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INTERNAL UNION ELECTIONS

(Answers to quiz about the use of a labor union publication and the Internet during internal union elections.)

1. **True.** The editor is the caretaker of the union paper. The paper belongs to the membership. These laws are not intended to restrict the rights of the editor but rather to protect the rights of the membership and candidates in an election.
2. **False.** This determination should be made **prior** to nominations taking place. This will avoid possible complaints alleging that criteria established after nominations favored one candidate over another. Nominations are considered part of the election process and election rules should be established before the election process begins.
3. **True.** Under federal law you have the right not to publish **any** candidates' campaign articles in the newsletter.
4. **True.** The general membership should be involved in the decision making process when establishing criteria for a local election. This could avoid potential problems once the election process begins; all members would be aware of the rules and guidelines that will be followed during the election. It is also a good practice to publish them in the newsletter prior to nominations taking place.
5. **False.** Under federal law, you have the right to restrict articles to specific offices. However, all candidates' articles for the office(s) you have agreed to accept must have **equal access** to the newsletter. If a union newspaper made available **equal space** to each bona fide candidate running for a particular office, it would be difficult to show that this promoted the candidacy of any particular individual, **provided** the newspaper made a reasonable and demonstrable effort to advise all of the candidates running for that particular office or offices of the availability of the publication for this purpose.
6. **False.** All candidates must receive equal treatment. To print the incumbent president's article on the front page (a more prominent place) and his/her opponent's article on an inside page, could be construed as not providing fair and equal treatment and an attempt to promote the candidacy of the incumbent president.
7. **True.** Again, all candidates must be treated **equally**. Publishing a campaign article in this manner; by giving more prominence to one candidate's statement than the other, could be a violation. It may be interpreted as promoting the candidacy of one candidate by not providing equal treatment to the other.

8. **True.** This criteria should be established prior to nominations if the decision is made to accept candidates' articles for publication. Allowing unlimited space in the newsletter to all candidates could cost the local a lot of money to have that issue of the paper published.
9. **False.** Once the publication (after consultation with their Executive Board and/or Election Committee) decides to open the newspaper to candidates, it must offer space to all candidates for that particular office.
10. **True.** This could be interpreted as an attempt to promote the candidacy of this individual. Even subtle publication practices might endanger an election.
11. **False.** This could be interpreted as an attempt to promote the candidacy of the incumbent officer.
12. **True.** The union publication cannot be used to promote the candidacy of any individuals.
13. **True.** To avoid promoting the candidacy of any person, union publications must be fair and impartial in reporting the activities of candidates.
14. **False.** This could be considered a violation. An uncomplimentary photograph could be interpreted as an attempt to discredit the candidate and cause the membership to cast their votes against the candidate because of the published photo.
15. **False.** This could be a violation. Remember, the union publication cannot be used to promote the candidacy of any individual.
16. **True.** This may be considered a violation since it might be interpreted as an attempt to promote the candidacy of the incumbent officer.
17. **True.** A "letter to the editor" column should not be used for the purpose of advancing the candidacy of an individual or individuals, nor should it be used to attack a candidate or candidates. Letters to the editor should either be eliminated or closely monitored during the election period in order to avoid conflict with the intent of the law.
18. **False.** Officer's reports editorials, etc., come under the same federal regulations. These articles should be reviewed and a determination made on the disposition of references that can be described as support for a candidate. A union may neither attack a candidate in a union-financed publication nor urge for nomination for election of a candidate.
19. **True.** Fair and equal treatment must be given to all candidates.
20. **False.** It must be determined if candidates will be allowed free space or paid advertising space. Regardless of which you decide, it must be offered on an equal basis.
21. **False.** If you decide to accept paid advertising, it must be at your regular advertising rate.

22. **True.** If you do not have a regular advertising rate, determine a reasonable advertising rate and charge all candidates the same rate consistent with the space used.
23. **True.** A notice should be published prior to the election.
24. **False.** All candidates must be given the opportunity to purchase space for an ad.
25. **False.** All candidates must be given the opportunity to purchase space for an ad. Candidate (B) does not receive your publication and therefore would not be aware of the opportunity to purchase space for an ad. A copy of your newsletter must be sent to candidate (B).
26. **True.** This will insure that a reasonable and demonstrable effort was made to advise all candidates.
27. **True.** This informs your readers that the candidate purchased the space.
28. **False.** A union publication should neither attack nor promote the candidacy of any person.
29. **False.** This information can be reported only if the endorsements have been made by the general membership (at a regular or specially called meeting) and not if the endorsements have been made only by the Executive Board.
30. **True.** If your local endorses candidates at a regular or specially called meeting of the general membership, the union may print this information as a **straight news story**. However, the story must be written strictly as a news item and must not be allowed to drift over the line into an area of propaganda for (or against) those candidates who are endorsed--or who failed to gain the endorsement.
31. **False.** The printing of such endorsements in your publication as a news story must be distributed to the publication's normal mailing list. To increase circulation in an effort to reach a larger audience only for the purpose of publicizing such endorsements could be construed as employing union funds and/or equipment to advance the candidacy of a candidate or candidates.
32. **True.** These criteria should be established prior to nominations if the decision is made to accept candidates' articles for publication. Establishing such a policy will make all candidates aware of the procedure and could avoid problems and confusion. For example: Is an individual's name considered one or two words? Is American Postal Workers Union one or four words?
33. **False.** It is acceptable to make the membership aware of the election and also to urge them to vote. However, mentioning the names of candidates running for particular offices could be interpreted as an attempt to promote the candidacy of these individuals. Remember, the union publication cannot be used to promote the candidacy of any individual(s).
34. **True.** This could be considered a violation since it might be interpreted as an attempt to promote the candidacy of the incumbent officer and the union publication cannot be used for this purpose.

35. **False.** The same standards apply to web pages as union publications. The web page is paid for with union funds and union funds cannot be used to promote (or attack) anyone's candidacy as specified in Section 401(g) of the LMRDA. Furthermore, use of union equipment such as a computer and phone line to access the web page to post this information could also be considered a violation.

36. **True.** Use of union facilities and equipment for the purpose of promoting someone's candidacy is an indirect expenditure of union funds which is a prohibited activity under Section 401(g) of the LMRDA. Also, the same standards would apply while participating in "chat room ... discussions."

37. **False.** Using the local's web page or E-mail as a means to reach a larger audience for publicizing such endorsements could be construed as employing union funds and/or equipment to advance the candidacy of these individuals.