

Election Rules for Sector Elections and Referenda Issued by the Sector Election and Referendum Committee (SERC)

September 12, 2019

Purpose of Rules

The basic election rules for Sector Elections and Referenda are found in Article XXII Section 6 of TNG-CWA's Constitution, attached to this document for the convenience of Local Election Committees.

These rules supplement, and must be read and applied in conjunction with the Constitutional provision that is their source.

These rules shall be interpreted and applied liberally to ascertain the actual intent of the voter and the true result of any election, and shall not be interpreted or applied so as to unnecessarily disqualify eligible voters for immaterial irregularity.

These rules are guided by the principles adopted by the 2010 Sector Conference that elections be conducted in a manner that promotes:

- Transparency
- Verifiable results
- Compliance with law
- Enfranchisement of voters

I. Campaign Conduct

a. Use of Union Money & Equipment

In elections of TNG-CWA officers, neither TNG-CWA nor Local union monies may be used to promote, endorse or criticize a particular candidate. Included in this prohibition is a Local's executive body or other person or group's endorsement, promotion, or criticism of an individual's candidacy by use of any union letterhead or other stationery paid for by union funds, by use of a union's newspaper or website, or by use of a union's equipment, including computers, email systems and electronic bulletin-board access paid for by the union.

Union money may be used, however, for notices, factual statement of issues not involving candidates, and other expenses necessary for the holding of an election.

It also is permissible for a union to publish in its newspaper, website, or newsletter statements submitted by candidates, or letters to the editor about candidates, as long as all candidates are treated equally. A union may use its website to post links to candidates' websites, as long as all candidates are treated equally, and as long as the candidates pay any associated costs.

b. Use of Union Staff

All Guild officers and staff involved in campaigns must do so on their own time and at their own expense.

c. Use of Employer Time, Money and Equipment

Employer money and resources may not be used to promote a candidate. Thus, neither candidates nor members involved in campaigns should use employer time, money or equipment to promote a candidate. This prohibition extends to use of employer copying equipment, computers and email systems, including work email addresses. Campaigning must be done on members' own time and at their own expense.

d. Candidate Access to Work Locations and Union Meetings

Locals are free to permit or deny candidate access to work locations and union meetings, as long as all candidates are treated consistently.

e. Candidate Access to Mailing Addresses and Email Addresses

Upon request by a candidate and the payment of all supply, postage and labor costs, TNG-CWA shall mail or email campaign material to members. Consistent with CWA policy, Guild Locals shall not release copies of mail or email addresses to candidates or their supporters. However, at the Local's option, a Local may mail or email campaign materials, provided the candidate or supporter pays for the full cost of staff time and postage involved in processing the request and candidates are treated consistently. Guild Locals should give advance notice to candidates following adoption of any Local policy permitting distribution of campaign materials.

To the greatest extent possible, campaign literature should be distributed to personal email addresses only, and not to work addresses. Emailing campaign literature to a work address (including union offices, in the case of a union employee) raises issues regarding use of employer resources. Recipients of electronic campaign literature at a work email address should therefore be notified that they should open and read the email during non-working time and should not redistribute or reproduce the literature in any format using employer printers or equipment.

f. Distribution of Campaign Material

Upon request by a candidate, Locals may, but are not required to distribute campaign flyers in the workplace and post them on union bulletin boards, to the extent not restricted by the relevant collective bargaining agreement or legally implemented employer policy, as long as all candidates are treated consistently.

g. Social Media and Campaign Use of Guild Logos and Photos

Campaign communications shall not be sent on Guild letterhead or on platforms bearing a Guild logo.

Campaign use of photos that depict a Guild logo as part of a photographed event should include a photo caption, or a proviso prominently displayed, that: "Guild logos featured in photographed events do not indicate Guild support for, or endorsement of a candidate."

Photographs of Guild activity used for campaign purposes should include a photo caption explaining the depicted event, or a proviso prominently displayed to clarify that the photo does not indicate candidate endorsement.

Prominent display of the proviso may be satisfied by pinning the proviso to the top of any social media platform (Facebook page, Twitter feed, etc.).

II. GENERAL PROVISIONS

a. Local Election Committee

Each Local shall have a Local Election Committee (LEC) of at least 3 members, of which one member shall be Chairperson. A LEC shall, to the extent possible, be bipartisan or nonpartisan. The LEC shall be responsible for any local balloting and for assisting the SERC and implementing the Election Rules within the Local.

