

The Autopsy: 30 Union Elections the Labor Department Sent Back

Premise: Read side by side, the election cases OLMS resolved since January 2025 show that most of these elections failed before anyone voted. Usually, mail never reached members, or candidates were ruled in or out the wrong way.

WHAT WE COUNTED

We counted every election matter that the Office of Labor-Management Standards (OLMS) published as resolved between **1 January 2025 and 20 October 2026**. That came to **30 cases: 26 voluntary compliance agreements and 4 court judgments or settlements**.

29 of the 30 required a new election or a supervised one:

- **25** were ordered rerun.
- **4** had their next regular election put under federal supervision.

In the last case, the union had to seat the candidate who had won. Five suits or complaints are still pending and are not counted here.

THE PATTERN

Most cases had more than one finding, so the counts add up to more than 30.

Finding	Cases (of 30)
Notice or mailing list: notice or ballot never sent, bad addresses not corrected, returned mail not re-sent	14
Candidate eligibility: a qualification applied wrongly or unevenly, a rule unreasonable as written, or ineligible candidates allowed to run	10
Members denied a reasonable chance to vote (hours, locations, absentee voting, instructions)	8
Union or employer resources used in a campaign (§401(g))	7
Ineligible voters let in or not screened	5
Secret-ballot defects	4
Ballot safeguards	3
Observers denied · literature requests denied · records not kept · bylaws not followed · nominations	2 each
No election within three years	1

22 of the 30 cases involved notice, eligibility or both.

Two details sit under those numbers:

- **Notice failures were not only about stale lists.** Seven cases involved addresses already known to be bad, or returned mail that was never re-sent. About as many involved members who were never mailed anything at all.
- **Eligibility rules were usually misapplied rather than badly written.** Six cases applied a qualification wrongly or unevenly. Two let ineligible candidates run. Two rules were unreasonable as written. In one case the rule was changed after nominations.

SIX CASES, ANONYMIZED

1. **A meeting-attendance requirement for candidates disqualified 91 percent of members from running.** OLMS required a supervised rerun. Under 29 CFR 452.38, the share of members a rule disqualifies is part of the test of whether the rule is reasonable.
2. **147 ballot envelopes went out with their address labels partly cut off.** More than 100 came back undeliverable. The election was rerun under supervision.
3. **The election notice ran in the union newsletter, which some members never received.** The election was rerun under supervision.
4. **Members' names and addresses were printed on the backs of the ballots.** There was no secret ballot, so the election was rerun.
5. **A candidate qualification was enforced in some races but not others.** New nominations and a supervised election were required.
6. **A candidate used a campaign logo as his avatar on the employer's Microsoft Teams.** This violated §401(g), and the union's next election will be supervised. In a separate case, an employer-owned email system was used to gather member contacts and send campaign material.

WHERE THE FINDINGS DID NOT LAND

None of the 30 OLMS summaries describes a voting-technology failure or a finding of ballot tampering. Problems with the count itself, such as observers or voter screening, came up in a minority of cases.

In 26 of the 30 cases, at least one finding concerned notice, mailing, candidate eligibility, nominations or campaign resources. All of those are settled before the first ballot is cast.

SELF-CHECK FOR AN ELECTION COMMITTEE

- ☐ Refresh the mailing list **this cycle**, and include everyone who joined since the last election.
- ☐ Log every returned notice and ballot, then find a corrected address and re-mail before the deadline.
- ☐ **Mail** the notice to every member's home address at least 15 days before the election (§452.99). A newsletter notice counts only if the newsletter is mailed to every member (§452.100).

- ☐ Make sure each candidate qualification is in the bylaws, is specific, was announced in advance and is applied **the same way in every race** (§§452.53–452.54).
- ☐ Know what share of members each qualification rules out (§452.38).
- ☐ Check that nothing on a ballot or return envelope ties a vote to a voter (§452.97).
- ☐ Give candidates observers at every stage of the count (§452.107).
- ☐ Put the campaign-literature rule in writing and apply it equally (§452.67).
- ☐ Keep campaigning off union **and employer** time, equipment, email and platforms (§§452.76, 452.78).
- ☐ Keep all ballots and election records for one year (§452.106).

METHOD AND LIMITS

- **Source.** We worked from OLMS's published case summaries, not the full agreements or court filings. The VCA pages were last updated 28 September 2026.
- **Categories.** The categories are ours. A case counts once per category.
- **Not a rate.** Cases start with a member complaint, and OLMS acts only where a violation may have affected the outcome. These 30 show what goes wrong in challenged elections, not how often elections go wrong.
- **Excluded.** Pending cases, post-election determinations and dismissals are not counted. A case-by-case table is available on request.

SOURCES

1. OLMS, Voluntary Compliance Agreements 2025: <https://www.dol.gov/agencies/olms/foia/reading-room/election-decisions/voluntary-agreements-2025>
2. OLMS, Voluntary Compliance Agreements 2026: <https://www.dol.gov/agencies/olms/foia/reading-room/election-decisions/voluntary-agreements-2026>
3. OLMS, Civil Enforcement Actions 2025: <https://www.dol.gov/agencies/olms/civil-enforcement/2025>
4. OLMS, Civil Enforcement Actions 2026: <https://www.dol.gov/agencies/olms/civil-enforcement/2026>
5. 29 CFR Part 452: <https://www.ecfr.gov/current/title-29/part-452>

Votem runs secret-ballot union elections online, by phone and by mail. Pete Martin · [Votem](https://votem.com) · votem.com · calendly.com/petemartin/votem_election_review