

Guidance for Unions on Representative Convention and Local Officer Elections

The Education Minnesota Legal Department has developed the following guidance for locals that may be unable to hold in-person elections for Representative Convention delegates or local union officers during the 2020-21 school year due to the pandemic.

Representative Convention Elections:

1. The Representative Convention is on Saturday, April 24. The convention will be virtual once again this year due to the pandemic. Locals may set their own time period for elections, but the registration deadline is 5 p.m. Friday, April 23. If you need to hold an RC delegate election (see #2), we strongly recommend doing so no later than the first week of April to give your local time to address any issues that arise.
2. Elections are only required if there are more candidates than the number of allotted delegate spots for a local, unless its constitution and bylaws state differently. The number of delegates per local is available [here](#).
3. It is permissible to ask candidates if they want to be alternates if there are more candidates than delegate positions so long as all candidates are asked, in order to ensure neutrality. It is also permissible to recruit additional candidates if there are not enough to fill all delegate positions.
4. Delegate elections for the RC must be conducted in accordance with the Labor-Management Reporting and Disclosure Act, or LMRDA.
5. Locals that have a significant number of members teaching remotely during the elections period should consider the following options:
 - conduct an in-person election where members print their ballots at home and deposit them at secured outdoor ballot drop-off sites.
 - conduct a mail ballot election, which must comply with the LMRDA. The mail ballot election requirements in the LMRDA are available [here](#). If your local needs to conduct a mail ballot election, the costs of doing so will be reimbursed by Education Minnesota. Simply keep your receipts for costs incurred and [apply for reimbursement here](#).
6. Because the LMRDA has strict ballot secrecy and observation requirements, most electronic voting platforms are not LMRDA compliant. For this reason, we strongly recommend against electronic elections for RC delegate elections. Using an electronic platform could jeopardize the validity of your RC delegate elections, even if you use such a platform for your local officer elections.
7. Your local may choose to run its RC delegate elections at the same time as its local officer elections. This is permissible, but your local should use separate ballots and ballot boxes.
8. If you have questions about the operation of an outdoor in-person election or a mail ballot election for the RC, please contact elections.committee@edmn.org.

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Local Officer Elections:

1. Local public sector union elections are not automatically governed by the LMRDA. Instead, your local's constitution and bylaws will determine what procedures must be followed. If you need assistance interpreting the rules, or if the rules are incomplete, please contact your Education Minnesota field staff.
2. Some local constitution and bylaws state that officer elections must comply with the LMRDA. If this is the case, the LMRDA applies, including the ballot security and observation requirements for union officer elections. Locals that must run elections in compliance with the LMRDA that have a significant number of members teaching remotely during the elections period should consider the following options:
 - conduct an in-person election where members print their ballots at home and deposit them at secured outdoor ballot drop-off sites.
 - conduct a mail ballot election that complies with LMRDA procedures, available [here](#). If your local needs to conduct a mail ballot election, the costs of doing so will be reimbursed by Education Minnesota. Simply keep your receipts for costs incurred and [apply for reimbursement here](#).
3. If your local constitution and bylaws does not require compliance with the LMRDA, the local has more latitude in the way it runs a mail ballot election. Your local may also run an electronic election, as long as it does not violate any provisions of your constitution and bylaws. Locals selecting electronic elections should take reasonable efforts to ensure ballot security, such as unique access codes or other verification procedures to ensure that only eligible members vote and no one votes more than once.
4. Your local may choose to run its local officer elections at the same time as RC delegate elections, if necessary. This is permissible, but your local should use separate ballots and ballot boxes. Before making a decision to run the elections simultaneously, locals should consult their constitution and bylaws and make sure that any timelines set out for officer elections will still be followed.
5. If you have questions about the operation of a local officer election, please contact your Education Minnesota field staff.