For in-person balloting, the Chairperson of the LEC shall safeguard the official ballots until they are distributed to voters at the polling place, maintaining them under the LEC's exclusive control, preferably contained within a sealed and signed envelope or box or deposited in a locked space (room, cabinet, car trunk, etc.) with the key being held by the LEC. See paragraph (e)(6) below.

The Chairperson shall also have responsibility for the ballot box(es) for in person voting and for ensuring that the ballots cast in person are mailed to the post office box as explained below at paragraph (e)(10).

b. Voter Eligibility

To be eligible to vote, members must be in good standing in **June, July or August 2019 based on dues received by September 16, 2019**. To maintain voting rights, members must not thereafter be dropped or expelled from membership, for dues delinquencies or otherwise, before the ballot count. The SERC may remove from the final eligibility lists the names of those who have died or withdrawn, or who have been expelled or dropped from the Guild.

The SERC shall send provisional voter eligibility lists to Locals by overnight mail by **Wednesday, September 18**. Locals must carefully review the lists, adding or deleting eligible members as appropriate and providing documentation of dues payments and initiation fees for any newly added members in good standing. Locals must also diligently update and correct member home addresses, by reviewing membership information and payroll information from employers, and by reaching out to members with no mailing address.

Protests regarding voter eligibility with all supporting documentation must be received at TNG-CWA Headquarters during the 30-day challenge period of **September 19 to October 18, 2019**. Protests regarding the eligibility list received after the deadline of **October 18, 2019**, shall not be considered.

c. Local Selection of Voting Method

Each Guild local shall designate its method of balloting. The Local's Executive Committee, or such other governing body as may be designated by Local by-laws, shall decide whether voting shall be: 1) in person; or 2) by mail balloting conducted by the American Arbitration Association (AAA), which shall mail ballots directly to members.

Local in person voting must be conducted during the six-day voting period set by the SERC: **November 12-November 17, 2019**. The specific times and places shall be selected to facilitate voting by all members.

The Local shall notify the SERC of its voting method(s) and the exact dates, times and locations of any in person balloting, by **October 2, 2019**.

Any local that does not elect by **October 2, 2019** to conduct in-person balloting will be deemed to have chosen balloting by mail, which will be conducted by the AAA.

When choosing in-person voting, the Local Executive Committee may decide that a specified group of voters (unit, department of the shop, job classification) shall vote by mail, but should do so only if it is impracticable for that group to vote in person. The Local must notify the SERC of the affected members who shall vote by mail ballot, by no later than **October 2, 2019**.

d. Voting Procedures: Voting By Mail

All mail balloting shall be conducted by the AAA. The SERC shall direct the AAA to mail Election Notices, ballots and balloting material to all eligible members at their last known home address, on or before **October 25, 2019**. This AAA mailing will include information on using the AAA replacement ballot procedures.

Locals will be billed by TNG for the cost of postage for the AAA mailing.

AAA will prepare and mail ballots during the **week of October 21, 2019**. Candidates may designate no more than three observers to the process by notifying the SERC in writing (including name and contact information for each observer) no later than October 14, 2019. Observers must be Guild members in good standing and not retiree members or associate members. The failure or inability of a candidate to place observers at the ballot mailing shall not be grounds for complaint against the election.

Balloting instructions shall direct the voter to:

- Insert their marked ballot into the inner envelope and seal it, making no marking on the inner envelope.
- Insert the inner envelope into the outer envelope, pre-addressed to the AAA Post Office Box.
- Sign and print their name on the outer envelope.
- Mail their ballot, sealed in the inner and outer envelopes to the AAA Post Office Box.

Election notices and balloting instructions shall inform voters that their ballots must be received in the AAA Post Office Box designated by the SERC **by close of business December 9, 2019** in order to be counted.

Members who have misplaced their ballots, or who have not received a ballot due to a bad address return, may request a replacement ballot using the AAA replacement ballot phone number ([800-529-5218](tel:800-529-5218)) or email address, (UlerioS@adr.org). This information will be included in the election notices and posted on the Guild website.

e. Voting Procedures: In Person Voting

1. Local Election Committee

As previously stated, each Local shall have a Local Election Committee (LEC) of at least 3 members of which one member shall be Chairperson. A LEC shall, to the extent possible, be bipartisan or nonpartisan. The LEC shall be responsible for any in-person balloting and for assisting the SERC and implementing the Election Rules within the Local.

