

- 43 CONDUCTING MAIL BALLOT ELECTIONS:** When conducting mail ballot elections, the Regional Office performs all of the functions performed at manual ballot elections. As noted in [CHM 28.23](#), the details of mail ballot elections are set forth in the Election Agreement or Direction of Election. See also [Figure 28.23](#). The Regional Office is required to prepare all materials, obtain the eligibility list and mailing labels of eligible employees' home addresses from the activity, and mail ballots to all eligible employees.
- 43.1 Materials required for the mail-out:**
- 43.1.1 Notice of Election:** In an all mail ballot election, a Notice of Mail Ballot Election, [FLRA Form 125B](#), 210B or [36B](#) (unit consolidation election) is used; in a mixed mail/manual ballot election, [FLRA Form 125A](#), 210A or [36A](#) is used, as appropriate. See [CHM 33](#) for contents and preparation of the notice.
- 43.1.2 Instructions to Eligible Employees Voting by U.S. Mail, [FLRA Doc. 1013](#):** This document states the purpose of the election and instructs voters on marking their ballots and sealing them in the appropriate envelopes. The region completes the line concerning the date ballots are due to be returned to the Regional Office.
- 43.1.3 Official secret ballot:** The same ballots used in manual ballot elections are used in mail ballot elections. See [CHM 34](#) for guidance on ballots, their preparation and format.
- 43.1.4 Secret ballot envelope:** The region has a supply of Secret Ballot envelopes, FLRA Doc. 1280. The voter is instructed to seal his/her ballot in the secret ballot envelope before placing it in the return business reply envelope. If a ballot is not sealed in the secret ballot envelope, but rather is sealed directly in the business reply envelope, the agent announces that the ballot will be counted. In *Veterans Administration Regional Office, Newark, New Jersey, 1 A/SLMR 207 (1971)*, the Assistant Secretary concluded that the failure to enclose the ballot in a sealed envelope is not sufficient grounds for invalidating the eligible voter's ballot. If a party objects to counting the ballot, the ballot is considered a challenged ballot. See also [CHM 47.7.4](#) and [47.10](#) for a discussion of similar issues.
- 43.1.5 Return business reply envelope with signature statement and return address:** Each region has its own supply of preprinted return business reply envelopes that contain the statement: "I believe I am an eligible voter in this election. I personally voted the within secret ballot." The voter is instructed on the FLRA Form 1013 to sign this statement and to certify that s/he voted the within ballot.

- 43.1.6 Envelope to mail election package to the voter:** This envelope is large enough to hold the election materials. The envelope is marked “Personal, To Be Opened By Addressee Only” and “Open Immediately.” It is addressed to each eligible voter at their home address unless there are unusual circumstances warranting a different procedure.
- 43.2 Eligibility list:** The same procedures are used to prepare and check the eligibility list as discussed in [CHM 35](#). The requirement to furnish the eligibility list with home addresses of all eligible employees on mailing labels is included in the Election Agreement. The Election Agreement also includes a date for submitting these materials to the Regional Office. The list is due in the Regional Office before the date of the mail-out of the ballots. **If an activity refuses to provide the employees’ mailing addresses, contact the Office of the General Counsel immediately. Provide the name and telephone number of the activity representative who made the decision. See also [CHM 28.23.1](#).**
- 43.3 Conducting the mail-out:** Prior to the date of the mail-out, the region prepares all supplies. If no party intends to have an observer present, the region may also compile the packages of materials described in [CHM 43.1](#) and place these materials in the envelope containing the voter’s name and home address before the mail-out date. As each envelope is being prepared, the agent assigned to the case is responsible for checking the voter’s name against the eligibility list. If key numbers are used as a means of facilitating identification of the voters, the agent ensures that the key number next to the voter’s name on the eligibility list corresponds to the key number on the return envelope.

[Technical information on how to number return envelopes for a large election: on WP8 do a page set-up for envelope size document, and do a footer in order to align the numbers in the appropriate box. This task requires changing margins, line spacing, etc. after which the case number will fit on the designated line. Center the case number on the margin. To number the envelopes select format, page, numbering and then select (set value) type the number and wp8 will automatically number the envelopes consecutively.]

If the party(s) intends to have an observer present, the agent schedules a time for the region to compile the mail ballot package before the actual date of the mailing. All unused ballots and materials are secured by the agent in an envelope similar to sealing ballots at a manual election. Tape is placed across the seal and the agent signs across the tape so the signature crosses the tape onto the envelope. Transparent tape is placed over the signatures.

If the agent believes that additional ballots will be requested and mailed to voters after the original mail-out date, these procedures may be relaxed as long as the ballots, eligibility list and election materials are secured in a safe place. See also [CHM 43.9](#) and [CHM 47.9](#) for securing returned mail ballots.

- 43.4 Certification of conduct of election:** After the materials are placed into the mail-out envelopes, the eligibility list checked and envelopes sealed, the agent and any observer(s) present sign a certification of conduct of election. Unlike manually conducted elections where only the observers sign the certification, when no observers are present or where all of the parties are not represented by observers, the agent signs the certification or prepares a memorandum to the file certifying the conduct of the mail-out.
- 43.5 Depositing the mail ballot packages in the U.S. Mail:** The ballots are deposited in the mail on the day established by the parties in the Election Agreement. Since the regions meter their own mail, the regions ensure that the mail is metered and picked up on the date designated for the mail-out. The agent notes on the certification of conduct, or in a memorandum to the file, that the ballots were properly mailed.
- 43.6 Posting the Notice of Election:** A notice of election in an all-mail ballot election ([FLRA Form 125B](#), 210B or [FLRA Form 36B](#)) or a mixed mail/manual ballot election ([FLRA Form 125A](#), 210A or [FLRA Form 36A](#)) is posted no later than the date of the mailing of the ballots. The notice remains posted through the date of the count of the ballots.
- 43.7 Mixed mail/manual ballot elections:** In a mixed mail/manual ballot election, ballots are sent only to those employees who cannot vote in person because they are absent on official business on the day of the election, their duty station is in a remote area, and/or the parties agree that a mail ballot election is appropriate under the circumstances ([CHM 28.19](#)).

As noted in [CHM 28.24](#), mail ballots are not sent to any eligible employee for reasons such as illness, vacation, or furlough which may preclude the employee from being able to vote on the day of the election.

- 43.8 Ballots returned by the post office as “undeliverable”:** If the post office returns ballots because of an incorrect address, the region verifies that the address was the last known address maintained by the activity for the employee. If the address originally given was incorrect, the region mails another ballot to the correct address. If the activity verifies that the address given was the last known address, the region records this information on the envelope. The returned envelope is secured with the remainder of the

election supplies.

- 43.9 Securing returned mail ballots before the count:** Upon receipt in the Regional Office, all envelopes are date-stamped to establish the date of receipt. **Returned mail ballots are placed in a secure location, either in a “ballot box” that is sealed or in a locked drawer.** Envelopes received after the close of business on the return date, but prior to the time set for the count, are kept separated from those timely received. See also [CHM 47.9.2](#).
- 43.10 Counting mail ballots:** see [CHM 47.9](#).