

SECTION 17 - NOMINATIONS & ELECTIONS OF OFFICERS: RULES

(a) TIME of NOMINATIONS and ELECTIONS

Meetings as hereinafter established for nominations of officers shall be held in September, subject to the provisions of the International Constitution. Elections shall be held not less than thirty (30) days after nominations have been closed. The Local Union Executive Board shall set the time and place of nominations and elections, and such time and place and other relevant arrangements shall be convenient to the greatest possible attendance by all members.

This Local Union shall elect its officers by secret ballot not less often than once every five (5) years. Incumbent officers shall continue to perform the duties of their office until their successors have been duly elected, qualified and installed.

- (b) NOTICE of RULES, NOMINATIONS, MEETINGS and ELECTIONS** - At least twenty (20) days prior to the date of the nomination meeting, specific notice of the date, time and place of the nomination meeting and the offices to be filled, shall be mailed or shall be published in any Local Union publication mailed to the membership (except that notice of nominations and election may be combined); each member shall be advised in such notice that the election rules are set forth in the Bylaws and International Constitution which are available upon request.

(c) ELIGIBILITY of MEMBERS

1. Every member whose dues are paid up through the month which is prior to the month in which the nominations or election is held, shall have the right to nominate, vote for, or otherwise support the candidate of his choice. No member whose dues have been withheld by his employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to nominate, or vote for a candidate for office in the Local Union by reason of a delay or default in the payment of dues by the employer to the Local Union.
2. To be eligible for election to any office in this Local Union, a member must be in continuous good standing in this Local Union, and actively employed at the craft within the jurisdiction of this 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 of the International Constitution concerning the payment of dues for a period of twenty-four (24) consecutive months, together with no interruptions in active membership in this Local Union 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. A candidate for office may not be receiving pension benefits from any pension plan.

Payment of dues after their due date shall not restore good standing status for such month or months in computing the continuous twenty-four (24) months good standing status required by this Section as a condition of eligibility for office. No member shall lose his good standing status for any month in which his dues have been withheld by his Employer for payment to the Local Union pursuant to his voluntary authorization provided for in a collective bargaining agreement by reason of delay or default in the payment of such dues by the employer to the Local Union. However, a member on dues check-off whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the Employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his Employer's failure, and payment shall be made by the member within thirty (30) days of said notice in order to retain good standing status.

Failure of the Local Union to issue a withdrawal card shall not be conclusive proof that a nominee was actively employed at the craft within the jurisdiction of the Local Union during the required twenty-four (24) month period prior to his nomination if a challenge is made based on evidence to the contrary, in which event a determination shall be made on the facts presented. Periods of unemployment during the twenty-four (24) month period preceding the nomination shall not be considered a break in active employment at the craft within the jurisdiction of the Local Union if the nominee was actively seeking and available for employment in the craft, and not working outside the craft during the periods of unemployment.

Members in a reserve component of the military or National Guard who are called to active service lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, may have their eligibility

determined in accordance with Article II, Section 4(a)(4) of the International Constitution.

(d) **NOMINATIONS PROCEDURE**

1. Nominations shall be held in accordance with provisions of Section 17(a) above at a general or special membership meeting or meetings, or at a meeting or meetings of each separate division, craft, or place of employment authorized by the Local Union Executive Board to hold separate meetings. If nominations are held at separate division, craft or place of employment meetings, the members may nominate candidates from their own or any other division, craft or place of employment to Union office. Nominations and the conduct of the election and related questions shall be the first order of business at the nomination meeting and complete minutes shall be kept of that business. Nothing in this provision shall prohibit the holding of special meetings at which meeting, nominations and the conduct of the election shall be the sole order of business. Nominations shall be taken at the scheduled time and date even if there is no quorum present as required by these Bylaws.
2. Nominations shall be made at the meeting by a member in good standing other than the nominee, by motion seconded by a member in good standing, other than the nominee. Candidates are advised to verify the good standing status of their nominator and seconder prior to the nomination meeting.
3. Every member eligible to nominate candidates shall be entitled to nominate or second the nomination of one (1) candidate, but only one (1), for each office open. Prospective candidates may not nominate themselves nor second their own nomination.
4. Nominations shall not be closed until a call for further nominations has been made three (3) times by the Chair without further nomination being made.
5. If an election committee is used, after nominations each candidate for the office of President, Secretary-Treasurer, and Recording-Secretary may designate one (1) member for service thereon who shall thereupon be appointed by the President.
6. In the event only one (1) candidate is nominated for any office, no election shall be conducted for such office unless required by law, and such unopposed candidate shall be declared elected by acclamation at the nominations meeting, effective as of the conclusion of the term of the previous incumbent.
7. A member otherwise eligible to run for office shall become a bonafide candidate only upon his nomination for office, and acceptance of the nomination. To be eligible to nominate and otherwise participate in the nomination meeting, a member must have his dues paid through the month prior to the month in which the nomination meeting is held. Candidates must accept nominations at the time made either in person, or if absent, in writing, and may accept nomination for only one (1) office. After a candidate has accepted nomination, he may not, under any circumstances, revoke his acceptance after the ballots are printed, except where as a result of the revocation the remaining candidate is unopposed.
8. If any nominee should die before the election, his name shall nevertheless appear on the ballot. In the event such name shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office as provided in Section 14(a)(6).
9. If there is only one (1) nominee for an office and he is finally ruled ineligible after the nomination meeting, then the office shall be filled by appointment by the newly elected Union Executive Board.