Locals conducting in-person balloting must inform the SERC, c/o EVP Marian Needham, mneedham@cwa-union.org, of the name, email address and cell phone number of the Chair of the LEC by no later than **October 18, 2019**. If there are several voting locations, the LEC shall designate and be responsible for the work of Unit Election Committee(s) or a member or designee of the LEC who shall be in charge at each location. (Where context requires, references to the LEC includes the LEC Chairperson, the LEC's designee in charge at a voting place or the Unit Election Committee.)

2. Notice of Election

The SERC shall mail a Notice of Election on behalf of Locals conducting in person balloting. Such notice will be mailed to all eligible members in good standing at their last known home address no later than **October 25, 2019**. The Notice of Election shall include the date(s), time(s) and location(s) of in person voting previously designated by the Local. The Notice shall also include information for a member to request absentee balloting by direct mail ballot. No election notices will be mailed by Guild locals.

3. Voting Period for In Person Balloting

In person voting must occur during the official voting period of **November 12-17, 2019**, and at the exact dates, times and locations previously communicated to the SERC and reflected in the Election Notice previously mailed by the AAA to local members.

4. Exceptions to In Person Voting

As noted above, the Local Executive Committee must provide the SERC by no later than **October 2, 2019** a list of names of any individual members designated by them for voting by mail ballot.

Subsequent individual requests for mail ballots, including by members who request absentee ballots, shall be submitted to the AAA using the AAA replacement ballot phone line, [800-529-5218](tel:800-529-5218), or email address, UlerioS@adr.org.

5. Election Materials

The SERC shall direct the AAA to mail to the LEC by no later than **October 25, 2019**, all election materials to conduct in person voting. Such mailing will include official voter eligibility lists, voting instructions, ballots, inner privacy envelopes and outer return envelopes pre-addressed to the AAA Post Office Box, along with a copy of these Election Rules. Locals shall not use other election materials without the permission of the SERC.

Election materials shall be provided in Spanish and French where appropriate.

6. Security of Ballots Prior to Voting

The LEC is responsible for maintaining the security of all election materials. Prior to voting, the LEC should maintain the ballots in their sole custody and control, preferably contained in a sealed envelope or box and/or deposited in a secure, locked space (room, cabinet, car trunk, etc.) with the key being held by a designated LEC member.

7. Security of Ballots and Ballot Box During and After Balloting

The Chair of the LEC shall have responsibility for the security of the ballot box(es). The ballot box(es) shall be kept at the LEC table during voting, and attended at all times by the LEC.

The ballot box shall be examined by the LEC before voting begins. Observers shall be entitled to observe this examination. Prior to voting and in any interval between voting periods, or between the close of voting and the return mailing of the ballots, the slot for depositing ballots shall be sealed and the seal initialed by the LEC at the polling place.

The LEC shall keep the sealed ballot box in their personal custody, or deposit it in a locked room, closet, cabinet, or other space designated by the LEC. The LEC shall have custody of the key. The seal shall not be removed until the start of the next voting period, and shall be removed by the LEC at the LEC table.

8. Requirement for Voters' Signatures on Eligibility List

At each polling place, the LEC shall have charge of the eligibility list or the portion applicable to the particular polling place and shall be present at the LEC table at all times during voting. The LEC will provide each voter with ballot materials after the member has signed the official eligibility list next to his/her name. The LEC should carefully observe this requirement. The signed eligibility lists showing the signature of each member who received a ballot must be returned to the AAA, along with other election material, in accordance with paragraph 11 below.

9. Marking the Ballot

Voters must be provided an opportunity to mark their ballot under circumstances that ensure the secrecy of the ballot, such as a voting booth. Voters shall receive written instructions (provided by AAA as part of the balloting materials) that direct the voter to:

- Insert their marked ballot into the inner envelope and seal it, making no marking on the inner envelope.
- Insert the inner envelope into the outer envelope, preaddressed to the AAA Post Office Box.
- Sign and print their name on the outer envelope.

- Deposit their ballot, sealed in the inner and outer envelopes, into the ballot box.

10. Mailing of Voted Ballots by LEC

The LEC shall mail individual cast ballots **after balloting concludes**. The LEC shall seal the ballot box, initial the seal, and transport the sealed ballot box to a mail box or to the post office. The LEC shall then open the ballot box, and place all individual marked ballots in the mail stream. Observers shall be entitled to be present at the sealing, transporting and opening of the ballot box and the mailing of the ballots.

