

2021 Election Rules



TWU Local 100 Notice of Nominations And Elections

**For Local-Wide Officers,
Departmental Vice-Presidents,
Executive Board Members,
Division Officers,
And Section Officers**

**I.
NOTICE OF NOMINATIONS AND ELECTIONS FOR
LOCAL-WIDE OFFICERS, DEPARTMENTAL
VICE-PRESIDENTS, AND EXECUTIVE BOARD**

In accordance with the Constitution of the Transport Workers Union of America and Local 100's By-Laws, the election of Local-wide officers, Departmental Vice-Presidents, Executive Board members, all of whom will also serve as Convention Delegates (should a convention be held before December 2024), will take place by secret mail ballot mailed out on Monday, November 15, 2021 to all those who are members of Local 100 in good standing as of October 29, 2021. Ballots will be counted on Wednesday, December 8, 2021.

A. POSITIONS TO BE FILLED

The following officers are to be elected:

- Local-wide Officers: President
- Financial Secretary-Treasurer
- Administrative Vice-President
- Recording Secretary

Seven (7) Departmental Vice-Presidents; and

40 Executive Board Members*

(All Local-wide Officers, Vice-Presidents and Executive Board Members elected will also serve as Convention Delegates should there be an International Convention prior to the next Local 100 General Election.)

B. PERIOD OF NOMINATION PETITIONING

Monday, September 20, 2021 to Friday, October 1, 2021.

C. ELIGIBILITY

To be eligible for nomination for any of the above positions, a member must be in continuous good standing in Local 100 since September 20, 2020. Exonerations for periods of non-payment shall be granted only if the member makes the proper application as per Article XIII Section 1 and Article XVII Section 4 of the TWU Constitution. Such a request must be made by the 15th day of the month after the month during which the illness or injury, and related non-payment of dues arose. The exoneration period may not continue for more than 12 months. A member who runs for the office of President, Financial Secretary-Treasurer, Administrative Vice-President, Recording Secretary or Departmental Vice-President shall not be permitted to run for a Division or Section office during this round of elections or within 18 months of the conclusion of this round of elections.

D. NOMINATIONS

1. All nominations shall be made by filing a Nominating Petition Form ("Petition"). A candidate may run as part of a slate or as an independent candidate. Petitions for slate and independent candidates will be available to any member in good standing at the Office of the Elections Committee at 195 Montague Street, 3rd Floor, Brooklyn, NY, 11201, between Monday, September 20, and Thursday, September 30, 2021, between the hours of 9:00 AM and 6:00 PM; the Elections Committee Office will be closed on Saturday and Sunday, September 25 and 26, 2021.

2. Petitions will be issued only to candidates or their representatives who complete and submit an "Authorization to Pick Up a Petition" form. The forms will be available at the Elections Committee Office or on the Local 100 web site and may be hand delivered, mailed, e-mailed or faxed in to the Elections Committee. Any candidate from a slate may pick up a Petition or may authorize a member in good standing to pick up a Petition for the entire slate. There shall be no limitation on the number of Petitions that an authorized person may pick up, but the number must be reasonable. All Petitions shall be numbered by the Elections Committee and each member obtaining Petitions shall be required to sign for them and shall be held responsible for their proper use. Each member signing must be a member in good standing for the signature to count, and only members in good standing may solicit signatures.

3. The member who obtains the signatures on a Petition must complete and sign the statement at the bottom of each Petition, asserting that he or she collected the signatures from persons representing themselves to be members in good standing of Local 100. If such a statement is not signed, the Petition will be invalid. No one can sign another member's name on a Petition.

4. The Petition must be signed in ink; the member must print his/her name

and must either include his/her pass number or if the employee does not have a pass number he/she must include the last four (4) numbers of his/her social security number. Any signature of a member not in good standing and/or pass number and/or social security number missing or deemed illegible will not be counted.

E. PETITION REQUIREMENTS

1. Local-Wide Officers

For nomination for one of the top four offices, a candidate requires the signatures of four thousand one hundred eighteen (4,118) members in good standing from any Department.

2. Departmental Vice-President

For nomination for Departmental Vice-President a candidate requires the signatures of the number of Departmental members set forth in the table below. Only a member in good standing in the Department may validly sign a Petition to nominate a candidate for Vice-President from that Department.

The Vice-Presidential signature requirements are in the following table:

VICE-PRESIDENT TABLE

Department	Vice-President	Required Signatures
Car Maintenance	1	361
Stations	1	528
Maintenance of Way Line Equipment – Signal, Track, Structure, Power	1	803
Rapid Transit Operations Train Operators, Conductors, Tower Operators	1	704
MaBSTOA Division I, Division II, Maintenance, Clerical, P&E	1	654
NYCTA Surface Operators, Maintenance	1	454
MTA Bus/ Private Operations/School Bus-Paratransit	1	611

3. Executive Board

For nomination for Executive Board Member, a candidate requires the signatures of the number of Division members set forth in the table below. Only a member in good standing in the Division may validly sign a petition to nominate a candidate for Executive Board from that Division.

The Executive Board signature requirements are in the following table:

EXECUTIVE BOARD TABLE (42 TOTAL)

Division	Executive Board Members	Required Signatures
NYCTA		
Surface Maintenance	1	102
Surface Operators	4	351
Car Maintenance	4	361
Train Operators	3	342
Conductor / Tower	4	361
Stations	5	528
Line Equipment – Signal	3	327
Track	2	194
Structure	2	187
Power	1	94
MaBSTOA		
Division I	2	218
Division II	2	215
Maintenance, Clerical, Computer Professional, Plant and Equipment	2	220

* Vice Presidents are elected by members of the Department. Executive Board Members are elected by division. Staff employees who are members of Local 100 but who are not on leave from an employer whose employees are represented by Local 100 may only vote for the four Local-wide officers.

