

# Understanding branch elections

**N**ALC is a democratic union, meaning that the members are the ones who vote to decide who leads them.

While every NALC branch must hold an election to vote on the officers of the branch, it can be difficult, especially for new officers or new members, to understand exactly how a branch must run an election.

“There are a lot of rules and regulations that branch officers and/or members of the election committee who conduct branch elections must follow,” NALC Executive Vice President Paul Barner said. He regularly teaches branch officers training courses that include sections on conducting branch elections to help make branch officers aware of the requirements.

“NALC has put together comprehensive and easy-to-follow materials to help make this process a little easier,” Barner said. The main resource is the *NALC Regulations Governing Branch Election Procedures (RGBEP)*. It is available for download at [nalc.org/union-administration/secretary-treasurer/election-information](http://nalc.org/union-administration/secretary-treasurer/election-information) and for order through the NALC Supply Department.

“Please use this handbook as a reference guide when holding your next branch election,” Barner said. “It has the detailed information to make sure you do your election the right way.”

The following article touches on some of the basic rules and regulations from that guide, but it is not comprehensive and should not be used in place of that guide.

## What governs the election?

The *NALC Constitution*, in line with the Labor Management Reporting and

Disclosure Act (LMRDA) of 1959, has provisions governing how a branch must conduct an election. Those provisions are contained in Article 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, which is available at [nalc.org/constitution](http://nalc.org/constitution).

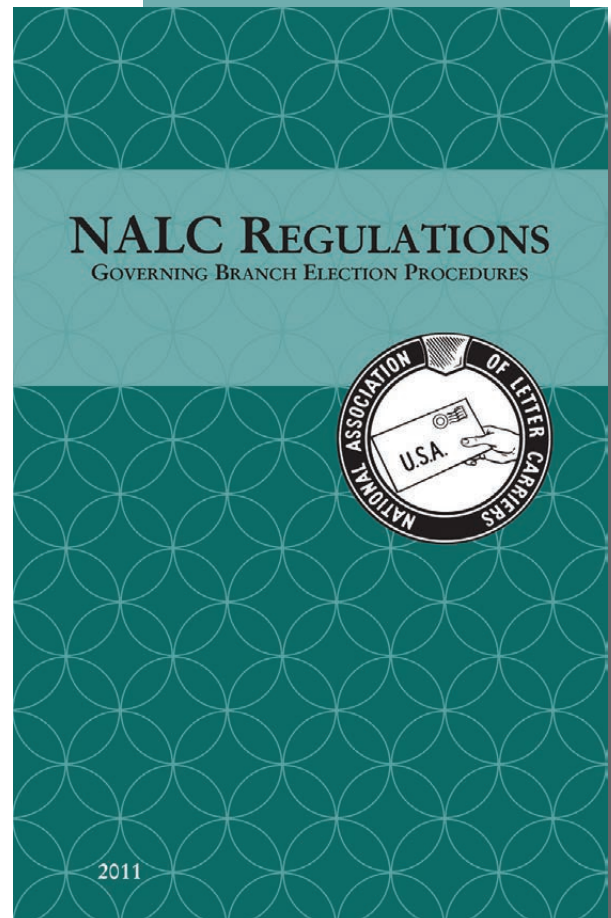
## Who gets elected?

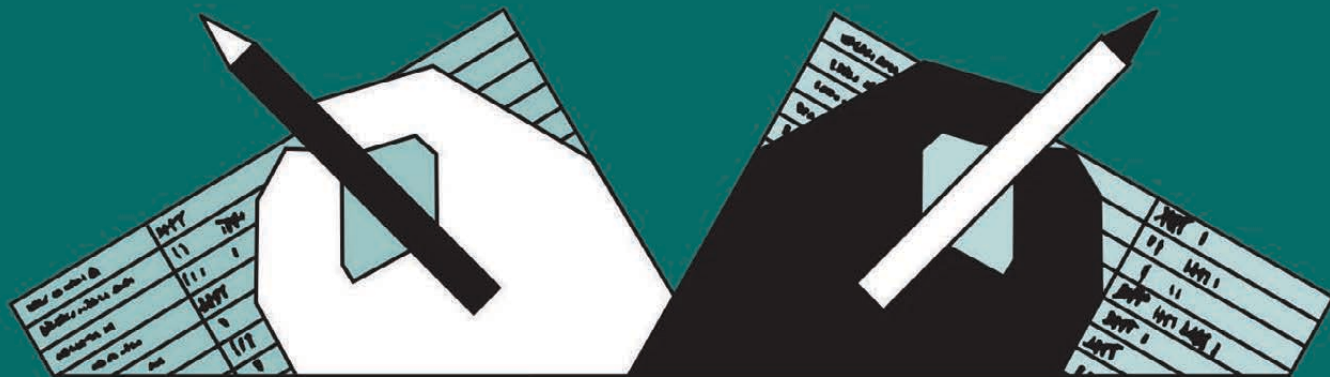
The LMRDA states that all local union officers must be elected, including the branch president, vice president, secretary, treasurer and trustees. It can sometimes mean stewards and other positions, such as newsletter editor, but not always. That being said, Article 4 of the *CGSFB* lists the minimally required positions that branches must elect. It notes that branches can combine positions, provided it is specified in the branch bylaws.

