

June 18, 2015

TO: All Affiliates and Attorneys

RE: Guidelines For Conducting Local Union Elections

It has been several years since this office released an updated Guidelines for Conducting Local Union Elections of Officers. As many of you know, the International Constitution, Local Bylaws, and federal or provincial law govern the manner in which Local Unions conduct elections of officers. This Guidelines letter is intended to assist members and officers involved in Local Union elections comply with those requirements.

There have not been any major changes in the regulations issued by the Department of Labor regarding the conduct of Local Union elections. Nor has the International Constitution been amended in a manner that modifies election requirements. However, Local Unions have contacted the International requesting copies for use in their upcoming elections and there have been persistent questions about various election rules. Accordingly, it is appropriate to reissue these Guidelines and address several current matters. For your convenience, the changes from the last letter are printed in *italics*. As always, these Guidelines provide general information. Specific questions about individual situations should be discussed with local counsel or the Legal Department.

The Rules for the International Union Delegate and Officer Election do not necessarily apply to elections of Local Union officers. *Guidance regarding the Rules for the 2015-2016 International Union Delegate and Officer Election (“2016 Rules”)* may be found at the Election Officer’s official website, www.ibtvote.org.

For Local Unions Electing Delegates/Alternates at Same Time as

Local Union Officers

The following rules apply if your Local Union intends to conduct delegate/alternate delegate elections at the same time as your election of Local Union officers this fall or, for seasonal food processing Locals, this summer.

1. The required notices of nominations and elections must be separate, meaning that the notice for the officer election must be a separate document from the notice for the delegate election. The notices can be sent to the members in one envelope. If the notices are mailed together, the notices should be printed on different colored paper so that the members can distinguish between them.

2. The nominations for Local Union Officer and Delegate/Alternate Delegate can be conducted on the same day, but must be conducted as separate meetings. For example, if the Local Union Officer nominations are conducted, that business must be completed and closed before opening the floor to nominations for Delegate/Alternate Delegate as the next order of business.

3. The ballots for the Local Union Officer election must be separate from the ballots for the Delegate/Alternate Delegate election and should be printed on different colored paper. **The officer and Delegate/Alternate Delegate ballot packets must be mailed in separate envelopes with separate return addresses for collecting undeliverable mail.** The Local Union Officer election must use a return ballot envelope for mailing the voted ballot that is separate from the return ballot envelope for the Delegate/Alternate Delegate election. The ballot return envelopes for each election must be printed on different color paper.

4. The local union must use different post office boxes to receive the returned ballot mail for the Local Union Officer election and for the Delegate/Alternate Delegate election so that the ballots are kept separate at the post office. For the Delegate/Alternate Delegate election, the local union must have one post office box to receive voted ballots and a separate post office box for ballot packages that are returned as undeliverable.

5. Ballots for the Local Union Officer election and for the Delegate/Alternate Delegate election may be counted on the same day but the counts must be conducted separately. For example, if the Local Union Officer election ballots are to be counted first, that ballot count must be completed, and all ballot and election material for that election secured, before commencing the count for the Delegate/Alternate Delegate election.

The 2016 Rules specify a schedule for mailing and collecting ballots in Delegate/Alternate Delegate elections that is different than the schedules used for most Local Union Officer elections. Specifically, ballots for the Delegate/Alternate Delegate election may not be sent earlier than thirty (30) days after the last nomination meeting. In contrast, Local Union Officer election ballots are usually mailed ten (10) to fifteen (15) days after the nominations meeting. The deadline for the return of Ballots for the Delegates/Alternate Delegates election cannot be earlier than *twenty-four (24) days* after the ballots were distributed. In Local Union Officer elections, the ballots can be due back thirty (30) days after the nomination meeting. Thus, a local union that plans to count the ballots for both elections on the same date must comply with the Delegates/Alternate Delegates schedule, which means a longer ballot return and campaign period than normal for the Local Union Officer election.

6. Each Local Union should carefully review the 2016 Rules regarding sending notices related to the Delegate/Alternate Delegate nominations and elections through Union publications.

