

**2020 NOMINATION AND ELECTION OF LODGE OFFICERS PROCEDURE (MODIFIED JULY 2020)**

***NOTE: The Local Lodge President shall provide a copy of this communication along with all enclosures to the Chairman of the Nomination and Election Committee and post in such locations (e.g. the Union office, all job sites, shops, shipyards, websites, etc.) and in a manner to reasonably calculated to reach all members.***

**1. LOCAL LODGE OFFICERS (Article 23.4)**

Article 23.4 sets forth the complete listing of officers to be elected by a Local Lodge. Local Lodge By-Laws may provide for additional elective offices.

President

Vice President

Secretary-Treasurer

Recording Secretary

Inspector

Board of Trustees (Three trustees, one of whom shall be Chairman by virtue of receiving the highest vote cast.)

Business Manager (or the equivalent) if required and can be supported on a part-time or full-time basis as a salaried officer of the Local Lodge.

**2. NOMINATIONS AND ELECTIONS OF OFFICERS (Article 25.1, 25.2 and 25.4.4)**

(a) Nominations and elections of officers during 2020 may be held by mail ballot without further action of the Local Lodge. The International President has determined that in order to protect the membership and to conduct democratic nominations and elections, that Local Lodges may conduct nominations and/or elections using mail ballot voting. These instructions have been designed to assist those Local Lodges that choose to conduct mail nominations and/or elections. To do so in a fair and democratic fashion.

(b) Nominations of officers may be held in August 2020, by mail ballot. Elections of officers shall be held in September 2020, by mail ballot.

(c) Prior to elections a member who is nominated shall be required to give a written statement to the Nomination and Election Committee that the nominee understands the eligibility requirements as set forth in

the Constitution and the Local Lodge By-Laws and that the nominee meets those eligibility requirements for nominations (other than a meeting attendance requirement); further, if it is later found that the nominated member committed perjury, that member shall be automatically disqualified and shall be subject to the disciplinary procedure of Article 17.

(d) A member need not be present to be nominated. Prior to the election, a member who is nominated shall be required to give a written statement to the Nomination and Election Committee that if elected, the nominee will accept.

(e) Only eligible members receiving two (2) or more nominations, and who otherwise meet the requirements set forth herein, will be eligible to run for election. Any such candidate may decline to run for the office(s) to which the member was nominated.

***NOTE: No meeting attendance requirements contained in Local Lodge By-Laws shall be enforced by directive of the International President and unanimous vote of the International Executive Council.***

***NOTE: A member may accept nomination to only one (1) office. If a member is nominated for more than one (1) office, the Nomination and Election Committee shall notify the member and the member must make a decision, prior to the election, as to which office the member will accept nomination.***

***NOTE: The written statement requirement in Sections 2(c) and 2(d) may be combined into one (1) written statement.***

**3. NOTICES (Article 25.3)**

(a) Every member in good standing shall have equal rights to nominate and vote for officers, except as provided in Articles 25.6 and 27.2.1.

(b) At least fifteen (15) days written notice of nominations and thirty (30) days written notice of elections shall be given to the membership and mailed to each member at his/her last known home address.

(c) Notice of nominations and elections may be given in a combined notice and mailed to each member at his/her last known home address. Such combined

nomination and election notice shall be mailed so as to allow at least fifteen (15) days notice of the nomination date and thirty (30) days notice of the election date. The election notice or combined nomination/election notice shall specify the offices to be filled and the date when nomination and election ballots will be mailed and when the nomination and elections ballots must be received by the Nomination and Election Committee.

**NOTE: The election notice and ballots must indicate when a particular officer, by virtue of office, is also a delegate to the International Brotherhood Convention.**

(d) The nomination and election notice shall state the date on which the mail ballots for nominations and elections shall be mailed and the deadline for their return.

#### **4. ELIGIBILITY FOR NOMINATION AND ELECTION OF OFFICERS (Article 25.4)**

To be eligible for nomination and election as an officer of a Local Lodge, a member shall be:

(a) Actively working under the jurisdiction of the International Brotherhood or actively seeking and available for work under the jurisdiction of the International Brotherhood for at least twelve (12) months immediately prior to nomination date, or a full-time salaried officer or representative of the International Brotherhood or of a subordinate body thereof, or of the AFL-CIO, CLC, or any department thereof, or is on authorized leave of absence from any such position.

