March 19, 2020

VIA EMAIL

To: All International Vice Presidents

Re: Local Union Elections

Dear Sisters and Brothers:

I am writing to offer guidance on the options available to local unions with elections scheduled during the next several weeks. The COVID-19 pandemic and the emergency proclamations issued by various state and local governments have made the conduct of some local union elections simply impossible. Earlier this week, the U.S. Department of Labor issued advice on the postponement of union elections that clarifies the choices available to local unions.

One option is simply to postpone the election — either to a specific date or to a date to be determined. This decision could be made by the local union Executive Board, acting pursuant to Article XVII, Section 9, of the IBEW Constitution.

A postponement of any length will allow some officers to serve more than the maximum three years. But, the Department of Labor has announced that it will not take any action in response to a complaint over the postponement of a local union election, if the complaint is made after the election has already taken place. And, if the election has not taken place, the U.S. Department of Labor will seek a voluntary compliance agreement setting a specific election date. What it will not do is file a lawsuit solely over the delay.

The other option is to conduct nominations and the election by mail. Federal law allows local unions to conduct nominations by mail and mail ballot elections. This decision could also be made by the Executive Board, which could decide, for example, to conduct this election, but not necessarily all future elections, by mail. (A decision to conduct all future elections by mail ballot would require a bylaw amendment.) Depending on when the election is scheduled, switching from in-person to mail ballot election might also necessitate a postponement.

Local unions may refer to the IBEW pattern bylaws or contact IBEW CIR/Bylaws and Appeals Department Director Michael J. Kwashnik, for guidance on how to conduct a mail ballot election. Any local union that postpones its election or changes its election procedures should notify all members of the change. Members may be notified by letter or email or by posting a notice on the local union’s website — or by some combination of those three.
In making these difficult decisions, the guiding principle should be this: No local union should do anything that would jeopardize the health of its members. Nothing in the IBEW Constitution requires otherwise.

Local unions may have more specific questions on how to proceed. Those should be referred to Michael Kwashnik at (202) 573-0723.

With best wishes, I am

Fraternally yours,

Lonnie R. Stephenson
International President

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Copy to Kenneth W. Cooper, International Secretary-Treasurer
Brian Baker, Senior Executive Assistant to the International Officers
Sherilyn K. Wright, Executive Assistant to the International President
Darrin E. Golden, Senior Executive Assistant to the International Secretary-Treasurer
Michael J. Kwashnik, Director, CIR/Bylaws and Appeals Department