If you have any question whether a procedure, which was utilized by the Election Officer in connection with the International Union officer elections, should be followed in an election of Local Union officers, you should contact the Legal Department. *The International Union does not require a Local Union to file an election plan for conducting Local Union officer elections. A Local Union is not required to file a copy of the Delegate and Alternated Delegate election plan with the International Union.*

For All Local Union Elections

*Many Local Unions have inquired about conducting elections of officers by internet or other electronic voting procedures. There are outside election supervisory agencies that advertise they provide such services and allege that their procedures have been approved by the Department of Labor. The Department of Labor did request comments on such procedures in 2011, but has not issued any regulations or guidelines since then. **However, to date, the Department of Labor has not approved any system of voting by computer or telephone and, accordingly, no such procedure is acceptable under the International Constitution.***

Article II, Section 4(e) of the International Constitution was amended in 2006 to make it clear that officers who are not full time employees of the Local Union, shall no longer be considered “actively employed at the craft” solely on the basis of their

being an officer. For example, if a Local Union Trustee is employed by UPS, the Trustee's "employment at the craft" shall be his/her employment at UPS. In the event the member loses employment at UPS and does not obtain other employment at the craft, or in the event the member chooses to retire from employment with UPS, the member must be issued a withdrawal card in accordance with the requirements of Article XVIII, Section 6 or 7 on the same basis as any other member who was not an officer. As a result of the issuance of a withdrawal card, the officer may not remain in office.

However, a retired officer or member who is receiving a pension from an employer under contract with the Local Union is entitled to retain active membership status and may be eligible to hold office if the member obtains other employment at the craft, even if on a part-time basis. For example, if a member retires from UPS and receives a pension but goes to work for a construction contractor that has an agreement with the Local Union, the member can continue to pay dues and can be eligible to run for and hold office if the member satisfies the Article II, Section 4 eligibility requirements.

Article XIV, Section 1(b) provides that new members who have executed checkoff authorizations will be considered "members in good standing" from the first month in which dues are paid, provided that any initiation fee required by the Local Union will be paid through checkoff deductions. This only applies to members on checkoff and where the Local permits the initiation fee to be paid in installments. The intent is to eliminate challenges to ballots cast by new members who have fully paid their dues but are in the process of completing payment of their initiation fees.

Many Local Unions utilize the ECR (Election Control Roster or Eligible/Challenge Roster) as a basis for determining voter eligibility. It is important that you realize that the ECR is based upon computer criteria that are broader than the "membership in good standing" eligibility rules set forth in Article II, Section 4(a)(1) of the International Constitution. **The ECR cannot be used by itself to conclusively determine whether every individual voter is eligible or ineligible. It is only the starting point to determine eligibility.**

For example, the ECR classifies some members as "E-1" or "E-3". These members will always be eligible based upon their compliance with the "good standing requirement" or the special eligibility rules for members employed in the seasonal food industry, as set forth in Article XXII, Section 4(c) of the International Constitution. However, the eligibility of members classified as "E-2" (members on checkoff who are in arrears in the payment of dues) must be verified by determining

whether the member had earnings from employment during the month(s) in which no checkoff of dues was made. If the member had earnings, the member is eligible to vote. However, if the member did not have earnings subject to the checkoff agreement, the member is not eligible to vote even though the member has an “E” designation on the ECR.

Members with a “C” designation are not automatically ineligible to vote. Members classified as “C-1”, “C-3”, “C-6” and “C-7” will always be ineligible. **However, members in “C-4” and “C-5” classifications need to have their employment situations verified to ascertain the same employment information as described for the “E-2” members. The Local must contact employers and determine whether the member on checkoff had earnings subject to dues withholding during the months for which no dues were submitted. If they had such earnings, they are eligible to vote despite their “C” classification.** *Locals and outside election supervisors continue to mistakenly disqualify members who have been designated as C-4 without verifying their employment histories. Such verification must be done if there are a sufficient number of C-4 ballots to affect the outcome of the election, once the initial count has been completed. Many of these members are on checkoff and are likely to be found to be eligible voters.*

Members classified as “C-9” need to be reviewed because their entire record suggests errors have been made regarding their status. New applicants may be classified as “C-2” but will be eligible to vote if they have signed checkoff authorizations and the Local has permitted them to pay their initiation fees in installments, as explained above. [See discussion of Article XIV, Section 1(b)].

In most instances, it may be more beneficial to run a delinquency roster to identify members who are not in good standing and then compare that list with the ECR to review the status of members in the E-2, C-4 and C-5 categories.

