



# OLMS Fact Sheet

## Observer Rights and Responsibilities in Elections of Union Officers

Section 401(c) of the Labor-Management Reporting and Disclosure Act (LMRDA) provides that any candidate for union office has the right to have an observer at the polls and the counting of the ballots. This right extends to any candidate in an election subject to Title IV of the LMRDA, including elections in local unions, intermediate bodies and national and international unions.

Observers (who are called poll watchers in some unions) represent the candidates' interests and their presence helps to insure that the election is conducted in a fair and impartial manner. The role of an observer is to observe the election process and, as appropriate, ask procedural questions of election officials, challenge the eligibility of individual voters or the manner in which votes are counted, and lodge protests with election officials.

### Observer Rights

- The right to observe encompasses all phases of the counting and tallying process. If there is more than one voting place, the candidate may have an observer at each location. If ballots are counted at more than one location or at more than one table at a single location, a candidate is entitled to as many observers as necessary to observe the actual counting of ballots.
- In a mail ballot election, candidates must be permitted to have an observer present during the preparation and mailing of the ballots, during any visits to the post office to pick up and re-mail returned ballot packages, when voted ballots are picked up from the post office, and during the opening and counting of the ballots.
- Prior to the opening of the polls, observers must be permitted to inspect the ballot box, the voting booths, or the voting machines.
- Observers must be permitted to count and note the names of voters and to observe each phase of the voter eligibility verification process so that they can confirm voter identity and eligibility and, as appropriate, raise challenges with election officials regarding voter eligibility.
- At the ballot count and the vote tally, observers must be permitted to be close enough to see each task being performed. For example, at the ballot counting and tallying tables, observers must be able to see how the ballots are being called and how the votes are being recorded, totaled and reported on the tally sheets.

### Observer Responsibilities

- Candidates and their observers must follow union rules and practices for observers, including rules which define who may be an observer. Some unions, for example, do not allow candidates to act as their own observers or require that an observer must be a member of the union.
- Observers should conduct themselves in a professional manner and should not interfere with or disrupt the conduct of the election or tally. Observers may not compromise, or give the appearance of compromising, the secrecy of the ballots. Observers do not have the right to handle or count ballots or to perform other duties of election officials. Conversations with voters inside the voting area should be avoided.
- Observers should not wear campaign buttons, stickers, or other campaign apparel; distribute literature; or engage in any campaign activities inside the polling area.
- If required by the union, candidates must provide advance notice of the names of their observers, observers must sign in when observing, and observers must wear appropriate identification when in the polling or ballot counting areas.
- Observers should remain in areas designated for observers when serving in their official capacity so as not to interfere with voters or the election process.

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Office of Labor-Management Standards

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