

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS**



**OFFICIAL CIRCULAR NO. 869  
LMRDA (Landrum-Griffin)  
Election and Other Requirements  
UPDATED: August 21, 2017**

9000 Machinists Place, Upper Marlboro, MD 20772

**TO THE MEMBERSHIP EVERYWHERE, GREETINGS:**

➔ **PURPOSE** To replace Official Circular 861 and previous circulars concerning the responsibility of IAM lodges in the United States to comply with the election requirements of the Labor Management Reporting and Disclosure Act (LMRDA or Landrum-Griffin Act), as well as the responsibility of all lodges, both in the U.S. and Canada, to comply with the election requirements of the IAM Constitution.

➔ **INFORMATION/INSTRUCTIONS** The LMRDA imposes a number of requirements on the conduct of local and district lodge elections, and other matters. Many of these requirements have been incorporated over the years in the provisions of the IAM Constitution, as well as local and district lodge bylaws. Nevertheless, we continue to face Department of Labor (DOL) investigations and, sometimes, litigation when our lodges fail to follow these requirements. All IAM affiliated bodies, therefore, should be familiar with the provisions described below.

In order to assist IAM lodges, attached to this Official Circular is a copy of the **IAM LOCAL LODGE ELECTION GUIDELINES**. These guidelines provide a checklist of ten (10) key issues with which all officers and representatives should familiarize themselves, in order to ensure that all IAM elections are conducted properly. Compliance with these guidelines should greatly minimize the number of election protests received by the International President. This, in turn, will provide us all with more time to do the important work of representing our membership.

**A. Election Procedures and Rights of Candidates for Union Office**

1. LMRDA elections must be conducted by secret ballot with appropriate procedures for safeguarding voter privacy and ballot security.
2. All members in good standing must be afforded a reasonable opportunity to nominate candidates for union office.
3. Every member in good standing shall be eligible to be a candidate and to hold union office subject to the uniformly applied eligibility rules in the IAM Constitution and in local and district lodge bylaws.

4. All candidates must be treated equally with respect to the opportunity to campaign.
5. Candidates have the right, upon request, to have an observer at the polls and at the counting of the ballots.

#### **B. Distribution of Campaign Literature**

1. Every bona fide candidate has the right to request that the lodge distribute his/her campaign literature to the membership, and the lodge must comply with all reasonable requests for distribution by members in good standing, **provided that the distribution shall be at the candidate's own personal expense.** The courts have defined a "bona fide candidate" as a member who has declared him/herself to be a candidate for office and who is eligible to run for that office.
2. All requests to distribute literature must be treated in the same manner. Any discrimination in favor of, or against, any candidate by the lodge with respect to the use of membership lists is prohibited.
3. Every bona fide candidate shall have the right, once within 30 days prior to an election in which he/she is a candidate, to inspect – but not copy – a list containing the names and last known addresses of all members of the local lodge.
4. In order to comply with these important requirements, the secretary-treasurer of each local lodge or district lodge shall:
  - a. Maintain a list of the names and last known addresses of all lodge members.
  - b. Maintain the list in the principal office of the lodge and make such list available for supervised inspection by a bona fide candidate one time only during the 30 days immediately preceding the election.
  - c. In a nondiscriminatory manner, and upon the request of any bona fide candidate, prepare labels or addressed and stamped envelopes, at a predetermined, commercially reasonable, prepaid cost, which is not less than the actual cost to the lodge, and mail campaign literature for the candidate.
  - d. Not permit the list to be copied, nor turn over labels or addressed envelopes to any candidate.
  - e. Not direct any bona fide candidate to go to the Grand Lodge to obtain mailing lists, labels, or envelopes, and instruct candidates that such requests cannot be honored. Under appropriate circumstances, however, and with proper approval by the territorial General Vice President, the lodge, itself, may request assistance from the Grand Lodge in obtaining such lists.

**C. Use of Union or Employer Funds in Elections is Prohibited**

1. Section 401(g) of the LMRDA prohibits the use of any funds of a local lodge, district lodge, council, or conference, or any other labor organization received by way of initiation fees, dues, agency fees, assessments, or of any employer funds to promote or denounce, directly or indirectly, the candidacy (either for nomination or election) of any member in a union election.
2. For purposes of Section 401(g), the term “funds” has been interpreted to include any resources owned by an employer or union, including equipment, machinery, vehicles, telephones, postage, office supplies, computers, reproduction equipment, etc. This prohibition also includes the use of a lodge newsletter, mailing, website, email, or other electronic means of communication to promote or denounce the candidacy of any member for office.
3. A local lodge, district lodge, council, or conference may make expenditures from its funds for notices, factual statements of issues, and other expenses necessary to conduct elections so long as they do not involve the promotion or denunciation of any candidate.
4. Candidates and their supporters are required to campaign on their own time only. Campaigning while on pay status with the union or with an employer is prohibited.