So how can a branch know whether an office is an elected position?

The Department of Labor states that any person who has executive or policymaking authority or responsibility must be elected by the entire branch membership.

As for stewards, the *CGSFB* in Article 6 provides that they can be elected by the entire branch membership, elected at the station they represent, or appointed by the branch president. Only





stewards who have been elected by the entire branch membership can serve in a policymaking role for the branch.

Delegates to national and state conventions are decided by branch election, too.

## When do elections take place?

An NALC branch must hold elections for officers at least every three years but can hold them every year or every other year, as specified by the branch bylaws.

## How do branches notify the members?

The branch's recording secretary must notify all members of the branch in writing by mail as to when and where the nominations and election will be held. The notice must be mailed to each member at least 10 days before nominations and at least 45 days before the election. This ensures that all regular members have enough time to nominate candidates of their choice.

The branch can do this by mailing a notice to all members; sending it to *The Postal Record* for publication in the Election Notices section; or publishing it on the front page of the branch's newsletter or other state or branch publication that is mailed to each member.

To fulfill the 45-day time requirement, branches should send the notice to *The Postal Record* office at least four months prior to the election date.

Posting the notice on station bulletin boards does not satisfy the requirement, but can be a good additional

way to inform members about the elections.

The notice must state:

- The offices to be filled and length of term for each office.
- The date, time, place and methods for submitting nominations.
- The date, time, place and methods for the election.
- Who can request an absentee ballot, where such requests must be received, and when requests must be made. Absentee ballots must be requested after nominations have been closed, but at least two weeks before the election.
- If branch bylaws provide that certain officers will be convention delegates by virtue of their office, the notice must inform the membership of this provision.

## What is the nomination procedure?

Nominations should be held at least four weeks before the election and at least 10 days after the notice of nominations and elections has been sent out.

Each regular member has the right to nominate a candidate for any office or position to be filled. All nominations must be made at a regular or special meeting of the branch, unless branch bylaws provide that nominations may be made in writing. A branch may provide in its bylaws that nominations may be made in writing, with the nominations to be received by the secretary not less than 30 days before the date of the election.

If the nominations are made at a branch meeting, nominations should

be a separate order of business, with each member present having the opportunity to make nominations before nominations for each office are closed.

Branches, at their option, may require all candidates for office or delegate to be present at the meeting when nominated or signify in writing their willingness to serve if elected. If a nominee is not present at the meeting, written acceptance is permissible, provided the branch bylaws include such a provision. However, branches are cautioned that nominees who are unavoidably detained must be given a reasonable amount of time to accept the nomination, even if the bylaws don't provide for written acceptance.

Self-nomination is permissible. No one can accept nomination for more than one office. Upon nomination, every nominee must certify that they have not applied for a supervisory position or served in such capacity (including as a 204-b) in the 24 months prior to being nominated.

If there is only one nominee for any office, the president may declare that person elected.

## What is the election committee?

The election committee is a group of members appointed by the branch president (or other body if specified in the branch bylaws) that conducts and supervises all aspects of the election.

The recording secretary gives the election committee a list of all the nominees for all offices. The committee must determine the eligibility of these nominees. Meanwhile, the financial secretary must make all records available to the committee.

The financial secretary also must prepare an alphabetical list of all regular members eligible to vote. If voting is both at stations and a branch meeting, the list(s) should be prepared alphabetically by the stations where members will be voting.

The election committee prepares the ballots and can list candidates on the ballot using any method, provided that no candidate is unfairly promoted or disadvantaged.

The election must be by secret ballot.

According to the *RGBEP*, “A secret ballot election is one of the most—if not the most—important provisions of LMRDA. Branches must make any and all necessary arrangements to guarantee that no one can observe members voting.”