Article XXII, Section 4(e) of the International Constitution specifies the types of expenditures considered to be “extraordinary” and, therefore, limited during the period between an election and the beginning of the terms of newly elected officers. The Section provides, in part:

An expenditure may be considered to be “extraordinary” if: (a) it is not routine or recurring in the operation of the Local Union; (b) it is for an amount greater than the Local Union would normally pay for the particular item in the ordinary course of business; (c) it establishes new benefits, or increases the amounts of previously authorized benefits, for

Local Union officers or employees; or (d) the payment would have a significant adverse effect on the financial stability of the Local Union and/or affect its ability to provide representational services to the membership.

In the event the election results in the selection of new leadership, the outgoing leadership should not make any extraordinary expenditure without complying with the requirements of the International Constitution. Newly elected officers must be equally mindful of the continuing obligation of the Local to compensate the outgoing officers for all benefits that have been earned and were properly authorized.

Outgoing officers must also be aware that Article XXII, Section 1(b) provides that:

[I]f the Local Union employees form a union following the Local Union election, or a new collective bargaining agreement covering such employees is negotiated after the Local Union election, the newly organized unit shall not be recognized, or the new collective bargaining agreement shall not be entered into on behalf of the Local Union, until such action is approved by the officers-elect.

If a Local Union is sued prior to the election, please notify the International Legal Department immediately, particularly if the suit challenges the validity of a provision of the Constitution. Members are entitled to have the Secretary-Treasurer render a written eligibility determination prior to the nomination meeting, subject to review after nominations have been made. Members who may be nominators or seconders are also entitled to have their eligibility reviewed prior to the nomination meeting. A member or representative of a group of members forming a slate of candidates may request that eligibility reviews be conducted on behalf of all members of the proposed slate. Prompt compliance with these procedures may avoid delays in the election and keep you out of court.

Section 401(g) of the Landrum-Griffin Act provides that:

No moneys received by any labor organization by way of dues, assessment, or similar levy, and no 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. Such moneys of a labor organization may be utilized for notices, factual

statements of issues not involving candidates, and other expenses necessary for the holding of an election. (Emphasis added)

The prohibitions contained in this section have been interpreted to extend beyond direct cash contributions from employers and cash expenditures from union funds. They also apply to services and property utilized to support any candidate for office. The rules enforced by the Department of Labor are different in some respects from those utilized in the elections of International Union officers. If you have any questions concerning the propriety of campaign expenditures or fundraising activities, you should contact the Legal Department or your local attorney.

The logo of the International Union may be utilized on a candidate's campaign literature, or on a website that is clearly identified as a campaign site, provided that no Union funds are used to reproduce the logo and the campaign material does not imply that the candidate(s) has been endorsed by the International Union, any of its officers, agents, or employees. Literature or websites bearing the International logo should not be disguised as official Union material or sites. Union stationery or letterhead cannot be used for campaign literature; *nor can email lists compiled by the Local Union, officers or Business Agents and used for official communications of union matters unless such lists are made available to all candidates.*

Access to employer premises may not be limited to one set of candidates or another. Unlike the International Union election, there is no legal requirement that an employer permit campaigning on its premises during a Local Union election of officers. However, if an employer permits any candidate to campaign, it must permit all to do so. The Union can request, but cannot compel, employers to provide access on a non-discriminatory basis. The Union should not request an employer to bar any particular candidate, or candidates in general. The same considerations of equal treatment of candidates apply to the use of employer email systems.

The Department of Labor interprets these restrictions very broadly. Consequently, all candidates should be advised to inform their supporters that acceptance of even a minimal amount of money or assistance from an employer or the Union could cause the election results to be challenged and set aside.

The following suggested guidelines for conducting Local Union elections are recommended for use in order to safeguard the rights of all concerned and in order to avoid possible challenges to your elections by the United States Department of Labor.

1. The Department of Labor recommends that the notice of nominations (which may be combined with the election notice) specify the methods for submitting nominations. Article XXII, Section 4(a) of the Constitution requires that nominations be made at the nominations meeting by a member in good standing other than the nominee and seconded by a member in good standing other than the nominee. Accordingly, the notice should advise members of the required method for submitting nominations, i.e., whether in writing, orally from the floor, or otherwise, in addition to the information concerning the offices to be filled and the time and place of nominations. A sample Notice of Nominations and Election is attached.