Marked ballots must be mailed as individual pieces in their sealed, outer mailing envelopes preaddressed to the AAA Post Office Box, without any bundling of envelopes. No ballots should be mailed to the SERC or to TNG headquarters.

All ballots will be counted by the AAA, under the auspices of the SERC. No ballot counting will be conducted by Locals. The LEC must ensure that the individual cast ballots are mailed to the AAA Post Office Box for counting.

11. Return of Balloting Materials

On or before **November 21, 2019**, the LEC shall also return to AAA all unused ballots and the signed eligibility lists, using the return envelope provided for that purpose by the AAA. Unused ballots and eligibility lists shall be placed in the return envelope provided by AAA.

The LEC should provide with the returned election materials a written statement, signed by the LEC, of problems or issues encountered during balloting, including specifics of challenged ballots. Such report shall further tally the number of ballots voted, spoiled, and returned unused.

12. Spoiled and Challenged Ballots

a. Spoiled ballots

A voter who has spoiled a ballot shall, upon request, be given one additional ballot and the spoiled ballot so marked, shall be placed in a spoiled ballot envelope, signed by the voter and the LEC and returned to the AAA with the other election materials.

b. Challenged voter whose name is on the eligibility list

Before balloting, the LEC should attempt to resolve any challenge to a voter whose name is on the eligibility list. If the LEC is unable to resolve the challenge, the challenged voter shall be permitted to vote, but shall be given a ballot, election materials and a return envelope preaddressed to the AAA Post Office Box, designating the ballot as challenged. The voter should seal the challenged ballot in the inner envelope and challenged ballot outer envelope and should sign and print their name and date the outer envelope.

The LEC should place the challenge ballot in the envelope provided by AAA for this purpose. The LEC should note the details of the challenge in a written report to be returned to the SERC.

c. Challenged voter whose name is not on the eligibility list

A challenged voter whose name is not on the eligibility list shall be given a ballot, election materials and a return envelope preaddressed to the AAA Post Office Box, designating the ballot as challenged. The voter should seal the challenged ballot in the inner envelope and challenged ballot outer envelope and should sign and print their name and date on the outer envelope. The LEC should place the challenge ballot in the envelope provided by AAA for this purpose. The LEC should note the details of the challenge in a written report to be returned to the SERC.

13. Observers

The SERC shall notify the candidates in advance and on behalf of each local conducting in-person balloting, of the dates, times and locations of in-person voting, to permit the candidate the right of observation of the balloting process.

Candidates may designate no more than one observer to the in-person balloting process (one observer for each balloting location and time) including transporting and mailing of voted ballots by the LEC, by notifying the SERC in writing (including name and contact information of observer(s)) by no later than **November 4, 2019**. Observers shall not be permitted to compromise the secrecy of ballots or balloting. Observers must be Guild members in good standing and not retiree members or associate members. The failure or inability of a candidate to place observers shall not be grounds for complaint against the election.

III. Interim Ballot Pick-ups and Mailing of Replacement or Absentee ballots.

All interim pick-ups of voted ballots, or bad address returned balloting packets by the AAA from the AAA Post Office Box(es) shall be pursuant to a regular schedule communicated in advance to the SERC and the candidates. AAA shall maintain the security of such ballots by placing them in sealed and signed containers and depositing the sealed containers in a locked space or room with the key being held by a responsible AAA representative.

AAA shall prepare and re-mail ballots to available forwarding or corrected addresses and shall mail all replacement and absentee ballots, under the auspices of the SERC, solely pursuant to the same established schedule.

Candidates may designate one observer to be present during each interim ballot pick-up, remailing of ballots, and/or mailing of replacement and absentee ballots pursuant to the established AAA schedule by notifying the SERC (including the name and contact information for each observer), no later than two (2) full business days

in advance of each regularly scheduled pick up date. Observers must be Guild members in good standing and not retiree members or associate members. The failure or inability of a candidate to place observers shall not be grounds for complaint against the election.

IV. Counting and certification of results

a. Ballot Counting

All ballot counting shall be conducted by the AAA in their New York Offices under the auspices of the SERC. The SERC shall retain the authority to resolve all questions or controversies regarding the election, including issues of voter eligibility.

Only ballots in an official AAA return envelope, deposited in the AAA Post Office Box by close of business **December 9, 2019**, shall be counted.