**D. Conduct of Secret Ballot Elections**

1. Combined notices of nomination and election must specify the date, time, and place of the election, as well as the offices that will be filled. Notices of local lodge and district lodge elections must be mailed to each member at his/her last known home address not less than 60 days nor more than 6 months prior to the election.
2. Secret ballot elections need not be held when all of the following conditions have been met:
  - a. all candidates are unopposed;
  - b. the union has provided a reasonable opportunity for nominations;
  - c. write-in candidates have not been permitted; and
  - d. all other requirements of the law and the IAM Constitution have been met.

**E. Election Protests and Preservation of Records**

1. Any protest or appeal concerning eligibility to run for office, the nomination process, or the conduct of an election must be made in writing to the International President within 30 days of the eligibility determination, the close of the nomination process, or

the final tally of ballots, whichever applies. Wherever local or district bylaws provide for election protests or appeals to be made to local or district officials in the first instance, the deadline for filing a protest or appeal with the International President shall be 30 days after the decision of the local or district official. If the local or district bylaws do not contain any protest or appeal provisions, any protest or appeal must be made directly to the International President within 30 days.

2. Section 401(e) of the LMRDA requires that all nomination and election records be sealed and preserved for one year following the close of the election. The records that must be preserved include, but are not limited to, all ballots, marked and unmarked, all void ballots, all notices, all requests for absentee ballots, all communications regarding the election, and all logs of election correspondence.

Fraternally yours,



Dora Cervantes  
GENERAL SECRETARY-TREASURER



Robert Martinez, Jr.  
INTERNATIONAL PRESIDENT

Attachment

*IAMAW Official Policy Regarding*  
**LOCAL LODGE ELECTIONS**

*- Checklist of Key Issues -*

*Revised August 2017*

# IAM LOCAL LODGE ELECTION GUIDELINES

## *- Checklist of Key Issues –*

### **I. Introduction**

- A. The following is a brief overview of the key issues involved in conducting elections for local lodge officers.
- B. In addition, prior to conducting any election, it is **essential** that all those involved review and be completely familiar with the following:
  - 1. Pertinent provisions of the IAM Constitution (see, especially, Articles B, C, and Article II, Sec. 3, and 4)
  - 2. Local Lodge Bylaws
  - 3. Official Circular 869 (LMRDA Election Requirements)
  - 4. Official Circular 868 (Absentee Ballots)
  - 5. Official Circular 865 (Eligibility and Voting Rights of Retired, Terminated, Laid Off or Exempt Members)

### **II. Offices to be filled by election**

- A. The office of President, Vice President, Recording Secretary, Secretary-Treasurer, Conductor/Sentinel, a three (3) member Board of Trustees (together “constitutional offices”), and any other officers who are members of the lodge Executive Board.
- B. The term of office for all officers is three (3) years.

### **III. Eligibility for local lodge office**

- A. A member must be in good standing of the local lodge for at least one (1) year at the time of nomination.
- B. A member must be working at the trade during the six (6) month period prior to the nomination meeting. Members who are retired on pension and paying full dues may run for local lodge office without regard to the “working at the trade”

requirement; however, they may not run for the office of business representative or general chairperson. They are also ineligible to run for any non-constitutional offices that have a direct impact on the collective bargaining agreement.

- C. A member must satisfy the local lodge's meeting attendance requirement, if any (See Attachment B to the Checklist).
- D. A member on indefinite layoff is not eligible to run for office. (See Official Circular 865).
- E. Otherwise eligible members may not run for more for more than one (1) constitutional office. However, members who hold non-constitutional offices such as stewards or committee persons may run for a constitutional office.

**IV. Eligibility to vote for local lodge officers**

- A. Members who are in good standing.
- B. Retired or exempt members and members on indefinite layoff (but such members may not vote for non-constitutional positions, such as stewards or committee persons, having a direct effect on the collective bargaining agreement).