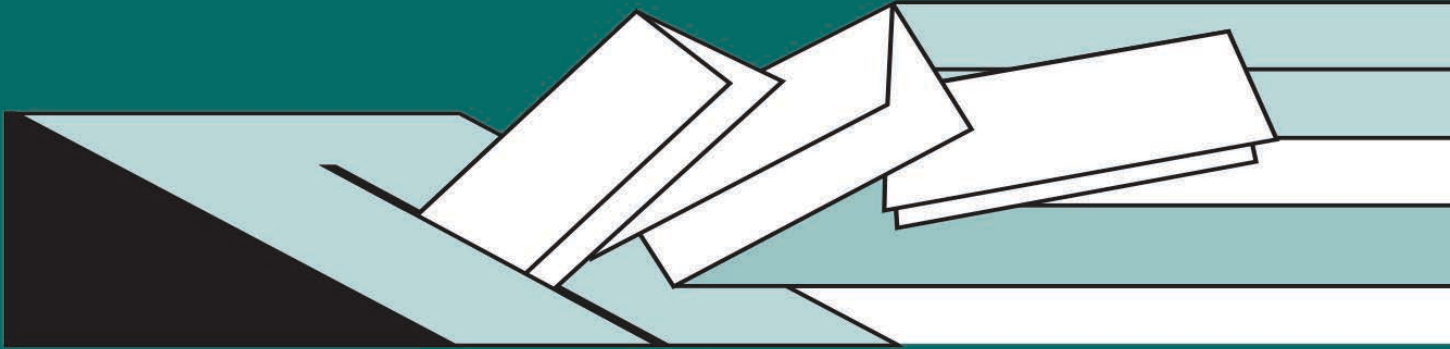
## What are the branch's responsibilities during the campaign?

During the campaign, the branch must treat all candidates equally; any and all privileges extended to one candidate by the branch must be extended to all candidates.

The *RGBEP* warns, “The Department of Labor scrutinizes this aspect of elections very closely and will set aside elections based upon even minor violations.”

A branch must honor all reasonable requests to distribute campaign literature at a candidate's expense. Treating all candidates the same by refusing to distribute campaign literature does not fulfill the intent of the law.

The *RGBEP* states, “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 changes in those conditions.”

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

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

“A branch is absolutely prohibited from criticizing or endorsing any candidate in a union-financed newspaper, publication, or letter,” according to the *RGBEP*.

However, publication of information sheets with biographical data is permissible, provided that all candidates are given equal opportunity to submit data and that the data for each candidate are given equal space and prominence. Similarly, providing newsletter 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 newsletter.

Branch officers and candidates may not campaign on union time. Branch officers and candidates may not use branch funds, employees, office space, telephones, facilities, equipment or materials to campaign. And no campaigning is allowed within a polling place during voting.

Each candidate is entitled to have an observer present during the following election procedures:

- Preparation and mailing of ballots in mail ballot elections.
- Receipt and opening of ballots at each polling place.
- Counting, tallying and totaling of ballots.
- Recording of tally sheets.

## How is voting at branch meetings handled?

During an in-person election, the election committee must write the total number of ballots on the voting register at the time of actual balloting. All voters must identify themselves before receiving a ballot. Upon receiving the ballot, the voter must sign the register of eligible voters.

The election committee must promptly send absentee ballots to all eligible members who request them, along with instructions, a ballot, a secret ballot envelope, and a prepaid, business reply or stamped envelope.

The register of voters, unused ballots and the ballot box containing marked ballots must always be under the supervision of the election committee.

Each candidate must be allowed to challenge the eligibility of any voter. Challenges should be handled in accordance with the regulations set forth in the *RGBEP*.

## How is balloting by mail handled?

If your branch votes by mail, many of the election provisions are similar to voting at branch meetings. However, there are some unique requirements that branches should understand.

At least 20 days before the pre-announced election date (i.e., the date by



which ballots must be received in order to be counted), the election committee must mail First Class to all eligible members at each member's last known home address the following:

- Instructions for voting and the deadline for returning marked ballots First Class
- A ballot
- A plain envelope marked "Secret Ballot Envelope"
- A prepaid, business reply or stamped envelope, addressed to the election committee at a post office box, with a space for the member's signature, unless the branch uses an alternative identifier on the reply envelope to verify the eligibility of the voter

More information can be found in Chapter 14 of the *RGBEP*.

## How are the ballots counted?

The election committee must carefully count the ballots, including absentee ballots, in accordance with the following rules:

- If a voter has signed their name on the ballot, the entire ballot is void.
- Write-in votes must not be counted. However, a write-in vote does not invalidate the rest of the ballot.
- If a voter has incorrectly voted for more than one candidate for an office, the ballot is void only for the offices incorrectly marked.
- The election committee must count the number of used and unused ballots and the number of members who voted, and it must write these numbers on the voting register.

- After the election, the committee must deliver all election records to the recording secretary. The election records include:
- All used, unused, spoiled, void and challenged ballots
- Eligibility lists
- Voting registers
- Mail ballot or absentee ballot envelopes
- Tally sheets

All election records must be preserved for one year, or in the case of an appeal, until after the final adjudication of an appeal if longer than one year.

## How are the results reported?

The election committee must report the results of the election to the membership by:

- posting the information at all stations, or
- publishing the results in the branch newspaper, or
- in some other appropriate manner.

However, the work of the election committee isn't done, as the committee must deal with any appeals. For details on the appeals procedure, see the *RGBEP*.

"NALC is committed to the idea that fair, honest and open elections are vital to a democratic union and essential to the long-term health of the National Association of Letter Carriers," NALC President Brian L. Renfroe said. "By properly conducting branch elections, you will help preserve and strengthen the NALC's well-deserved reputation as one of the most democratic unions in America." **PR**