

**Amended Election Rules for Sector Elections and
Referenda
Issued by the
Sector Election And Referendum Committee (SERC)
Effective January 30, 2019
Purpose of Rules**

The basic election rules for Sector Elections and Referenda are found in Article XXII Section 6 of TNG-CWA's Constitution, attached to this document for the convenience of Local Election Committees.

These rules supplement, and must be read and applied in conjunction with, the Constitutional provision that is their source.

These rules shall be interpreted and applied liberally to ascertain the actual intent of the voter and the true result of any election, and shall not be interpreted or applied so as to unnecessarily disqualify eligible voters for immaterial irregularity.

These rules are guided by the principles adopted by the 2010 Sector Conference that elections be conducted in a manner that promotes:

- Transparency
- Verifiable results
- Compliance with law
- Enfranchisement of voters

I. Campaign Conduct (Amended 1-30-2019)

1. Use of union money & equipment.

In elections of TNG-CWA officers, neither TNG-CWA nor Local union monies may be used to promote, endorse or criticize a particular candidate. Included in this prohibition is a Local's executive body or other person or group's endorsement, promotion, or criticism of an individual's candidacy by use of any union's letterhead or other stationery paid for by union funds or bearing the union's seal or insignia, by use of a union's newspaper or website, or by use of a union's equipment, including computers, email systems and electronic bulletin-board access paid for by the union.

Union monies may be used, however, for notices, factual statement of issues not involving candidates, and other expenses necessary for the holding of an election. It also is permissible for a union to publish in its newspaper, website, or newsletter statements submitted by candidates, or letters to the editor about candidates, as long as all candidates are treated equally. A union may use its website to post links to candidates' websites, as long as all candidates are treated equally, and as long as the candidates pay any associated costs.

2. Use of Union Staff.

TNG-CWA and Local officers and staff involved in campaigns must do so on their own time and at their own expense.

3. Use of employer time, money and equipment.

Employer monies may not be used to promote a candidate. Thus, neither candidates nor members involved in campaigns should use employer time, money or equipment to promote a candidate. This prohibition extends to use of employer copying equipment, computers and email systems, including work email addresses. Campaigning must be done on the employee's own time and at his or her own expense.

4. Candidate access to work locations and union meetings.

Locals are free to permit or deny candidate access to work locations, and union meetings, as long as all candidates are treated equally.

5. Candidate access to mailing addresses and email addresses.

Upon request by a candidate and the payment of all supply, postage and labor costs, TNG-CWA shall mail or email campaign material to members. Consistent with CWA policy Guild Locals shall direct all such requests to TNG for handling.

6. Candidate access to e-mail.

To the greatest extent possible, campaign literature should be distributed to personal email addresses only, and not to work addresses. Emailing campaign literature to a work address (including union offices, in the case of a union employee) raises issues regarding use of employer resources. Recipients of electronic campaign literature at a work email address should therefore be notified that they should open and read the email during non-working time and should not redistribute or reproduce the literature in any format using employer printers or equipment.

7. Distribution of campaign material.

Upon request by a candidate, Locals may, but are not required to distribute campaign flyers in the workplace and post them on union bulletin boards, to the extent not restricted by the relevant collective bargaining agreement or legally implemented employer policy, as long as all candidates are treated equally.

II. Paper ballot election procedure

1. Local Election Committee.

Each Local shall have a Local Election Committee of at least 3 members (LEC) of which one member shall be Chairperson. A LEC shall, to the extent possible, be bipartisan or nonpartisan. The LEC shall be responsible for any Local balloting or mailing of ballots, and for assisting the SERC and implementing the election rules within the Local.

The Chairperson of the LEC shall have custody of the official ballots until they are distributed to voters at the polling place or distributed or mailed to voters for mail return to the SERC. The Chairperson shall also have responsibility for the ballot box(es) for in person voting and for ensuring that the ballots cast in person are mailed to the SERC Post Office Box as explained below.

