

# Amendment 5\_Constitution

One member, one vote

## Constitution, Article VII: Elections

**Section 1.** AFT-Wisconsin Executive Board members shall be elected every two years, with elections occurring no more than thirty (30) days after the Convention. A call for nomination of officers shall be made six (6) months prior to Convention by notice to all locals and to all members at large. Elections may also take place as needed to fill vacant seats on the Executive Board.

**Section 2.** ~~Voting for officers of the State Federation shall be by roll call vote, under the rules in force for such votes.~~ Executive Board members of AFT-Wisconsin shall be elected by the members of their constituency, with each member having one vote. The President, Secretary, and Treasurer shall be elected by the full membership of AFT-Wisconsin with each member having one vote. The Council Vice Presidents shall be elected by the members of their council. The Regional Vice Presidents shall be elected by the members of their region.

**Section 3.** The President, Secretary, and Treasurer shall be elected by a majority of all votes cast. The council Vice Presidents shall be elected by a majority of all votes cast by their respective councils. The three (3) Regional Vice Presidents shall be elected by a majority of all votes cast by their respective regions. In the event that no candidate for President, Secretary, Treasurer, or Vice President representing a council or region receives a majority of votes cast on the first ballot, a runoff election shall be held ~~immediately following the count,~~ within thirty (30) days following the count between the two candidates receiving the highest number of votes for that office.

Submitted by: Katherine Charek Briggs, UFAS, Local 223

**With legal counsel raising concern, the AFT-Wisconsin Executive Board will wait for further analysis before making a recommendation. (See attached opinion.)**

<input type="checkbox"/> <b>Adopted</b>
<input type="checkbox"/> <b>Adopted as Amended</b>
<input type="checkbox"/> <b>Defeated</b>

### Rationale

This amendment would change the method of electing AFT-W Executive Board members from delegates electing them at the biennial convention to members electing them directly. This will increase the democratic accountability of our leaders to our members. Serving as a delegate is a significant time commitment and can be intimidating to rank-and-file members. As a result, most locals do not send their full complement of delegates, and many do not send any delegates. The delegates who are present at convention are therefore not necessarily reflective of the full membership of AFT-W. Giving every member of AFT-W the ability to cast a vote for who will represent them on the Executive Board is a more democratic method of selecting organizational leadership.



MEMORANDUM

To: Kim Kohlhaas, President, AFT-Wisconsin  
From: Attorney Tim Hawks, Hawks Quindel, S.C.  
Re: Legality of Proposed Amendments 5 and 7 to the AFT-W Constitution  
Date: October 14, 2021

We raised a concern regarding increased disproportionate representation on the AFT-W executive board caused by a specific provision contained in proposed Constitutional Amendments 5 and 7. You directed us to research and advise the organization whether the clauses are lawful.

The sentence at issue provides:

Executive Board members of AFT-Wisconsin shall be elected by the members of their constituency, with each member having one vote.

We conclude that the sentence is legal if adopted but presents a policy choice regarding the extent to which the Board becomes unrepresentative of the membership. Matters of policy are for the delegates to decide.

AFT-Wisconsin is an “intermediate organization” in the parlance of the U.S. Department of Labor’s regulations that implement federal law regulating union elections. We find this specific guidance from the Department Labor to be dispositive:

Sec. 452.127 Proportionate representation.

When officers of a national, international or intermediate labor organization are elected at a convention of delegates who have been chosen by secret ballot, the structure of representation of the membership is a matter for the union to determine in accordance with its constitution and bylaws. **There is no indication that Congress intended, in enacting title IV of the Act, to require representation in delegate bodies of labor organizations to reflect the proportionate number of members in each subordinate labor organization represented in such bodies.** Questions of such proportionate representation are determined in accordance with the labor organization's constitution and bylaws insofar as they are not inconsistent with the election provisions of the Act. Congress did not attempt to specify the organizational structure or the system of representation which unions must adopt. However, all members must be represented; the union may not deny representation to locals below a certain size. (29 CFR 452.127, emphasis supplied)

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The number of AFT-W members within its constituencies varies widely. Providing each constituency with an equal number of executive board members, increases disproportionate representation on the Board. We encourage the delegates to debate the policy choices reflected in the sentence cited above.