Private Operations/School Bus-Paratransit/MTA Bus		
MTA Bus	3	258
Private Operations	1	67
School Bus-Paratransit	3	285

F. SLATE NOMINATIONS

1. For purposes of nominations, any group of candidates may, by submission of a “Notice of Slate Candidacy Form” provided by the Elections Committee, constitute themselves as a slate, provided that the slate includes nominees for each of the top four Local-wide officers and for Vice-President in one Department, and for at least one Executive Board position in at least one Division. A slate may not contain more than one candidate for each of the positions to be filled. A slate which meets the above requirements need not include a candidate for every position to be filled by this election.

2. The completed form submitted to the Elections Committee must: (1) be signed by each candidate on the slate (no one may sign for another member), (2) show which office he/she is a candidate for, (3) include his/her name, printed exactly as it is to appear on the Petition and ballot, and (4) include his/her contact information including the mailing address, social security number, telephone number, and e-mail address. Once a candidate accepts his/her place on a slate, they may not withdraw. The names of individual candidates must be their given names or the names by which they are generally known. If a candidate on a slate form is found ineligible because of dues status, the slate may substitute another candidate.

3. The Elections Committee will number the Executive Board positions in each Division entitled to more than one Executive Board member. Slate candidacy forms must show the particular numbered positions for which the nominees are candidates, and this number will govern the nominee’s position on the ballot.

4. The ballot shall give the voter the opportunity to cast one vote for a slate.

G. INDIVIDUAL (NON-SLATE) NOMINATIONS

Individual (non-slate) candidates must notify the Elections Committee of their intent to run for office by completing a “Nomination Form” provided by the Elections Committee. The completed form submitted to the Elections Committee must: (1) be signed by the candidate, (2) show the office for which he/she is a candidate, and (3) include his/her name, printed exactly as it is to appear on the petition and ballot, and his/her contact information including the mailing address, social security number, telephone number, and e-mail address. The names of individual candidates must be their given names or the names by which they are generally known.

H. SIGNATURES REQUIRED

To nominate a slate of candidates for the top four Local-wide Officers and one or more Departmental Vice-Presidents and one or more Executive Board Members, a minimum of four thousand one hundred eighteen (4,118) signatures of Local 100 members in good standing are required. The petition must include a sufficient number of signatures from each Department from which a Departmental Vice-President on the slate is nominated, as set forth in the Vice-President Table above and a sufficient number of signatures from each Division from which an Executive Board Member is nominated, as set forth in the Executive Board Table above.

I. PREPARATION OF PETITIONS/ELIGIBILITY TO BE INCLUDED ON PETITION

1. The Elections Committee will prepare the “Nominating Petition Forms” and will insert, before issuance, the name or names of the candidates for whom the Petitions are requested, showing the position for which each is a candidate. To expedite determinations of eligibility and to avoid delays on September 20, resulting from the time required preparing Petitions, individual candidates, and those individuals or groups of candidates desiring to run as a slate are requested to file their Nomination Form and Notice of Slate Candidacy Forms, respectively, with the Elections Committee in advance of September 20 , beginning August 25, 2021 and preferably no later than September 13 2021.

2. Petitions for those individuals and slates filing required forms on or before Monday, September 13, 2021 will be available at 9:00 AM on September 20, 2021. Otherwise, Petitions will be prepared as promptly as possible after the Elections Committee is provided with the necessary forms and information.

3. The Elections Committee will determine the eligibility of candidates to be included on the Petition as promptly as possible and will notify each candidate found to be ineligible by telephone, e-mail, and/or overnight mail. Those found ineligible will not be included on a Petition. The inclusion by the Elections Committee of a candidate’s name on a Petition shall not be construed as a final ruling about whether that candidate has met the eligibility requirements for election; such an issue can be the subject of an objection through a period ending 6:00 PM on Tuesday, October 5 2021.

J. APPEALS OF ELIGIBILITY RULINGS

A candidate ruled ineligible must appeal that ruling, in writing or by e-mail, delivered to the Elections Committee within 48 hours of receipt of the notice. If the Elections Committee determines that a hearing is necessary, the Elections Committee will conduct a hearing on any appeal as expeditiously as possible, at a time designated by the Elections Committee. The Committee will give the candidate 24 hours’ notice of the hearing. The burden shall be on the candidate to demonstrate to the Elections Committee that its initial determination was wrong. The Elections Committee shall rule on eligibility appeals at the close of the hearing. Elections Committee determinations may be appealed, after this hearing, to the Neutral Monitor by any candidate or good-standing member within 48 hours.

K. FILING OF PETITIONS

Signed “Nominating Petition Forms” must be hand-delivered, by a member in good standing, to a member of the Elections Committee on weekdays from Monday, September 20, 2021 to Thursday, September 30, 2021 between the hours of 9:00 AM and 6:00 PM. The Elections Committee will only accept petitions until 5:00 pm on Friday October 1, 2021; the Elections Committee will be closed on Saturday and Sunday, September 25 and 26, 2021. A receipt will be given to the delivering member indicating the number of pages and the number of signatures on all accepted Nomination Petitions. *NO Petitions will be accepted after 5:00 PM October 1, 2021.* Anyone who has signed in with the Elections Committee by 5:00 PM shall be able to turn their Petitions in.

