.

In addition to reviewing eligibility of candidates under the two-year good standing requirements, the Election Committee must determine whether there are any nominees who are disqualified by virtue of Section 160. As discussed above, such determinations should be made whenever members of the Election Committee possess or receive information that raises a legitimate question about a nominee's status under Section 160. No member who has entered into a business or holds a financial interest in any business directly connected with the plumbing and pipe fitting industry may run for office unless a period of six months has elapsed since that business or financial interest was terminated. The six-month period is generally tied to the date of nominations.

In addition to the eligibility provisions in the UA Constitution, Local Unions occasionally encounter situations in which a potential candidate is claimed to be ineligible for office under Section 504(a) of the LMRDA, 29 U.S.C. §504(a). That provision bars persons convicted of certain crimes from holding local union office. The application of the prohibitions of Section 504(a) to particular circumstances is not always clear. If presented with a potential Section 504(a) issue, the Election Committee should examine the statute and endeavor to determine whether the prohibition applies. However, if it is unclear whether or not the prohibition applies, the Election Committee should consult the Local Union's counsel, who should be made available to the Election Committee as a matter of course when a Section 504(a) question arises. As with any decision regarding candidate eligibility, the Election Committee's decision is immediately appealable to the General President under Section 125(b) of the UA Constitution.

X. CANDIDATE MEETING AND CANDIDATE NOTICE

Once eligibility determinations have been made, the Election Committee typically holds a meeting with the candidates. Any such meeting should take place as soon as possible, and it can often go forward immediately following the nominations meeting. Potential candidates should have fair notice of the candidates' meeting in order to ensure that each candidate or a surrogate is able to attend. For example, information about the candidates' meeting can be included in the nomination and election notice.

The primary purpose of the candidates' meeting is to inform candidates of their various rights and obligations and to answer any questions they may have. A sample candidate notice, attached as Exhibit C to these guidelines, outlines the types of information that are important and should be provided to candidates in a manual ballot election. Each candidate should be provided with a copy of the candidate notice and, ideally, should sign an acknowledgement that they have received the notice.

Depending on the Local's election rules, the candidates' meeting may also be used to determine candidates' placement on the ballot, any use of nicknames, and the like.

XI. CAMPAIGNING

Campaign Literature

All candidates must be given an equal opportunity to campaign and to send campaign literature. By law, the Local Union must comply with all reasonable requests of a candidate that the Local Union distribute campaign literature at the candidate's expense to members in good standing. If the Local distributes any candidate's literature without charge, it must do so for all candidates.

The Election Committee should oversee and be actively involved in processing requests for distribution of campaign literature. Requests should be handled on a first-come, first-served basis, on the basis of a drawing where appropriate, or on some other equitable method as determined by the Election Committee. All candidates, including incumbents, must be treated the same in all aspects of the process. A member of the Election Committee should be present at the Local Union during the processing of any campaign mailing.

Under the LMRDA, the right to have campaign literature distributed applies to "bona fide" candidates for office; this has been interpreted by the courts to include members who are actively seeking nomination and election, even if they have not yet been formally nominated for office. If a member asks to have campaign literature mailed before nominations have taken place, the Local should confer with its counsel about its obligations under the circumstances at hand.

Candidates must be treated equally with regard to the cost of distributing campaign literature, and they must be given notice of the procedures for distributing literature in advance of the campaign period. Notice of the procedures and costs is an important topic for the written candidate notice. The LMRDA states that the Local Union must honor requests to distribute literature to all members in good standing. The U.S. Department of Labor takes the position that a local union must also honor requests for distribution to only a portion of the membership "if such distribution is practicable." The Local Union should

not attempt to limit the number of mailings a candidate may choose to make in the course of a campaign.

The Local Union may not insist on reading the contents of campaign literature before it is distributed, nor may it otherwise regulate the content of the literature.

By statute, a local union's obligation to comply with reasonable requests to distribute campaign literature applies to distribution "by mail or otherwise..." To what extent this includes a request that the union distribute campaign literature by electronic mail is a developing area of the law. The U.S. Department of Labor advises unions "to comply with a candidate's reasonable request to distribute campaign literature to the membership through e-mail if the union uses e-mail to disseminate information to its members." If e-mail distribution is employed, the Local Union is entitled to protect the confidentiality of members' names and e-mail addresses. The Local Union is under no obligation to create an e-mail address list if one does not exist, and it need not supplement an incomplete e-mail address database in order to comply with a candidate's request for e-mail distribution.

Membership List

During the 30-day period immediately preceding a manual election, or the 30-day period preceding the mailing of the ballots in a mail ballot election, each candidate must be afforded the opportunity to review the Local Union's membership list. Only one such opportunity must be given to each candidate. The Local Union is not obligated to, and should not, allow candidates to make a copy of the list. In this and all other respects, all candidates including incumbents must be treated the same.

Candidates should be asked to make advance arrangements to inspect the membership list. Instructions concerning such arrangements should be included in the candidate notice. A member of the Election Committee should be present throughout any inspection of the membership list.

Use of Union Funds

With the exception of campaign mailings done at a candidate's expense, it is contrary to the LMRDA for Local Union funds or equipment to be used in support of a particular candidate. This includes the use of Local Union-owned equipment such as telephones, computers and copy machines; property such as paper, envelopes and stamps; and Local Union employees or facilities. Thus, for example, neither an incumbent nor anyone else should compose campaign literature on a Local Union-owned computer, use the Local Union copier to reproduce campaign literature, or ask an office secretary to type up a campaign brochure or otherwise assist in preparing or sending campaign mailings.

Moreover, neither the Local Union letterhead nor any official publication such as a Local Union newsletter or social media account should be used to promote or oppose anyone’s candidacy. In addition, employees or agents of the Local Union should not campaign for or against any candidate during times of day when they are on the Local Union’s payroll. It is important to note that any of these activities involving use of Local Union funds, facilities or equipment can serve to invalidate an election even if Local Union officials did not know or approve of the activities.

Under the LMRDA, the prohibition on using union funds applies to *any* union, not just the Local Union conducting the election. Thus, the use of a sister Local Union’s funds or facilities, or even those of another trade union, would violate this rule.

Use of Employer Funds

Likewise, the LMRDA provides that no employer monies may be contributed or applied to promote the candidacy of any person for Local Union office. As with the prohibition against the use of union funds, this rule covers indirect and direct expenditures. Thus, for example, the U.S. Labor Department considers it illegal for Local Union stewards to campaign on company time unless their campaign activities are incidental to the performance of legitimate work assignments and do not interfere with the performance of that work. As with union assets, the prohibition against employer expenditures extends to employers of employees *not* represented by the Local Union. Thus, for example, a copying facility that employs employees cannot donate free copying services to a candidate for a UA Local Union office.

XII. BALLOTS

The ballots should be designed and discussed with the printer several weeks before the election. The actual printing of the ballots should take place closer to the election, such as one week prior to the election.

Instructions on the ballot should clearly indicate the way the ballots should be marked. Typical instructions state: “Mark an X or check mark in the box next to the candidates of your choice.” The ballot should indicate the maximum number of votes allowed for each office. For example, “Finance Committee – vote for no more than three.”

The position of names on the ballot may be determined in any reasonable manner. Sometimes a Local Union’s election rules or By-Laws will specify a particular order, such as alphabetical. (However, note that the UA recommends against including such detailed election rules in a Local Union’s By-Laws as opposed to in a separate set of election rules.) If there is an election rule or By-

Law establishing a specific order of names on the ballot, it should be honored. Otherwise, any fair and unbiased method of determining the order of names, such as alphabetical or by the drawing of names from a hat, may be used.

Reasonable requests by a candidate that a nickname by which he or she is commonly known be reflected on the ballot should be honored, unless the nickname is offensive.

Candidates may be listed on the ballot according to their affiliation with a particular slate. However, the ballot must be designed so that a voter can choose among individual candidates if the voter prefers not to vote for the entire slate.