2. Voter Eligibility.

The SERC shall provide Locals with a voter eligibility list. Protests regarding voter eligibility with all supporting documentation must be received at TNG-CWA Headquarters during the challenge period established by the SERC. Protests and supporting documentation received after the deadline shall not be considered.

3. Voting method.

The Local's Executive Committee, or such other body as may be designated by Local by-law, shall decide whether ballot distribution and/or voting shall be in person or by mail. In person voting must be conducted during the six-day voting period set by the SERC.

If voting is in person, the Executive Committee may decide that a specified group of voters (unit, department of the shop, job classification) shall vote by mail, but should do so only if it is impracticable for that group to vote in person. The LEC may decide that individual members may vote by mail if the member is circumstanced so that it is impracticable for him or her to vote in person; or that individual members may vote in person in advance of the established voting days if the member is unable, because of circumstances beyond his/her control to vote in person or by mail during the designated voting days. In each instance, the LEC shall take steps to ensure that the validity and secrecy of the ballot are safeguarded in accordance with these Rules.

The Local shall notify the SERC of its voting method and the number of members eligible for each method, and the dates of any in person balloting, by the deadline established by the SERC.

All ballots, whether distributed and/or voted in person or by mail, shall be returnable by mail to a Post Office box selected by the SERC. All ballot counting shall be done in the presence of the SERC.

4. Election materials.

The SERC shall provide Locals with all election materials, including ballots, voter eligibility lists, inner envelopes and outer return envelopes, and voting instructions and election notices to members. Locals shall not use other election materials without the permission of the SERC. Election materials shall be provided in Spanish and French where appropriate.

5. Notice of Election.

The SERC shall provide Locals with Election Notices that give the member the time, place and method of voting. The Notice of Election must be mailed to each member at their last known home address, at least 15 days in advance of the election. The date of mailing and the date voting begins shall not count toward the calculation of the 15 days. For voting by mail, the Election Notice may be mailed along with the balloting material. For voting in person, the Election Notice must be mailed in advance and cannot be distributed by hand.

6. Voting by mail.

Where the Local decides to distribute ballots to members by mail, the LEC shall mail ballots, election notices, instructions and return envelopes to eligible members in accordance with the deadlines established by the SERC.

Locals may request that the SERC mail ballots, and all related election material including the Notice of Election, directly to members. Such Locals shall reimburse TNG-CWA the cost of the mailing.

If the Local decides to distribute ballots to members in person, but to have those ballots returned by the voter by mail, the LEC shall distribute ballots, instructions and return envelopes to eligible members in accordance with the deadlines established by the SERC. The LEC shall separately mail the Notice of Election to each member at their last known home address at least 15 days prior to the election. The date of mailing and the date voting begins shall not count toward the calculation of the 15 days. It is not sufficient to distribute the Notice of Election to members in person.

Detailed instructions follow at Section III below.

7. Voting in person.

The Local Executive Committee, or such other body as may be designated by Local by-law, shall designate the time or times, and place or places of voting, within the official voting period established by the SERC. These times and places shall be selected to facilitate voting by all members.

Not less than 15 days prior to the election, the Notice of Election provided by the SERC shall be mailed by the LEC to each member at the member's last known home address. The date of mailing and the date voting begins shall not count toward the calculation of the 15 days. The notice shall state the times and places of voting.

Detailed Instructions follow at Section III below.

8. Return of election materials

The LEC shall return to the SERC at TNG-CWA Headquarters, by the deadline established by the SERC, all election material and records including signed lists of all ballots distributed or mailed, all ballots and envelopes that are spoiled or unused, all eligibility and voting lists, and any LEC report on challenged ballots, protests or appeals.

III. Detailed Voting procedure using paper ballots

1. LEC Notice and record keeping.

For at least 15 days prior to distribution of ballots, and during the voting period, the LEC shall post on all Bulletin Boards the notice of election and the name of the Chairperson and members of the LEC, and on the appropriate unit or department Bulletin Boards, the name of the Chairperson and members of any Unit Election Committee (UEC), or LEC designee in charge of a polling place. The date of mailing and the date voting begins shall not count toward the calculation of the 15 days. Copies of the SERC Election Rules shall be centrally posted in all Locals and shall be made available for inspection at voting sites and upon request to the LEC.