Members are entitled to a reasonable opportunity to nominate candidates of their choice. Thus, Local Unions which have their members dispersed over a wide geographic area should consider conducting several nominations meetings at various locations throughout their jurisdiction, having the meeting at a central location, or permitting members to nominate and second by written petition. (If several nomination meetings are held on different dates, the thirty-day period between nominations and election must be measured from the date of the last nomination meeting.)

If the Local Union has membership employed during the time of the nomination meeting, the Local should consider permitting members whose employment prevents them from attending to file written nomination or seconding statements.

Local Unions should advise prospective candidates of the requirements that they be nominated and seconded by members in good standing. In order to advise prospective candidates of their responsibility for ensuring the validity of their nomination, the nominations notice should contain the following statement:

Prospective nominees are advised to verify, in advance of the nominations meeting, the eligibility of their nominators and seconders.

Local Union Secretary-Treasurers must comply with reasonable requests of prospective nominators and seconders to verify their good standing status prior to the nominations meeting. Local Unions should also consider inviting prospective candidates to submit to the Chair the names of their prospective nominators and seconders, at the start of the nomination process. In that manner, the responsibility to be nominated and seconded by members in good standing will rest exclusively on the candidate. Furthermore, many Local Union Bylaws specify that the Warden and Conductor are responsible for ensuring that only members in good standing are

admitted to meetings. In these situations, it is recommended that the Local Union take adequate precautions to verify the good standing status of those admitted to the meeting. It would not be a violation of the International Constitution for a Local Union to decide to permit more than one seconder. However, it is not required.

If the election is being conducted by mail referendum ballot, candidates should be advised of the date on which ballots will be mailed as soon as the Executive Board establishes that schedule. Members should also be advised of the procedure to obtain a duplicate ballot in the event that they do not receive their ballots within a reasonable period of time after the mailing date.

2. The Landrum-Griffin Act requires that notice of the election be mailed to each member at his or her last known home address not less than fifteen days prior to the election. It is vital that your membership mailing list be updated. The notice should specify the date, time, and place of the election, the offices to be filled, and the specific term of office. Local Unions using TITAN mailing lists to distribute election notices must specifically request "incorrect address" labels to be printed for active members. If the nomination notice was mailed to each member's last known address and included the notice of election, no additional election notice need be mailed after the nomination meeting. If the Local Union is conducting the election by mail referendum, the election notice may be included with the balloting materials.

Notices need only be mailed to members of the Union. Thus, notices need not be mailed to persons who are on withdrawal, *are agency fee payers, or are in some other non-membership status.*

3. There must be at least a thirty-day interval between the nominations meeting (the last nominations meeting if there is more than one) and the election. If you are conducting your election by mail ballot referendum, for purposes of complying with this requirement, there must be at least thirty days between the nominations meeting and the date by which the ballots must be received in order to be counted. If you are utilizing mail ballots, it is recommended that ballot packets not be mailed earlier than ten days after the nomination meeting. It is suggested that members and candidates be advised of that date no later than the nomination meeting. However, ballots should not be printed or mailed while there are any eligibility appeals pending before the General President. This may result in a delay in the mailing, but the proposed schedule will have to be adjusted to accommodate the time necessary to resolve candidate eligibility issues. This merely highlights the necessity of promptly rendering eligibility determinations and responding to any requests from the General President for the information necessary to resolve appeals.

4. For a member to be eligible to nominate and otherwise participate in the nominations meeting, dues must be paid through the month prior to the month in which the nomination meeting is held. For a member to be eligible to vote in an election, dues must be paid up through the month prior to the month in which the election is held.

5. Candidates must accept nomination at the time made either in person or, if absent, in writing and may accept nomination for only one office. If the Local Union has elected Business Agents or Assistant Business Agents, a member may run for and be elected as an officer and also as a Business Agent or Assistant Business Agent and may hold both the office and the position if elected to both.

6. After a candidate has accepted nomination, he or she may not, under any circumstances, revoke his or her acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed.

7. Uncontested candidates may have their names appear on the ballot, at the discretion of the Local Union Executive Board. With respect to the application of this provision, the regulations of the U.S. Department of Labor state that a secret ballot election need not be held when all candidates are unopposed.