XIII. ELECTION DAY IN A MANUAL ELECTION³

Neutrality of Polling Place

No campaigning should be allowed inside the polling place. Some Local Unions have rules restricting campaigning within defined distances from the entrance to the polling place. Signs should be posted concerning any such restrictions.

Election officials and observers should not wear campaign buttons, stickers or other campaign apparel in the polling place. However, voters should be allowed to wear such paraphernalia in the absence of a clear, specific and uniformly applied election rule to the contrary.

Observers

Each candidate must be allowed to have at least one designated observer present at the election and the counting of the ballots. Pursuant to Section 122(b) of the UA Constitution, observers must be members in good standing and participate at the candidate's expense. Candidates may designate relief observers to substitute for their designated observers, and candidates may act as their own observers.

The role of observers is generally limited to observing the election process, asking procedural questions, challenging the eligibility of voters, and lodging protests or complaints with election officials. Observers should be allowed to monitor the election process, but they must not be allowed to handle ballots or otherwise compromise the secrecy of the ballot. They should not wear campaign buttons, stickers or other campaign apparel or engage in campaign activities inside the polling place.

³ Guidelines pertaining to tallying day procedures in a mail ballot election appear in the UA's Guidelines for Mail Ballot Elections of Local Union Officers.

Before the polls open, the observers should be allowed to inspect the ballot box and/or voting machines or equipment.

Once the election begins, observers should be required to stay in a designated area from which they can carry out their responsibilities without interfering with the election process.

Voting Process

Members must be allowed to vote in a way that protects the secrecy of the ballot. Voting booths, partitions, curtains or other physical arrangements that protect the privacy of the voter should be provided. Paper ballots should be immediately placed in the ballot receptacle, with no one other than the voter handling the ballot and no opportunity for anyone other than the voter to observe how he or she has voted.

Challenged Ballots

Observers are entitled to challenge a member's eligibility to vote. The Election Committee or its designated Election Judge must resolve such challenges based on the eligibility requirements set forth in the UA Constitution. Challenges should be resolved, if possible, prior to the completion of voting and the counting of the ballots. If a challenge is upheld by the Election Committee or if the challenge cannot be resolved immediately, the member in question should be allowed to file a "challenged ballot" using the following procedure:

1. The member is given a) a blank ballot, b) a small "Secret Ballot Envelope" which directs the voter not to write a name or any other identifying information on it, and c) a large outer "Challenged Ballot Envelope" with spaces for the information described below;
2. An election official should record on the outside of the "Challenged Ballot Envelope," in spaces provided, the voter's name, the voter's membership number, the basis of the challenge, the name of the person who raised the challenge, the resolution of the challenge, the name of the election official, and the date;
3. The member should be directed to a private voting area and instructed to mark the ballot, place it in the Secret Ballot Envelope, seal the Secret Ballot Envelope, put the sealed envelope in the larger Challenged Ballot Envelope, and return the Challenged Ballot Envelope unsealed to the election official;
4. The election official should ensure that the Challenged Ballot Envelope contains the sealed Secret Ballot envelope. The voter should then seal the Challenged Ballot Envelope and place it in a separate ballot box maintained for challenged ballots.

Counting the Ballots

The counting of the ballots should be done in a way that protects the secrecy of the ballot while preserving the ability of observers to witness the process. The particular process used in counting the ballots will depend, in part, on whether the Local Union has retained the services of a CPA or an election company to assist in conducting the election. For example, some election companies offer the use of optical scanners or other systems that tabulate voting results.

Whether the counting is done solely by the members of the Election Committee, whether professionals participate in the count, or whether the count is performed by a machine, a scanner, or by another tabulation system, the Election Committee must take responsibility for protecting ballot secrecy, the rights of observers, and the accuracy of the count.

For example, if a traditional type of machine counting is used, after all members have voted, the operator from the voting machine company should lock all the ballot machines. The machines are then typically opened one by one, and a member of the Election Committee reads the tabulations while two other Committee members each record the tabulations on separate tally sheets. After the process is completed, the operator of the voting machines should lock all of the voting machines. The Election Committee then totals the results.

If hand counting is used, the Election Committee should decide in advance the specific procedures that will be used to count the ballots. All materials to be used, such as tally sheets, should be prepared in advance. Tally teams should be instructed in advance about the counting procedures and the appropriate method for resolving questionable or challenged ballots.

Observers should not be allowed to touch or handle ballots and they should be advised to direct all questions, problems or objections to a designated election official.

Every vote on a valid ballot should be counted if the voter's intent is clear, no matter what kind of mark is used to indicate the voter's choice. If a voter makes an indecipherable mistake in voting for a particular office, or votes for more candidates than allowed for a particular office, only the vote for that office should be voided.

Pursuant to Section 122(b) of the UA Constitution, write-in votes are not allowed and may not be counted.

As noted previously, challenges to ballots should be resolved, if possible, prior to the counting of the ballots, and any unresolved challenged ballots should be set aside. If the number of challenged ballots could affect the out-

come of the election for any office, the remaining challenges should be resolved and any ballots determined eligible should be opened and counted in a way that, to the extent possible, preserves the secrecy of the ballot.

Determining the Results

Pursuant to Section 122(b) of the UA Constitution, the candidate for each office who receives a plurality of the votes cast is to be declared elected. Where several positions in one office must be filled, e.g., Executive Board, Examining Board, Finance Committee, and elected Business Agents, the candidates are to be declared elected in descending order of votes received, starting with the candidate receiving the highest number of votes cast. If two or more candidates receive the same number of votes, a runoff election should be held, or the winner may be determined by a coin toss or some other reasonable method, depending on the method and timing of resolving a tie that was specified in the nomination and election notice.

Finalizing the Tally and Announcing the Results

Once the tally is complete, including any required resolution of challenged ballots, the members of the Election Committee should sign the tally sheets and the Election Committee Chair should announce the results for each office, as well as the number of ballots counted, the number of totally void ballots, and the number of unresolved challenged ballots.

Preservation of Records

Any Challenged Ballot Envelopes that were not opened because they could not affect the outcome of the election should remain unopened. Those envelopes, as well as all ballots and all other records pertaining to the election, must be sealed and locked in a safe place by the Election Committee Chair, and preserved for one year from the later of the date of the election or the date of the final resolution of any challenge to the election under the UA Constitution or applicable law. Should there be a need temporarily to unseal the records for purposes of addressing an election protest or complaint, the Election Committee should be present to ensure the integrity of the records.

XIV. PROTESTS OF LOCAL UNION ELECTIONS

Section 125 of the UA Constitution governs protests of Local Union elections. Generally, there are two types of protests. Protests to the eligibility of a member to be nominated for office are covered by the time frames and procedures of Section 125(b). Protests to the conduct and validity of the election are covered by the time frames and procedures of Section 125(a).

For protests to the eligibility of a member for nomination to office, a member must make the protest immediately upon discovering the grounds for inel-

igibility. The protest must be made to the Local Union and an appeal of the Local Union's decision may be made to the General President. The General President's decision is final and binding.

For protests to the conduct and validity of the election ("post-election protests"), a member must file the protest with the General President within five working days after the election. The post-election protest must be in writing, specifically setting forth the grounds upon which the protester relies to set aside or invalidate the election. When a protest is timely filed, there is no induction of officers.

The General President refers the post-election protest to a representative who will conduct an investigation and issue a decision. A member or the Local Union not satisfied with the representative's decision must appeal the decision in writing within three working days. The appeal is filed with the General President, who has the right to affirm, reverse, modify or change the decision of the representative or enter such other decision as the facts in his discretion warrant. The General President's decision is final and binding and there is no further appeal.

Election Guidelines for UA Local Unions – Exhibit A

[SAMPLE NOMINATION/ELECTION NOTICE]

NOMINATION AND ELECTION NOTICE

Election of Local Union Officers

Local Union No. 999

This is your official Notice of Nominations and Election, pursuant to Section 122(a) of the UA Constitution.

NOMINATIONS MEETING

Nominations for the offices of **President, Vice-President, Recording Secretary, Business Manager/Financial Secretary-Treasurer, two (2) Business Agents, Inside Guard, four (4) Executive Board Members, three (3) Finance Committee Members, and three (3) Examining Board Members** will be held at the date, time, and place indicated below. Officers will be elected for a three-year term commencing in January 2023.

