

AALJ ELECTION RULES 2021

These rules were first enacted by National Executive Board (NEB) action on August 29, 2012. The 2012 changes were to ensure consistency with Constitution changes and previous NEB action to incorporate use of technology into the election process. They were again affirmed by the NEB on July 16, 2021. In the 2018 election, these election rules were modified. The NEB reverted back to the 2012 Election Rules.

AALJ ELECTION RULES ASSOCIATION OF ADMINISTRATIVE LAW JUDGES Judicial Council No. 1 IFPTE, AFL-CIO, CLC

1.0 Authority

These election rules are made pursuant to Article XX of the Constitution of the Association of Administrative Law Judges, as amended, and applicable federal law.

1.1 The rules are intended to provide adequate safeguards to insure that fair elections shall be conducted as required by Section 401(c) of LMRDA. Title IV of the Labor-Management Reporting and Disclosure Act, 73 Stat. 532-535, 29 U.S.C. 481-483 (“LMRDA”) governs the election of officers of labor organizations in the private sector and unions composed of employees of the United Postal Service. The Act prescribes minimum standards to insure that such elections – periodically held – will be fairly conducted. Title IV sets forth the rights of candidates, provides for secret ballots in appropriate cases, and requires notice of nominations and elections, preservation of election records and other safeguards to insure fair elections. Elections required to be held by title IV are to be conducted in accordance with the validly adopted constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of the Act.

Title IV is implemented by U.S. Department of Labor regulations promulgated at 29 CFR Part 452. Unions –including the Association of Administrative Law Judges - which represent employees of most agencies of the executive branch of the Federal government and which meet the definition of “labor organization” in section 7103 of the Civil Service Reform Act of 1978 (“CSRA”), 5 U.S.C. 7103, are subject to the standards of conduct of CSRA section 7120, 5 U.S.C. 7120. The CSRA regulations at 29 CFR Parts 457-458 specifically incorporate by reference and apply to public sector unions the standards of conduct, including standards governing election of officers, imposed by LMRDA on private sector unions. See 29 CFR 457.1, 457.14, 458.1, 458.29. Thus, the 21 standards of conduct for AALJ elections are based on the standards set forth at 29 CFR Part 452.

2.0 Definitions

2.1 “Association” and/or “Union” shall mean the Association of Administrative Law Judges, Judicial Council No. 1, IFPTE, AFL-CIO, CLC.

2.2 “Constitution” means the Association Constitution adopted and ratified in 2000, as amended.

2.3 “Active member” is an Administrative Law Judge

(a) appointed pursuant to 5 U.S.C. Section 3105,

(b) employed by the federal government

(c) who has applied for and been granted membership in the Association,

(d) whose appointment or employment has not been finally terminated or suspended after exhaustion of appellate remedies, and

(e) who does not hold or occupy, other than on a temporary basis, a management or supervisory position in the Office of Disability Adjudication and Review.

2.4 “Active member in good standing” means an active member whose payment of Association dues is not more than 45 days in arrears and whose membership has not been modified by final disciplinary action imposed in accordance with the constitution.

2.5 “Elections Committee” means a group of three or more active members in good standing appointed on or before August 1 of each election year by the Association President, with the approval of the National Executive Board. Members of the Elections Committee may not be members of the Nominating Committee or be candidates for any office; provided, however, that for purposes of these rules the position of Local Association Representative shall not be considered an Association office.

2.6 “Midnight” as used in these procedures as stated in this rule shall be determined to be as of the location to which ballots are submitted, whether by mail or electronic transmission.

3.0 Eligibility To Hold Office

3.1 The right to stand for election or to be appointed to an office of the Association is accorded to all active members in good standing for a continuous period of not less than six months prior to nomination or appointment.

4.0 Eligibility To Vote

4.1 Subject to the provisions of Articles II and VI of the Constitution and these rules, all active members in good standing have the right to vote in elections and on Association referenda.