(b) Free from delinquency of every nature to the International Brotherhood.

(c) In continuous good standing in the International Brotherhood and the Local Lodge of which he/she is a member for a period of at least two (2) years immediately prior to the time of his/her nomination, excepting at date of nominations in Lodges chartered less than two (2) years there shall be no length of membership eligibility requirements.

(d) No Local Lodge meeting requirement shall be enforced during the nomination and election process by order of the International President and unanimous vote of the International Executive Council.

(e) There shall be no deviation from the foregoing without prior approval of the International President.

(f) The Local Lodge Secretary-Treasurer must maintain and shall have complete membership records available to the Nomination and Election Committee to determine the eligibility of those nominated.

**RULING: In the event there are no eligible candidates nominated, the Nomination and Election Committee must waive the eligibility requirements.**

#### **5. ELIGIBILITY TO HOLD OFFICE (Article 25.4.5)**

No member shall be eligible to hold office in the Local Lodge who is:

(a) Not working or actively seeking to work within the jurisdiction of the International Brotherhood; or

(b) Retired; or

**RULING: A retired member, even though maintaining full membership, is not eligible for election to office or as a convention delegate. Supervisors are not eligible for election to office or as a convention delegate in accordance with Article 25.4.5.3.**

(c) Holding regularly or on a probationary basis a supervisory position with authority to hire, promote, discharge, discipline or otherwise effect changes in the status of employees or effectively recommend such action. Article 25.4.5.3 shall not be interpreted to include members who intermittently or at irregular intervals are employed as general foremen, foremen or assistant foremen covered by a collective bargaining agreement; or

(d) Maintaining membership in another labor organization where there is a possible conflict in interest; or

(e) Employed at an occupation not represented by or under the jurisdiction of the International Brotherhood.

(f) There shall be no deviation from the foregoing without prior approval of the International President.

(g) Apprentices and construction trainees shall not be eligible to hold any Lodge office until they have satisfactorily completed their apprenticeship or training program. (Article 25.4.2)

**NOTE:** *A member who has been convicted of, or served any part of a prison term resulting from his/her conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III, shall not be eligible to run for or hold office. (29 USC Sec 504)*

## **6. OFFICER NOMINATION OBJECTIONS (Article 25.5)**

(a) Within five (5) days after the deadline for the receipt of nomination ballots, the Nomination and Election Committee shall make available a list of names of people who have received two (2) or more nominations for a position in the Local Lodge, which the nominee has informed the Nomination and Election Committee that the member will accept.

(b) Within five (5) days after the deadline for the receipt of nomination ballots, the list referred to in Section 6(a) shall be posted at the Local Lodge where notices are typically posted, including but not limited to any website maintained by the Local Lodge, if any.

(c) Within ten (10) days after the deadline for the receipt of nomination ballots, any member in good standing shall file objections, if any, that the member may have to the eligibility of any nominee with the Nomination and Election Committee. Said objection shall set forth all reasons for objecting to the nominee's eligibility.

(d) The Nomination and Election Committee shall promptly rule, in writing, on any objections filed in accordance with Section 6(c), setting forth the reasons for its ruling. Said ruling shall be served upon the objecting party contemporaneous with the ruling.

(e) Appeals, if any, from an eligibility ruling of the Nomination and Election Committee shall be filed with the International President in accordance with the procedure set forth in Article 25.5 of the Constitution.

## **7. ELIGIBILITY TO NOMINATE (Article 25.3, 25.6 and 27.2.1)**

A member, to be entitled to nominate a candidate in any Local Lodge election, must have been in good standing in such Local Lodge for at least two (2) months immediately prior to such date of nominations as recorded in the office of the International Secretary-Treasurer.