Nominations will be held on:

Date: **Tuesday, November 8, 2022**

Time: **6:00 PM**

Place: **Local Union 999
123 Main Street
Everytown, Ohio 45678**

Nominations may be made in person at the Nominations Meeting or in writing. Written nominations should include the address, phone number and UA Card Number of both the nominator and the person nominated, must specify the office for which the nomination is made, and should be signed by the nominator. Written nominations must be received by Election Chair John Smith at Local 999, 123 Main Street, Everytown, Ohio 45678, no later than 5:00 PM on Tuesday, November 8, 2022, which is one hour before the Nominations Meeting.

Eligibility to Nominate: As provided in Section 124(a) of the UA Constitution, no member is eligible to nominate candidates in any election of officers unless he or she has been a member in good standing in Local 999 for a period of one (1) year immediately prior to the date of the election, December 10, 2022. Any member who owes or has paid a reinstatement fee within a period of one (1) year immediately prior to December 10, 2022 shall not be eligible to nominate candidates. In addition, members nominating candidates must not be dis-

qualified from voice or vote or from participating in the official affairs of Local 999 under the terms of Section 160(a) of the UA Constitution. Section 160(a) provides that any member who has entered business legitimately for himself or herself, or who holds a financial interest in any business directly connected with the plumbing and pipe fitting industry, shall not have the right to voice or vote or to take any part in the official affairs of the Local Union until six (6) months have passed since the member terminated his or her business or financial interest in such business. As provided in Section 148(b) of the UA Constitution, apprentice members who satisfy the foregoing requirements shall be eligible to nominate candidates for local union office if they have successfully completed their third apprenticeship year as of December 10, 2022, the date of the election.

No seconds to a nomination will be required as long as the person making the nomination meets the above requirements.

Members may nominate themselves.

A member may nominate one, and only one, candidate for each of the Local Union offices listed in bold type above, except for those in which multiple positions must be filled, i.e., the Business Agents, the Executive Board, the Finance Committee and the Examining Board. A member may nominate up to two candidates for a Business Agent position, up to four candidates for an Executive Board position, up to three candidates for a Finance Committee position, and up to three candidates for an Examining Board position.

Accepting Nominations: Candidates for office may accept their nominations in person at the Nominations Meeting, or candidates may submit written acceptances, which must include their current address, phone number, and UA Card Number. Written acceptances must also identify the office for which the nomination is accepted. To avoid delays, written acceptances should be submitted by mail or in person to Election Chair John Smith c/o Local 999, 123 Main Street, Everytown, Ohio 45678, by e-mail to bbright@local999.com, or by facsimile transmission to Election Chair John Smith at (666) 999-9998, by 5:00 PM on Tuesday, November 8, 2022. Such written acceptances will also be accepted if they are submitted as described above within forty-eight (48) hours after the Nominations Meeting. Pursuant to Section 122(a) of the UA Constitution, an eligible member may only accept a nomination for one office.

Eligibility to Run for Local Union Office: As provided in Section 121 of the UA Constitution, no member shall be eligible to accept a nomination and run for office in Local 999 unless he or she shall be a journeyman member and shall have been a member of the United Association and Local 999 in good standing for at least a period of two (2) years immediately prior to Saturday,

December 10, 2022, the date of the election. Any journeyman member who owes or has paid a reinstatement fee within a period of two (2) years immediately prior to December 10, 2022 shall not be eligible to be nominated for office. As provided in Section 160(c) of the UA Constitution, no member who holds a financial interest in any business directly connected with the plumbing and pipe fitting industry may run for or hold union office until six months after the member has terminated such financial interest.

CANDIDATES MEETING

A meeting of all candidates will be held at Local 999 immediately following the Nominations Meeting. It is very important that candidates make every effort to attend this meeting, either in person or through a surrogate. The rules for candidates running for election such as the right to an observer, the mailing of campaign literature, the right to view the membership list, the order of names on the ballot, and other election-related issues will be discussed.

ELECTION

The Election will be held on:

Date: Saturday, December 10, 2022

Time: 7:00 AM to 7:00 PM

**Place: Local Union 999
123 Main Street
Everytown, Ohio 45678**

Eligibility to Vote: As provided in Section 124(a) of the UA Constitution, no member is eligible to vote in any election of officers unless he or she has been a member in good standing in Local 999 for a period of one (1) year immediately prior to December 10, 2022. Any member who owes or has paid a reinstatement fee within a period of one (1) year immediately prior to December 10, 2022 shall not be eligible to vote in the election. In addition, as provided by Section 160(a) of the UA Constitution, any member who has entered business legitimately for himself or herself, or who holds a financial interest in any business directly connected with the plumbing and pipe fitting industry, shall not have the right to vote in any election unless six (6) months have passed since the member has terminated his or her business or financial interest in such business. As provided in Section 148(b) of the UA Constitution, apprentice members who satisfy the foregoing requirements shall be eligible to vote if they have successfully completed their third apprenticeship year as of December 10, 2022.

Members should be prepared to present a membership card, driver's license or other form of identification at the polls.

The **counting of the ballots** will take place after the polls are closed on **Saturday, December 10, 2022** at Local Union 999, 123 Main Street, Everytown, Ohio 45678, starting at **approximately 7:30 PM**.

Runoff Election: In the event of a tie vote for any office, a runoff election will be conducted. In such an event, the runoff election will be held on **Saturday, December 17, 2022**, from **3:00 PM to 6:00 PM**, at Local Union 999, 123 Main Street, Everytown, Ohio 45678. The runoff shall be limited to the position or positions for which there was a tie.

The **counting of the runoff ballots** will take place after the polls are closed on **Saturday, December 17, 2022**, at Local Union 999, 123 Main Street, Everytown, Ohio 45678, starting at **approximately 6:30 PM**.

The following Local 999 members have agreed to serve as the Election Committee:

- 1) John Smith, Election Chair
- 2) Jane Evans
- 3) Fred Jones
- 4) Alex James
- 5) Stephen Allen

All inquiries regarding the election should be presented by email to bbright@local999.com, or by telephone or in person to Office Manager Barbara Bright at Local 999 ((666) 999-9999). Such inquiries will be addressed by the Election Chair or his or her designee as necessary.

Updating Your Union’s Membership Mailing List



Accurate mailing lists are essential to successful organizations. Unions have a special interest in keeping their membership lists up-to-date in order to comply with the election provisions of the Labor-Management Reporting and Disclosure Act. This law requires unions to mail election notices to members at their last known home address and to comply with candidates’ requests to distribute campaign literature. Unions that conduct elections by mail have an additional responsibility to ensure that membership mailing lists are complete and accurate in order to guarantee that all members receive ballots and are given the opportunity to vote.

As an initial step, union officials should compare the mailing list with membership records to ensure that the names of all members appear on the mailing list including new or transferred members as well as any members whose addresses are known to be incorrect. The union’s system for recording addresses and making address changes should also be examined to make certain that address change information is entered in a timely, accurate manner. Following are additional suggestions for updating your union’s mailing list:

- Post notices at work sites, web sites, the union hall, bulletin boards, and in the union newspaper requesting members to advise the union of address changes.
- Make any scheduled mailing to members by first class mail several months before nominations so that the post office will return any undelivered mail; obtain better addresses for members whose mail was returned.
- Check listings in local telephone books and through Internet “search engines” to find updated addresses; telephone members to request new addresses.
- Contact the personnel office of employers to obtain corrected addresses.
- Seek assistance from employers in obtaining corrected addresses from members through inter-office mail, mail drop, e-mail, notes from the union which accompany paychecks, contacts with supervisors, or other appropriate means.
- Contact union parent body officials or the pension/benefits plan office to obtain members’ most recent addresses.

- ❑ Provide business agents and stewards with the names of members with “bad addresses” and ask them to obtain updated addresses when visiting work sites.
- ❑ List in the union newspaper and announce at meetings the names of members whom the union has been unable to contact and ask fellow members if they know how to reach them.