2. Record of ballot distribution.

Ballots shall be distributed by the LEC in the shop, or mailed by the LEC by the deadline established by the SERC.

The LEC shall maintain a list of the names and addresses of eligible members to whom ballots are mailed. The person who actually mailed the ballots shall sign and date a statement at the foot of the list giving the time and place of mailing. A similar record shall be kept for mail ballots distributed in the shop.

3. Distribution by mail.

Included with the mail ballots mailed to the voter shall be a return envelope addressed to a SERC Post Office Box and a second inner ballot envelope which will fit in the return envelope. There shall also be included instructions provided by the SERC which instruct the member to seal the ballot in the inner and outer envelopes and to sign and print their name on the outer envelope before mailing to the SERC Post Office Box. The Election Notice should be mailed with the balloting materials, as long as the materials are mailed at least 15 days in advance of the election. The date of mailing and the date voting begins shall not count toward the calculation of the 15 days.

4. In-person distribution of mail ballots.

Where mail ballots are distributed in the shop, each member given a ballot shall sign a receipt and the Local representative distributing the ballot shall witness the voter's signature. The receipt may be in the form of a list with the signature of the witness at the bottom of each page. The eligibility list, furnished to the Local according to Article XXII Section 6(a) of TNG-CWA's Constitution may be used for this purpose.

Each voter shall be given, with the ballot, a return envelope addressed to the SERC Post Office Box and a second inner ballot envelope which will fit in the return envelope. There shall also be included instructions provided by the SERC, which instruct the member to seal the ballot in the inner and outer envelopes and to sign and print their name on the outer envelope before mailing to the SERC Post Office Box.

5. In-person voting.

LEC responsibility

In-person voting shall be conducted under the auspices of the LEC, which shall be responsible for maintaining the secrecy of the ballots and the security of election materials. Voting shall take place at times and places determined by the Local within the six day voting period set by the SERC.

If voting is conducted at only one place, the LEC shall be in charge of the voting; if at several places, the LEC shall be in general charge and a Unit Election Committee (UEC) or a member or designee of the LEC shall be in charge at each place. (Where context requires, references to the LEC include the LEC Chairperson, the LEC's designee in charge at a voting place or the UEC.)

Distributing ballots and election material

At each polling place, there shall be a table for the LEC. The LEC shall have charge of the eligibility list or the portion applicable to the particular polling place and shall be present at the table at all times during voting.

Each member given a ballot shall sign a receipt and the LEC representative distributing the ballots shall witness the voter's signature. The receipt may be in the form of a list with the signature of the witness at the bottom of each page. The eligibility list, furnished to the Local according to Article XXII Section 6(a) of TNG-CWA's Constitution may be used for this purpose.

Each voter receipting for ballots shall be given, with the ballot, a return envelope addressed to the SERC Post Office Box and a second inner ballot envelope which will fit in the return envelope. There shall also be included instructions provided by the SERC.

Secret balloting

Voters shall be provided an opportunity to mark their ballot under circumstances that ensure the secrecy of the ballot, such as a voting booth. Voters shall be instructed to seal their marked ballot in the inner and outer envelopes and to sign and print their name on the outer envelope. The voter shall deposit the ballot, sealed in the inner and outer envelopes, into the sealed ballot box.

Ballot box

The ballot box shall be examined by the LEC before voting begins, then sealed. The seal shall be initialed by the LEC and shall not be opened until the balloting begins. The ballot box shall be kept at the LEC table during voting, and attended by the LEC.

In any interval between voting periods, or between the close of voting and the mailing of the ballots to the SERC Post Office Box, the slot for depositing ballots shall be sealed and the seal initialed by the LEC at the polling place. The Chairperson of the LEC shall keep

the ballot box in his or her personal custody, or deposit it in a locked room, closet, cabinet, or other space designated by the LEC. The LEC shall have custody of the key. The seal shall not be removed until the opening of the next voting period, and shall be removed by the LEC at the LEC table.