**RULING:** *In order to nominate or be nominated in August, the member's monthly dues must be paid in full with the Local Lodge through June 2020.*

## **8. ELIGIBILITY TO VOTE (Article 25.3, 25.6 and 27.2.1)**

(a) A member, to be entitled to vote in any Local Lodge election, must have been in good standing in such Local Lodge for at least two (2) months immediately prior to such date of elections as recorded in the office of the International Secretary-Treasurer.

(b) Each Local Lodge Secretary-Treasurer shall prepare, on the basis of the records available, a list of eligible voters for the Nomination and Election Committee.

(c) Every member in good standing shall have equal rights to nominate and vote for officers, except as provided in Articles 25.6 and 27.2.1.

**RULING:** *In order to vote in September, the member's monthly dues must be paid in full with the Local Lodge through July 2020.*

**RULING:** *The interpretation of the Constitution by the International President is that retirees are not eligible to vote in Local Lodge elections per Articles 25.3, 25.6, 27.2.1 and 27.2.1.3.*

## **9. ELECTION (Article 25.7.1)**

(a) The election of Lodge officers shall be conducted by secret ballot. It will not be necessary for unopposed candidates to be elected by secret ballot and they may be declared elected by acclamation.

(b) MAIL BALLOTS: The International President has directed that all nominations and elections may be

conducted by mail ballot due to the ongoing COVID-19 pandemic. (Procedure enclosed)

#### **10. OBSERVERS (Article 25.7.2)**

Each member in good standing has a right to inspect the nomination ballots at a reasonable time and place to be determined by the Nomination and Election Committee.

Each candidate shall have the right to have an observer (who must be a member of the Local Lodge) at the polls and at the counting of the ballots.

***RULING: No remuneration is to be paid from Local Lodge funds to any observer.***

#### **11. NOMINATION AND ELECTION COMMITTEE (Article 25.7.3 and 25.7.4)**

(a) The President shall appoint a Nomination and Election Committee, not to exceed seven (7) impartial members.

(b) The members of the Nomination and Election Committee shall select a Chairman.

(c) The Nomination and Election Committee shall make all arrangements for and conduct nominations and the election. The members of the Nomination and Election Committee shall act as tellers and shall conduct the election in a just and impartial manner.

(d) Each Local Lodge Secretary-Treasurer shall prepare, on the basis of the records available, a list of eligible voters for the Nomination and Election Committee.

(e) After the counting of the ballots, the Nomination and Election Committee shall certify the results and conduct of the election on a form furnished by the International Secretary-Treasurer.

#### **12. ELECTION CHALLENGES AND OBJECTIONS (Article 25.8)**

Challenges to the eligibility of any voter shall be done prior to a mail ballot being removed from its return envelope. Objections to the conduct and/or validity of the election shall be filed with the Nomination and

Election Committee as set forth in Articles 25.8.1 and 25.8.2.

***RULING: If there are members whose eligibility is in doubt, the Nomination and Election Committee should allow them to vote. Those members may then be challenged pursuant to Article 25.8.***

#### **13. USE OF LODGE FUNDS (Article 25.10)**

The Local Lodge may expend such funds as necessary for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of elections.

***NOTE: A candidate shall not accept any contributions from employers, either directly or indirectly, in support of his/her bid for office.***

#### **14. CAMPAIGN (Article 23.7.5 and 25.11)**

(a) All candidates must receive equal treatment as to procedure and use of facilities.

(b) The Local Lodge shall comply with reasonable requests of candidates to distribute campaign literature, by mail or otherwise, at the candidates' expenses subject to Article 25.11.

***RULING: A candidate's campaign material shall be mailed irrespective of the nature or content of said material.***

(c) Every bona fide candidate shall have the right, once within thirty (30) days prior to the election to inspect, but not copy, a list containing the names and last known addresses of all members of the Lodge who are covered by an agreement requiring membership in the Lodge as a condition of employment.

#### **15. PRESERVATION OF NOMINATION AND ELECTION RECORDS (Article 25.12)**

The Chairman of the Nomination and Election Committee shall turn over all nomination and election ballots and all other records pertaining to the election to the Local Lodge Secretary-Treasurer, who shall preserve the same for a period of one (1) year.