Keeping an up-to-date membership mailing list is extremely important and requires ongoing attention. If your union’s mailing list is not up-to-date, the procedures outlined above should begin at least three to six months prior to nominations. In addition to updating membership lists, unions should post election notices at all work sites. In the case of mail ballot elections, such notices should advise members how to obtain a ballot if none is received.

For additional information on planning and conducting local union officer elections, contact the nearest Office of Labor-Management Standards (OLMS) field office to request a copy of “Conducting Local Union Officer Elections: A Guide for Election Officials” or review this publication on the OLMS Web site at <http://www.dol.gov/olms/regs/compliance/localelec/localelec.htm>.

U.S. Department of Labor Office of Labor-Management Standards

Election Guidelines for UA Local Unions – Exhibit C

[SAMPLE CANDIDATE NOTICE]

United Association Local Union No. 999 NOTICE TO CANDIDATES 2022 ELECTION OF LOCAL 999 OFFICERS

SPECIAL NOTE TO CANDIDATES NOT PRESENT AT CANDIDATES' MEETING: YOU MUST RETURN A SIGNED COPY OF THE FORM ON THE LAST PAGE OF THIS NOTICE ACKNOWLEDGING RECEIPT OF THE NOTICE AND STATING YOUR NAME EXACTLY AS YOU WANT IT TO APPEAR ON THE BALLOT.

EMAIL YOUR SIGNED COPY OF THE ACKNOWLEDGMENT FORM TO bbright@local999.com, OR SEND IT BY FACSIMILE TRANSMISSION TO THE LOCAL 999 ELECTION COMMITTEE AT (666) 999-9998, OR MAIL IT AS SOON AS POSSIBLE TO THE LOCAL 999 ELECTION COMMITTEE C/O UA Local Union 999, 123 Main Street, Everytown, Ohio 45678.

ELECTION COMMITTEE

The Election Committee is composed of Brother John Smith (Election Chair), Sister Jane Evans, Brother Fred Jones, Brother Alex James and Brother Stephen Allen. Any questions about the election should be presented by phone, email, facsimile transmission, or in person to Local 999 Office Manager Barbara Bright at the Local 999 office, 123 Main Street, Everytown, Ohio 45678; Phone (666) 999-9999; Fax (666) 999-9998; Email bbright@local999.com. Any such questions will be referred to the Election Chair or his or her designee as appropriate.

INSPECTION OF MEMBERSHIP LIST

Each candidate will have one (1) opportunity to inspect (not copy) Local 999's membership list at the Local 999 headquarters between November 9, 2022 and December 9, 2022. Arrangements to inspect the list must be made in advance by contacting Office Manager Barbara Bright at Local 999 (phone number (666) 999-9999.) The membership list must remain in the Local 999 office while being inspected and it may not be copied or removed from the office at any time.

DISTRIBUTION OF CAMPAIGN LITERATURE

Candidates are entitled to have Local 999 mail out campaign materials to the membership in good standing at the candidate's expense.

Arrangements for campaign mailings must be made in advance by contacting Office Manager Barbara Bright at Local 999 (phone number (666) 999-9999.)

Mailings will be scheduled on a first-come, first-served basis, on the basis of a drawing where appropriate, or using some other equitable method as determined by the Election Committee.

Payment must be made at the time of the mailing, based on the schedule of charges set forth below.

Candidates must bring their literature and envelopes, or postcards, at the scheduled time to Local Union 999, 123 Main Street, Everytown, Ohio 45678, where address labels and postage (unless postage prepaid envelopes or post cards are provided by the candidate) will be affixed by the Local 999 office staff. Envelopes must be pre-stuffed and pre-sealed prior to arrival at the Local 999 Hall. Any return address appearing on envelopes or post cards must be the address of the candidate or a surrogate. The Local Union's address may not be used as a return address.

Local 999 staff will address (and stamp) envelopes or postcards under the supervision of an Election Committee member. Candidates may observe this process, but must not impede or slow down the work of the staff.

Special group mailings or custom mailings are not practicable and will not be allowed.

The approximate total membership in good standing as of the date of the election is 1,358. Therefore, candidates should plan to bring materials for at least that many mailings. If a candidate brings fewer envelopes or postcards than the number of good standing members, his/her mailings will be labeled in order starting with the first member in the Local 999 system and continuing until all of the candidate's envelopes or postcards are labeled. It is recommended that candidates bring materials for more than the number of good standing members, in case of any inadvertent damage occurring during the labeling process.

Once the envelopes or postcards are ready to be mailed, they will be taken to the post office by an Election Committee member for mailing. The candidate or his/her surrogate may accompany the Election Committee member to the post office.

Schedule of Charges for Distribution of Campaign Literature

Postage

The cost of postage will depend on the size, shape and weight of the mailing. Candidates may consult the United States Postal Service website to determine the expected cost of their postage. Candidates may also bring pre-stamped envelopes or pre-stamped post cards for use in their mailings.

Labels and Labor

The general charge to candidates for labels and labor in a single mailing will be \$30.00, assuming that the size, shape, weight or other characteristics of the mailing do not entail extra work on the part of the Local 999 staff. Any such special circumstances will be addressed and resolved by the Election Committee member in attendance, on a fair and reasonable basis.

NO USE OF UNION OR EMPLOYER FUNDS TO PROMOTE CANDIDATES

No candidate or member may use union or employer funds to support the candidacy of any person in this election. This includes the use of facilities, equipment, mailing/email/phone lists or supplies of a union or employer, and it also means that candidates and their supporters should not campaign while on union or employer time. Candidates should be aware that the prohibition against the use of union or employer funds has been interpreted to extend to *any* union and to *any* employer, not just to Local 999 and not just to employers for whom Local 999 members work under a collective bargaining agreement.

OBSERVERS

Each candidate is entitled to an observer. Observers must be members in good standing of Local 999. Candidates are permitted to designate relief observers to substitute for their designated observers, and alternate observers in the event the primary observer is unavailable. Candidates may act as their own observers.

Observers are entitled to be present during the election and during the counting of ballots. Upon arrival at any of these events, observers must identify themselves and the candidate(s) they represent. The use of sign-in sheets may be required, as determined by the Election Committee.

Observers should not wear campaign buttons, stickers or other campaign apparel and they must not engage in campaign activities inside the polling place.

Before the polls open, observers will have the opportunity to inspect the voting machines.

Once the election begins, observers will be required to stay in a designated area from which they can carry out their responsibilities without interfering with the voting process. They will be allowed to monitor the election process, but they may not handle ballots or otherwise compromise the secrecy of the ballot. They may ask questions of the Election Chair or his or her designee and they may challenge ballots based on eligibility or otherwise.

Observers must maintain civility throughout the election process.

Candidates are to provide the names of their observers and any alternates no later than Thursday, December 8, 2022, by sending an email to bbright@local999.com or by calling Office Manager Barbara Bright at Local 999 (phone number (666) 999-9999).

PLACEMENT OF NAMES ON BALLOT

The names of the candidates for each office shall be listed on the ballot in alphabetical order by surname. Nicknames may be used provided they are not offensive in any way. Candidates are to use the Acknowledgment of Receipt at the bottom of this notice to provide their names as they want them to appear on the ballot.

ELECTION AND BALLOT TALLY

Voting in the election will take place at Local 999 on Saturday, December 10, 2022, from 7:00 AM to 7:00 PM. The tallying of ballots will take place on Saturday, December 10, 2022 after the polls close, starting at approximately 7:30 PM.

Candidates or their observers may be present during the election and the tallying of the ballots. As noted above, they may be required to stay in designated locations, may not interfere with the voting or tallying process, may not wear campaign buttons, stickers or other campaign apparel inside the polling place, may not engage in campaign activities inside the polling place, and must maintain civility. Any questions, complaints or challenges during the election should be addressed to the Election Chair or his or her designee.

PROTESTS

Protests to the election may be filed in accordance with the provisions of Section 125 of the UA Constitution.