SERC mailing of ballots

Once all voting has concluded, the LEC shall seal the box, initial the seal, and transport the ballot box to a mail box or to the Post Office. The LEC shall open the ballot box, and mail all ballots to the SERC Post Office box. Observers shall be entitled to be present at the opening of the ballot box and the mailing of the ballots.

6. Spoiled Ballots

A voter who has spoiled a ballot shall, on his or her request, be given one additional ballot, and the spoiled ballot so marked, placed in a spoiled ballot envelope, signed by the voter and the LEC, and returned to the SERC.

7. Challenged Ballots

Challenged voter whose name is on eligibility list

The LEC should attempt to resolve before balloting any challenge to a voter whose name is on the eligibility list. If the LEC is unable to resolve the challenge, the challenged voter shall be permitted to vote, but shall be given a ballot and election materials, and a return envelope, provided by the SERC, designating the ballot as challenged. The voter should seal the challenged ballot in the inner envelope and challenged ballot outer envelope and should sign and print their name and date the outer envelope. The LEC should also sign and date the challenged ballot outer envelope before placing it in the ballot box and should note the details of the challenge in a written report to be returned to the SERC.

Challenged voter whose name is not on the eligibility list

A challenged voter whose name is not on the eligibility list shall be given a ballot and election materials and a return envelope, provided by the SERC, designating the ballot as challenged. The voter should seal the challenged ballot in the inner envelope and challenged ballot outer envelope and should sign and print their name and date the outer envelope. The LEC should also sign and date the challenged ballot outer envelope before placing it in the ballot box.

The LEC shall include with other election materials returned to the SERC a written report on the details and specifics of challenged ballots, signed by the LEC.

If the SERC finds that the ballots contained in the challenged ballot envelopes could affect the outcome of any election or referendum, it shall rule on the validity of the challenges and either include the ballots in the vote count or not, as its ruling requires.

8. Observers

Each candidate for office, or group or committee supporting a position in a referendum, may designate to the LEC observers in the number determined by the LEC at each polling place and at the mailing of cast ballots by the LEC. In the case of mail ballots, observers may observe the preparation and mailing of ballots. The failure or inability of a candidate, or group or committee, to place observers at a polling place or ballot mailing shall not be grounds for complaint against the election.

IV. Electronic balloting

There shall be no electronic balloting.

V. SERC ballot counting and certification of results

1. Ballot counting – paper ballots.

Only ballots in the voter's official return envelope, and in the SERC post office boxes by the date(s) designated by the SERC for ballot collection shall be counted.

The SERC shall sort and count ballots by Local. The SERC shall report the results of the election, Local by Local.

Every inner ballot envelope shall, if not challenged, be removed from the signed outer return envelope. The inner ballot envelopes shall then be intermixed with other ballots from that particular Local.

Challenged ballots shall be ruled upon only if they are determinative.

2. Investigations of fraud or irregularity.

If the SERC finds fraud, irregularity opening the door to fraud, or that the number of ballots exceeds the number accounted for, and if necessary to determine the result of the election, the SERC shall investigate the vote in the affected Local. The SERC shall determine the correct vote if possible, or order such other remedy as it finds appropriate, including a new election or election within a particular Local, which shall be under the direct supervision of the SERC or its designee.

3. New Elections.

If the SERC orders a new election, it shall develop and communicate to affected Locals and members special procedures for the conduct of that election which shall follow as closely as circumstances permit the constitutional procedures applicable in regular elections.

4. Challenges and Recounts.

In case of a close election, and on demand of a candidate for office, or in case of a referendum on demand of two (2) Locals from each of three (3) regions, the SERC may before certification of the result, recount the ballots or spot check randomly selected Local balloting results to determine whether to recount all ballots, according to any formula it may adopt. An election shall be considered close, if the margin of difference between the opposing sides is five percent or less.

