

# Electing Chapter/Section Delegates to the AAUP June Biennial Meeting

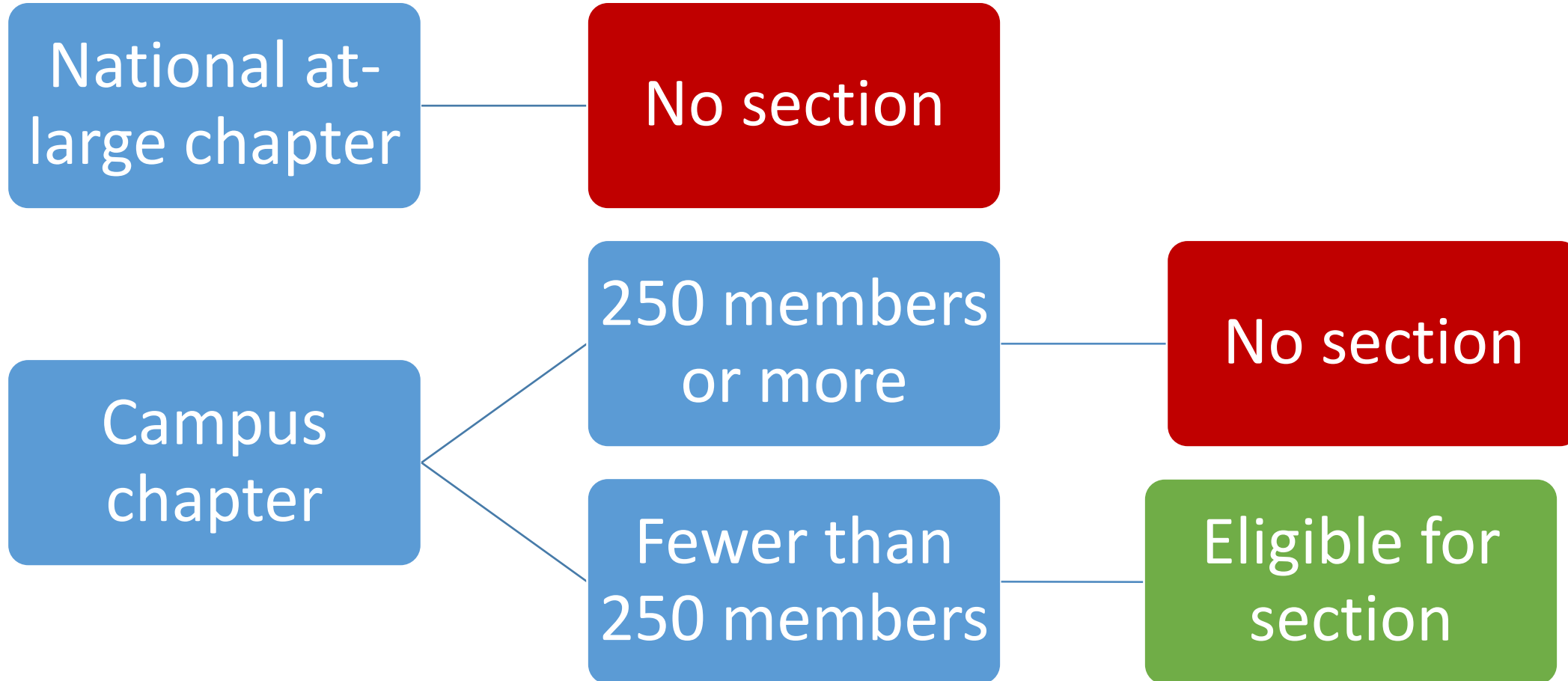
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# Overview

- What are sections?
- What are delegates?
- Rules governing nominating and electing delegates
- Nomination process
- Ballot election process
- AAUP biennial meeting

# Who can participate in a section?



# Participation in a section is voluntary

- All eligible chapters in a state can choose whether they want to participate in the section
- Those that do NOT choose to participate can send a separate chapter delegate to the meeting
- Those that DO choose to participate can NOT also send their own delegate to the biennial meeting.
- Any chapter can send nonvoting/nondelegate members to the meeting
- Generally, section and chapter delegates are the same

# Rules and Guidance for Section Elections

- Since the rules and procedures for chapter and section delegates are generally the same, the guidance herein discussing “chapter delegates” is generally applicable to section delegates unless specified
  - For “chapter” substitute “section”
  - For “chapter members” substitute “members of chapters participating in the section”
- There will be sample election rules and other material specifically for sections.