L. OBJECTIONS TO NOMINATIONS

Any member in good standing will be able to check filed Petitions to verify the number of valid signatures, under the supervision of the Elections Committee, on Monday, October 4 2021, and Tuesday, October 5, 2021, between the hours of 9:30 AM and 6:00 PM. Written objections alleging signature duplication, or other irregularities, must be signed and submitted by a member in good standing to the Elections Committee no later than 6:00 PM, Tuesday October 5, 2021. The burden shall be on the challenging party to present evidence that would invalidate signatures or a Petition as a whole. The Elections Committee will reach a decision about all objections on or before Wednesday, October 13, 2021. The Elections Committee will notify the objector of its decision in writing. The Elections Committee has the authority to investigate apparent irregularities on its own and make a ruling. The Elections Committee may consult with the Neutral Monitor in making its determinations.

M. ELIGIBILITY REPORT

The Elections Committee will issue the Final Report on Eligibility on or before Monday October 25, 2021. Any party who wishes to contest the determination of the Elections Committee has forty-eight (48) hours from the date of this Report to appeal to the Neutral Monitor, and may appeal the Neutral Monitor’s ruling to the International Committee on Appeals. All decisions will be posted on the elections web site: www.twulocal100.org/elections2021.

N. BALLOTING PROCEDURE

The balloting for Local-wide Officers, Departmental Vice-Presidents and Executive Board Members shall be by secret mail ballot mailed out on Monday, November 15, 2021 and counted on Wednesday, December 8, 2021, as per the procedure set forth in Section III below.

II. NOTICE OF NOMINATIONS AND ELECTIONS FOR DIVISION OFFICERS

A. POSITIONS TO BE FILLED

In accordance with the Constitution of the Transport Workers Union of America and the Local 100 By-Laws, the election of Division Officers will take place by secret mail ballot mailed out on Monday November 15, 2021 to all those who are members in good standing as of October 29, 2021. Ballots will be counted on Wednesday, December 8, 2021. The following Division Officers are to be elected:

NYCTA

Surface Maintenance	Chair, 3 Vice Chairs, Rec. Secretary
Surface Operators	Chair, 3 Vice Chairs, Rec. Secretary
Car Maintenance	Chair, 5 Vice Chairs, Rec. Secretary
Train Operators	Chair, 3 Vice Chairs, Rec. Secretary
Conductor/ Tower	Chair, 4 Vice Chairs, Rec. Secretary, *****
Station	Chair, 4 Vice Chairs, Rec. Secretary
Line Equipment – Signal	Chair, 4 Vice Chairs, Rec. Secretary
Track	Chair, 5 Vice Chairs, Rec. Secretary,*
Structure	Chair, 6 Vice Chairs, Rec. Secretary
Power	Chair, 3 Vice Chairs, Rec. Secretary

MaBSTOA	
Division I	Chair, 6 Vice Chairs, Rec. Secretary
Division II	Chair, 6 Vice Chairs, Rec. Secretary
Maintenance, Clerical, Computer, Plant and Equipment	Chair, Div. Vice Chair,** Rec. Secretary
MTA Bus/School Bus-Paratransit/Private Operations	
MTA Bus	Chair, 6 Vice Chairs,*** Rec. Secretary
Private Operations	Chair, 4 Vice Chairs,**** Rec. Secretary
School Bus/Paratransit	Chair, 8 Vice Chairs,***** Rec. Secretary

- * (Track) One of these Vice Chairs shall be the Section Chair of the TEMs elected in the TEMs Section election.
- ** (OA Maintenance) The Division Vice Chair will be elected division-wide. One Location Vice Chair will be nominated and elected at each depot in a separate election.
- *** (MTA Bus) One Vice Chair will be nominated from each property.
- **** (Private Operations) One Vice Chair will be nominated from Liberty Lines and one from New York Waterways, PTLA, and Big Bus NY.. If there are no Vice Chair nominations from one of these sections, nominations will be accepted from any other section.
- ***** (School Bus) One Vice Chair will be nominated and elected from each of the following sections: GCS, STA Greenwich, First Mile Square, Royal Coach Yonkers, Royal Coach Ossining, SuperTrans, White Plains, and Quality Bus. If there are no Vice Chair nominations from any one of these sections, the position will remain open, and a vacancy election will be held at a later date.
- ***** (Conductor /Tower) One of the Vice Chairs must be a member of the Tower Section; only Tower Operators will elect this Vice Chair. This Vice Chair shall also serve as the Tower Section Chair.

B. NOMINATION OF DIVISION OFFICERS

DIVISION NOMINATION MEETINGS SCHEDULE

Division	Times	
Surface Maintenance	Oct. 19	10:30 AM & 5:00 PM
Surface Operators	Oct. 19	11:00 AM & 6:00 PM
Car Maintenance	Sept. 22	10:00 AM & 5:00 PM
Train Operators	Oct. 20	10:00 AM & 6:00 PM
Conductor/Tower	Oct. 13	10:00 AM & 6:00 PM
Station	Sept. 23	10:00 AM & 5:00 PM
Line Equipment – Signals	Oct. 6	11:00 AM & 5:00 PM
Track	Sept. 22	8:00 AM & 5:00 PM
Structure	Oct. 6	5:00 PM
Power	Oct. 21	5:00 PM
OA Division I	Oct. 12	11:00 AM & 7:00 PM
OA Division II	Sept. 22	11:00 AM & 5:00 PM
Maintenance, Clerical, Computer, Plant and Equipment	Oct. 14	1:00 PM & 3:30 PM
MTA Bus – Queens & Bronx	Oct. 19	11:00 AM & 5:00 PM
Private Operations	Sept. 23	10:30 AM & 8:00 PM
School Bus-Paratransit	Sept. 22	10:00 AM

Nomination of candidates for the above Division offices shall take place at a Division Meeting to be held between Wednesday, September 22, 2021, and Thursday, October 21, 2021, unless COVID issues require rescheduling of the meeting. A completely filled out "Nomination Form" (provided by the Elections Committee or available on its website) for each nominee must be submitted to the Local 100 Elections Committee by the Recording Secretary of the Division or Section no later than 6:00 PM on the third business day after nominations are held. A member need be nominated at only one nomination meeting (AM or PM). A member nominated

for Division Office must be present at the nomination meeting, or the member nominating him/her must submit a written acceptance signed by the absent member at the time the nomination is made. The acceptance form must include the nominee's mailing address, telephone number, e-mail address, social security number, and signature. A member can accept the nomination for only one position.

