

ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO
FORTY THIRD BOARD OF DIRECTORS MEETING
APRIL 28 – 30, 2015
LAS VEGAS, NEVADA

SUBJECT: Election Process – Duplicate Ballots (Section IX.F.3.c.)

STATEMENT OF QUESTION:

Should members be required to contact the International Office to obtain any duplicate ballots or other voting information such as PINS or Activation Codes?

SOURCE AND DATE SUBMITTED: International President - February 27, 2015

BACKGROUND INFORMATION:

Currently, Section IX.F.3.c. provides that provides the International Office mail duplicate ballots in the amount of 5% of the active members to the Local President. During 2012, an election of Local Officers was challenged by a losing candidate. A point of contention was that the International Secretary-Treasurer was in violation of the Constitution and Bylaws (C&B) when refused to provide duplicate ballots to the Local President, who was also a candidate. Instead, the Secretary-Treasurer made duplicate ballots available from the International Office for members requesting them.

The Department of Labor (DOL) conducted an investigation and found that Section IX.F.3.c. of the C&B is inconsistent with Section 401(c) of the LMRDA. The LMRDA requires the Union to have adequate protections in place to ensure a fair election, and that permitting an incumbent officer to have unsupervised control and access to duplicate ballots during an election would violate the adequate safeguards provisions of the LMRDA. The DOL concluded that the Union was not required to comply with this existing provision of the AFA-CWA Policy Manual, and that the actions of the Secretary-Treasurer did comply with the LMRDA.

This agenda item is intended to change Section IX.F.3.c. so that it complies with the LMRDA.

PROPOSED RESOLUTION:

WHEREAS, the Department of Labor (DOL) has concluded that the existing Section IX.F.3.c. does not comply with the of Labor-Management Reporting and Disclosure Act (LMRDA); and,

WHEREAS, we must maintain a provision to distribute duplicate ballots to anyone who needs a replacement ballot;

THEREFORE BE IT RESOLVED, Section IX.F.3.c. be amended as follows:

- c. Replacement for lost or mismarked ballots in an amount sufficient to provide at least a number of equal to five percent (5%) of the active members of each domicile. ~~For any voting procedure, a number of duplicate ballots equal to five percent (5%) of the active members of each domicile will be mailed to the Local Council President.~~ **These will be retained by the Ballot Certification Committee for distribution to members upon request.**

BE IT FURTHER RESOLVED, a new Section IX.F.2.g. be included as follows:

- g. Duplicate ballot instructions.**