Candidates may designate up to three (3) observers to be present during ballot counting by notifying the SERC in writing no later than **December 6, 2019** (including the name and contact information for each observer). Observers must be Guild members in good standing and not retiree members or associate members. The failure or inability of a candidate to place observers at the ballot counting shall not be grounds for complaint against the election.

The AAA shall sort the ballots by Local and confirm the eligibility of each voter before proceeding to the ballot count. Questions regarding eligibility shall be resolved by the SERC.

Challenged ballots shall generally be ruled upon by the SERC prior to counting votes from the local.

Every inner ballot envelope shall, if not challenged, be removed from the signed outer return envelope. The inner ballot envelopes shall then be intermixed with other ballots from that particular Local. Should the returns from a Local be fewer than 3 ballots, those ballots will be intermixed with the ballots of a geographically proximate local selected by the SERC, in order to maintain the secrecy of the ballot.

When the count is complete, the AAA shall report their results to the SERC, including the number of votes received, the number cast for each candidate and the Local-by-Local tally.

b. Investigations of Irregularity

Should the SERC or AAA find indication of fraud or irregularity, the SERC shall investigate. Should the SERC find errors or misconduct, it shall determine the remedy it finds appropriate, including a new election to be conducted under the direct supervision of the SERC or its designee.

c. New Elections

If the SERC orders a new election, it shall develop and communicate to Locals and members special procedures for the conduct of that election which shall follow as closely as circumstances permit the constitutional procedures applicable in regular elections.

d. Challenges and Recounts

In case of a close election, and on demand of a candidate for office, the SERC may, before certification of the result, order AAA to recount the ballots. An election shall be considered close if the margin of difference between the opposing sides is five percent or less.

e. Certification of Results

Once all issues related to the ballot count have been resolved, the SERC shall certify the results and announce the number of votes received, the number cast for each candidate and the Local-by-Local tally.

V. Safeguards

a. Verification of receipt of election materials and election preparation

Guild Locals must review the SERC-produced provisional list of eligible voters and challenge any errors during a constitutional challenge period designated by the SERC. To ensure that this is being done, the SERC shall direct the Executive Vice President to contact any Local that has not submitted a written challenge within 15 days of the mailing of the eligibility lists.

The deadline for challenging errors in the eligibility list is **October 18, 2019**.

b. Verification of method of balloting

One or before **October 2, 2019**, Locals must notify the SERC in writing of the chosen method of balloting. If a Local fails to notify the SERC in writing within 30 days of

the mailing of the eligibility lists, the SERC shall order the AAA to conduct mail balloting in that Local. The Local will be billed for the cost of the mailing.

c. Verification of in-person balloting

Locals that select in-person balloting are required to conduct the balloting within the official balloting period and notify the Executive Vice President in writing by fax, e-mail or overnight mail when the voting is complete. The EVP shall contact any Local that has not provided notice of having completed their balloting.

In the event it becomes apparent that a Local has not conducted balloting on the schedule it supplied to the SERC, the SERC shall direct the AAA to conduct mail balloting in that Local and will bill the Local for all expenses related to distributing ballots to that Local's members.

VI. Elections Appeal Process

The Guild Constitution gives the SERC the authority to supervise and conduct elections and to decide all questions and controversies regarding the conduct of the election or the counting of ballots in accordance with applicable constitutional provisions.

Any member aggrieved by a decision of the Committee may appeal to the Executive Council (EC) and thence to the Sector Conference.

Any challenge to the conduct of the election must be filed in writing with the SERC, with any supporting documentation, within 10 days of the certification of the election results. The SERC shall generally rule within 20 days of the election certification, but may extend the period for issuing its ruling as necessary under the circumstances.

Any appeal from the SERC's ruling on an election challenge must be filed in writing with the EC within 10 days of that ruling. No issue or documentation will be considered by the EC on appeal that had not been raised to the SERC in the original election challenge. The EC shall generally rule within 20 days, but may extend the period for issuing its appellate ruling as necessary under the circumstances.

An appeal may be taken from the EC ruling to the next succeeding Sector Conference. No issue will be considered by the Sector Conference that had not been raised previously to the SERC in the original election challenge and further pursued on appeal.