C. ELIGIBILITY – MEMBERSHIP

To be eligible for nomination as a Division Officer, a member must have been in continuous good standing for twelve months immediately prior to the nominations meeting. Exonerations for periods of non-payment shall be granted only if the member makes the proper application as per Article XIII Section 1 and Article XVII Section 4 of the TWU Constitution. Such a request must be made by the 15th day of the month after the month in which the illness or injury, and related non-payment of dues arose, and the period of exoneration may not continue for more than 12 months.

D. ELIGIBILITY – MEETING ATTENDANCE

1. To be nominated for Division Office a candidate must be in good standing, and he or she must have attended at least five (5), or fifty (50) percent, whichever is smaller, of the combined regular meetings of their Division and Section held during the twelve (12) month period immediately preceding the month in which the nominations are held. A combined meeting does not count as two meetings. Attendance at any other union event will not count as a meeting attended. Meeting attendance may be excused if the nominee has acted in accordance with Article XV, Sec. 6 of the TWU Constitution. No credit will be given for a meeting unless the member has submitted a request to the Recording Secretary for credit within thirty (30) days of that meeting, or the date it was scheduled or should have been scheduled to occur. There will be no credit given simply because no section meeting was held, unless the meeting was calendared, the member appeared, and the meeting did not proceed. Even in the latter situation, a member must have notified the Recording Secretary within 30 days in order to get credit. The Recording Secretary and the Election Committee shall maintain security over the meeting books, and no member or candidate or slate representative shall have access to the meeting books except for members who are ruled ineligible for Division or Section Office.

2. The Elections Committee shall make all rulings on issues related to the application of meeting attendance requirements. All disputes submitted for Committee consideration must be in writing. Appeals from an initial Elections Committee ruling must first be made to the Elections Committee, which may hold a hearing with all concerned parties in order to ascertain the necessary information.

E. ELIGIBILITY RULINGS

Rulings on eligibility for Division Office will be made by the Elections Committee, either on its own initiative or upon the objection of a member. Any objections to eligibility must be made within two business days of the nomination. The Elections Committee will determine the eligibility of candidates as promptly as possible and will notify each candidate found to be ineligible by telephone, e-mail, and/or overnight mail.

F. APPEALS OF ELIGIBILITY RULINGS

A candidate ruled ineligible must appeal that ruling, in writing or by e-mail, delivered to the Elections Committee within 48 hours of receipt of the notice. If the Elections Committee determines that a hearing is necessary, the Elections Committee will conduct a hearing on any appeal as expeditiously as possible, at a time designated by the Elections Committee. The Committee will give the candidate 24 hours' notice of the hearing. The burden shall be on the candidate to demonstrate to the Elections Committee that its initial determination was wrong. The Elections Committee shall rule on eligibility appeals at the close of the hearing. Elections Committee determinations may be appealed to the Neutral Monitor by any candidate or good-standing member within 48 hours of the Election Committee's decision.

G. SLATE NOMINATIONS

1. For purposes of nominations, any group of candidates for Division Office may, by submission of a "Notice of Slate Candidacy Form" provided by the Elections Committee, no later than 6:00 PM on the third business day after nominations are made, constitute a slate, provided that the slate includes nominees for Chair, Recording Secretary, and at least one Vice Chair position. A slate may not contain more than one candidate for each of the positions to be filled. The completed form submitted to the Elections Committee must: (1) be signed by each candidate on the slate (no one may sign for another member), (2) show the office for which he/she is a candidate, and (3) include his/her printed name exactly as it is to appear on the petition and ballot, and (4) include his/her contact information including the mailing address, social security number, telephone number, and e-mail address. Once a candidate accepts his/her place on a slate, he/she may not withdraw. The names of individual candidates must be their given names or the names by which they are generally known.

2. The Elections Committee will number the Vice Chair positions in each Division entitled to more than one Vice Chair. Slate candidacy forms must show the particular numbered positions for which the nominees are candidates, and this number will govern the nominee's position on the ballot.

3. A Division Slate may run as part of a Local-wide slate. The ballot shall give the voter the opportunity to cast one vote for a slate. Slates in Division elections which are not running as part of a Local-wide slate will have a slate box at the top of the division portion of the ballot.

H. BALLOTING

The balloting for Division Officers (except for MaBSTOA Maintenance Location Vice Chairmen) will take place, along with the election of Local-wide Officers, Departmental Vice-Presidents and Executive Board Members, by secret mail ballot mailed out on Monday November 15, 2021 and counted on Wednesday, December 8, 2021, in accordance with the procedure set forth in Section III below.

III.

ELECTION PROCEDURE – LOCAL-WIDE OFFICERS, DEPARTMENTAL VICE-PRESIDENTS, EXECUTIVE BOARD MEMBERS, AND DIVISION OFFICERS

A. THE BALLOT – OFFICERS/EXECUTIVE BOARD/DIVISION OFFICERS

1. Local-wide Officers, Departmental Vice-Presidents and Executive Board Members

Unless otherwise requested in the Notice of Slate, each slate will be identified on the ballot by the surname of the candidate nominated for the President on the Slate. The slate which files the greatest number of valid signatures for Local-wide offices will be placed first on the ballot and other slates will be ranked accordingly. Individual candidates will be placed on the ballot after slates, in alphabetical order by surname.