ACKNOWLEDGMENT OF RECEIPT

I, _____ (PRINT YOUR NAME EXACTLY AS YOU WANT IT TO APPEAR ON THE BALLOT) acknowledge receipt of a copy of the UA Local 999 Notice to Candidates regarding the 2022 Election of Local Officers.

Signature: _____

Book Number: _____

Candidate For: _____

Date: _____

**GUIDELINES FOR MAIL
BALLOT ELECTIONS
OF LOCAL UNION OFFICERS**

GUIDELINES FOR MAIL BALLOT ELECTIONS OF LOCAL UNION OFFICERS

Revised March 2022

I. INTRODUCTION

These mail ballot guidelines need to be read in conjunction with the Election Guidelines for United Association Local Unions (“Election Guidelines”). The Election Guidelines cover the topic of Local Union officer elections more broadly and contain much information that applies to both mail ballot and manual elections. The mail ballot guidelines herein address additional issues that are unique to mail ballot elections.

As with manual elections, mail ballot elections in UA Local Unions are governed in some respects by the UA Constitution and can also be subject to statutes, regulations and administrative/judicial precedent. In the United States, Title IV of the Labor-Management Reporting and Disclosure Act, or “LMRDA,” 29 U.S.C. §§ 481-484, and regulations and decisions issued under that statute, address issues in mail ballot elections. Although there is no counterpart to Title IV of the LMRDA in Canada, application of various provincial laws and principles of natural justice can have similar effects. As a practical matter, UA Local Unions in the U.S. and Canada are subject to the same general rules and should take heed of the information set forth in these guidelines.

As is noted in the Election Guidelines, it is essential in a mail ballot election that the Local Union secure the services of professionals to assist in the conduct of the election. This can be either a certified public accountant (CPA) or an election company. The process of deciding which type of election a Local Union will use, and the process of seeking the required permission from the General President, are discussed in the Election Guidelines and will not be repeated here.

A final introductory point to be emphasized is that, in the UA, a mail ballot is not the same thing as an absentee ballot. Absentee ballots are votes cast by mail by voters who are unable or unwilling to go to the polls on election day. In UA mail ballot elections, *all* voters vote by mail ballot. In UA manual ballot elections, *all* voters must vote in person at the polls. Whereas the UA has long provided for the use of mail balloting in appropriate situations, it has never allowed the use of absentee ballots by some voters while others vote in person.

II. ESTABLISHMENT OF A TIMELINE IN A MAIL BALLOT ELECTION

Under Section 123(b) of the UA Constitution, when the General President authorizes the holding of a mail ballot election, he may also authorize the Local to move its nominations and election one month earlier than the May/June or November/December schedule provided in Section 122(a).

The UA Constitution and United States law require that certain minimum time periods be observed for certain events within the election process. The required time periods that apply in a mail ballot election are as follows:

- Under Section 123(a), a request to the General President for permission to use a mail ballot must be filed at least 30 days prior to nominations. Prior to filing the Local's request with the General President, there needs to be a vote taken at a regular or special meeting establishing that the membership is in favor of using a mail ballot. (As a practical matter, the request should be filed with the General President much earlier than 30 days prior to nominations, in order to allow time for the request to be investigated and decided upon, time to make advance preparations for a mail ballot and time to prepare and send informative nomination/election notices to the membership.)
- Under Section 124(c), any request to the General Secretary-Treasurer for eligibility lists should be made at least 30 days prior to nominations. (The Local should carefully review the information in the Election Guidelines under the topic "Eligibility Lists.")
- Under Section 122(a), the nomination/election notice must be mailed to the membership no later than 10 days before nominations.
- The membership list must be made available to candidates (for inspection only) 30 days before ballots are mailed to voters.
- Ballots must be mailed to voters at least 30 days prior to the required return date. (For example, if ballots must be received at the post office by December 13, then the mail ballots should be put in the mail to voters no later than November 13.)

Once a tentative date is identified for the mailing of the ballots to voters, the Election Committee can work backwards from that point to identify the dates by which particular steps in the process must be completed. Local Union Election Committees may find it helpful to use an "election planner," such as the following, which is designed to apply in a mail ballot election:

- __(date)__ Review and update member address list
- __(date)__ Request eligibility lists from General Secretary-Treasurer
- __(date)__ Take vote of membership on whether to request mail ballot
- __(date)__ File request for mail ballot with General President
- __(date)__ Arrange for two Post Office boxes to receive ballots
- __(date)__ Review/Correct eligibility lists
- __(date)__ Mail nomination and election notice
- __(date)__ Nomination Meeting
- __(date)__ Candidate eligibility verified and nominees notified of determinations
- __(date)__ Candidate meeting held and candidate notice provided to candidates
- __(date)__ Ballot packages printed
- __(date)__ Local Union facilities ready and available for campaign mailings
- __(date)__ Membership list made available to candidates (inspection only)
- __(date)__ Ballot packages mailed to membership
- __(date)__ Challenged ballot envelopes and tally sheets prepared
- __(date)__ Ballot return deadline
- __(date)__ Ballot tally and announcement of results
- __(date)__ Runoff, if necessary

III. ARRANGEMENTS FOR POST OFFICE BOXES

The Election Committee and its chosen professionals must secure a restricted-access post office box in Local Union's name where the ballots can be mailed and received. Post office officials must be instructed that ballots may be released only to the Election Committee and only at the time specified on the ballot return deadline.

A second post office box should be obtained for the receipt of any mail ballot packages that are returned as undelivered. The address of the second post

office box should be the same as the return address on the outer mailing envelope of the ballot package mailed to members. Ballot packages that are returned as undeliverable to the second post office box should be regularly collected by the Election Committee during the balloting period, and attempts should be made to obtain accurate addresses and resend the packages.

IV. NOMINATION AND ELECTION NOTICE

These comments supplement the text in the “Nomination and Election Notice” section of the Elections Guidelines. Locals that will conduct a mail ballot election should carefully review both sets of comments.

As noted in the Election Guidelines, one of the items that must be included in the nomination and election notice is the date, time and place of any runoff necessitated by a tie vote. In a mail ballot election, it is not necessary that any runoff also be conducted by mail ballot, as long as the method of resolving a tie is a reasonable one and is specified in the election notice.

All members of the local union are to be notified by mail that the election of officers of the local union will be conducted by mail balloting and that there will be no manual balloting. The notice should state the date the ballot packages will be sent out, the date the ballots must be received at the local union’s post office box, and the date, time and place that the ballot count will occur. As with the election notice in a manual ballot election, additional useful information can be included in the mail ballot election notice.

A sample notice for a mail ballot election, which includes both the required information and additional discretionary information, is attached as Exhibit A.

V. SPECIAL OBSERVER RIGHTS IN A MAIL BALLOT ELECTION

Observer rights and obligations are described in the Election Guidelines under the heading “Election Day in a Manual Election.” Those comments also apply during the day of the ballot count in a mail ballot election. In addition to those rights, in a mail ballot election, observers are allowed to be present when the ballot envelopes are stuffed, labeled and mailed, and during any visits to the post office to pick up and re-mail ballot packages that have been returned undelivered. Observers are also allowed to accompany election officials when the completed ballots are picked up at the post office and transported to the tally location.

A sample candidate notice for use in a mail ballot election which includes information about these observer rights is attached as Exhibit B.

VI. PREPARATION AND MAILING OF BALLOT PACKAGE

An appropriate ballot package would consist of the items listed below, which are largely consistent with published guidelines of the U.S. Department of Labor. Established election companies sometimes recommend their own versions of a ballot package. Two of the critical factors in determining the contents of any mail ballot package are the need to protect the secrecy of the ballot and precautions to prevent members from voting twice.

A. A large envelope which will be used to send the ballot package to the member. This envelope is to be addressed to the last known address of each member who is known to be eligible to cast a mail ballot. In the upper left hand corner of the envelope, there should be typed, stamped or printed: the Local Union number, the Post Office Box Number (the one designated solely for the receipt of ballot packages that are returned undelivered), and the city, state and zip code of the Post Office. There should be no other markings on this envelope.