ARTICLE XXII
Sector Referenda

SECTION 1. The E.C. shall submit to a referendum vote of TNG-CWA membership:

- (a) Any matter which the Sector Conference directs;
- (b) Any motion, upon its own initiative, proposing a change in TNG-CWA's Constitution or Sector Conference policy;
- (c) Any motion, proposing a change in the TNG-CWA Constitution or Sector Conference policy or the calling of a special Sector Conference submitted by a Local by membership action, and endorsed by membership action by at least twenty percent (20%) or more of the Locals representing twenty percent (20%) or more of the members of the Guild.

SECTION 2. (a) Motions by Locals to submit matters to a Sector referendum shall be mailed to Local presidents and secretaries and printed in the Guild Reporter, with an exact text as furnished to the E.C. by the Locals making these motions, together with the text of the matter sought to be changed, and such motions shall be open for seconds for 60 days after date of mailing. If there are not sufficient seconds, the matter shall be dropped.

(b) Membership in good standing under Section 1 herein shall be as of the first day of the month, computed in accordance with Article XVIII Section 12(a), coinciding with or immediately following the publication date of the Guild Reporter in which the text of the motion appears.

SECTION 3. The ballots to be submitted for the referendum, whether initiated by the E.C. or by Locals, shall state the original text of the matter sought to be changed, and the text of the proposed changes. Space shall be provided for a "for" or "against" vote on such a proposed change.

Any TNG-CWA referendum or election may be conducted by electronic balloting, upon approval of the EC and consistent with governing law. Electronic balloting shall be conducted in accordance with rules adopted by the SERC regarding voter eligibility, referendum notice, secret ballot, and referendum challenge consistent with the requirements in this Article for paper balloting.

SECTION 4. Whenever a Sector Conference is to be held within three months, no question shall be submitted to a referendum.

SECTION 5. There shall be a Sector Election and Referendum Committee ("SERC") consisting of seven members of the Guild selected by the Sector Conference in election years. A separate election shall be held in the same Sector Conference to elect four alternates. An alternate shall serve at the call of the chairperson of the

SERC when a committee member is not able to participate in deliberations of the committee. The alternates shall be called to serve in the order of the votes they received in the election. All elections and referenda conducted under this Article shall be supervised and conducted by such Committee. Such Committee shall decide all questions and controversies regarding the conduct of the election or referendum or the counting of ballots in accordance with applicable constitutional provisions. Any member or Local aggrieved by a decision of the Committee may appeal to the E.C., and thence to the Sector Conference. Vacancies in the Committee shall be filled by the E.C. and shall serve until replacement can be elected at the next Sector Conference. TNG-CWA shall pay the necessary expenses of such Committee members.

SECTION 6. (a) Membership in good standing for the purpose of referenda (except Sector elections) shall be that in good standing as of any of the following dates: the first day of the month in which the referendum is ordered, or the first day of the month preceding, or the first day of the month following, the date on which the referendum is ordered, as shown by remittances postmarked no later than the 15th of said latter month. Not later than the last day of that month, the Executive Vice President shall mail to each Local, registered or certified mail, return receipt requested, the list of members so determined, together with ballots equal to the number of members on that list. If no members are in good standing, the Local shall be so notified.

(b) In the case of Sector elections, membership in good standing shall be that in good standing in any of the three months preceding by at least 30 days the month of nominations as shown by remittances received not later than the 15th day of the month preceding of the nominations.

(c) Not later than 15 days after a Sector Conference in which nominations close , the Executive Vice President, under the direction of the SERC, shall mail to each Local, registered or certified mail, return receipt requested, notification of a pending election, including the six day voting period designated by the SERC, along with the list of eligible members so determined. If no members are in good standing, the Local shall be so notified.

(d) The locals shall report in writing to the SERC any protests or alleged inaccuracies with the eligibility list. The local's response shall be provided by registered or certified mail, return receipt requested, confirmed facsimile or email. Protests regarding voter eligibility with all supporting documentation must be received at TNG-CWA headquarters by not later than the end of business on the thirtieth (30th) day following the date of post-marked mailing of the notification of a pending election by the SERC. Protests and documentation received after the deadline shall not be considered. The SERC shall rule on each protest, and in the event the protest is sustained, shall amend the good standing list and forward the amended list to the local.

The SERC shall direct the Executive Vice President to contact any local that has not responded within fifteen (15) days of the mailing of the notification of a pending election regarding the local method of balloting and eligibility list challenges.