2. Division Officers

Unless otherwise requested in the Notice of Slate, each slate will be identified on the ballot by the surname of the candidate nominated for Division Chair on the slate. The ballot position of slates will be determined as follows: slates running in conjunction with, and with the same name as a Local-wide slate, will be placed in the same order on the Divisional ballot as they are in the Local-wide ballot; the position of slates not affiliated with a Local-wide slate will be placed in alphabetical order of surnames of heads of slates. Individual candidates will be placed on the ballot after slates, in alphabetical order by surname.

B. SURFACE TRANSPORTATION RULE

Bus Operators shall vote for the Vice-President, Executive Board Members, and Division Officers in the Division in which they work. They may only run for office in the Division where their payroll emanates from.

C. THE MAILING/THE BALLOT

Ballots will be mailed on Monday, November 15, 2021, by the American Arbitration Association (“AAA”), for Local-wide Officers, Vice-Presidents, Executive Board, and Divisional Officers, utilizing the most recent membership list available. To be eligible to vote in the election and be mailed a ballot, a member must be in good standing and must have paid all arrears in dues and other financial obligations to the Union, prior to voting, in accordance with Article XIII of the Constitution of the Transport Workers Union of America, AFL-CIO, on or before October 29, 2021. Any member who is not in good standing on October 29, 2021 may pay his/her arrears and request a ballot from the AAA. Ballots received from such members will be counted.

Enclosed with the ballot mailed to each member will be two (2) envelopes. The words “SECRET BALLOT – LOCAL 100-WIDE OFFICER ELECTION AND DIVISIONAL ELECTION” will be printed on one envelope. The other envelope will be an addressed return envelope, with postage prepaid.

- Each ballot must be voted in accordance with the instructions printed on it.
- Having voted, the member must place their marked ballot in the appropriate secret ballot envelope and seal it. Any mark on the secret ballot envelope which could identify the voter will void the ballot.
- The sealed secret ballot envelope should be placed in the appropriate return addressed envelope and sealed.
- The voted ballots must be mailed so as to arrive at the AAA Post Office Box before 6:00 PM on Tuesday December 7, 2021. No ballots may be returned to AAA in person.
- The Officer/Executive Board and Divisional Ballot will appear on the same side of the ballots.

D. AMERICAN ARBITRATION ASSOCIATION

AAA will administer the balloting. AAA will be in possession of the membership list as it stands on October 29, 2021. Any member who does not receive a ballot by November 22, 2021 should contact AAA at 1-800-529-5218 or the Elections Committee. (Note that AAA will not be answering calls live on

November 25 -28, 2021 (Thanksgiving weekend), and that their message system may become overloaded. Messages can also be left with or emailed to the Election Committee). Any question by a member regarding his or her eligibility to vote should be directed to the Elections Committee. All members making a request for a ballot will receive one, and all eligibility issues will be resolved on the day of the count by the Election Committee, and, if necessary, by the Neutral Monitor.

E. THE COUNT

The count of the ballots returned will commence at 9:00 AM on Wednesday, December 8, 2021, at the AAA office or at another location chosen by the AAA and the Elections Committee, in consultation with the Neutral Monitor, and will continue until completed, with such breaks for meals and rest as the AAA may decide.

No ballot which is received at the Postal Box after 6:00 PM on December 7, 2021 shall be counted.

F. OBSERVERS

Each candidate may designate in writing, signed by him or her, any member in good standing to act as their observer at each step in the election process, including: the assembling of ballots at the printer; the picking up of ballots from printers and their transportation to the Post Office for mailing; the eligibility check (which AAA will perform each weekday beginning November 29, 2021, at a time and place to be announced on the Elections Committee web page); and the count on December 8, 2021. An individual candidate may not be represented by more than one observer at any one time, except at the count. Candidates on a slate may jointly be represented by up to, but no more than, three observers at any one time except at the count, where each candidate or slate may have the same number of observers as there are stations for counting (see Supplemental Rule VI (G)). A candidate may be one of the allowed observers. Each slate will be allowed to have an attorney present in the observer area. Other than observers and counsel, no one other than staff and the Neutral Monitor will be allowed into the counting room. Should COVID circumstances require the Election Committee reserves the right, to limit the number of candidates who can observe in person. Should that occur, the Committee shall set up a live stream mechanism available to all candidates and members, to observe all aspects of the count. Should COVID-related circumstances require it, the Committee may also make other changes to count location, observer rules, etc.

G. CERTIFICATION

As soon as practicable, after the count has been completed and any protest(s) is decided and remedy put into effect, the Neutral Monitor shall certify, in writing, the results of the election to the Elections Committee. The Elections Committee shall then prepare its appropriate report and certify the election to the Local Executive Board, as per the Local Bylaws. Should a rerun be necessary, the Neutral Monitor and the Elections Committee shall certify those elections which do not need to be rerun.

IV.

THE NEUTRAL MONITOR

A. AUTHORITY OF THE NEUTRAL MONITOR

1. A Neutral Monitor, appointed by the Local 100 Executive Board, will be responsible for supervising all aspects of the election, including fraud (which will give him/her authority to modify any procedure put into place by the Elections Committee or the AAA), and resolving disputes that arise in the course of the election.

2. The Neutral Monitor’s jurisdiction includes all disputes over conduct of the election, and disputes about or protests to the conduct of candidate(s), slate(s), the Local Union or other parties. The Elections Committee will continue to resolve disputes over eligibility, sufficiency of Petitions, or failure to issue a ballot, subject to appeal to the Neutral Monitor.