# Additional Section Material

- Section page on the AAUP Website  
<https://www.aaup.org/about/elected-leaders/elections/election-guidance-chapters/information-and-resources-sections>
- Slide deck on Forming and Operating a Section is available on the website at  
[https://www.aaup.org/system/files/members/Forming\\_Operating\\_Sections\\_2024.pdf](https://www.aaup.org/system/files/members/Forming_Operating_Sections_2024.pdf)

# Delegates to the AAUP Biennial Meeting

- The AAUP biennial meeting is a meeting of delegates representing the chapters and the chapter members
  - Non-delegate AAUP members have the right to speak, but not to vote
- Officers & Council members are elected by delegates voting at the meeting
- Delegates are individual members elected by chapters and sections to represent the chapter(s) and cast the votes of the chapter(s)
- Delegate(s) cast weighted vote of the chapter – the number of votes of all members in the chapter, or chapters participating in the section
- One delegate can cast all the votes of the chapter

# Chapters and Delegates Must Be in Good Standing

- For chapters, the number of delegates and number of chapter votes are based on the AAUP members in good standing in the chapter as of April 1, the year of the meeting
- For section, the number of delegates and of votes are based on the aggregate membership of the chapters participating in the section
- Delegates must be members of the chapter, or a chapter in a section, and must be in good standing with AAUP as of April 1
- Also, each chapter itself must be in good standing with the AAUP as of April 1



# Good Standing

- As of April 1 the year of the meeting – AAUP dues paid through the end of March
- Good standing requires dues be paid timely to AAUP. Dues can be paid after April 1 if within standard time period or grace period.

# Number of Delegates

- A chapter or section is entitled to one delegate for every 250 members or less, with a maximum number of 10 delegates.
  - Chapter/section has 20 members = 1 delegate casting 20 votes
  - Chapter/section has 501 members = 3 delegates casting 501 votes
  - Chapter/section has 2,700 members = 10 delegates casting 2,700 votes
- One delegate can cast all chapter/section votes, or votes are split equally between credentialed delegates (addressed in detail later)
- A chapter can also have “alternate delegates” who can substitute for regular delegates. Alternate delegates must satisfy the same requirements as regular delegates, and must be registered at the same time as delegates.

# Delegates Must Attend Meeting to Vote

- Delegates must be registered with the AAUP by May 15
- AND Delegates MUST be “credentialed” at the meeting in order to cast the chapter’s votes
- There is no absentee voting, no proxy voting, and no transferring delegate credentials or title
- Chapter does not lose votes if register more than one delegate or alternate, and they all do not attend meeting, so long as at least one delegate attends and is credentialed

# Travel Costs of Delegates

- The chapter MAY, but is not obligated to, pay reasonable travel costs for delegates and alternates attending the biennial meeting
- Chapters can pay all, part, or none of the travel costs
- Chapters can have different cost reimbursement rules for different groups of delegates, so long as all members are eligible to run for each group. Such rules or practice should be made in advance of the elections, and should be known to the candidates. Department of Labor guidance should be consulted on this issue.

# Federal Law Governing Delegate Election

- Federal Labor Management Reporting and Disclosure Act (LMRDA) governs because delegates vote on officers for the National AAUP
- The following guidance is based on LMRDA requirements
- LMRDA rules only cover other chapter elections:
  - If the chapter is covered by the LMRDA because it is a private sector chapter, that engages, or is seeking to engage in, collective bargaining
  - OR if chapter officers are also considered delegates by dint of their election as chapter officers, LMRDA covers those particular officer elections
  - OR if the chapter is required by state law to follow LMRDA

# Additional Regulations or Rules

- AAUP Constitution – Requires elections by secret ballot for delegates (LMRDA) and chapter officers (non-LMRDA)
- AAUP Weighted Vote and Delegate Credentialing Procedures – For delegate eligibility, registration, credentialing, and vote apportionment
- Any state laws or regulations – sometimes adopt LMRDA
- Chapter bylaws/constitution, or chapter policies or practices
- Chapter nomination and election rules
- Any provisions in the above providing lesser rights than the LMRDA are superseded by LMRDA

