

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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TO: All Affiliates and Attorneys

RE: Guidelines For Conducting Local Union Elections

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. It has been the practice of this office to provide this Guidelines letter to assist members and officers involved in Local Union elections in order to ensure compliance with these requirements. This version incorporates developments during the past two years and highlights changes resulting from amendments to the International Constitution that were adopted at the recent Convention. 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 officers. If you have any question whether a procedure, which was utilized by the Election Officer in connection with either the 2001 or 2006 International Union officer elections, should be followed in an election of Local Union officers, you should contact the Legal Department.

There were three amendments to the International Constitution that have an impact on the conduct of Local Union elections. First, Article II, Section 4(a)(4) was amended, as follows:

The requirement of continuous good standing and working in the jurisdiction and the obligation to take a transfer card or an honorable withdrawal card, as provided in this Constitution, shall not be applicable to any officer, employee, or member during a leave of absence granted to such officer, employee, or member with the approval of the Local Union Executive Board. 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, shall be considered to be on Union approved leave of absence without any further action by the Local Union Executive Board. During such leave, the member shall not be obligated to pay dues beginning with the month in which the member commences his active duty, and the Secretary-Treasurer shall mark the member as exempt, notwithstanding the requirements of Article XXIII, Section 7. The member shall notify the Local Union that he has been released from active service within thirty (30) days and will be responsible for paying his dues beginning with the month following the month of release. In the event the member remains in active service after twenty-four (24) months, the member must pay dues for the month following the expiration of the twenty-four (24) month period in order to remain in good standing. During the period of approved leave or for a maximum of twenty-four (24) months of active service, the Local Union may not issue a withdrawal card without the member's request, notwithstanding any provision of Article XVIII, Section 6 or 7.

As a result of this amendment, members who have suffered a break in their continuous good standing status while on active military service as a member of the reserves or National Guard shall be considered eligible to run for office provided that: (1) the term of their active service was twenty-four (24) months or less; (2) they did not take a withdrawal card during their active military service; (3) they notified the Local Union of their release from active duty and commenced paying dues in a timely manner in the month following the month of their release; or, (4) if active military service continued for more than twenty-four (24) months, the members commenced paying dues in a timely manner beginning with the month following the expiration of the twenty-four (24) month period. Questions regarding application of this procedure should be addressed to the Legal Department. Local Unions should advise all members of this amendment, particularly members who are currently on active military duty and those who may be activated in the future so they are aware of their rights and their obligation to resume paying dues in a timely manner upon the expiration of the twenty-four (24) month period or their release from active duty.

Article II, Section 4(e) was also amended 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. Please note, this is a change from the prior Constitution, which would have permitted such an officer to complete his/her term of office.

Article XIV, Section 1(b) was amended to provide 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. For example, if a member applied for membership and signed a checkoff authorization in March 2006 and paid dues and a portion of his/her initiation fee by checkoff in April 2006, that member will be considered in good standing beginning in April even though the initiation fee may not be fully paid until October 2006. If the Local conducts its election of officers in September, the member will be eligible to vote. [This assumes that the member has paid dues and a portion of the initiation fee each month beginning in April]. This change only applies to members on checkoff and where the Local permits the initiation fee to be paid in installments. The change is intended to eliminate the numerous 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 ECRs were developed specifically for use in elections for International Union officers. As you have been advised, those rules are somewhat different from those required in Local Union elections, where there are fewer voters. **The significance is that in Local Union elections, the ECR cannot be used by itself to conclusively determine whether every individual voter is eligible or ineligible.**

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. 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 the amendment to 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.

Although officers elected in accordance with Article XXII, Section 4 of the International Constitution are no longer delegates to International Union Conventions by virtue of their office, those officers may be delegates to subordinate bodies and to conventions of those labor organizations which occur during their term of office. Accordingly, the following statement should be included in all Nomination and Election notices in order to advise all members of the delegate status of elected officers:

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 that may take place during their term of office. Elected Local Union officers shall be delegates to such conventions in the order of priority set forth in the Local Union Bylaws. If the Bylaws do not set forth an order of priority, the principal executive officer shall have first priority, followed by the remaining elected officers in the order determined by the Executive Board.

