

# MAIL-IN VOTES

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## INTRODUCTION

The Board conducts several different types of votes. Generally, these votes are held in-person, often at the voters' worksite(s). Infrequently, the Board conducts votes by mail. This chapter addresses mail-in ballots, including:

- circumstances where a mail-in vote is used;
- the process of conducting a mail-in vote; and
- common issues with mail-in votes.

## USE OF MAIL-IN BALLOTS

Although the Board prefers in-person votes, the Board sometimes directs a mail-in ballot when:

- the workers have dispersed before a vote can be held, often the case in construction; and
- there are several worksites and/or the worksites are remote.

The Board may also (rarely) order a mixed vote wherein an in-person poll will be combined with some mail-in ballots.

## PROCESS

Once the Board has directed a mail-in vote, the staff arrange the vote. The steps involved include:

1. **Addresses:** If an officer expects a mail-in vote will occur, the officer will secure the home addresses of the employees from the employer (and/or the union) prior to bringing the file before a panel. If this is not the case, then acquiring addresses must be the first step.
2. **Notice:** Notice to the employees of a mail-in vote must be given. This might entail a posting in the worksite. More commonly, the employees are provided with a letter in the voting package they receive.
3. **Voting package:** Each employee eligible to vote receives a package prepared by the administrative staff. The package contains:
  - A covering letter explaining the purpose of the vote, how to cast a valid ballot and providing the employee with a date by which the Board must receive their ballot.
  - A ballot (initially by a Board staff member) of the appropriate type.
  - A small envelope into which the employee places the ballot once the employee has made a choice. There are no marking on this small envelope.
  - A regular-sized return envelope addressed to the Board with a security marking on the back. This mark is explained below.

4. **Timelines:** The officer determines the length of time the employees have to return their ballots and this deadline is indicated in the covering letter included in the voting package. A three-week period is not unreasonable but shorter periods may also be appropriate. It may be necessary to courier (as opposed to post) ballots to employees if the time period is short. At this time, the officer also determines the date the vote will be counted on and communicates this date and the location to the affected parties so they can arrange for scrutineers.
5. **Security marking:** The return envelope included in each voting package has a security marking on it. Board staff apply a stamp to the front of each return envelope. This stamp includes a space to write the process file number (e.g., RV-012343) and a letter-number combination unique to each voter (e.g., JJJ-002 would indicate the second person on the voters list for an application involving Jim Jung's Jungle Jym). These numbers correspond to numbers on the Ballot Checklist.
6. **Ballot Checklist:** The ballot checklist is a five-column document generated by the administrative staff:

Code	Name	Address	Couriered	Returned
JJJ-001	<name>	<address>	2003.02.28	2003.03.10
JJJ-002	<name>	<address>	2003.02.28	not returned
JJJ-003	<name>	<address>	2003.02.28	2003.03.05

As each ballot is returned, it is recorded. This allows the Board to determine who has voted.

Once the date for returning ballots has passed, the Board does not accept any more ballots. The Board officer then counts the ballots in the presence of the scrutineers (if any) to determine the outcome of the vote. The steps in counting a mail-in vote include:

1. **Objections:** Any objections to voters are identified and the officer attempts to resolve them. If no resolution is possible, the matter is referred to a panel.
2. **Stripping the outer envelope:** The outer envelope is stripped away leaving the inner envelope intact. At this point, it is no longer possible to identify which employee cast which ballot.
3. **Counting:** The inner envelopes are opened and the ballots are counted. The result is recorded on the appropriate form. The Board does not release the result of the vote for 24 hours to allow for objections to the vote.

## COMMON ISSUES

There are several common issues and questions regarding mail-in ballots. There are few Board decisions dealing with mail-in ballots to inform our practice:

- **Late additions:** Occasionally, the employer or the union will seek to add an employee to the voters lists after the Board has directed the vote. Generally, if both parties agree to this and the employee is eligible under the *Voting Rules*, the Board will send a ballot to this employee. Officers must be mindful that late additions can be an attempt to stack the voting constituency.
- **Inaccurate employee information:** Inaccurate address information can result in a voting package being returned to the Board. If this happens, contact the employer and/or the union to determine the employee's correct address. It may also be necessary to contact the employee directly. If there is time, it may be possible to send the employee a voting package a second time, possibly by courier. It may also be that there is no time. An officer may choose to extend the deadline to allow the individual to vote.
- **Second packages:** A variation on having a ballot returned is where an employee claims not to have received a voting package. The officer may choose to send the employee a second package. It is important to then invalidate the first package on the ballot checklist so the employee cannot cast two ballots.
- **Revealing ballot checklist:** Employers and unions occasionally ask to see the ballot checklist during the vote. The Board does provide a list of employees who cast ballots (upon request) once the deadline for returning ballots has passed.
- **Mail-in ballots for employees missing poll:** Employers and unions may ask the Board to provide mail-in ballots for employees who did not vote at an in-person poll (e.g., employee was sick or on vacation). Although the Board may allow this in special circumstances (e.g., a blizzard precludes travel to the poll), the Board generally does not allow this.