(e) **ELECTIONS**

1. After the nominations meeting, but not less than twenty (20) days prior to the election, specific notice of the date, time and place of the election and of the offices to be filled shall be mailed to each member at his last known home address, if no notice has previously been sent. The election shall be held at such place or places and at such time, not earlier than thirty (30) days after the nominations meetings, as may be designated by the Local Union Executive Board. The election shall be by secret ballot to be placed in boxes, unless the Local Union Executive Board has authorized the use of some standard type of election mechanical devise insuring a secret ballot by machine vote, the election box or boxes or machine or machines to be located at a place or places designated by the Local Union Executive Board. Balloting shall be open for a period not less than six (6) hours during the period between the hours of 8:00 a.m. and 8:00 p.m. A Local Union may extend voting beyond these hours if necessary to accommodate work schedules and provide members a reasonable opportunity to vote. It shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election.
2. Voting shall be conducted by secret ballot among the members in good standing. There shall be no proxy voting. Each such member shall be entitled to one (1) vote. The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the

provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. The General President shall also have the authority to direct the use of mail referendum balloting or absentee balloting without membership approval and action of the Local Union Executive Board to the contrary notwithstanding. Absentee voting by mail shall be permitted only upon application of members who are ill, or absent from the city or town where they are normally employed at the time of voting, because of vacation or on employment tour of duty. The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer not less than five (5) days prior to the date set for election and shall contain the grounds therefor. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close. Absentee voting shall be conducted with all proper safeguards for secrecy of the ballot. Voting by writing in the name of the person who was not duly nominated shall not be permitted. Any ballot shall be declared void if it contains any mark other than the voting mark.

3. Each candidate, at his own expense, shall have the right to have an observer other than himself at each polling place and at the counting of the ballots, who must be a member of the Local Union in good standing. Observers may challenge the eligibility of the voters, and all challenged ballots shall be sealed in a blank envelope with the name of the voter thereon. If votes are challenged, such challenge shall be made in writing at the time of the election with specific reasons given for such challenge. Challenges shall be investigated to determine their validity, if the challenged ballots are sufficient in number to affect the result of the election. The blank envelope containing the ballot shall not be opened until such time as all challenges have been ruled upon. Upon request of any candidate, deemed reasonable by the Election Committee, voting machines if used, shall be checked for proper operation. Candidates shall have the right to be present at the counting of the ballots.
4. To be eligible to vote in the election, a member must have his dues paid through the month prior to the month in which the election is held and must still be an active member on the day of the election. The candidate for each office who receives the plurality of the votes cast for the office shall be elected thereto except in the case of Trustees in which case the three (3) candidates receiving the highest number of votes shall be elected. In the event of a tie vote, the candidates shall resolve such tie by lot, except in the case of a tie for the office of principal officer of the Local Union, in which case there shall be a re-election between only the candidates who have tied for the highest number of votes and only for that principal office. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. The officers-elect shall take office at the end of the term of the incumbent officers, regardless of the date of installation, which installation may take place at either the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Except as provided above, no run-off election shall be held.
5. No officer may run for another office in this Local Union, the term of which covers part of his current term, unless he resigns from his current office, effective upon the certification of the results of the election. He shall announce his intention to resign not later than thirty (30) days prior to the nomination meeting and will not be eligible for appointment to the vacancy created by his resignation. No officer may hold another office in any other Local Union, other than a trustee Local Union, during his term of office except by authorization of the General President and the Local Union involved.
6. There shall be no write-in candidates and any ballot containing a write-in candidate shall be void insofar as the vote for that office is concerned, and such ballot for that office shall not be considered as having been cast in determining the vote for that office.
7. During the period between the date of election and the end of the term of office, no extraordinary expenditures of Local Union funds shall be made, and no action shall be taken, that commits the Local Union to make such extraordinary expenditures in the future, without the approval of the officers-elect and the membership. An expenditure shall be considered extraordinary if it falls within the definition set forth in Article XXII, Section 4(e) of the International Constitution. In the event the election results in a new complement of officers, the outgoing officers must comply with the restrictions in Article XXII, Section 2(b) of the International Constitution regarding entering into contracts for personal services.