VI. Safeguards

1. Verification of receipt of election materials and election preparation.

Guild Locals must review the SERC-produced list of eligible voters and challenge any errors during a constitutional challenge period designated by the SERC. To ensure that this is being done, the SERC shall direct the Executive Vice President to contact any Local that has not submitted a written challenge within 15 days of the mailing of the eligibility lists.

2. Verification of method of paper ballot voting.

Locals must notify the SERC in writing of the chosen method of balloting by the deadline set by the SERC. (See Section II.3. above). If a Local fails to notify the SERC in writing within 30 days of the mailing of the eligibility lists, the SERC shall directly conduct mail balloting in that Local and bill the Local for the cost of the mailing.

3. Verification of paper ballot ballot distribution.

To ensure that Locals mail election notices and mail (or hand distribute) the ballots to voters in a timely fashion, Guild Locals are required to notify the Executive Vice President in writing by fax, e-mail or overnight mail when they mailed election notices and how (by mail or by hand) and when the ballots have been distributed, 30 days before the end of the voting period.

The EVP shall contact any Local that has not timely provided notice of election notice and ballot distribution.

4. Remedies for noncompliance.

In the event it becomes apparent that a Local will not or has not timely distributed election notices or ballots, the SERC shall directly conduct mail balloting in that Local and may bill the Local involved for all expenses related to distributing ballots to that Local's members, including staff time.

5. Authority of the SERC and Appeals.

Article XXII, Section 5 of the TNG-CWA Constitution gives the SERC the authority to supervise and conduct elections and referenda and to decide all questions and controversies regarding the conduct of the election or referendum or the counting of ballots in accordance with applicable constitutional provisions.

Any member or Local aggrieved by a decision of the Committee may appeal to the E.C., and thence to the Sector Conference.

TNG-CWA Constitution

ARTICLE XXII Sector Referenda

SECTION 6. (a) Membership in good standing for the purpose of referenda (except Sector elections) shall be that in good standing as of any of the following dates: the first day of the month in which the referendum is ordered, or the first day of the month preceding, or the first day of the month following, the date on which the referendum is ordered, as shown by remittances postmarked not later than the 15th of said latter month. Not later than the last day of that month, the Executive Vice President shall mail to each Local, registered or certified mail, return receipt requested, the list of members so determined, together with ballots equal to the number of members on that list. If no members are in good standing, the Local shall be so notified.

(b) In the case of Sector elections, membership in good standing shall be that in good standing in any of the three months preceding by at least 30 days the month of nominations as shown by remittances received not later than the 15th day of the month preceding of the nominations.

(c) Not later than 15 days after a Sector Conference in which nominations close, the Executive Vice President, under the direction of the SERC, shall mail to each Local, registered or certified mail, return receipt requested, notification of a pending election, including the six day voting period designated by the SERC, along with the list of eligible members so determined. If no members are in good standing, the Local shall be so notified.

(d) The locals shall report in writing to the SERC any protests or alleged inaccuracies with the eligibility list. The local's response shall be provided by registered or certified mail, return receipt requested, confirmed facsimile or email. Protests regarding voter eligibility with all supporting documentation must be received at TNG-CWA headquarters by not later than the end of business on the thirtieth (30th) day following the date of post-marked mailing of the notification of a pending election by the SERC. Protests and documentation received after the deadline shall not be considered. The SERC shall rule on each protest, and in the event the protest is sustained, shall amend the good standing list and forward the amended list to the local.

The SERC shall direct the Executive Vice President to contact any local that has not responded within fifteen (15) days of the mailing of the notification of a pending election regarding the local method of balloting and eligibility list challenges.

(e) In the event a member's dues and assessments are checked off under Guild contract or have been paid by the member to his or her Local, but remittances for him or her have not been timely received by TNG-CWA, the SERC shall consider his or her eligibility upon receipt of a statement, signed by the Local Treasurer or any two officers of the Local, showing in detail the member's checkoff status or actual payment and the reason his or her remittances have not been received by TNG-CWA. If the SERC finds that the member is in good standing under Article XIII, Section 4, and Article XVIII, Section 12, and that there is valid reason why his or her remittances have not been received, it shall certify such member as eligible. The statement must be received not later than the 15th day of the last month in which good standing may be determined, except that the Local may upon receipt of the eligibility list provided by Article XXII, Section 6(c), submit further such statements as a part of any Local

protest to the eligibility list. All such statements shall be part of the election record.

