GUIDELINES FOR MAIL BALLOT OR FLOOR ELECTIONS

Outlined herein are several tips for conducting elections that meet the requirements of the Labor-Management Reporting and Disclosure Act (LMRDA) and Article 21B, Section 57, of the SMART Constitution that will be useful in insuring the legality of Local Elections.

Mail Ballot Elections

1. Develop a schedule for each step of the election, including ballot printing, mailing, receipt, and counting, which allows adequate time for each procedure.

2. In selecting a meeting date for an election, make certain that the meeting date for tabulation of elections conducted via mail ballot does not fall on a federal or state holiday when the post office would be closed.

3. Arrange with the U.S. Postal Service for a special post office box for receipt and storage of voted ballots so that all mail sent to a box will only be released at a specified time on the election date to members of the election committee (Tellers). Do not use the Local’s regular post office box for the election if regular mail is normally routed there. In situations where the postmaster will not retain the key or combination to the election post office box, the Local President should appoint the Tellers prior to the mailing of the ballots and they should determine who among them will retain the box key or combination. The key or combination should be placed in a sealed envelope, and each Teller should sign his or her name across the sealed edge of the envelope.

4. Check the ballots carefully before and after printing to ensure that all candidates are listed, each candidate’s name is spelled correctly and all instructions and other aspects of the ballot are accurate.

5. Safeguard and be able to account for all ballots printed. The number of ballots printed minus the number issued to members must equal the unused ballots on hand at the end of the election. When the Local prepares its ballots by means other than an outside printer, a record should be made of the number of ballots prepared and all candidates so advised.

6. Update the membership address list to the extent possible to ensure that ballots are mailed to all members eligible to vote.

7. Inform all candidates of the date, time and place for the preparation and mailing of the ballots and of their right to have an observer present. A candidate may serve as his or her own observer.

8. Mail a ballot to each member at least 15 days before the date when the voted ballots must be returned to the post office box. This will comply with the LMRDA requirements that a notice of election be mailed to all members not less than 15 days prior to the election.

9. Do not include campaign literature of any type in the ballot package.
10. When issuing duplicate ballots, mark the ballot-return envelope “Duplicate.” If both the original and duplicate envelopes are returned, void the original unopened. Record on eligibility list all duplicate ballots issued.

11. Pick up ballots from the post office box at the scheduled date and time. Do not attempt to gain access to the ballots prior to that time for any reason. Any ballots received at the box after that time must be voided. It is a good idea to question the post office to ascertain if there is an overflow of the box being held outside the box.

12. Permit each candidate to have an observer at the pickup of the ballots and their delivery to the counting site. A candidate may serve as his or her own observer.

13. Conduct the ballot tally promptly after pickup, permitting at least one observer for each candidate to watch the entire proceedings. If for some reason there is a delay from the time the ballots are picked up and they are tabulated, the Tellers must remain together with the ballots.

14. Verify that all returned ballots are from eligible voters before opening the outer envelopes. Mark voters’ names off a voters’ eligibility list to ensure that no member casts more than one ballot.

15. Remove the sealed inner “A” envelopes containing the ballots from the outer envelopes and mix them thoroughly before they are opened and the ballots removed and counted. This process will ensure the ballot secrecy.

16. Publish or post the results of the election. Preserve ballots and all other election records and materials for at least one year.

Polling at a Local Meeting (Floor Vote)

1. Schedule voting hours to ensure all members have an opportunity to vote. Open the polls promptly. Allow all members who are waiting in line at closing time to vote.

2. Ensure that adequate information is available at the polling site to verify voter eligibility, such as the Local’s financial records of members’ dues-paying status or an eligible voters list drawn up from those financial records under the supervision of the election committee (Tellers).

3. Require voters to identify themselves to the election committee through use of union cards, driver’s licenses, or similar documents.

4. Ensure that each member can vote only once by crossing out names on the voter eligibility list, or other means.

5. Safeguard all blank ballots. At the end of the election, be able to account for all ballots prepared for the election.
6. Provide voters a place to mark their ballots in complete privacy, preferably voting booths. Ensure that voters do, in fact, cast secret ballots.

7. Provide a ballot box in which members place voted ballots and safeguard it throughout the election.

8. Maintain order at the polls at all times and direct voters into and out of the polls in an organized manner.

9. Forbid all campaigning at the polls. Do not permit oral campaigning, distribution of campaign literature, or signs in the polling area. Check the polling area and voting booths periodically to ensure that members have not left campaign material lying around.