B. A smaller envelope for the voter to use in sending the ballot to the post office. This envelope should be a BUSINESS REPLY ENVELOPE and it should be self-addressed with the address of the Post Office Box where the completed mail ballots are to be received, such as: United Association Local Union No. ____, Post Office Box No. _____, City, State and Zip Code. **There must be spaces designated in the upper left corner of the envelope where the voter is instructed to enter his or her name and address.** This important information on the BUSINESS REPLY ENVELOPE will be used in determining eligibility on the day of the tally.

C. A still smaller envelope with a distinct color, such as blue, brown, green, etc., which should have on its face the printed words, "SECRET BALLOT ENVELOPE" and the words "Place your marked ballot in this envelope." The envelope should also state "Do not write your name or place any other identifying information on this envelope." No other markings or writings should appear on this envelope. The envelope should look like this:

SECRET BALLOT ENVELOPE

Place your marked ballot in this envelope.

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

D. A set of voting instructions, such as the sample attached as Exhibit C.

E. An unmarked ballot.

After the designated items have been printed, the mailing should be prepared by inserting the contents into the larger envelopes that have been addressed to the members who are eligible for a mail ballot. Observers should be allowed to be present during this process and should be allowed to inspect a sample ballot package.

At this time, the Election Committee should also permit any observers to check the list of eligible members. After the inspection has been completed, the ballot packages should be taken to the post office for mailing by the Election Committee accompanied by the CPA or election company representative. Observers are allowed to witness the trip to the post office for the mailing.

VII. BALLOTING PERIOD

Certain functions are performed during the balloting period.

The second post office box obtained for receipt of undeliverable ballot packages should be routinely checked for any ballot package returns. Attempts should be made to obtain accurate addresses for those members, and ballot packages should be promptly sent to the members at those addresses. A record should be kept of the returned packages, the efforts to obtain accurate addresses and the mailing of packages to corrected addresses. All returned ballot packages should be retained as part of the election records.

If members request a ballot package either because they did not receive one or because they spoiled their ballot, a replacement or challenged ballot package should be sent. A record should be kept of all such requests and all such mailings. All three envelopes in these ballot packages (the two mailing envelopes and the Secret Ballot Envelope) should be marked as such, for example, with an “R” on replacement package envelopes sent to eligible voters and with a “C” on challenged package envelopes sent to members who believe that they are eligible but are not on the Local’s eligibility list.

VIII. PICK-UP AND COUNTING OF BALLOTS

At the time designated for picking up the mail ballots at the post office, the Election Committee, together with the CPA or representative of the election company, should go to the post office box and pick up all the returned mail ballots. The observers for the candidates are to be notified and can be present when the ballots are picked up.

The return address envelopes are to be taken out of the post office box and are to remain unopened in the custody of the CPA or election company representative until the Election Committee and the CPA or election company representative arrive at the location where the ballots are to be counted.

Observers are entitled to be present and to observe the opening of the ballots. Typically, mail ballots are opened and counted by a team of workers employed by the CPA or the election company, with the Election Committee in attendance.

In opening and counting mail ballots when the mail ballot package recommended above has been used, the following procedure is appropriate:

- A. Examine the business reply envelopes and segregate any that do not contain names or addresses (or information other than names or addresses) that identify the persons who submitted them as eligible voters. Any envelopes marked with a “C” for challenged ballots should also be segregated in a separate pile. Keep both sets of materials segregated and do not discard them.
- B. At this point, it is helpful to arrange the remaining business reply envelopes in alphabetical order (or in numerical order if voter numbers have been assigned). Names can then be called out for two purposes: (1) to determine whether any voter has returned two ballots and (2) to identify any remaining voters who are not on the eligibility list. If any voter(s) have returned two ballots, a decision should be made as to which ballot to count, according to a consistent method decided in advance by the Election Committee. For example, the Committee can decide in advance that ballots in envelopes marked “R” for “Replacement” should be counted and that the other returned business reply envelopes for those voters should be voided.
- C. If there are any business reply envelopes from members not on the eligibility list, these envelopes should be marked as challenged ballots, typically by marking the envelopes with a handwritten “C.” Those envelopes should be added to any business reply envelopes that had the “C” marking placed when the member requested and was sent a challenged ballot.
- D. The Election Committee should conduct a review of all challenged ballots. If it is possible at this point for the Election Committee to determine that any of those voters is in fact eligible, a record of each of those decisions should be made and the reasons should be explained to observers. Any unresolved challenged ballots should be set aside unopened in the business reply envelopes in which they were submitted.
- E. The business reply envelopes of eligible voters should then be opened and the unopened secret ballot envelopes inside them should be thoroughly mixed together in order to preserve ballot secrecy.

- F. The Election Committee should decide in advance how to deal with any instances in which voters have failed to use the secret ballot envelope, that is, if the ballots are found directly inside the business reply envelopes. The Election Committee can decide that such ballots will be voided, but in that case it would be advisable for the mail ballot instructions to have warned voters that this would be the consequence of failing to use the secret ballot envelope. Otherwise, if the decision is that such ballots will be counted, careful precautions must be taken to prevent anyone from seeing how those ballots are marked before they are mixed with the remaining ballots.
- G. After all the business reply envelopes of eligible voters have been opened, they should be put aside and kept with the other election records.
- H. The thoroughly mixed secret ballot envelopes should now be opened and the ballots should be removed and placed face down. The ballot count should then proceed as described in the Election Guidelines.

IX. FOLLOW-UP WITH POST OFFICE

The Election Committee should return to the post office at a later date to pick up any ballots received after the deadline. Any such envelopes should remain unopened. They should be marked “Void – Received after Deadline” and retained with the other election records.

Mail Ballot Election Guidelines for UA Local Unions – Exhibit A

**[SAMPLE NOMINATION/ELECTION NOTICE
FOR A MAIL BALLOT ELECTION]**

**NOMINATION AND ELECTION NOTICE
Mail Ballot Election of Local Union Officers
Local Union No. 999**

This is your official Notice of Nominations and Election, pursuant to Section 122(a) of the UA Constitution.

NOMINATIONS MEETING

Nominations for the offices of **President, Vice-President, Recording Secretary, Business Manager/Financial Secretary-Treasurer, two (2) Business Agents, Inside Guard, four (4) Executive Board Members, three (3) Finance Committee Members, and three (3) Examining Board Members** will be held at the date, time, and place indicated below. Officers will be elected for a three-year term commencing in January 2023.

Nominations will be held on:

Date: Thursday, November 3, 2022

Time: 6:00 PM

**Place: Local Union 999
123 Main Street
Everytown, Ohio 45678**

Nominations may be made in person at the Nominations Meeting or in writing. Written nominations should include the address, phone number and UA Card Number of both the nominator and the person nominated, must specify the office for which the nomination is made, and should be signed by the nominator. Written nominations must be received by Election Chair John Smith at Local 999, 123 Main Street, Everytown, Ohio 45678, no later than 5:00 PM on Thursday, November 3, 2022, which is one hour before the Nominations Meeting.

Eligibility to Nominate: As provided in Section 123(c) of the UA Constitution, no member is eligible to nominate candidates for office unless he or she has been a member in good standing in Local 999 for a period of one (1) year immediately prior to November 3, 2022, which is seven days prior to the mailing of the ballots. Any member who owes or has paid a reinstatement fee within a

period of one (1) year immediately prior to November 3, 2022 shall not be eligible to nominate candidates for office. In addition, members making nominations must not be disqualified from voice or vote or from participating in the official affairs of Local 999 under the terms of Section 160(a) of the UA Constitution. Section 160(a) provides that any member who has entered business legitimately for himself or herself, or who holds a financial interest in any business directly connected with the plumbing and pipe fitting industry, shall not have the right to voice or vote or to take any part in the official affairs of the Local Union until six (6) months have passed since the member terminated his or her business or financial interest in such business. As provided in Section 148(b) of the UA Constitution, apprentice members who satisfy the foregoing requirements shall be eligible to nominate candidates if they have successfully completed their third apprenticeship year as of November 3, 2022.

No seconds to a nomination will be required as long as the person making the nomination meets the above requirements.

