

Branch election campaign fundamentals



**Paul
Barner**

As we look to the fall, many branches will begin the planning phase for conducting branch nominations and elections. As such, I routinely receive calls concerning questions about election procedures. In this article, I will review some of the more common questions and the regulations addressing specific campaign provisions.

One frequently asked question by candidates and branch officers concerns whether the NALC logo can be used on campaign material in branch elections. Past presidential rulings have stated, “Consistent with federal law, the *NALC Regulations Governing Branch Election Procedures* (RGBEP) generally prohibits the use of union funds and resources to support or oppose candidates in Branch elections. (See Sections 9.4 and 9.7 below.) The NALC logo is the intellectual property of the NALC. Therefore, Branches should treat the use of the logo by candidates as a prohibited practice and should try to prevent it. However, the mere fact that a candidate has included the logo on campaign material does not necessarily invalidate a branch election, or require that a rerun election be conducted. The question of whether the use of the logo may have affected the outcome of the election would have to be considered in light of all relevant circumstances in the context of a post-election appeal under Section 21 of the RGBEP.”

Let’s take a look at the *NALC Regulations Governing Branch Election Procedures* regarding campaigns. The handbook is available online at nalc.org and from the NALC store. It should be a handbook readily accessible in every branch. As previously written, this handbook is a great resource for branch officers and particularly the election committee. It covers all necessary procedures and timeframes.

NALC REGULATIONS GOVERNING BRANCH ELECTIONS

9.0 CAMPAIGN

9.1 The branch must treat all candidates equally; any and all privileges extended to one candidate by the branch must be extended to all candidates.

Comments: An example of equal treatment: If a branch permits one candidate to copy a membership list, all other candidates must be allowed to copy it. There are no exceptions to the requirement of equal treatment. The Department of Labor scrutinizes this aspect of elections very closely and will set aside elections based upon even minor violations.

9.2 A branch must honor all reasonable requests to distribute campaign literature at a candidate’s expense.

Comments: This provision is often troublesome for local branches, primarily due to different interpretations of the term “reasonable.” If at all feasible, branches should distribute campaign literature when asked to do so. For example, a branch should not refuse to distribute literature merely because it has a small staff which cannot handle the extra work. Instead, the branch could hire temporary help to prepare and mail the literature, and charge the cost of the temporary help to the candidates. Treating all candidates the same by refusing to distribute campaign literature does not fulfill the intent of the law. In the event a candidate cannot afford to distribute literature, the branch does not have to distribute literature free of charge. However, if a branch distributes literature for one candidate without charge, then it must do the same for all candidates. In order to avoid complaints of unequal treatment, branches should advise all candidates in advance of the conditions under which it will distribute literature, and should promptly advise all candidates of any change in those conditions.

9.3 A branch can neither censor campaign literature nor require that branch representatives be permitted to read the literature before it is distributed.

9.4 A branch may not use branch dues, assessments or similar levies or contribute anything of value to promote one candidate over another, or discriminate against any candidate. Branch funds, however, may be used for all notices and for all other expenses necessary for conducting the election.

Comments: This provision is commonly violated in branch elections. The bottom line is that a branch is absolutely prohibited from criticizing or endorsing any candidate in a union-financed newspaper, publication or letter. On the other hand, publication of information sheets with biographical data is permissible, provided that all candidates are given an equal opportunity to submit data and the data for each candidate are given equal space and prominence. Similarly, providing newspaper space for candidates to present their views is permissible, provided that all candidates are given an equal opportunity to submit their statements and are given equal space and prominence in the branch paper. Branches can also sponsor a debate at a branch meeting. However, all candidates must be informed of the time and date of the debate and must be given an equal opportunity to express their views at the meeting.

9.5 The United States Postal Service may not contribute money or anything of value to the campaign of any candidate.

9.6 Branch officers and candidates may not campaign on union time.

9.7 Branch officers and candidates may not use branch funds, employees, office space, telephones, facilities, equipment or materials to campaign.

9.8 No campaigning is allowed within a polling place during voting.

I hope this helps clarify some of the issues that may arise during branch election periods. Remember, the intent of this article is to educate our members, not to create problems—especially since any objection to an election must be based on the factual circumstances in that particular election.