10. Prohibit loitering in the polling place. Direct members to leave the polling area as soon as they cast their ballots.

11. Permit each candidate to have at least one observer at the polls and at the counting of the ballots. A candidate may serve as his or her own observer.

12. Preserve ballots and all other election records for at least one year.
ELECTION PLANNER AND CHECKLIST

This planner and checklist is designed to help Local officers plan for an election and schedule activities associated with conducting officer elections. The time projections noted meet the requirements of the SMART Constitution’s Article Twenty-One B (21B), Section 57.

NOTE: It is important to consider holidays and weekends when setting your election schedule!

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<td><strong>Update members’ addresses</strong> – (8 weeks prior to election).</td>
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<td><strong>Nomination notice</strong> – (Post at least 10 days prior to nomination meeting). Notice should advise that nominations filed by petition must be delivered to the Local Secretary prior to the nomination meeting, or presented at the nomination meeting when nominations are taken. Also, the nomination notice should advise that prospective candidates will be allowed, once within 30 days prior to the election, to inspect a list of names and addresses of the membership.</td>
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<td><strong>Make arrangements for post office box</strong></td>
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<td><strong>Nomination meeting</strong> – Appointment of Tellers.</td>
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<td><strong>Contact candidates</strong> – (As soon as possible after close of nominations.) Accept withdrawals, and advise candidates of their right to inspect the membership list once within 30 days prior to the election.</td>
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<td><strong>Printing of ballots</strong></td>
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<td><strong>Preparing and mailing ballots</strong> – (Mail at least 15 days prior to election date). Advise candidates of the time and date this will occur in order that they or their observer may be present.</td>
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<td><strong>Election date</strong></td>
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SPECIAL NOTICE

To Members of SMART TD Local No. Date
You are hereby notified that a meeting will be held on the day of
20 at o'clock a.m., for the purpose of:

☐ NOMINATION OF OFFICERS (Nominations may be made by petition or from
the floor of the nomination meeting. Petitions must be delivered to the Local
Secretary prior to the nomination meeting or presented at the meeting.)

☐ ELECTION OF OFFICERS

☐ CHAIRPERSON, GCA
☐ LOCAL COMMITTEE OF ADJ.
   ☐ CP ☐ VCP ☐ SEC
☐ PRESIDENT

☐ VICE PRESIDENT
☐ SECRETARY
☐ TREASURER
☐ SECRETARY/TREASURER
☐ COLLECTOR

☐ TRUSTEES
☐ LEGIS. REP.
☐ ALT. LEGIS. REP.
☐ DELEGATE
☐ ALT. DELEGATE

Prospective candidates will be allowed, once,
prior to the election, to inspect a list of names
and addresses of the membership.

Mark "X" in each box that this meeting covers.
SMARTTD-M-57 Printed by SMART TD Print Shop.

________________________________________
Secretary

(Postcards available from SMART Transportation Division Supply Department.)
ATTENTION: MEMBERS OF SMART TD LOCAL ______________

2017 Call for Nominations for Local
PRESIDENT, VICE PRESIDENT, SECRETARY, TREASURER (or SECRETARY-TREASURER), and BOARD of TRUSTEES (3 Members)

Under the provisions of Article Twenty-One B (21B), Section 57, of the SMART Constitution, the election of Local Officers (President, Vice President, Secretary, Treasurer, and Board of Trustees) will be held by all SMART TD Locals in November 2017.

Nominations to fill the above offices will be conducted at the regular meeting of Local ______ to be held ________________________________

(DATE AND TIME)

at ________________________________

(LOCATION AND ADDRESS OF LOCAL MEETING)

Nominations may be made from the floor at the nomination meeting. Nominations do not require a second. You may self-nominate. Where nominations are made by nominating petition, at least five (5) members eligible to vote shall sign the petition. Petitions must be delivered to the Local Secretary prior to the nomination meeting or presented at the meeting. No nominations may be made following the close of this meeting. Contact Local Secretary at ______________________________________

The election will be held by: □ mail referendum □ at a meeting of the Local.