**V. Notification of nominations and/or elections**

- A. Local lodges can satisfy all their obligations under the IAM Constitution and the law by having the recording secretary mail a single, combined notice of nominations and election. This mailing must be done not less than sixty (60) days, nor more than six (6) months, prior to the election and must be mailed to each member qualified to vote at their last known home address, even if the lodge knows the address is incorrect.
- B. The notice must contain the date, time, and place of nominations, of the election, and of a runoff election should one prove necessary. It must be accompanied by an application for an absentee ballot and must specify who is entitled to receive an absentee ballot.
  - The requirement to send notices by mail does not apply to local lodges in Canada.
- C. The notice should also be posted on bulletin boards, appear in newsletters, and be posted on the lodge's web site, if there is one.

**VI. Conducting nominations**

- A. Nominations may be made from the floor by a member in good standing.
- B. Members may nominate themselves.
- C. Members unable to attend the nomination meeting may submit nominations in writing to the Recording Secretary if they meet the requirement set out in Article II, Sec. 3.
- D. Members need not be present to be nominated.

**VII. Voting by absentee ballot and how handled**

- A. Members may vote by absentee ballot if they:
  - 1. Reside more than twenty-five (25) miles from polling place;
  - 2. Are at work during the voting times;
  - 3. Are confined because of illness or injury;
  - 4. Are on leave qualifying under U.S. and/or Canadian Family leave laws;
  - 5. Are working members on vacation or retirees more than 25 miles away from their residence on election day;
  - 6. Are on official IAM business;
  - 7. Are on employer travel assignment; or
  - 8. Are on military leave.
- B. The recording secretary must:
  - 1. Mail ballot packets to members who have filed written requests within five (5) days of the close of nominations or as soon thereafter as ballots are available, and present all voted absentee ballots to the inspectors.
  - 2. Preserve all absentee ballots along with election materials for **one (1) year**, including all written requests for ballots, lists of ballots mailed, identification



stubs, unused ballots, ballots returned for incorrect addresses, envelopes containing voted ballots, voted ballots, challenged ballots declared void, impounded ballots, eligibility rulings made by the inspectors, tellers, or recording secretary, all communications regarding the election, and all logs of election correspondence.

**VIII. Handling requests for distribution of campaign literature**

- A. All candidates must be treated **equally!**
- B. All candidates may inspect (but not copy) membership mailing lists once during the thirty (30) days preceding the election.
- C. All candidates are entitled to have their requests to distribute campaign literature (at their own expense) treated equally. Candidates will not be given a copy of the mailing list. Labels, addressed envelopes, and/or a separate email accounts created for the exclusive purpose of any and all candidate mailings to the members will be created by the lodge at a predetermined, commercially reasonable price, not less than the actual cost, or the mailing list will be provided to a designated vendor on a confidential basis, and campaign literature will be mailed by the lodge or the vendor for the candidate at the candidate's expense. Lists created or obtained while acting on behalf of the Union in any capacity are considered union lists and must be treated as described in this paragraph, and may not otherwise be used to distribute campaign literature.

**IX. Appointment of election tellers**

- A. The president shall, at least sixty (60) days prior to the election, appoint at least three (3) tellers to conduct the election in a fair and impartial manner.
- B. Tellers are responsible for conducting the actual balloting and tabulating the ballots; their specific duties are outlined in **Attachment A** to this Checklist.

**X. Rules governing ballots and the balloting area**

- A. Voting instructions should clearly inform members as to the manner in which their ballot must be marked, the number of votes allowed for each office, and that write-in votes are not permitted.
- B. The ballot itself should be arranged so that candidates for each office are clearly identified, with legitimate nicknames if the candidate so requests, and with the position of the candidate on the ballot being determined in any reasonable and fair

manner, in accordance with the bylaws and/or past practice (such as alphabetically, by order of nomination, or by lot).

- C. Ballots must contain a numbered, detachable stub upon which the voter will provide identifying information, including the voter's name, address, lodge, and book number.
- D. The balloting area and at least a fifty (50) foot area surrounding it must be designated a "campaign-free" zone, and booths and/or partitions must be provided to permit members to mark their ballots in privacy.

**XI. Role of observers**

- A. Each candidate has the right to one observer, but a candidate may not serve as his/her own observer or that of any other candidate.
- B. Observers must be members of the lodge and serve at the expense of the individual candidate.
- C. The following rules apply to observers:
  - 1. They must be permitted in areas where they can observe the voting and tabulation procedures;
  - 2. They may not handle ballots;
  - 3. They may not engage in campaigning (by wearing campaign apparel during voting or otherwise);
  - 4. They may not converse with voters or obstruct the balloting process.