8. Concerning eligibility to run for office, Article II, Section 4(a)(1) of the International Constitution provides, in part, as follows:

To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office, and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office and must be eligible to hold the office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5 concerning the payment of dues for a period of twenty-four (24) consecutive months together with no interruptions in active membership in the Local Union for which office is sought because of suspensions, expulsions, withdrawals, transfers, or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a

timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

Under Article X, Section 5(c), dues are payable on the first day of the month and must be paid on or before the last business day of the current month. The TITAN accounting system allocates dues payments to the last month for which dues are owed. Thus, it is possible for an arrearage to occur prior to the start of the twenty-four month eligibility period and carry into the eligibility period. If you have an eligibility determination that will be decided based upon an arrearage that occurred prior to the start of the twenty-four month period, please contact the Legal Department before rendering a decision.

A member issued a withdrawal card in accordance with Article XVIII, Sections 6 or 7 will not be eligible to run for office even though he or she was actively seeking and available for employment while on withdrawal. If questions arise concerning the application of this provision, it is recommended that you contact the Legal Department.

9. Article II, Section 4(a)(2) of the International Constitution permits Local Unions to adopt a Bylaws provision requiring attendance at fifty percent (50%) of the membership meetings as a condition of eligibility to run for office. Because of decisions of the Department of Labor and federal courts, such a rule is not enforceable in the United States. It may still be enforced in Canada, provided the Local has maintained adequate records and a system for excusing members who cannot attend for legitimate reasons.

If a Local Union in the United States has a meeting attendance requirement in its Bylaws, the nomination notice should contain the following statement:

The 50% meeting attendance requirement shall not be enforced as a condition of eligibility to run for office in this election.

10. Local Unions must honor reasonable requests from candidates to utilize the mailing list to mail campaign literature to the membership at the candidate's expense. Any candidate is entitled to at least one mailing, even if no other candidate distributes literature in this manner. Additional requests may be considered to be "reasonable" depending on when the request is made and the union's ability to make the mailings. Mailings may be requested to less than the entire membership or to particular companies. In order to avoid disruption of the Union's office routine and

the problems which processing campaign literature create, it is strongly recommended that Local Unions arrange for an outside mailing company to process the literature of all candidates. This will also relieve the Local Union of any responsibility should a problem occur which prevents a candidate's literature from being mailed on schedule. Campaign literature cannot be censored by the Local Union regardless of its contents.

The Local Union may not require literature to be mailed with first-class postage. If the Local Union has a bulk rate permit, it may be made available to all candidates, at their request. The Local Union must process all requests for mailing of literature without delay. It is the position of the Department of Labor that the Local Union may not demand to review a copy of any candidate's campaign literature before it is processed for mailing. The literature of all candidates must be treated equally and all candidates must pay for the same services rendered by the Local Union.

Requests to use the mailing list to distribute campaign literature must be honored even if they are made before the nomination meeting by a member who is a declared candidate for office and who would be eligible to run for office if nominated.

Essentially, the same rules apply to email lists containing members' contact information the Local has created if they are used to communicate with members about the Union's business. These can include lists developed by shop stewards, officers and Business Agents as part of their official duties or information they have access to only because of their official positions.

11. The Landrum-Griffin Act provides that each candidate must be afforded the opportunity, once within the thirty (30) days prior to the election, to inspect a list containing the names and addresses of all members of the Local Union. Candidates are not permitted to copy the membership list. If the membership list does not reflect the locations at which members are employed, the courts have required unions to make a list of the employers with which the Local Union maintains collective bargaining agreements available to candidates. The employer list must include the location of the employers' facilities and candidates are entitled to copy such information. All candidates must be treated equally with regard to access to membership and employer lists as well as collective bargaining agreements.

12. Pre-election protests must be processed in accordance with the provisions of Article XXII, Section 5(a). The Local Union has an obligation under the Constitution to process and decide pre-election protests in a timely manner. If violations of the election rules have occurred, the pre-election procedure gives the Local an opportunity to correct those violations before they infect the election.

13. Payment of dues for the month prior to the month of the election in order to be eligible to vote is permitted up to the end of the balloting. However, if the Local Union does not intend to have its office open for the purpose of accepting dues payments on the day of the election, it is recommended that the Election Notice specify the last day on which a member may pay her dues in order to be eligible to vote. If the Local uses a delinquency roster to determine eligibility, it should not be printed until after the last date for paying dues. A member on withdrawal who has not returned to employment at the craft may not deposit a withdrawal card merely to become eligible to vote in the election.