Tabulation of ballots will be conducted at the regular meeting of Local ______ to be held ________________________________

(DATE AND TIME)

at ________________________________

(LOCATION AND ADDRESS OF LOCAL MEETING)
ATTENTION: MEMBERS OF SMART TD LOCAL ________________

2017 Election of Local
PRESIDENT, VICE PRESIDENT,
SECRETARY, TREASURER,
(or SECRETARY-TREASURER),
BOARD of TRUSTEES (3 Members)

Under the provisions of Article Twenty-One B (21B), Section 57, of the SMART Constitution, the election of Local Officers (including President, Vice President, Secretary, Treasurer, and Board of Trustees) will be held by all SMART Transportation Division Locals in November 2017.

Elections to fill the above offices will be conducted at the regular meeting of Local _________ to be held _____________________________

(DATE AND TIME)
at

,LOCATION AND ADDRESS OF LOCAL MEETING)
ENVELOPES USED IN LOCAL ELECTIONS
CONDUCTED BY MAIL

1. Secret Ballot “A” Envelope

![Image of Secret Ballot “A” Envelope]

3 5/8” x 6 1/2” (No. 6 1/2 envelope)

1.) The secret ballot envelope, printed with an “A” on it, will be used by the voter to enclose the marked ballot. Advise members not to place any identifying mark or information on this envelope. These can be purchased from the SMART Transportation Division Supply Department.

2. Ballot Return Envelope

![Image of Ballot Return Envelope]

3 7/8” x 8 7/8” (No. 9 envelope)

2.) This envelope will be used by the voter to return the Secret Ballot “A” Envelope with the marked ballot sealed inside. It should be pre-addressed to the post office box for returned voted ballots and contain space for the voter to print his or her name and address in the upper left corner. If a voter identification number has been assigned (which corresponds to the voter’s number on the eligibility list), it should appear in the lower left corner of this envelope. While the depiction of this envelope on the left shows lines printed in the return-address area, such lines are not necessary. Omitting them and leaving the area blank will not invalidate the election. However, the voting instructions prescribed by Article Twenty-One B (21B), Section 57, of the SMART Constitution MUST accompany the ballot material sent to members, so that members know they must place their names and addresses in this area for their ballot to be counted. Do not fill this out for the voter.

3. “Ballot Enclosed” Envelope

![Image of “Ballot Enclosed” Envelope]

4 1/8” x 9 1/2” (No. 10 envelope)

3.) This large envelope will be used by the Secretary (or Secretary-Treasurer) to mail all the ballot items to each member. The return address should be the same post office box address on the Ballot Return envelope so the undelivered ballot packages are returned to the post office box.
NOTE: When conducting an election by mail, in accordance with the SMART Constitution’s Article Twenty-One B (21B), Section 57, the envelope with the ballot material that is mailed to each voter must include a leaflet carrying voting instructions. The leaflet must read as follows:

VOTING INSTRUCTIONS

Instructions for voting by mail: The voter will make a mark in the square of his/her choice, fold, and place the ballot in the envelope marked “A” and seal.

Place sealed envelope “A” in envelope marked “Ballot” and seal.

Place name and address in upper-left-hand corner of envelope marked “Ballot” and mail.

Do not place any mark of identification on the ballot or the envelope marked “A” that would destroy the secrecy of the ballot.
SAMPLE BALLOT

SPECIAL NOTES:

The sample ballot on the right is provided to give Locals an idea of how ballots should look and to assist in having them properly prepared.

You must arrange to prepare your ballots and have them printed. We regret that we cannot prepare and print them for you. You are strongly urged to have the ballots printed by a union printer. (Some print shops will handle the typesetting for you, also.) A receipt indicating the number of ballot printed and delivered can come in handy when you need to account for the use of all ballots, especially if a candidate challenges the outcome of the vote based on the handling of ballots.

NOTE: If the positions involved in the election include Local Committee of Adjustment (LCA) positions, and the Local has more than one LCA, a separate ballot must be prepared for each LCA.

In all cases, incumbents’ names are listed first, followed by other candidates’ names in alphabetical order (sorted by surname).

The sample ballot on the right is for a mail-in ballot. A separate instruction leaflet will be included with this type of ballot, advising the voter how to proceed in casting his or her ballot. In the event the election is being conducted as a floor (or walk-in) election at a meeting, there is no need to include the time, date and location information included on this sample.