(e) In the event a member's dues and assessments are checked off under Guild contract or have been paid by the member to his or her Local, but remittances for him or her have not been timely received by TNG-CWA, the SERC shall consider his or her eligibility upon receipt of a statement, signed by the Local Treasurer or any two officers of the Local, showing in detail the member's checkoff status or actual payment and the reason his or her remittances have not been received by TNG-CWA. If the SERC finds that the member is in good standing under Article XIII, Section 4, and Article XVIII, Section 12, and that there is valid reason why his or her remittances have not been received, it shall certify such member as eligible. The statement must be received not later than the 15th day of the last month in which good standing may be determined, except that the Local may upon receipt of the eligibility list provided by Article XXII, Section 6(c), submit further such statements as a part of any Local protest to the eligibility list. All such statements shall be part of the election record.

Only members on the good standing list shall be eligible to vote; except that members not on the good standing list, claiming eligibility to vote, may cast challenged ballots under SERC rules.

(f) The Sector Election and Referendum Committee shall have authority to remove from the list of eligible voters the names of any who have died, or have withdrawn from the Guild, or who have been expelled or dropped from the Guild.

(g) Wherever in Section 6 it is provided that the Executive Vice President shall perform a mailing by registered or certified mail, he/she may, in an emergency, upon consultation with the chairperson of the SERC, transmit the information by some other method appropriate to the circumstances.

(h) This section shall be interpreted and applied liberally to ascertain the actual intent of the voter and the true result of any election, and shall not be interpreted or applied so as to unnecessarily disqualify eligible voters for immaterial irregularity.

(i) The SERC shall have the authority to establish such rules as necessary to carry out the provisions of this Article and related Sector Conference election policies.

(j) Ballots shall be collected for counting no earlier than 90 days from the close of the Sector Conference where nominations occur. In the case of electronic balloting, only ballots cast by the deadline date designated by the SERC shall be counted. In the case of paper ballot elections, only ballots in the SERC designated post office boxes on the date(s) designated by the SERC for collection shall be counted. The SERC, and/or any individuals or entities designated by the SERC, including third party contractor(s), shall open and tabulate the ballots. The SERC shall certify the

results, and the election or referendum declared closed. A detailed result of the vote shall be promptly published by the SERC thereafter.

(k) Paper Ballot elections

If the E.C. has not opted for electronic voting the following additional procedures shall apply:

1. No later than 14 days after receipt of the notification of a pending election, locals shall determine and report in writing to the SERC:

i. The method of balloting, which may include:

- Local in person balloting on specified dates within the six day voting period designated by the SERC,
- Local mailing of ballots to members, or
- SERC mailing of ballots to members.

ii. The dates of in person balloting (if selected). If more than one method of balloting is to be used, the local shall indicate the affected units for each method.

2. Regardless of the paper balloting method used, all balloting shall be by secret ballots mailed to election post office boxes established by the SERC.

3. The SERC shall direct the Executive Vice President to contact any local that has not responded within fifteen (15) days of the mailing of the notification of a pending election regarding the local method of balloting.

4. Within seven (7) days after the close of the protest period, the SERC shall distribute ballots in accordance with the balloting method(s) selected by the local. Any local balloting or mailing of ballots shall be conducted by the Local Elections Committee.

Locals which request that the SERC mail ballots directly to members shall bear the cost of mailing by reimbursing TNG-CWA the cost of postage.

Locals conducting in-person balloting shall utilize dates within a six-day voting period designated by the SERC. Such voting period shall end not less than 21 days prior to the preliminary date set by the SERC for collection of ballots from post office boxes.

In the event the SERC fails to receive a response from a local regarding the chosen method of balloting by the end of the 30 day protest period, it shall directly conduct mail balloting in that local and bill the local for the cost of the mailing.

5. At least 20 days prior to the preliminary date designated for SERC collection of ballots, locals conducting elections shall confirm delivery of ballots.

6. If the SERC determines a local has failed to conduct an election or distribute ballots, the SERC shall directly conduct mail balloting in that local and charge the local for all expenses related to balloting.

7. Not later than midnight of the fourth day after the close of the six-day voting period, the Local Elections Committee shall transmit to the Sector Election and Referendum Committee all ballots, valid, spoiled and unused, and all eligibility and voting lists and all other election records other than the official return. After their receipt by the SERC the election records shall remain sealed in their original envelope or other container, which shall be opened solely by the SERC or members of the Committee delegated to perform that function. No later than the fourth day after the date by which such election records must be sent, the Executive Vice President shall notify all Locals from which no election material has been received, by confirmed facsimile or email.