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 expenditures 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 of the amendment to Article XXII, Section 1(b). The new language 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.

Article XXII, Section 9 provides that in the event an elected officer is unavailable to perform the duties of the office for twelve months or more, the office must be declared to be vacant and filled by appointment by the Executive Board. Under the prior Constitution, there was no fixed time before the office had to be declared vacant and a replacement appointed.

On occasion, Local Unions have been sued prior to the election by members challenging eligibility rulings or election procedures. If a pre-election suit is filed against the Local, please notify the International Legal Department immediately. Some of these suits may be avoided by promptly resolving eligibility challenges and pre-election protests in the manner set forth in Article XXII, Section 5(a) of the Constitution. Members are entitled to have the Secretary-Treasurer render an eligibility determination prior to the nomination meeting. If a request is made several months before the nominations meeting, the member should be advised that the determination is based upon the current information and 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. Members should be advised, in writing, of the Local Union's decision on an eligibility or pre-election protest and should also be notified of their right to file an appeal with the General President. 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. The Secretary-Treasurer must advise whether an individual member is eligible or ineligible, but does not have to reveal to anyone other than the member whose eligibility is at issue additional information regarding his or her status. 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. For example, the union-owned copying machine may not be utilized to reproduce campaign materials unless all candidates have access to it and all pay for its operation. Union staff employees may not work on behalf of any candidates during normal business hours. Union automobiles should not be used to display or transport campaign materials. The Union hall should not be used to conduct campaign meetings unless all candidates may use the hall for such purposes. 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, provided that no Union funds are used to reproduce the logo. Literature bearing the International logo should clearly indicate that it has been prepared by a candidate or campaign committee. It should not be disguised as official Union material. Candidates may not imply that the use of the logo suggests that they have been endorsed by the International Union, any of its officers, agents, or employees. Union stationery or letterhead cannot be used for campaign literature.

No employer should be permitted to contribute anything to any campaign. This prohibition is not limited to employers that have contracts with the Local Union; it includes every employer, regardless of the nature of the business. For purposes of this Section of the LMRDA, another Local Union may be considered to be an employer. A non-profit organization such as a church or civic group may also be an employer. Employers should not be permitted to donate goods to be utilized as prizes for fund-raising events; they should not be permitted to purchase tickets to fund-raising events; and they should not be permitted to provide any services that may be considered to assist any candidate. Employer equipment should not be used to support any candidate, regardless of whether the employer has knowledge of its use. Trucks, telephones, meeting rooms, food supplies, and other goods and services should not be accepted from employers without paying the prevailing market rate.

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. The decisions rendered by the Election Officer in connection with the delegate and International officer elections do not necessarily apply to Local Union officer elections. The Union cannot compel an employer to permit candidates to have access to employees for purpose of campaigning. 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 discriminatory application of employer access rules can result in a Department of Labor suit to invalidate your election. The Union should not request an employer to bar any particular candidate, or candidates in general.

The Department of Labor is interpreting Section 401(g) 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.

And, candidates are reminded that Article IV, Section 5 of the Constitution provides that:

No candidate for election shall accept or use any contributions or other things of value received from any employers, representative of an employer, foundation, trust, or any similar entity. Nothing here shall be interpreted to prohibit receipt of contributions from fellow employees and members of this International Union. Violation of this provision shall be grounds for removal from office.

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, arrangements should be made to permit such members to nominate or second nominations. Some Local Unions have permitted members whose employment prevents their attending the nomination meeting to file written nomination or seconding statements before the start of the meeting.

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, even if only on an unofficial basis, 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.

The Department of Labor has suggested that Local Unions permit candidates to have their nominations seconded by more than one member, in the event the nominator or seconder is ineligible. 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, so that they can take appropriate measures in the event that they do not receive their ballots within a reasonable period of time.

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 and members who have not advised the Local of address changes should be contacted through their employer if possible. 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 whose membership includes agricultural field workers should post notices throughout the work areas. 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.