SMART Transportation Division
OFFICIAL BALLOT

Local ___________

Election of officers will be conducted at the meeting to be held

______________________________
(date)
at _________ o’clock (a.m./p.m.), when tabulation will be conducted. In order for your vote to be tabulated, it must be deposited in the designated post office box before __________ o’clock (a.m./p.m.) on

______________________________
(date)

PRESIDENT
(Vote for one)

☐ I.M. Incumbent
☐ Justin Time

LEGISLATIVE REPRESENTATIVE
(Vote for one)

☐ I.M. Incumbent, Jr.
☐ Tom Able
☐ Dick Baker
☐ Harry Charlie, Sr.

TRUSTEES
(Vote for three)

☐ (insert name of candidate)
☐ (insert name of candidate)
☐ (insert name of candidate)
☐ (insert name of candidate)
FAQs: Electing More Than One Vice Local Chairperson for a Committee

Q: “We currently have more than one Vice Local Chairperson at each of the Local Committees of Adjustment (LCAs). What is the proper procedure for electing multiple Vice Local Chairpersons? And then, how do you determine who is First Vice Local Chairperson?”

A: The proper procedure for electing multiple Vice Local Chairpersons involves approaching the ballot according to well-defined positions. In other words, nominations would be taken for First Vice Local Chair, for Second Vice Local Chair, etc., and the ballot would reflect that the voter is choosing from among candidates to fill a particular slot. (To illustrate, the ballot would give you a choice of candidates for “First Vice Local Chair, LCA-XYZ,” a choice of candidates for “Second Vice Local Chair, LCA-XYZ,” etc., and instructions on the ballot above each section would read: “Vote for one.”)

With this procedure, the choice of First or Second Vice Local Chairperson has been made by the members of the Local Committee of Adjustment, satisfying the following provision of the SMART Constitution’s Article Twenty-One B (21B), Section 81, found at lines 30-31: “When more than one Vice Chairperson is elected to a Local Committee of Adjustment, the Local Committee shall designate the Vice Chairperson who shall act as required by this paragraph.”

Conducting a Run-Off Election

As in any other election, the possibility of needing a run-off remains, especially where numerous candidates are seeking a position, because a candidate needs a majority of votes for election to the position. (A majority is considered at least 50% of the valid cast votes, plus one more valid vote.) Instructions for conducting a run-off election are included in lines 59-70 of Article Twenty-One B (21B), Section 57, of the SMART Constitution. Those lines read:

“The candidate receiving a majority of the votes cast for a given office shall be declared elected. If no one (1) of the candidates for a given office receives a majority of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the two (2) candidates receiving the highest numbers of votes cast for that office. If any number of the candidates for a given office are tied for the highest number of the votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the names of the candidates receiving the highest number of votes cast for that office. If one (1) candidate receives the highest number but that number does not constitute a majority of the votes cast for a given office and any number of candidates are tied for the second highest number of votes cast, another ballot shall be submitted to all eligible voters upon which shall appear only the name of the candidate receiving the highest number and the names of the candidates receiving the second highest number of the votes cast for that office.”
How Many Positions Can a Candidate Seek?

Q: “If a Local Chairperson position is up for election, and three people run for the office, can they run for Vice Local Chairperson as well?”

A: Candidates can run for as many positions as they want, as long as they are eligible and properly nominated. As an extreme example, a candidate can run for Delegate AND Local Chairperson AND First Vice Local Chair AND Second Vice Local Chairperson AND for LCA Secretary. However, there are certain positions which cannot be held simultaneously.

Restrictions on holding multiple Local Officer positions are outlined in Article Twenty-One B (21B), Section 56, of the SMART Constitution, as follows:

“The elective officers of a Local shall consist of a President, Vice President, Secretary and Treasurer, and a Board of Trustees consisting of three (3) members. By action of a Local, the office of Secretary and Treasurer may be separated and elections held to fill each office. A Local having fifty (50) or more members may create the office of Collector....No member may fill more than one (1) of these elective offices at the same time.”

Further, it has been ruled that a member may not serve on more than one Local Committee of Adjustment (LCA) under the jurisdiction of a given General Committee of Adjustment (GCA) at the same time.