(f) **DUTIES of SECRETARY-TREASURER - - in Connection with Nominations and Election**

1. The Secretary-Treasurer shall, at least twenty (20) days prior to the holding of the nominations, give notice as above provided to the membership of the time, place and date, and the offices for which nominations will be in order in connection with the election. Such notice shall be given in the manner determined by the Local Union Executive Board, consistent with these rules.
2. The Secretary-Treasurer shall review the eligibility to hold office of any member at such member's request, and shall make a report on the eligibility of that member within five (5) days thereafter to any interested member. The Secretary-Treasurer shall comply with requests from members to determine their eligibility if made prior to the nomination meeting.
3. Unless a joint nomination-election notice was sent, the Secretary-Treasurer shall give written notice to the membership of the Local, at least twenty (20) days prior to any election date, of the time, place, date, hours and number of offices upon which voting shall be held, by mailing such notice to the last known home address of every active member.
4. Upon reasonable request of any declared and eligible candidate for office, the Secretary-Treasurer shall arrange for the distribution of any campaign literature by mail or otherwise, provided that such candidate pays the reasonably estimated cost involved in advance. Candidates may make such requests a reasonable period of time prior to the conduct of the nomination meeting. The Secretary-Treasurer shall not delay the distribution of any candidate's mailing. Any reduced rate mailing permit available to any candidate shall be made available to all candidates on an equal basis. The Secretary-Treasurer may require that all campaign literature shall be presented to him at the principal office of the Local Union no later than a reasonable number of days prior to the election, and all candidates shall be given reasonable notice of that cut-off date. The Secretary-Treasurer may, where in his judgement it appears necessary, provide for a consolidation of such distribution, in which case the cost of such distribution shall be assessed upon the candidates involved on a pro rata basis.
5. The Secretary-Treasurer to the extent required by law, shall upon reasonable notice make available for inspection by any bonafide candidate, the membership list of the Local Union, covered by Union security agreements, once within thirty (30) days prior to the election date. No candidate shall be permitted by the Secretary-Treasurer to copy any names or addresses of employees shown on such list, and such inspection must be made in the presence of the Secretary-Treasurer or his designee.
6. The Secretary-Treasurer shall retain copies of all requests for distribution for campaign literature and copies thereof, shall make a record of the date the literature was distributed, the cost thereof, and the amount received therefor, and shall also retain a copy of the notices of nominations and of the election, a copy of the ballot, the official tally sheet submitted by the tellers, all ballots, ballot return envelopes and such other records including election rules as shall relate to the conduct of the election. All copies and records shall be retained for one year.

(g) **NOMINATION and ELECTION PROTESTS**

1. Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling, to the General President or his designee, who shall decide such an appeal within seven (7) days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution. In the event there shall be any protest or charges made concerning an election by any member prior to the holding of the election, such protest or charge shall be made in writing by registered or certified mail by such member within forty-eight (48) hours of his knowledge of the event complained of, and shall specify the exact nature and specifications of the protest. Such protest or charges shall be made to the Local Union Secretary-Treasurer who shall refer the protest or charges to the Local Union Executive Board for disposition. The decision of the Local Union Executive Board shall be appealable to the General President pursuant to the provisions of Article VI, Section 2 of the International Constitution.
2. In the event there shall be any protest or charge by any member concerning the conduct of the election after the election has been held, such protest or charge shall be made in writing by registered or certified mail by such member within seventy-two (72) hours setting forth the exact nature and specifications of the protest and his claim as to how it has affected the outcome of the election. Such protest or charge shall be made to the Secretary-Treasurer of Joint Council No. 90, with which the Local Union is affiliated, and the protest or charge shall be referred to the Joint Council No. 90 Executive Board for disposition. The Joint Council No. 90 Executive Boards shall meet to consider the protest and shall conduct a hearing as prescribed by Article XIX of the International Constitution. The decision of the Joint Council No. 90 Executive Board shall be appealable to the General Executive Board for final decision, which is not appealable to the Convention, in accordance with the provisions of Article XIX of the International Constitution to the extent that such provisions may be applied to an election protest or charge.