# “Elections by Secret Ballot” or NOT

- “Elections by secret ballot” of delegates are required
- Term is a misnomer and is confusing
- It is permissible to have no “election,” in the common parlance, and no “secret ballot”
- When holding a ballot election would be pointless, no ballot election need be held
- In this presentation, “election” refers to the nomination and election process, including potentially election without a ballot
- “Ballot election” refers to holding the balloting portion

# DOL Predicates to NO “Secret Ballot Election”

“An election of officers or delegates in which the act would normally require the use of a secret ballot need not be held by secret ballot when **all candidates are unopposed** and the following conditions are met:

The union provides **a reasonable opportunity for nominations;**

**Write-in votes are not permitted**, as evidenced by a provision in the constitution and bylaws, a properly adopted resolution, or established union practice; and

The union complies with all other provisions of [the LMRDA]”



# Three Methods for Electing Delegates

- Chapter Officers as Delegates - Chapters officers may serve as delegates by dint of their election as officers if provided in the chapter bylaws or policies. Any such election must comply with the LMRDA. (Applicable to many CB Chapters.)
- Independent Delegate Elections – Chapters may have a provision in their bylaws providing for separate election of delegates (unusual)
- Special Delegate Elections – If a chapter has not addressed the election of delegates in its bylaws, the chapter can have a special election for delegate without modifying the bylaws. (Mostly for advocacy chapters.)

# Election Rules Generally

- Chapters and sections should have rules governing nomination and election of delegate(s)
- Rules should cover nominations, eligibility, elections, and balloting
- If officers are elected delegates by dint of their election as officers, the officer election rules of the chapter would govern
- Election rules governing the election of delegates, including officer/delegates, must comply with the LMRDA

# Special Election

- Can have “Special Election Rules” for election of delegates if such elections are not covered by existing chapter by-laws or election rules
- Generally would be for chapters that were not in the CBC, and therefore did not previously elect delegates
- Chapter does NOT have to amend bylaws to elect delegates
- Chapters must give chapter members the opportunity to elect delegates, but chapters are not obligated to elect delegates if there are no eligible nominees
- Chapters cannot appoint delegates, even officers

# Special Election Rules - Samples

- Are designed as special election rules solely for delegate elections, for chapters that have not previously elected delegates
- Chapters should review to ensure that no conflict with chapter bylaws or other chapter rules or policies
- AAUP Sample Chapter/Section Election Rules can be adopted as is by chapters/sections, or they can be altered by chapters/sections
- Chapters can adopt rules by vote of the current chapter officers, unless the chapter bylaws restrict this right

# Special Election - Nomination and Election Committees

- Can have nomination committee, but do not need one
- Can also have an election committee to decide any substantive election issues – See DOL Guidance for further information on duties
- In the event of a ballot election, probably want an election committee
- For small chapters, the officers (excluding anyone running for delegate) can be the election committee
- For sections, the presidents of the participating chapters can be the election committee
- Chapters that have nominating and elections committees for other positions should decide whether those apply to delegate elections

# DOL Guidance

- US Department of Labor has extensive guidance on union nominations and elections conducted under the LMRDA which covers the election of chapter and section delegates.
- The DOL election guidance generally addresses “local union officer elections.” This covers election of delegates.
- Compliance with the LMRDA and the DOL guidance is NOT necessary for election of chapter officers in chapters NOT covered by the LMRDA (i.e., chapters other than private sector collective bargaining chapters), unless the chapter officers are delegates by dint of their officer election, or required by state law.

# Nomination Notice

- US Department of Labor regulations require that the nomination notice be given in a manner “reasonably calculated to reach all members in good standing.”
- There should be at least 10 days notice of the nomination period.
- The nomination notice can be by email or mail. It can be in a union newsletter, as long as it is not hidden. In addition, it can be posted on bulletin boards if they are likely to be seen by members.
- Should set a clear deadline for nominations, and should list any requirement for nomination (such as petition signatures)

# Nominations Eligibility

- All AAUP members, and only AAUP members, of the chapter are eligible to nominate or be nominated as a delegate
- Chapters can have additional reasonable requirements for nomination, for example, one year of membership. However, if a chapter wishes to have such additional requirements, the DOL guidance should be consulted.
- In addition, under federal law, individuals convicted of certain crimes may not serve until thirteen years after conviction or release from imprisonment. See DOL guidance/AAUP website for specifics.



