

Education Minnesota RC Delegate Elections- Instructions for Local Leaders

Elections for delegates to the Education Minnesota Representative Convention are governed by the Labor Management Reporting and Disclosure Act (“LMRDA”). This federal law requires that certain procedures be followed when conducting union elections. While the election requirements generally do not apply to a local union composed entirely of public employees, there is an important exception: when such a local participates in the election of officers of its parent union which is subject to the election requirements, then the LMRDA election procedures must be followed. **Because Education Minnesota represents a number of private sector employees, it is considered a “mixed” union and is subject to the LMRDA. Therefore, delegate elections must be compliant with the federal law.** Many members may already be familiar with LMRDA election procedures because they are used for other state elections, such as the Election District Governing Board positions.

Education Minnesota is working to reduce the burden of these legal requirements on local leaders, and to allow the elections to be conducted with as much flexibility as possible. In order to assist you in the election process, we will provide you with forms that may be used for nominations, sign-in sheets, and ballot tallies/certifications. You are not required to use these exact forms. However, the LMRDA requires that written documentation of certain parts of the election process be kept for a period of one year.

We hope that these instructions will make the process of electing delegates to represent your local at the Representative Convention as easy as possible. If you have any questions about the election process, please contact our elections staff at Elections.Committee@edmn.org.

1. Nominations

The LMRDA requires that all members in good standing be given a “reasonable opportunity” to nominate candidates of their own choice. It also requires that the procedures followed in making nominations be in accordance with the local's constitution and bylaws, so long as they are not inconsistent with the requirement for “reasonable opportunity.” Locals may choose to hold nominations and the election of delegates at the same union meeting.

To meet this requirement, members must be given reasonable notice that the election will occur, as well as how and when to make nominations. The local may provide the notice in a number of ways, including by mail and through timely publication in its newsletter (if it has one). Many local unions communicate with their members by email. (Note that information about the delegate election, such as the nomination notice, may be sent using district email, but the nominations themselves should be sent to and from the local's email or personal email.) The following examples of notices may be used by cutting and pasting from this document, and filling in or editing as necessary.

Last Updated: Nov. 11, 2024

For locals that choose to hold nominations at a union meeting:

The Education Minnesota Representative Convention will take place on **April 25-26, 2025**. Our local has been allotted _____ delegates based on the size of our membership. Nominations for delegate positions will take place at a union meeting on (date) at (time and location). You may nominate yourself or someone else, but the nominee must be a member in order to be eligible to be a delegate.

For locals who choose to accept nominations outside of a union meeting:

The Education Minnesota Representative Convention will take place on **April 25-26, 2025**. Our local has been allotted _____ delegates based on the size of our membership. Nominations for delegate positions must be in writing ('use form provided' [if using] or 'email is sufficient') and will be accepted until (date). You may nominate yourself or someone else, but the nominee must be a member in order to be eligible to be a delegate.

Nominations Checklist:

- Review the local's constitution and bylaws for information regarding nomination procedures
- Determine how and when to hold nominations
- Prepare and send a nomination notice to all members that specifies the date(s), time, and place to submit nominations (include nomination form, if using)
- Keep an accurate record of all nominations; record nominations in the minutes if taken at a union meeting
- After receiving nominations, check candidate eligibility (must be a member)
- If a candidate is nominated by another member, record acceptance of the nomination by the candidate in the minutes if taken at a meeting, or obtain written acceptance of the nomination by the candidate (email is sufficient)
- If there are fewer candidates than there are delegate positions, no election is necessary and candidates may be deemed elected. If this occurs, the local can immediately notify the candidates and the membership of the results.
- If there are more candidates than there are delegate positions, the local may ask ALL candidates whether they would accept an alternate delegate position. If there are enough candidates that accept an alternate position, no election is necessary. If this occurs, the local can immediately notify the candidates and the membership of the results.

2. When an Election May Not be Needed

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 will be sent by Education Minnesota in a RC 2025 Update email in mid-December. It is permissible for a local president or elections chair to ask candidates for delegate positions 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. However, any extensions of the nominations period must be communicated to all members.

3. Campaign Practice Rules

Campaign practice rules for delegate elections are the same as those for other Representative Convention elections. See the Education Minnesota Election Rules [here](#). The local should provide all candidates in a contested election with a copy of the Rules.

4. Voting

The LMRDA requires that voting be done by secret ballot. If your local will need to run an election, your local elections committee will need to create and print its own ballots. Each candidate's position on the ballot is determined by a provision in the local's Constitution & Bylaws, if any, or through a regular system (alphabetical by last name, for example). Voting can be done in-person or by mail. If the local chooses to conduct a mail ballot election, the rules can be found here [add hyperlink]. In-person voting may be done at a union meeting or at established polling sites. The local may choose to have a central polling place for the entire district or a polling/ballot return site in each building in the district, etc. Before receiving a ballot, tellers should verify eligibility using a membership roster. Voters must then place their signature on a sign-up sheet in the presence of the teller. If ballot distribution is used, a voter must place his or her signature on a sign-up sheet in the presence of an election teller when the ballot is returned. Locals may choose to have voters sign the roster instead of using a separate sign-up sheet. Unless otherwise stated in the local's Constitution & Bylaws, proxy or absentee ballots are prohibited, as are write-in candidates. Candidates are permitted to have as many observers as necessary to observe the voting and the counting of ballots. Observers may not campaign in any way during polling, which would include wearing campaign buttons or apparel.

Voting Checklist:

- Establish polling sites and hours (if voting will not take place at a union meeting) and provide this information to the members
 - Obtain approval from the employer well before the election if voting is to occur at the work site(s)
- Appoint election teller(s) for each polling site
- Provide election tellers with ballots, sign-in sheets, and rosters to check eligibility before giving ballot to member
 - Make sure there are enough ballots so that a voter who spoils their ballot while voting can receive a new one. Maintain the secrecy of any spoiled ballot by folding it in half, writing "spoiled" on the back, and placing it in a separate envelope for spoiled ballots. Maintain custody of all spoiled ballots and account for them at the completion of the ballot tally.
- Provide a ballot box (or other secure container) for each polling site
- Instruct tellers to remove all campaign material that may be posted at the polling site

before voting begins

- Polls should close at the scheduled time, but members who are in line should be allowed to vote
- After the poll closes, the teller should gather all documents, including unused ballots, and return them to the local leader or designee

5. Counting Ballots

No ballots should be counted until all polling places are closed. The local should record the results on a tally sheets or similar documents. Each polling place should have a separate tally sheet. Some locals use an excel spreadsheet which lists all polling sites and the corresponding vote counts. All ballots must be accounted for. In addition to the number of votes received by each candidate, the tally sheet should include the number of ballots that were brought to the polling place, and the number of unused ballots. All ballots, including unused ballots, must be kept for one year following the election.

To be timely, delegate names must be reported to Education Minnesota by **March 21, 2025**. However, delegate registration, and alternate upgrades to delegate status by the Credentials Committee, must be completed by 10:00 a.m. on the Saturday of the Convention.