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. Any prospective candidate may request the Secretary-Treasurer to review his or her eligibility to run for office prior to the nomination meeting. The Secretary-Treasurer must respond to such a request within five days and must respond in writing.

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. Article XXII, Section 4(c) provides in part:

Where the nominee is unopposed at the regularly designed nominations meeting, there shall be no necessity for the election of such nominee and he shall be declared duly elected at such

nominations meeting, effective as of the conclusion of the term of the previous incumbent.

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. As you know, 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.

Article II, Section 4(a)(1) further provides:

Failure of a 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 such periods of unemployment.

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 provides, in part, as follows:

A Local Union in its Bylaws may require that a member, to be eligible for election to any office in the Local Union, must have attended a minimum number of the regular or divisional meetings of the Local Union, but not to exceed fifty percent (50%) during the twenty-four (24) consecutive months prior to nomination. Any Local Union in which a meeting attendance requirement is in effect shall keep accurate records reflecting those members who are in attendance at each meeting and shall enact, after proper notice to its members, either a bylaw amendment or an appropriate motion exempting from the attendance requirement any member who, because of illness, regular employment, or other good cause,

is unable to attend a meeting. Any exemption system shall be uniformly and fairly applied.

With respect to applying these provisions, please note the following:

(a) A Local Union must adopt an express bylaw provision requiring attendance at meetings before this provision can be applied. Such a bylaw provision must be submitted to this office for approval and it may be applied only with respect to elections that are conducted at least two years after the effective date of the amendment.

(b) If a Local Union wishes to enforce the requirement of minimum attendance at union meetings, the Local must keep accurate records reflecting those members who are in attendance at each meeting.

(c) A Local Union should enact, after proper notice to its members, either a bylaw amendment or an appropriate motion exempting from the attendance requirement any member who, because of illness, absence from the city in connection with his employment, or other good cause, is unable to attend a meeting and is excused by the Executive Board from attending. Any exemption system must be uniformly and fairly applied and accurate records must be maintained.

(d) It is recommended that the entire membership be advised of the effectiveness of such a provision at the time of its adoption and the requirement should be pointed out to new members if it is not included in the then current reprint of the Local Union Bylaws.

NOTE: The U.S. Supreme Court has ruled that a meeting attendance requirement may not be enforced if it has the effect of disqualifying a disproportionately high percentage of the union's membership from being considered eligible to become candidates for office. While the Supreme Court did not declare that

all meeting attendance rules violate the Landrum-Griffin Act, the Court did indicate that where the enforcement of a rule would disqualify a disproportionately high percentage of the membership, an election conducted in these circumstances would be subject to legal challenge. If any member files a pre-election protest challenging the enforcement of the meeting attendance rule, the International Union will require the Local Union to determine the total number of union members who could satisfy the rule. If found to be in violation of the Supreme Court's decision, the Local Union may be directed to conduct a new nominations meeting and to send a new notice of nomination and election to its membership.

The International Union has determined that a Local Union Executive Board may waive enforcement of a meeting attendance requirement. If the Local Union Executive Board decides not to enforce a meeting attendance rule, it should advise the membership of the waiver in the nomination notice. In that event, it is strongly recommended that the notice of nominations 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. Procedures for complying with such reasonable requests should be adopted and all candidates should be specifically advised of those procedures. 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.

11. The Landrum-Griffin Act provides that each candidate must be afforded the opportunity, once within the thirty days prior to the election, to inspect a list containing the names and addresses of all members of the Local Union. 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. 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. In the event that the Local Union Executive Board decides to use mail balloting, detailed rules to govern the conduct of mail referendum balloting or absentee balloting are available from the Legal Department.

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. The rules and instructions should also suggest that if the voter is going to vote for a complete slate, the slate box should be used, rather than marking the separate boxes next to the names of each individual candidate on the slate.

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).

Many of these guidelines are presented as recommendations and 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 has increased in recent years. In addition to the information regarding employer work sites, collective bargaining agreements and membership lists set forth above, 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 of the LM-2 report. If you are requested to provide other financial information, you

should contact either your Local attorney or the International Legal Department for guidance.

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/gwb

Enclosure

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)