Members may nominate themselves.

A member may nominate one, and only one, candidate for each of the Local Union offices listed in bold type above, except for those in which multiple positions must be filled, i.e., the Business Agents, the Executive Board, the Finance Committee and the Examining Board. A member may nominate up to two candidates for a Business Agent position, up to four candidates for an Executive Board position, up to three candidates for a Finance Committee position, and up to three candidates for an Examining Board position.

Accepting Nominations: Candidates for office may accept their nominations in person at the Nominations Meeting, or candidates may submit written acceptances, which must include their current address, phone number, and UA Card Number. Written acceptances must also identify the office for which nomination is accepted. To avoid delays, written acceptances should be submitted by mail or in person to Election Chair John Smith c/o Local 999, 123 Main Street, Everytown, Ohio 45678, by e-mail to bbright@local999.com, or by facsimile transmission to Election Chair John Smith at (666) 999-9998, by 5:00 PM on Thursday, November 3, 2022. Such written acceptances will also be accepted if they are submitted as described above within forty-eight (48) hours after the Nominations Meeting. Pursuant to Section 122(a) of the UA Constitution, an eligible member may only accept a nomination for one office.

Eligibility to Run for Local Union Office: As provided in Section 123(c) of the UA Constitution, no member shall be eligible to accept a nomination and run for office in a Local 999 mail ballot election unless he or she shall be a journeyman member and shall have been a member of the United Association and

Local 999 in good standing for at least a period of two (2) years immediately prior to Thursday, November 3, 2022, which is seven days prior to the mailing of the ballots. Any journeyman member who owes or has paid a reinstatement fee within a period of two (2) years immediately prior to November 3, 2022 shall not be eligible to be nominated for office. As provided in Section 160(c) of the UA Constitution, no member who holds a financial interest in any business directly connected with the plumbing and pipe fitting industry may run for or hold union office until six months after the member has terminated such financial interest.

CANDIDATES MEETING

A meeting of all candidates will be held at Local 999 immediately following the Nominations Meeting. It is very important that candidates make every effort to attend this meeting, either in person or through a surrogate. The rules for candidates running for election such as the right to an observer, the mailing of campaign literature, the right to view the membership list, the order of names on the ballot, and other election-related issues will be discussed.

ELECTION

The election will be conducted by **mail ballot**. There will be no manual balloting or walk up election.

Eligibility to Vote: As provided in Section 123(c) of the UA Constitution, no member is eligible to vote in any election of officers unless he or she has been a member in good standing in Local 999 for a period of one (1) year immediately prior to November 3, 2022, which is seven days prior to the mailing of the ballots. Any member who owes or has paid a reinstatement fee within a period of one (1) year immediately prior to November 3, 2022 shall not be eligible to vote in the election. In addition, as provided by Section 160(a) of the UA Constitution, any member who has entered business legitimately for himself or herself, or who holds a financial interest in any business directly connected with the plumbing and pipe fitting industry, shall not have the right to vote in any election unless six (6) months have passed since the member has terminated his or her business or financial interest in such business. As provided in Section 148(b) of the UA Constitution, apprentice members who satisfy the foregoing requirements shall be eligible to vote if they have successfully completed their third apprenticeship year as of November 3, 2022.

Ballots will be mailed to voters on **Thursday, November 10, 2022**. Ballot packages will include instructions for completing and returning ballots. Voters should read and follow the instructions carefully.

Any member who believes he/she is eligible to vote and has not received a ballot by November 18, 2022, or any member who spoils a ballot, may call Robert Newhart, CPA, of Newhart and Newhart, P.C. at (800) 777-7777 to request that a challenged ballot or a replacement ballot be sent in the mail. It is the responsibility of the member to make such a request in sufficient time to receive, complete and mail the challenged or replacement ballot so that it is received at the designated post office box by the deadline below.

To be counted, **ballots must be mailed in sufficient time to be received at the designated post office box no later than Monday, December 12, 2022.**

The counting of the ballots will take place on Tuesday, December 13, 2022 at Local Union 999, 123 Main Street, Everytown, Ohio 45678.

Resolution of a Tie Vote: In the event of a tie vote for any office, the winner will be decided at a runoff election that will take place between the hours of 10:00 AM and 2:00 PM on Saturday, December 17, 2022 at Local Union 999, 123 Main Street, Everytown, Ohio 45678.

To ensure that you receive your ballot package in a timely fashion, please be sure that you have an up-to-date address on file with Local 999.

The following Local 999 members have agreed to serve as the Election Committee:

- 1) John Smith, Election Chair
- 2) Jane Evans
- 3) Fred Jones
- 4) Alex James
- 5) Stephen Allen

All inquiries regarding the election should be presented by email to bbright@local999.com, or by telephone or in person to Office Manager Barbara Bright at Local 999 ((666) 999-9999). Such inquiries will be addressed by the Election Chair or his or her designee as necessary.

Mail Ballot Election Guidelines for UA Local Unions – Exhibit B

**[SAMPLE CANDIDATE NOTICE IN
MAIL BALLOT ELECTION]**

**United Association Local Union No. 999
NOTICE TO CANDIDATES
2022 MAIL BALLOT ELECTION OF LOCAL 999 OFFICERS**

SPECIAL NOTE TO CANDIDATES NOT PRESENT AT CANDIDATES' MEETING: YOU MUST RETURN A SIGNED COPY OF THE FORM ON THE LAST PAGE OF THIS NOTICE ACKNOWLEDGING RECEIPT OF THE NOTICE AND STATING YOUR NAME EXACTLY AS YOU WANT IT TO APPEAR ON THE BALLOT.

EMAIL YOUR SIGNED COPY OF THE ACKNOWLEDGMENT FORM TO bbright@local999.com, OR SEND IT BY FACSIMILE TRANSMISSION TO THE LOCAL 999 ELECTION COMMITTEE AT (666) 999-9998, OR MAIL IT AS SOON AS POSSIBLE TO THE LOCAL 999 ELECTION COMMITTEE C/O UA Local Union 999, 123 Main Street, Everytown, Ohio 45678.

ELECTION COMMITTEE

The Election Committee is composed of Brother John Smith (Election Chair), Sister Jane Evans, Brother Fred Jones, Brother Alex James and Brother Stephen Allen. Any questions about the election should be presented by phone, email, facsimile transmission, or in person to Local 999 Office Manager Barbara Bright at the Local 999 office, 123 Main Street, Everytown, Ohio 45678; Phone (666) 999-9999; Fax (666) 999-9998; Email bbright@local999.com. Any such questions will be referred to the Election Chair or his or her designee as appropriate.

INSPECTION OF MEMBERSHIP LIST

Each candidate will have one (1) opportunity to inspect (not copy) Local 999's membership list at the Local 999 headquarters between October 10, 2022 and November 9, 2022. Arrangements to inspect the list must be made in advance by contacting Office Manager Barbara Bright at Local 999 (phone number (666) 999-9999). The membership list must remain in the Local 999 office while being inspected and it may not be copied or removed from the office at any time.

DISTRIBUTION OF CAMPAIGN LITERATURE

Candidates are entitled to have Local 999 mail out campaign materials to the membership in good standing at the candidate's expense.

Arrangements for campaign mailings must be made in advance by contacting Office Manager Barbara Bright at Local 999 (phone number (666) 999-9999). Mailings will be scheduled on a first-come, first-served basis, on the basis of a drawing where appropriate, or using some other equitable method as determined by the Election Committee.

Payment must be made at the time of the mailing, based on the schedule of charges set forth below.

Candidates must bring their literature and envelopes, or postcards, at the scheduled time to Local Union 999, 123 Main Street, Everytown, Ohio 45678, where address labels and postage (unless postage prepaid envelopes or postcards are provided by the candidate) will be affixed by the Local 999 office staff. Envelopes must be pre-stuffed and pre-sealed prior to arrival at the Local 999 Hall. Any return address appearing on envelopes or postcards must be the address of the candidate or a surrogate. The Local Union's address may not be used as a return address.