3. Any protests, objections and appeals sent to the Neutral Monitor (or the Elections Committee) must be in writing and must be made within the time periods set forth in these Rules. It will be the Neutral Monitor’s responsibility to resolve these disputes in accord with the Local 100 By-Laws, the TWU Constitution, applicable law, the Election Rules adopted by the Local Executive Board, and any Supplemental Rules which may be promulgated by Neutral Monitor. The Neutral Monitor will have the power to investigate and determine the facts prior to applying the law to all disputes brought to the Neutral Monitor’s attention.

B. PROTESTS

All protests alleging a violation of the Local 100 By-Laws, the TWU Constitution, applicable law, the Election Rules adopted by the Local Executive Board, and Supplemental Rules promulgated by Neutral Monitor related to the conduct of the nominations and election, except count-day protests, must be filed within forty-eight (48) hours of the time the complainant(s) knows or should have known of the alleged violation. All complaints made after 48 hours shall be deemed waived.

1. Protests regarding any alleged improper mail ballot count-day conduct must be filed with the Neutral Monitor immediately, but no later than the completion of the counting of the ballots and the announcement of tentative results.

3. All pre-election protests except those regarding disputes over an alleged improper failure to issue a ballot shall be filed by sending the Neutral Monitor a clear and concise written statement of the alleged improper conduct by overnight mail or by email or facsimile transmission and shall be titled "Protest," and shall include the name(s), address(es), e-mail address(es) and telephone number(s) of the complainant(s) and the name(s) of the person(s) against whom the protest is filed. A copy must also be sent by email or facsimile to the Elections Committee Chair and to counsel for the Elections Committee. The Neutral Monitor shall serve the protest on the designated representative of the affected slate or independent candidate(s) unless it is clear that the protest does not impact on a slate or candidate(s).

4. With respect to any protest, it shall be the burden of the complainant to present evidence that a violation has occurred.

5. No protest of any candidate or member shall be considered if such candidate or member or anyone acting under his/her direction or control or on his/her behalf, caused or significantly contributed to the situation giving rise to such protest.

6. As soon as practicable after receipt of the protest, the Neutral Monitor or his/her representative shall evaluate the protest and shall determine its merits, applying the Local 100 Bylaws, the TWU constitution, applicable law, these rules, and any published supplemental rules issued by the Neutral Monitor, and, if found meritorious, determine the appropriate remedy. The Neutral Monitor or his/her representative shall render a written decision on each protest and shall notify the complainant(s), the Local Union Elections Committee, Counsel to the Elections Committee, and any other candidate(s) affected by his/her decision.

7. All candidates, members, the Local Union and the TWU shall cooperate with the Neutral Monitor in his/her investigations.

8. **Remedies.** If, as a result of any protest filed or any investigation undertaken by the Neutral Monitor, with or without a protest, the Neutral Monitor determines that these Rules have been violated, the Neutral Monitor may take whatever remedial action is appropriate.

9. **Appeals.** All appeals from decisions of the Neutral Monitor shall be made in writing to the TWU Committee on Appeals. The applicable procedure to appeal from a decision of the Neutral Monitor shall be that which is set forth in Article XXII of the TWU Constitution for appeal to the International from decisions of Local Unions, except that appeals must be made within three (3) business days of the decision of the Neutral Monitor.

10. If no appeal is taken from the determination of the Neutral Monitor, that determination shall become final and binding.

V. NOTICE OF SECTION OFFICER NOMINATIONS AND ELECTIONS

In accordance with the Constitution of the Transport Workers Union of America and the Bylaws of Local 100, the nomination and election of Section Officers will take place between September 22, 2021 and April 29, 2022.

A. POSITIONS TO BE FILLED

The following Section Officers are to be elected:

- Section Chair
- Section Vice Chair (one or more, per Section Bylaws)
- Section Recording Secretary, and in MaBSTOA, Chief Line Steward 1& 2 & Chief Shop Steward

These elections shall be administered and supervised by the Elections Committee and not the Neutral Monitor.

B. NOMINATIONS

1. Nomination of candidates for the above-mentioned Section offices shall take place at a Section meeting held no sooner than September 22, 2021 and no later than April 29, 2022. A schedule of those meetings will be available at the Elections Committee office and will be published in the Local newspaper and/or on posted meeting notices and on the Local's website as dates are established.

2. The names of candidates nominated at these meetings must be submitted to the Recording Secretary of Local 100 no later than 6:00 PM on the third day following the nomination meeting for that office.

3. A member need be nominated at only one nomination meeting (AM or PM). A member nominated for Section Office must be present at the nomination meeting and submit a Nomination Acceptance Form, or the

member nominating him/her must submit a written acceptance signed by the absent member at the time the nomination is made.

4. A member may accept the nomination for only one position. The acceptance form shall include the nominee's address, telephone number, e-mail address and social security number.

5. The member making the nomination must be from the section or depot or location whose officers are being nominated.

C. ELIGIBILITY

1. To be nominated for Section Office, a member must have been in continuous good standing for twelve months prior to the month of nomination. Exonerations for periods of non-payment shall be granted only if the member makes the proper application as per Article XIII Section 1 and Article XVII Section 4 of the TWU Constitution. Such a request must be made by the 15th day of the month after the month in which the illness or injury, and related non-payment of dues arose, and the period of exoneration may not continue for more than 12 months.

2. To be nominated for Section Office a member must have attended at least five (5) of the regular meetings of their combined Division/Section meetings held during the twelve (12) month period immediately preceding the month of nomination. Attendance at a combined meeting does not count as two meetings. Meeting attendance may be excused only if the nominee has previously acted in accordance with Article XV, Sec. 7 of the TWU Constitution. **No credit will be given for a meeting unless the member has submitted a request to the Recording Secretary for credit within thirty (30) days of the date the meeting was scheduled or should have been scheduled.** There will be no credit given simply because no section meeting was held, unless the meeting was calendared, the member appeared, and the meeting did not proceed. Even in the latter situation, a member must have notified the Recording Secretary within 30 days in order to get credit.