14. Walk-in balloting must be conducted at the primary polling site for a period of not less than six hours during the period between the hours of 8:00 a.m. and 8:00 p.m. If the Local also has satellite-polling sites, those polls need not be open for six hours during this period. Facilities must be available to ensure that ballots are cast in secret and members must be required to utilize those balloting booths to mark their ballots.

15. Article XXII, Section 4(b) provides that absentee ballots be made available to members who will not be able to come to the polls because of out-of-town work assignments, illness, vacation, unreasonable distance from the polls, or other valid reasons. Absentee ballots should be returnable to a secure post office box, not to the Local Union in the general mail. Local Union officers or Business Agents should not personally distribute absentee ballots at work locations. Distribution should be by mail or at the Local Union office, directly to the member requesting a ballot.

Local Unions must advise members of the availability of absentee ballots in the Election Notice. Procedures for obtaining absentee ballots should be included in the Notice. Ballots must be safeguarded and must be distributed in a nondiscriminatory manner. Candidates and/or their agents cannot collect voted mail ballots. Instructions for conducting absentee balloting may be obtained from this office. Absentee balloting procedures are not necessary in a mail ballot election.

16. Please note that Article XXII, Section 4(b) provides that Local Union Executive Boards are authorized to establish all rules and regulations for the conduct of Local Union elections to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting without membership approval.

Local Unions that retain outside agencies are reminded that the Executive Board is still responsible for ensuring that the outside agency follows the

*requirements of the Local Bylaws and the International Constitution. There are agencies that insist upon using their own procedures, which may be different than what is required by the Constitution or Bylaws. **If the outside agency refuses to follow the Constitution and Bylaws, find another agency that will.***

17. Article XXII, Section 4(b) of the International Constitution grants to each candidate the right to have at least one observer, at the candidate's own expense, at each polling place. If the Local Union has voting at more than one location, each candidate may have an observer at each polling site. Similarly, if the Local counts the ballots at more than one table, an observer may be present at each counting location. The observer must be a member in good standing of the Local Union. Although a candidate has the right to be present at the counting of the ballots, a candidate does not have the right to serve as his own observer. The U.S. Department of Labor regulations indicate that observers have a right to be in attendance at every phase of casting of ballots and the counting of the ballots; however, the observers do not have a right to count the ballots. In a mail referendum election, the observers have a right to be in attendance at the preparation and mailing of the ballots, their receipt by the counting agency and at the opening and counting of the ballots.

18. Write-in voting is not permitted.

19. A Local Union may authorize voting by slates. However, members must be given the opportunity to vote on each individual candidate for office, in the event they do not wish to vote for the entire slate. If slate voting is permitted, the rules and instructions should clearly state that a voting mark in the slate box will override any other voting marks on the ballot.

20. Post-election protests must be filed with the Secretary-Treasurer of the Joint Council within seventy-two hours and processed in accordance with the provisions of Article XXII, Section 5(b).

These guidelines are designed to minimize the opportunities for problems and protests concerning your election. Finally, each Local Union conducting an election this year should study carefully the provisions of Article II, Section 4; Article X, Section 5(c); and Article XXII of the International Constitution, the pertinent provisions of the Local Union Bylaws, as well as the provisions of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, so that its election will conform in all respects with the statutory and constitutional provisions.

It is strongly recommended that the Local Union make available to all prospective candidates and any interested members, upon request, copies of the International Constitution, the Local Union Bylaws, this Guidelines letter and any supplemental election rules.

The number of requests for financial information concerning the administration of the Local Union generally increases at the time of elections of officers. Locals in the United States have an obligation under federal law to permit inspection of reports filed with the U.S. Department of Labor. For most Local Unions, that requires permitting inspection and a copy of the LM-2 Report. *The LM-2 is available on the Department of Labor website, www.dol.gov. It may be easier for the Local to refer the member to the DOL site. However, if a member insists upon receiving a paper copy of the LM-2 Report from the Local, you must provide it.* If you are requested to provide other financial information, you should contact either your Local attorney or the International Legal Department for guidance.