4.2 The right to vote in membership elections and referenda is accorded to all active members in good standing as of September 1 of an election year who as of the time of determination of good standing are neither retired nor in leave of absence without pay status.

5.0 Election Cycle

5.1 The Association will hold elections for officers constituting the National Executive Board every three years. Members elected to the National Executive Board shall serve a term of three years commencing January 1 of the year immediately following the election year.

5.2 The Association Secretary shall prepare a list of active members of the Association who are

(a) in good standing as of September 1 of an election year and

(b) eligible to vote.

The list shall consist of the member's name, home address and non-government email address, if any, and shall be available for inspection by any candidate for office. Ballots shall be mailed only to members on the Secretary's list of eligible voters.

5.3 By October 17th of each election year, ballots will be sent to all members whose names and addresses appear on the list of active members in good standing eligible to vote prepared by the Association Secretary in accordance with the provisions of Articles IV, Section 7 and Article VI, Section 8 of the Association Constitution. Notice will be given to the membership of the time limits in which to cast ballots and date of the ballot tally.

5.4 Only ballots received on or before midnight November 2 shall be counted.

5.5 An election tally report shall be furnished to the National Executive Board on or before November 9 of the election year.

5.6 In the case of voting in membership referenda held at a time other than in conjunction with an election of officers, the Executive Committee of the National Executive Board shall determine and provide the membership with notice of the date the Secretary shall use for deciding which members are in good standing and eligible to vote on such referenda.

6.0 Administration of Election Services

6.1 In carrying out their duties under these rules, the Secretary and members of the Elections Committee, with the prior approval of the National Executive Board, may utilize the services of an independent organization possessing expertise in administering elections.

7.0 Campaigning For Office

7.1 All members may support the candidates of their choice without being subject to penalty, discipline or reprisal of any kind.

7.2 Certified candidates for office will be treated equally and have an equal opportunity to campaign for office. Following the certification of candidacy for office by the nominating committee, the candidates and their supporters may campaign until the balloting period closes. Notice of the period for campaigning will be included in the notice of nominations and election that initiates each election cycle. In determining what is a reasonable period of time for campaigning, the Election Committee will consider such factors as the method of nomination, the number of members of the Union, and the geographic area in which the contest(s) will take place.

7.3 Within the 30-day period of time prior to the date of the election, certified candidates for office shall have the opportunity to inspect the list of members of the Association eligible to receive ballots. The list will contain the names and last known addresses of all eligible members of the Association. If the Association chooses to make the eligibility list available to certified candidates or permits use of the list in any way other than the right of inspection, the Association will inform all candidates of the availability of the list and accord the same privilege and use of the list to all candidates who request it.

7.4 The Association will honor any reasonable request by a candidate to distribute campaign literature to members at the candidate's expense.

- 7.5 To facilitate each candidate's equal opportunity to campaign for election to office, the Association will provide each candidate for contested office with two (2) sets of eligible voter name and address mailing labels. Additional sets of mailing labels and all other costs of campaigning shall be the sole responsibility of the candidate.
- 7.6 No candidate or member shall engage in any electioneering or campaigning for office in a manner inconsistent with a member's status as an Administrative Law Judge.
- 7.7 There shall be no campaigning or electioneering during duty time.
- 7.8 Federal law 2 prohibits the use of any union or employer funds or equipment to promote the candidacy of any person in a union officer election; this applies to electioneering, petitioning, campaigning, and any other elections-related activity in support of, or in opposition to, any candidate. This prohibition applies to computers (including the use of e-mail, both sending and receiving), computer software, fax machines, copiers, telephones, cash, facilities, equipment, vehicles, office supplies, services and similar items.
- 7.9 Union officers, candidates and members may not campaign on time paid for by the union.
- 7.10 Postings to the Members' Posting Board on the Association's Web Page in order to support or oppose any candidate may not be made from a union or employer owned computer; viewing a posting from a union or employer owned computer is not prohibited. See also 7.11 below.
- 7.11 Posting to the Members' Posting Board on the Association's Web Page by a member or candidate to exercise his or her individual rights in any elections-related activities to support or oppose any candidate is permissible, so long as the posting is not made from a computer that is owned by the union or employer (See 7.10). This use is subject to the rule against anonymous posting. No otherwise permissible posting on the Members' Posting Board shall be subject to the editorial control of the Association or constitute the Association's promotion of any candidate for election.
- 7.12 Consistent with equal opportunity principles and subject to the approval of the National Executive Board, the Election Committee reserves the right to determine the time, scope and manner for the posting of campaign and electioneering materials on the Association's Web Page. 2 Section 401(g), LMRDA.
- 7.13 All candidates for office shall be provided by the Election Committee upon request a roster of Union members who are eligible to vote and have furnished AALJ a non-government email address. Email addresses shall be provided to candidates for the exclusive use of sending limited election campaign email(s). The election Committee shall provide guidelines to candidates that reflect expected use and safeguard of such information.