# ATTACHMENT A

## CONDUCTING AND TABULATING THE BALLOTING *- Duties of Local Lodge Tellers -*

### **When conducting an election, tellers shall:**

- A. Conduct the actual balloting and tabulation.
- B. Account for all ballots, voter registers, and voting materials.
- C. Determine the eligibility of voters and resolve challenges.
- D. Ensure that the polls open and close at the stated times, permitting members to vote if in line at the designated closing time.
- E. Inspect the ballot box, in the presence of the observers, before the start of the balloting and then secure the box.
- F. Seal the ballot box during any periods in which balloting has been interrupted and verify the seal before the ballot box is reopened.
- G. Where machines are used in place of paper ballots, verify that they have been cleared and are in good working order prior to the start of the voting, insuring that the machines are locked during any periods in which voting has been interrupted.
- H. Require members voting on-site to identify themselves as required by the election rules and record each member as having voted.
- I. Permit members to vote challenged ballots, and place such ballots in an individual envelope with the reason for the challenge written on it.
- J. Place challenged ballots in the ballot box and resolve challenges, if of sufficient number, to determine the outcome of any election.
- K. Provide a replacement ballot to a member who has spoiled the initial ballot and maintain custody of spoiled ballots and account for them.

- L. Open absentee ballots, check the enclosed detachable stub to determine the eligibility and identity of the voter, and commingle ballots cast by eligible absentee voters with those cast on-site, prior to the start of the tabulation process.
- M. Require voters to cast their ballots in the secret balloting booths provided.
- N. Maintain a campaign-free zone around the voting area, periodically police the area during the balloting, and remove any campaign materials.
- O. Prohibit members from lingering in the election room or engaging in campaigning while waiting to vote.
- P. Refrain from wearing any campaign buttons or political garments indicating support for any candidate.
- Q. Report the results of the election and ensure that all election records and related materials are delivered to the recording secretary of the lodge to be preserved for one (1) year.

**When tabulating the ballots, tellers shall:**

- A. Prohibit candidates or observers from handling ballots.
- B. Not open ballots until the observers for the candidates are present, if they choose to be in attendance.
- C. Record votes for the candidate(s) designated by the voter, if the tellers can determine the voter's intent.
- D. Void that portion of the ballot if a voter fails to vote for the stated number of open positions for any office, however, this does not void the entire ballot.
- E. Void a ballot in its entirety if the voter has defaced the ballot or made markings which identify the voter.
- F. Void the ballot for that office if the voter has voted for too many candidates for one office.
- G. Count the ballot cast on-site and impound the absentee ballot of a voter who has cast an absentee ballot and also votes on-site.

- H. Void the ballot for that office if a voter has indicated a write-in vote.
- I. Mark "void" through any ballot or specific portion of a ballot which is not being counted, record the reason, and initial the ballot.
- J. Void any absentee ballot without a completed identification stub.

## **ATTACHMENT B**

### **MEETING ATTENDANCE REQUIREMENTS**

Article B, Section 3, of the IAM Constitution grants to local lodges the authority, through their bylaws, to require members to have attended up to fifty percent (50%) of the regular lodge meetings held during the twelve (12) month period ending the date of close of nominations in order to qualify as an officer or delegate. Several points need to be clearly understood when applying this language.

- A. Only regular meetings count in determining a member's eligibility. Special or called meetings are not counted.
- B. Only meetings at which a quorum was present count.
- C. Article B, Section 3 lists the various reasons for which members may be excused from regular meetings. The lodge should adopt a clear policy on the time limits for submitting requests to be excused.
- D. The lodge must establish a method of determining who, in fact, attends the meetings. A sign-in sheet or log book must be kept. The lodge must establish a policy as to the manner in which members must sign-in or register.
- E. Any lodge policies established in connection with the meeting attendance requirements must be enforced in a uniform manner.
- F. When lodge members have been granted excuses from attending some meetings, the method for determining their eligibility is as follows: take the number of meetings held; then subtract the number for which the member was excused; divide by two and round all fractions down in favor of the member.

Any questions as to a particular member's eligibility must be resolved promptly so that the process of printing the ballots may proceed in a timely manner. To facilitate the resolution of eligibility questions, the sign-in sheets or log book and the record of approved excused absences should be available at the nominating meeting. The president of the lodge is the final arbiter in these matters, subject to appeal to the International President.