It is recommended that Canadian Local Unions provide, if requested, access to the most recent annual chartered accountant's report and the monthly Trustees' Reports for the most recent twelve (12) months. Unless required by provincial law, members need not be provided with copies of such reports, just access to review them at the Union hall.

Should any questions of interpretation of the International Constitution arise, the Local Union should immediately forward to this office a clear statement of the questions raised, as well as a complete description of the facts and circumstances involved. If you have any questions concerning compliance with these or other requirements of the Landrum-Griffin Act, it is recommended that you consult with your attorney.

Best wishes.

Fraternally yours,

James P. Hoffa
General President

JPH/gwc

Enclosure

A

**NOTICE OF NOMINATION AND ELECTION
OF OFFICERS OF LOCAL UNION 000**

Notice is hereby given of the nomination and election of the following officers of Local Union 000: Secretary-Treasurer (Principal Officer), President, Vice-President, Recording Secretary, and three Trustees (and elected Business Agents, if any). The terms of office for these officers will commence on January 1, 20__ and conclude on December 31, 20__.

Nominations

Nominations will be accepted at a Special Membership Meeting of Local Union 000 to be held on _____ [Give date, time and place of meeting].

Nominations must be made and seconded from the floor by members of Local Union 000, in good standing with dues paid through _____ [the month prior to the month of nomination]. Any back dues or fees may be paid at the Local Union office through 4:00 p.m. on _____ [the last business day prior to the nominations meeting]. Nominees must accept nomination in person, or if absent, in writing for only one office. Written acceptances must be submitted to the Local Union Secretary-Treasurer.

Eligibility to Run for Office

To be eligible to be nominated for Local Union office, a member must be in continuous good standing in Local Union 000 and actively employed in the craft within the jurisdiction of the Local for twenty-four months prior to the month of nomination. "Continuous good standing" is defined as compliance with the requirements regarding the timely payment of dues, together with no interruptions in active membership because of suspensions, expulsions, withdrawals, transfers or failures to pay fines or assessments.

A member on dues check off will not lose good standing as a result of a delay or default by the employer in sending dues to the Local or because of an employer's failure to make the proper deductions from the member's pay in any month in which the member had any earnings from which deductions could have been made.

Potential candidates are encouraged to check their eligibility, and the eligibility of their nominators and seconders, prior to the nominations meeting by submitting a written request to the Local Union Secretary Treasurer.

Election

The election will be conducted by mail ballot. Ballots will be mailed to all active members and new applicants eligible for membership in Local Union 000 on or about [date of mailing]. All ballots must be received at the designated Post Office Box by 10:00 am on _____ (cutoff for return of ballots not less than 20 days after the day of mailing) to be counted. Members who have not received a ballot by _____ [date one week after the mailing of ballots], should call the Local Union Office at _____ [Local Union office phone number toll free number should be used or collect call accepted] to request a ballot. Duplicate ballots may be requested through _____ [at least seven days before the cut off for return of ballots].

Instructions for the completion of the ballot will be enclosed in the ballot package. This is a secret ballot vote. You should mark your ballot in private and mail your ballot, sealed in the secret ballot envelope, to the designated post office box in the postage paid Business Reply Envelope provided. Do not give your ballot to anyone.

Eligibility to Vote

To be eligible to vote in this election a member of Local Union 000 must be in good standing with initiation fees and dues paid through _____ [the month prior to the vote count] Members have until _____ [state the time that the dues office closes] on _____ [the last business day before the count] to pay their initiation fees or dues at the Local Union office in order to have their votes counted. Under the International Constitution, any member on dues checkoff shall not lose good standing as a result of a failure by an employer send deducted dues to the Local or to make a proper deduction from the member's pay in any month in which a member has any earnings from which dues could have been deducted.

Elected officers of the Local Union shall, by virtue of such election, be delegates to any Joint Council with which the Local is affiliated, as well as to any convention of any subordinate body which may take place during their term of office. Elected Local Union Officers shall be delegates to such bodies in the order of priority set forth in the Local Union Bylaws.

Copies of the Articles of the International Constitution, the Local Union 000 Bylaws and the Rules governing the conduct of this election are available, upon request, from the Local Union.

Fraternally,

(Date of Mailing of Notice)

Local Union 000 Executive Board

This is an Official Election Notice which must remain posted
until (the date of the ballot count)