# Nominations Conclusion

- Chapters should confirm the nominee(s) are eligible to serve as delegate.
- Chapters should inform nominee(s) that they are eligible or ineligible, and should confirm that they wish to run.
- Once nominations are closed, and eligibility is confirmed, chapters can notify nominees if there is more than one per position and a ballot election will be necessary. The chapters should not pressure any nominee to withdraw.
- Under the sample special election rules, a nominee can withdraw prior to distribution of ballots.

# Election by Acclamation

Can have an election by acclamation, and no ballot vote:

- If there is only one eligible nominee for each delegate position after the close of nominations.
- AND if write in votes are not permitted by the chapter.

# Secret Ballot Elections

- **These slides cannot provide comprehensive guidance on holding a ballot election, and therefore the DOL guidance should be consulted as soon as it appears that there may be a ballot election.**
- If an election is held, it must be by secret ballot.
- For sections, there must be a single common ballot that is used by all chapters participating in the section.
- The US Department of Labor has specific guidance on “Electing Local Union Officers” that covers delegate elections and provides good samples and guidance.

# Secret Ballot Elections Notice

- Election Notice – There must be at least 15 days notice of the election, mailed to the home addresses of each member.
- **The election notice must ALWAYS be mailed to members home addresses**, even if the election is held at a meeting or using a ballot box.

# LMRDA Secret Ballot Elections Types

- Mail Ballot—If there is a mail ballot election, the election notice can be sent with the ballot, as long as the member has 15 days to return the ballot.
- Election at Chapter Meeting—An election can be held at a chapter meeting, using a secret ballot box. However, the election notice must be mailed to all members' home addresses 15 days in advance of the meeting.
- On-Site Ballot Box—An election can be held using an on-site ballot box, as long as the box is in a secure location. Again, the election notice must be mailed.
- Electronic Balloting Not Advisable – While permitted, there are no clear guidelines and it is risky. If done, election notice must still be mailed.

# Mail Ballot Election

- If a mail ballot is held, the chapter must use the two-envelope method to ensure secrecy
- Candidate observers are allowed at certain points during the mailing process.
- US Department of Labor guidance should be consulted regarding the conduct of ballot elections

# Election Campaign

- Each candidate must be given the opportunity to inspect (not copy) the chapter membership list once within 30 days prior to the election
- Federal law prohibits the use of any union or employer funds to promote the candidacy of any person in a union officer election
- Chapters may distribute or publish election and campaign material in a way that does not favor any candidate
  - Chapter may publish candidate statements, as long as there are uniform rules
  - Chapter may remind members of the coming election

# Distribution of Campaign Literature

- Each candidate has the legal right to have campaign literature mailed to the home address of chapter members or a subset thereof
- A chapter may, but does not need to, provide candidates with home addresses of members so that candidates can mail material
- If a chapter does not want to release home addresses, the chapter can conduct the mailing, and charge the candidate for costs
- Chapters cannot edit or censor campaign material
- A chapter may, but does not need to, provide candidates with email addresses of members



# Election Results

- ALWAYS – Must ensure the secrecy of the ballot, maintain an accurate count, and keep all ballots and other election records for at least one year.
- Section vote tabulation – Chapter level or section level
  - Chapter level – The votes can be counted at the chapter level, with the results transmitted to the section. The section can then aggregate the results.
  - Section level – The sealed ballots can be sent to the section (most likely in a mail ballot election), so long as the ballots are kept secure. The section can then count the ballots.

# Biennial Meeting

- Officers & Council members will be elected via delegate voting
- Chapter delegates will vote the strength of their chapter membership.
- Section delegates will vote the strength of the membership of the participating chapters
- Chapter and section delegates have the same rights and privileges at the AAUP biennial meeting.
- All delegates must be “credentialed” in order to vote

# Delegate Credentialing - Three Step Process

- 1) **Chapters and sections must submit a delegate registration form to the national AAUP identifying ALL delegates and alternates by May 15** – individuals not identified on this form cannot be delegates
- 2) The AAUP will confirm delegate eligibility and notify chapters/sections of results
- 3) **Each delegate must sign in and receive delegate credentials on Friday at the site of the AAUP biennial meeting:**
  - By 12:00 noon on Friday to participate and vote in Friday and Saturday sessions and election
  - By 5:00 pm on Friday to participate in Saturday sessions and election

# Aggregate Votes of the Chapter/Section Members Apportioned

- If the chapter/section has more than one “credentialed delegate,” the votes of the chapter/section are apportioned evenly between the delegates. The chapter/section will indicate which delegate receives any odd votes on the delegate registration form.
- For example, chapter has 902 members and 3 credentialed delegates, delegate receiving “odd votes” would cast 302 votes, other two delegates would each cast 300 votes