D. SLATE NOMINATIONS—SECTION OFFICES

Any group of candidates may, on written notice to the Elections Committee, on a form provided by the Elections Committee, constitute a slate, provided that in each case the Slate contains nominees for Chair, at least one Vice Chair, and Recording Secretary. A slate may not contain more than one candidate for Chair or Recording Secretary, or more than the number of Vice Chair positions in that Section. The completed form submitted to the Elections Committee must: (1) be signed by each candidate on the slate (no one may sign for another member), (2) show the office for which he/she is a candidate, and (3) include his/her printed name exactly as it is to appear on the petition and ballot, and his/her contact information including the mailing address, social security number, telephone number, and e-mail address. Once a candidate accepts his/her place on a slate, he/she may not withdraw. A section slate may utilize the name of a slate which ran in the Local-wide election. The ballot shall give the voter the opportunity to cast one slate vote for all Section officers.

E. ELIGIBILITY RULINGS

Rulings on eligibility can be made by the Elections Committee, either on its own initiative or upon the objection of a member. Any objections to eligibility must be made within two business days of the nomination. Appeals from the Elections Committee may be made only to the Executive Board. The Neutral Monitor shall have no jurisdiction over Section elections.

F. MAILINGS

Mailings and e-mailings may be made to members in accordance with the Supplemental Rules set forth in Section VI below. All mailings/e-mailings will be administered by the Elections Committee at the candidate's expense.

G. ELECTION

1. The election of Section Officers will take place between November 8, 2021 and April 29, 2022, on dates to be determined by the Elections Committee, which will be published at least 15 days in advance of the election.

2. The manner of voting (whether in person or mail ballot) shall proceed in accordance with the past practices of the section, unless the Election Committee determines that a mail ballot provides a substantially greater opportunity to vote. Stations Sections 2, 46, 106 and 145, and CED Sections 27 and 41 shall have a mail ballot election.

3. The Elections Committee shall conduct the balloting, either in person or by mail, and shall notify all candidates of the date, time and location of the count.

4. Members working in MaBSTOA I and II bus depots who are employed by NYC Transit, and members who are working in NYC Transit bus depots who are employed by MaBSTOA may vote for section officers in the depot where they are employed, but may not run for office in that depot.

5. The Election Committee reserves the right to move election dates, count locations, observer rules etc. should unforeseen circumstances require it.

VI.
SUPPLEMENTAL RULES

A. MEMBERSHIP LIST

The final list of the last known names and addresses of all members in good standing of the Local Union shall be delivered to the AAA no later than the close of business on October 29, 2021. This disk shall be considered the master membership list. All members who have moved or changed their address and have failed to notify Local 100 of such change should notify Local 100 of the change no later than October 22, 2021. It is the responsibility of the member to keep the Union updated on his/her current address. (Notice should be submitted either to the Financial Secretary-Treasurer's office or the Elections Committee.) After October 29, 2021 any additions made to the master membership list because of errors previously made, any address changes, and any deletions due to error, promotion or retirement shall be made only by the AAA, with concurrence of the Elections Committee, and with notice to the Neutral Monitor; such changes shall be subject to inspection by all affected candidates. The list maintained by the AAA shall be the list used for all candidate mailings done after October 29, 2021. The Election Committee, any vendor doing mailings, and the AAA shall utilize the NCOA database for the creation of the mailing list and mailing of election materials.

B. INSPECTION OF THE MEMBERSHIP LIST

1. Each candidate has the right, on one occasion between September 27 2021 and October 28, 2021, to inspect, but not copy, a list containing the last known names and addresses of all members of the Local Union. The list may be reviewed at the Local 100 office. Arrangements for review of the list will be made by the Chair of the Elections Committee. The Local Union shall not, in any way, discriminate in favor of or against any candidates with respect to the membership list.

2. No one inspecting the list may photograph copies of the list or transmit images.

3. The Union shall take appropriate steps to direct that all staff, union representatives and officers who are in possession of part or all of the membership list, whether or not used for their work, shall be returned, together with any copies, to the Union not later than September 17, 2021.

C. FREEDOM TO EXERCISE POLITICAL RIGHTS

All Local Union members and all Local Union officers and employees, if members, retain the right to participate in campaign activities, including the right to openly support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions.

D. PROHIBITION ON INTERFERENCE WITH VOTING

No person or entity shall limit or interfere with the right of any Local 100 member to vote.

E. CAMPAIGN CONTRIBUTIONS

1. No candidate for election shall accept or use any contributions or other things of value received from any employer, representative of an employer, foundation, trust, union or similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of Local 100 or the International Union, unless that employee or member is an employer.

2. No employer shall be permitted to contribute anything of any value to any campaign. The prohibition on employer contributions extends to every employer regardless of the nature of the business, or whether any union represents its employees, and includes but is not limited to political action organizations (other than a candidate's or slate's campaign organization), nonprofit organizations such as churches or civic groups, law firms, and professional organizations. These prohibitions include a ban on the contribution and use of stationery, equipment, facilities and personnel, or items to be raffled off.

3. The prohibition on campaign contributions extends to all labor organizations, whether or not they are employers, except as permitted below.

4. No Local Union or employer services, facilities, equipment or goods—including, but not limited to, time, staff, copying machines, fax machines, telephones, printing and postage—shall be used to promote the candidacy of any individual or slate unless the Local Union's all candidates of the items available for use and all candidates are provided equal access at equal cost to such goods and services. The use of the Local Union's official stationery, or its logo or its name, or its initials "TWU" is prohibited, especially in electronic communications, irrespective of compensation or access.