8.0 Secret Ballot Voting

- 8.1 All officers of the Association shall be elected directly by secret ballot by the active members in good standing. Unless the membership is otherwise notified by the National Executive Board prior to an election cycle, all balloting shall be conducted by mail, electronic submission and/or a combination thereof.
- 8.2 A double-envelope return ballot system or similar electronic safeguards will be used to ensure the integrity of the election process and preserving voter secrecy.
- 8.3 Write-in votes are not permitted in the election.

8.4 The candidate who receives a majority of the valid votes cast for each office will be declared elected. In the event of a tie vote or if no candidate receives a majority of the votes, a run-off election between the two candidates with the highest vote totals will be held forthwith.

9.0 Observers

9.1 Candidates are entitled to have a reasonable number of observers present at the opening and counting of the ballots whether the election is conducted via mail- in ballot or the election results are determined by electronic computer tally. Candidates may be observers

9.2 Candidates should submit the names of their observers in writing to the Chair of the Elections Committee prior to the tally day.

10.0 Tally of Ballots

10.1 On or before November 9, the ballots will be counted and a tally report of the election results will be prepared.

10.2 Ballots not timely received and ballots determined to be void will not be counted in determining the election results. A special accounting will be made of all such ballots and included in the tally report.

10.3 The Elections Committee will certify the election results to the National Executive Board within the time frame specified by these rules.

10.4 Article IV of the Association Constitution provides that the Secretary will certify the outcome of the balloting. As soon as practicable, the Secretary will provide the membership with the election results.

11.0 Election Records

11.1 Elections records, including any voided ballots, will be maintained for a period of not less than one year after the election.

12.0 Objections

12.1 Article VI of the Association Constitution provides that any candidate may file objections to conduct affecting the results of an election. Objections should specify the conduct involved and allege violations of the Association Constitution or federal law.

12.2 Objections must be in writing and physically received by the Elections Committee not later than 14 days after the date of issuance of the tally of the ballots by the Elections Committee.

13.0 Miscellaneous

13.1 In computing any period of time prescribed by or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or Federal legal holiday.

13.2 These rules are not comprehensive or all inclusive. The Elections Committee may issue additional election rules or clarifications as needed during any nomination and election period.

n.b: These rules were originally promulgated on July 5, 2000 by the Elections Committee. They were amended March 15, 2002 by the Elections Committee and ratified by the National Executive Board. On November 14, 2003, the Elections Committee proposed a series of amendments to the National Executive Board. On November 19, 2004 the National Executive Board ratified the amended election rules. These rules were further amended on April 10, 2012 through referendum conducted and certified by the American Arbitration Association (AAA). **By National Executive Board action on August 29, 2012 policies regarding election rules (Article XX B.) were change to ensure consistency with Constitution changes and previous NEB action to incorporate use of technology into the election process.**