# Apportionment Based on Credentialed Delegates

- Apportionment of votes is based on registered delegates who attend and are credentialed at the meeting
  - Example – Chapter registers 5 delegates, and 2 alternates. Only 2 delegates and 1 alternate attend meeting and are credentialed. All chapter votes are apportioned between the 3 delegates credentialed at the meeting.
- Once credentialed on Friday, if delegate fails to attend vote on Saturday, those votes are lost
- No penalty for registering multiple delegates or alternates
- However, at least one delegate needs to be credentialed and attend the meeting and election to cast the votes of the chapter or section

More information:

AAUP Election Website – with links to AAUP Constitution, rules for biennial meeting and election, and chapter and section guidance

<https://www.aaup.org/about/elected-leaders/elections>



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# GUIDANCE ON ELECTING CHAPTER AND SECTION DELEGATES

HOME » ABOUT » ELECTED LEADERS » ELECTIONS » GUIDANCE ON ELECTING CHAPTER AND SECTION DELEGATES

## Information and Resources for Sections

A section is a mechanism to ensure that small chapters' voices are heard and to allow chapters to pool resources to make attendance at the biennial delegate meeting more affordable.

### Resources

- [Slides on Forming and Operating Sections](#) (member-only pdf)
- [Slides on Electing Delegates](#) (member-only pdf). Provides an overview of the rules governing the nomination and election of delegates, including section delegates; reviews sample documents that sections can use; and discusses some practical

[Mission](#)

[Constitution](#)

[Elected Leaders](#)

[Records of the Council](#)

[Council Resolutions](#)

[Elections](#)

[Guidance on Electing Chapter and Section Delegates](#)

● [Information about Sections](#)

[Election Rules](#)

[2022 Council Election Results](#)

[2024 AAUP Election Information](#)

[Delegate Forms and Instructions](#)

[Find a Chapter](#)

[State Conferences](#)

[AAUP/AFT Affiliation](#)

[Committees](#)

[Biennial Meeting](#)

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- aspects of nominating and electing delegates
- [2024 AAUP Section Coordinator Form](#)
- [Registering delegates for the Biennial Association Meeting](#)
- [US Department of Labor guidance on union elections](#)

## What Is a Section?


**A section is a mechanism to ensure that small chapters' voices are heard and to allow chapters to pool resources to make attendance at the biennial delegate meeting more affordable.** Participation in a section is voluntary and open to chapters with fewer than 250 members. There can only be one section per state. A section can be formed by two or more chapters in the same state. A section is entitled to one delegate for every 250 members, with a maximum number of 10 delegates per section. If a chapter elects to participate in a section then it cannot also send its own delegate to the biennial meeting. Chapters that do not opt in to the section can send a separate chapter delegate to the meeting. AAUP members not in a campus chapter do not participate in the section because those members elect delegates through the national at-large chapter.

## Well in advance of the



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**Help protect quality higher education and shape the future of our profession.**



**Start a chapter!**

**AAUP chapters serve the profession on more than 500 campuses.**



**biennial delegate meeting, the national AAUP notifies eligible chapters of the opportunity to participate in a section.** The AAUP provides sample procedures, instructions, guidance, and other material for operating the section, such as lists of eligible chapters and of members in those chapters, sample nomination and election notices, and sample ballots. In addition, state conferences and chapters may assist the section, though the chapter or state conference elections cannot substitute for the election of section delegates.

**Once a section is formed, participating chapters need to elect a delegate or delegates to send to the meeting.** The number of section delegates, and the number of number of votes the delegates cast, is based on the aggregate membership of the participating chapters. For example, if there are ten participating chapters with a total membership of 150, the section would be entitled to one delegate casting 150 votes; if the total membership was 350, the section would be entitled to two delegates jointly casting 350 votes.

**The nomination and election process is conducted by the chapters and section.** Due to federal law, there are some minimal requirements for these elections. A nomination and

election notice must be transmitted to all members of chapters participating in the section. Delegate election must be by secret ballot, either by mail ballot or by secret ballot at a chapter meeting. If there is only one nominee per delegate position, no election is required.

**Chapter and section delegates have the same rights and privileges at the AAUP biennial meeting.**

VISIT THE AAUP FOUNDATION



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