Only members on the good standing list shall be eligible to vote; except that members not on the good standing list, claiming eligibility to vote, may cast challenged ballots under SERC rules.

(f) The Sector Election and Referendum Committee shall have authority to remove from the list of eligible voters the names of any who have died, or have withdrawn from the Guild, or who have been expelled or dropped from the Guild.

(g) Wherever in Section 6 it is provided that the Executive Vice President shall perform a mailing by registered or certified mail, he/she may, in an emergency, upon consultation with the chairperson of the SERC, transmit the information by some other method appropriate to the circumstances.

(h) This section shall be interpreted and applied liberally to ascertain the actual intent of the voter and the true result of any election, and shall not be interpreted or applied so as to unnecessarily disqualify eligible voters for immaterial irregularity.

(i) The SERC shall have the authority to establish such rules as necessary to carry out the provisions of this Article and related Sector Conference election policies.

(j) Ballots shall be collected for counting no earlier than 90 days from the close of the Sector Conference where nominations occur. In the case of electronic balloting, only ballots cast by the deadline date designated by the SERC shall be counted. In the case of paper ballot elections, only ballots in the SERC designated post office boxes on the date(s) designated by the SERC for collection shall be counted. The SERC, and/or any individuals or entities designated by the SERC, including third party contractor(s), shall open and tabulate the ballots. The SERC shall certify the results, and the election or referendum declared closed. A detailed result of the vote shall be promptly published by the SERC thereafter.

(k) Paper Ballot elections

If the E.C. has not opted for electronic voting the following additional procedures shall apply:

i. No later than 14 days after receipt of the notification of a pending election, locals shall determine and report in writing to the SERC:

-- The method of balloting, which may include:

-- Local in person balloting on specified dates within the six day voting period designated by the SERC,

-- Local mailing of ballots to members, or

-- SERC mailing of ballots to members.

ii. The dates of in person balloting (if selected). If more than one method of balloting is to be used, the local shall indicate the affected units for each method.

2. Regardless of the paper balloting method used, all balloting shall be by secret ballots

mailed to election post office boxes established by the SERC.

3. The SERC shall direct the Executive Vice President to contact any local that has not responded within fifteen (15) days of the mailing of the notification of a pending election regarding the local method of balloting.

4. Within seven (7) days after the close of the protest period, the SERC shall distribute ballots in accordance with the balloting method(s) selected by the local. Any local balloting or mailing of ballots shall be conducted by the Local Elections Committee.

Locals which request that the SERC mail ballots directly to members shall bear the cost of mailing by reimbursing TNG-CWA the cost of postage.

Locals conducting in-person balloting shall utilize dates within a six-day voting period designated by the SERC. Such voting period shall end not less than 21 days prior to the preliminary date set by the SERC for collection of ballots from post office boxes.

In the event the SERC fails to receive a response from a local regarding the chosen method of balloting by the end of the 30 day protest period, it shall directly conduct mail balloting in that local and bill the local for the cost of the mailing.

5. At least 20 days prior to the preliminary date designated for SERC collection of ballots, locals conducting elections shall confirm delivery of ballots.

6. If the SERC determines a local has failed to conduct an election or distribute ballots, the SERC shall directly conduct mail balloting in that local and charge the local for all expenses related to balloting.

7. Not later than midnight of the fourth day after the close of the six-day voting period, the Local Elections Committee shall transmit to the Sector Election and Referendum Committee all ballots, valid, spoiled and unused, and all eligibility and voting lists and all other election records other than the official return. After their receipt by the SERC the election records shall remain sealed in their original envelope or other container, which shall be opened solely by the SERC or members of the Committee delegated to perform that function. No later than the fourth day after the date by which such election records must be sent, the Executive Vice President shall notify all Locals from which no election material has been received, by confirmed facsimile or email.