

# **CHICAGO TEACHERS UNION**

## **MEMORANDUM**

**To:** Members of the Chicago Teachers Union  
**From:** Robert Bloch, Thad Goodchild, Latoyia Kimbrough  
**Re:** **Key Legal Rules Governing Union Officer Election Campaigns**  
**Date:** February 9, 2022

---

This memo outlines key provisions of state and federal law concerning financing and conduct of union officer election campaigns. The Labor Management Reporting and Disclosure Act (“LMRDA”) 29 U.S.C. §§ 401-531, is the federal statute that governs such elections. The Illinois Educational Labor Relations Act (“IELRA”) governs labor relations between public educational employers in Illinois and the unions of their employees. Pursuant to legal requirements and the CTU Constitution and Bylaws, the House of Delegates adopted the Rules for the Nomination and Election of Officers of the Chicago Teachers Union and of Delegates and Alternate Delegates to the 2022 and 2024 AFT Conventions and the October 2022 IFT Convention (“CTU Election Rules”).

### **I. Federal Law – The LMRDA**

Federal law prohibits the use of any union or employer funds to promote the candidacy of any person in a union officer election. This prohibition applies to cash, facilities, equipment, vehicles, office supplies, or other things of value of the union or of any employer.

Federal law prohibits union officers and employees from campaigning on time paid for by the union.

The LMRDA also includes a union member’s Bill of Rights (29 U.S.C §411). Amongst other things, the LMRDA Bill of Rights guarantees as follows:

“(1)EQUAL RIGHTS.-- Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) FREEDOM OF SPEECH AND ASSEMBLY.-- Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: Provided, That nothing herein shall be construed to impair the right of a

labor organization to adopt and enforce reasonable rules as to the responsibility of every member the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.”

(29 U.S.C. §411, Sec. 101(a)(1-2.)

LMRDA Title IV governs the conduct of internal union elections. It requires, among other things, that a union conduct its elections in accordance with the union’s constitution and bylaws. See 29 U.S.C. §481(e). Title IV also includes a prohibition in Sec. 401(g) on employer money used to benefit any candidate for union office:

[N]o moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title.

## II. State Law – The IELRA

The IELRA prohibits Illinois public educational employers from “dominating or interfering” with the administration of a union. See 115 ILCS 5/14(a)(2). The IELRB has stated that contributions of financial support from an employer as a means to control a union violates Section 14(a)(2). See *Richdland Council, Local 604, IFT-AFT, AFL-CIO and Richdland School District 88A*, 32 PERI 103, (IELRB Case No. 2015-CA-0005-C; and *Illinois Nurses’ Association and University of Illinois (Hospitals and Clinics)*, 5 PERI 1052, (IELRB Case No. 89-CA-0014-C).

## III. CTU Constitution and Bylaws, and Elections Rules

Article V of the CTU Bylaws establishes the procedures for the elections of CTU officers and AFT and IFT convention delegates and alternate delegates. Article V, Section 1(d) of the CTU Bylaws provides that the House of Delegates shall adopt rules and regulations for the conduct of the election.

The CTU Election Rules adopted by the House of Delegates establish restrictions on election campaign funding at Section III(C), which provides as follows:

### *“Campaign Funding Restrictions*

#### 1. Prohibition on use of Union or Employer Funds

The Union and any employer are prohibited from contributing money or anything of value (such as the use of facilities, equipment, or supplies) to promote the candidacy of any candidate for Union office.

#### 2. Prohibition on contributions from non-members

No candidate for office may accept or utilize contributions of money or anything of value (such as the use of facilities, equipment or supplies)

received from persons who are not Chicago Teachers Union members. This prohibition shall not apply to funds used to pay fees for legal or accounting services performed in assuring compliance with applicable election laws, rules or other requirements, or in securing, defending, or clarifying the legal rights of candidates.”

3. Violations

Violation of the above rules shall be grounds for disqualification, as determined by the Rules-Election Committee.<sup>1</sup>

---

<sup>1</sup> The CTU Election Rules are available here, under “Procedure for May 2022 Election”:  
<https://www.ctulocal1.org/union/democracy/>.

**ACKNOWLEDGEMENT FORM**

I hereby attest that I have received and read the attached memorandum regarding the legal rules governing Union elections, which was distributed at the Union office along with petitions for nomination to Union Office.

---

Signature

---

Printed Name

---

Date