During the tabulation, if a particular person running for more than one position is found to have won one of the slots, and the candidate accepts the win, that candidate is removed from all subsequent races in which that candidate’s name appears if his election to that second position poses a conflict with Article Twenty-One B (21B) of the SMART Constitution. For example, someone elected Local Chairperson cannot then also be elected Vice Local Chairperson. Likewise, someone elected Vice President cannot also be subsequently elected as a Trustee. However, a candidate elected Vice Local Chairperson can remain a viable candidate for the position of Delegate, as there is no conflict in holding both offices.

Where a conflict might exist and a winning candidate’s name is withdrawn from races to be subsequently tabulated, various effects manifest themselves:

-- In a two-candidate race involving a candidate who already won a position in a previously tabulated contest (and is thus removed from a subsequent race), this can result in the remaining candidate winning by acclamation because the opposition has been removed from the ticket;

-- and in a race involving three or more candidates, where one of the candidates is removed from consideration because he/she has won a position that would conflict with a
position in a race yet to be tabulated, this can mean fewer total votes will be counted in
the subsequently tabulated race (i.e., votes cast for the candidate who won a conflicting
position in an earlier-tabulated race are now set aside and not considered part of the total
number of votes cast in a subsequent race), and the majority needed for one of the
remaining candidates to win is now mathematically altered.

Local Chairperson Vacancies

It also should be noted the position of Vice Local Chair differs from the positions of Vice
President, Alternate Delegate or Alternate Legislative Representative in a crucial way:

When a Local President resigns, retires, dies, or otherwise permanently vacates the office,
the Vice President steps up to fill the office for the rest of the term, until the next
scheduled election, and a vacancy is thus created in the position of Vice President, which
must be filled by an election at the soonest opportunity. (In general, if the next scheduled
election for the office exceeds four months, a special election must be held.) Similarly, if
the Delegate resigns, the Alternate Delegate becomes Delegate for the remainder of the
existing term and a vacancy exists at Alternate Delegate. Likewise, if the Legislative
Representative resigns, the Alternate Legislative Representative becomes the Legislative
Representative for the remainder of the existing term, and a vacancy exists at Alternate
Delegate.

However, if a Local Chairperson’s position is permanently vacated, the First Vice Local
Chairperson steps into the role of Acting Local Chairperson on a temporary basis -- not
for the remainder of the term. Article Twenty-One B (21B), Section 81, calls for an
election to be held to fill the vacant Local Chairperson position. After that special
election, the Acting Local Chairperson steps back into his elected role as (First) Vice
Local Chairperson. Of course, the Acting Local Chairperson can also run for the Local
Chairperson position, and if he or she wins, then a vacancy is created in the office of Vice
Local Chairperson.

###
**SMART TRANSPORTATION DIVISION**

*Report of Elections*

**NOTE:** Article Twenty-One B (21B), Section 57, Lines 98-101: “Locals must, following each election of officers or succession to office, promptly notify the General Secretary-Treasurer, interested General Chairpersons, State and District Legislative Boards of the names and addresses of the new officers.”

Mail to: General Secretary-Treasurer, SMART, 1750 New York Avenue NW, 6th Floor, Washington, DC 20006. Also, please send a copy to SMART Transportation Division, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333, or e-mail results to president_tdl@smart-union.org.

Please include information as to time and place your Local holds its meeting ONLY IF CHANGE IS REQUIRED IN DIRECTORY, and also furnish any other corrections that are needed to be made in the current directory.

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<tr>
<th>Local Number</th>
<th>Date</th>
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### President

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<th>Name:</th>
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### Vice President

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### Secretary-Treasurer

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### Secretary

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| Local Chairperson, LCA-_________          | Vice Local Chair, LCA-___________ |
| Name: _________________________________    | Name: _________________________________ |
| Address: _________________________________ | Address: _________________________________ |
| City: _________________________________     | City: _________________________________     |
| State: _______________________________      | State: _______________________________      |
| ZIP: _________________________________      | ZIP: _________________________________      |
| Phone: _________________________________   | Phone: _________________________________   |
| E-Mail: _________________________________ | E-Mail: _________________________________ |

<p>| Vice Local Chair, LCA-_________          | Secretary, LCA-____________      |
| Name: _________________________________ | Name: _________________________________ |
| Address: _________________________________ | Address: _________________________________ |
| City: _________________________________ | City: _________________________________ |
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**Changes for Directory**

Please include information as to time and place your Local holds its meeting ONLY IF CHANGE IS REQUIRED IN DIRECTORY, and also furnish any other corrections that are needed to be made in the current directory.

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