Local 999 staff will address (and stamp) envelopes or postcards under the supervision of an Election Committee member. Candidates may observe this process, but must not impede or slow down the work of the staff.

Special group mailings or custom mailings are not practicable and will not be allowed.

The approximate total membership in good standing as of the date of the election is 1,358. Therefore, candidates should plan to bring materials for at least that many mailings. If a candidate brings fewer envelopes or postcards than the number of good standing members, his/her mailings will be labeled in order starting with the first member in the Local 999 system and continuing until all of the candidate's envelopes or postcards are labeled. It is recommended that candidates bring materials for more than the number of good standing members, in case of any inadvertent damage occurring during the labeling process.

Once the envelopes or postcards are ready to be mailed, they will be taken to the post office by an Election Committee member for mailing. The candidate or his/her surrogate may accompany the Election Committee member to the post office.

Schedule of Charges for Distribution of Campaign Literature

Postage

The cost of postage will depend on the size, shape and weight of the mailing. Candidates may consult the United States Postal Service website to determine the expected cost of their postage.

Candidates may also bring pre-stamped envelopes or pre-stamped postcards for use in their mailings.

Labels and Labor

The general charge to candidates for labels and labor in a single mailing will be \$30.00, assuming that the size, shape, weight or other characteristics of the mailing do not entail extra work on the part of the Local 999 staff. Any such special circumstances will be addressed and resolved by the Election Committee member in attendance, on a fair and reasonable basis.

NO USE OF UNION OR EMPLOYER FUNDS TO PROMOTE CANDIDATES

No candidate or member may use union or employer funds to support the candidacy of any person in this election. This includes the use of facilities, equipment, mailing/email/phone lists or supplies of a union or employer, and it also means that candidates and their supporters should not campaign while on union or employer time. Candidates should be aware that the prohibition against the use of union or employer funds has been interpreted to extend to *any* union and to *any* employer, not just to Local 999 and not just to employers for whom Local 999 members work under a collective bargaining agreement.

OBSERVERS

Each candidate is entitled to an observer. Observers must be members in good standing of Local 999. Candidates are permitted to designate relief observers to substitute for their designated observers, and alternate observers in the event the primary observer is unavailable. Candidates may act as their own observers.

Observers are entitled to be present during the stuffing and labeling of the mail ballot packages (when they will also be allowed to inspect a sample ballot package and review the final eligibility list), during the delivery of the ballot packages to the post office, during any return trips to the post office to retrieve undelivered ballots, during the pick-up and transportation of the completed ballots to the tally location, and during the counting of ballots. Upon arrival at any of these events, observers must identify themselves and the candidate(s) they represent. The use of sign-in sheets may be required, as determined by the Election Committee.

Observers should not wear campaign buttons, stickers or other campaign apparel when they arrive at the tally count, and they must not engage in campaign activities inside the tally location.

Before the tally count begins, observers will have the opportunity to inspect the equipment.

Once the count begins, observers will be required to stay in a designated area from which they can carry out their responsibilities without interfering with the tallying process. They will be allowed to monitor the tallying process, but they may not handle ballots or otherwise compromise the secrecy of the ballot. They may ask questions of the Election Chair or his or her designee and they may challenge ballots based on eligibility or otherwise.

Observers must maintain civility throughout the tallying process.

Candidates are to provide the names of their observers and any alternates no later than Monday, December 12, 2022, by sending an email to bbright@local999.com or by calling Office Manager Barbara Bright at Local 999 (phone number (666) 999-9999).

PLACEMENT OF NAMES ON BALLOT

The names of the candidates for each office shall be listed on the ballot in alphabetical order by surname. Nicknames may be used provided they are not offensive in any way. Candidates are to use the Acknowledgment of Receipt at the bottom of this notice to provide their names as they want them to appear on the ballot.

MAIL BALLOT PACKAGES AND MAILING

Mail ballot packages will be stuffed, labeled and mailed to eligible voters on Thursday, November 10, 2022. The stuffing and labeling process will take place at Local Union 999, 123 Main Street, Everytown, Ohio 45678, starting at 9:00 AM. Once the mail ballot packages are stuffed, labeled and sealed, they will be taken to the post office by the Election Committee.

BALLOT TALLY

All ballots must be received at the designated post office box no later than Monday, December 12, 2022. The tallying of ballots will take place at Local Union 999, 123 Main Street, Everytown, Ohio 45678 on Tuesday, December 13, 2022, starting at 10:00 AM or as soon thereafter as feasible.

Any questions, complaints or challenges during the election should be addressed to the Election Chair or his or her designee.

PROTESTS

Protests to the election may be filed in accordance with the provisions of Section 125 of the UA Constitution.

ACKNOWLEDGMENT OF RECEIPT

I, _____ (PRINT YOUR NAME EXACTLY AS YOU WANT IT TO APPEAR ON THE BALLOT) acknowledge receipt of a copy of the UA Local 999 Notice to Candidates regarding the 2022 Election of Local Officers.

Signature: _____

Book Number: _____

Candidate For: _____

Date: _____

SAMPLE

Mail Ballot Election Guidelines for UA Local Unions – Exhibit C

[SAMPLE MAIL BALLOT INSTRUCTIONS TO BE ENCLOSED WITH BALLOT AND ENVELOPES]

INSTRUCTIONS FOR PROPERLY CASTING YOUR MAIL BALLOT

Local Union No. 999 is conducting its election of Local Union officers by mail ballot. Nominations took place at the Local 999 nominations meeting on Thursday, November 3, 2022. **IN ORDER TO CAST A VOTE IN THIS ELECTION, YOU MUST FOLLOW THESE INSTRUCTIONS AND VOTE YOUR MAIL BALLOT BY THE DEADLINE BELOW.**

In addition to these instructions, there are three enclosures in this mail ballot package: a ballot listing the candidates for office, a **SECRET BALLOT ENVELOPE** into which your ballot will be inserted, and a **BUSINESS REPLY ENVELOPE** which you will use both to identify yourself as an eligible voter and to send your ballot to the designated post office box. **READ ALL OF THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. BALLOTS MUST BE RECEIVED AT THE DESIGNATED POST OFFICE BOX NO LATER THAN MONDAY, DECEMBER 12, 2022 IN ORDER TO BE COUNTED.**

INSTRUCTIONS FOR VOTING

1. **MARK YOUR BALLOT** by placing an “X” in the box opposite the name of the candidate of your choice for the various offices.
2. Vote only for the designated numbers of candidates for Business Agent positions and positions on the Executive Board, the Finance Committee and the Examining Board.
3. No write-in votes are permitted.
4. Do not deface your ballot or make any mark on the ballot which will in any way identify who you are.
5. **PLACE YOUR COMPLETED BALLOT IN THE ENCLOSED ENVELOPE MARKED “SECRET BALLOT ENVELOPE.”** Do not deface the **SECRET BALLOT ENVELOPE** or make any mark on the **SECRET BALLOT ENVELOPE** which will in any way identify who you are. Failure to use the **SECRET BALLOT ENVELOPE**, or marking it with identifying information, will result in your ballot not being counted.

6. Seal the SECRET BALLOT ENVELOPE with your ballot inside.
7. **INSERT THE SECRET BALLOT ENVELOPE INTO THE LARGER BUSINESS REPLY ENVELOPE** which has been pre-addressed to United Association Local 999, Post Office Box 333, Everytown Post Office, Everytown, Ohio 45678. Seal the BUSINESS REPLY ENVELOPE.
8. **WRITE YOUR NAME AND ADDRESS CLEARLY IN THE UPPER LEFT CORNER “RETURN ADDRESS” PORTION OF THE BUSINESS REPLY ENVELOPE.** This requirement is intended to identify you as an eligible voter. Providing this information will be important in order for your ballot to be counted.
9. Mail your ballot in the BUSINESS REPLY ENVELOPE. **YOUR BALLOT MUST BE RECEIVED IN THE DESIGNATED POST OFFICE BOX BY MONDAY, DECEMBER 12, 2022, IN ORDER TO BE COUNTED.** If your ballot is not received in the Post Office Box by that date, it will not be counted.