5. No candidate or other member may campaign for her/himself or for any other candidate during time that is paid for by the Local Union or by any employer. However, campaigning incidental to regular Local Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off, is permitted. **This prohibition includes campaigning during the employee's regular tour of duty**

while out on paid sick leave, FMLA, Workers Compensation, disability leave, or in paid-no work status. If a candidate or other member who wishes to campaign is on paid sick leave, FMLA leave, Workers' Compensation leave, disability leave, or in paid-no work available status, they must notify the Elections Committee (which may create a form) and the Neutral Monitor, in writing, prior to campaigning, setting forth his or her regular tour of duty. Campaigning by union officers and staff will be limited to the amount of time the candidate or other member has accrued as vacation, and has not used in 2021. Vacation request forms for union officers and staff must be approved in advance and request/approval forms and vacation balances must be made available to the Neutral Monitor upon request. In order to ensure compliance with this rule any person on the Union staff must make a written request and anyone on TA/MaBSTOA/MTA Bus release must give written notice to Financial Secretary Earl Phillips by email in advance of taking any vacation time or other personal time for campaigning. If union staff making the request has sufficient vacation accruals, the request will be deemed granted. This requirement does not apply to campaigning that is incidental to regular Local Union business or during paid lunch hours or breaks or similar paid time off. The Neutral Monitor shall have discretion to disqualify a candidate for repeated violation of this rule.

6. Nothing shall prohibit any candidate from accepting contributions made by any non-member who is not an employer, or by any member, whether or not such member is an employer (and who makes a contribution from personal funds), or by any caucus or group of Local Union members or any campaign organization of any candidate provided that such caucus, group or campaign organization is itself financed exclusively from contributions permitted under these rules.

7. Nothing shall prohibit the donation of services by an individual to a candidate rendered on the individual's personal, free, uncompensated time.

8. It is strongly recommended that each candidate notify all prospective contributors of the limitations on campaign contributions, that the limitation be placed on all campaign literature soliciting contributions, and at all fund-raising events, and that candidates keep a record of all donations greater than \$99.

F. VOTING AND BALLOT COUNT PROCEDURES

1. All candidates and slate representatives will have an opportunity to view and comment on the draft of the ballot and instructions.

2. The AAA will send the Elections Committee a daily list of all members requesting a duplicate ballot whose names the AAA has not been able to find on its lists. The Elections Committee will investigate these names as quickly as possible and report back to the AAA as to the member's eligibility to receive a ballot. If the Committee finds that the person is not eligible or does not get back to the AAA with the person's status within 24 hours after receiving the name from the AAA, then the AAA will send the person a challenged ballot. The AAA will fax or e-mail to the Elections Committee, Elections Committee Chair, and Neutral Monitor on a daily basis the names, division and pass numbers of all those receiving challenged ballots. The Elections Committee will fax or e-mail these lists to candidates and slate representatives on request to the extent practicable. All parties agree that these lists are to be used for the sole purpose of investigating the eligibility to vote of the people listed, so that if it becomes necessary to resolve challenges on the day of the count, their status can be more readily determined.

3. If any member does not receive a ballot by November 22, 2021, he or she should call the AAA at 800-529-5218. It is preferable for all members to mail their return ballots and to do so as soon as possible after receiving them in the mail. If someone is requesting a duplicate ballot on behalf of someone else, the member for whom the request is made must sign the written request for a duplicate ballot, which may then be mailed, emailed or faxed to the AAA. No duplicate ballot will be mailed less than six (6) days before the count. No one may pick up or drop off a ballot in person. If a member who has timely requested a duplicate ballot by phone has not yet received it in the mail, they should contact the Neutral Monitor or the Elections Committee no later than noon on Thursday December 2, 2021.

4. If more than one ballot is received by the AAA from any person, the later posted ballot will be the one counted. The AAA will note the day of receipt of any ballot(s) received from a person sent a duplicate ballot, so that the order of posting of multiple ballots received might be determined in the absence of a postmark.

5. If a voter votes for more than the set number of candidates for a given office, his/her ballot will be void for that office only. If the voter votes for a slate, the slate vote will be treated as an individual vote for every member of the slate, so that if the voter votes for a slate and for an independent candidate or an individual candidate on another slate, the ballot will be void for that office only.

6. If a voter makes any identifying marks on the ballot or erases or defaces the ballot in a manner that makes his/her intent unclear, the ballot will be void or will be void for the office marked in an ambiguous manner. If, however, the

voter makes marks or comments on the ballot that do not identify the member or obscure his/her intent, the ballot will be counted.

7. If a return envelope is completely blank or the return ID completely illegible, the ballot will be void. If there is a partial ID, the AAA will attempt to identify the voter by matching the number on the envelope with the number on the AAA mailing list and then comparing the ID on the envelope with the voter information on the list. A name, an address with street name and number, a signature and/or a pass number will constitute sufficient partial identification to allow such a matching process, so long as the ID is legible.

8. Each independent candidate or slate may have the same number of candidates/observers as there will be stations for counting the ballots for their office(s). The exact number will be determined several days before the count, based on the number of returns.

G. ELECTION COUNT—CANDIDATE AND OBSERVER RULES

1. Should COVID circumstances require the Election Committee reserves the right, to limit the number of candidates who can observe in person. Should that occur, the Committee shall set up a live stream mechanism available to all candidates and members, to observe all aspects of the count. Should COVID-related circumstances require it, the Committee may also make other changes to count location, observer rules, etc.

2. Any candidate who wishes to designate a member in good standing as an observer must notify the Elections Committee in writing no later than December 1, 2021.

3. Candidates and observers may not count or handle the ballots.

4. Campaign apparel, stickers or buttons may not be worn in the room where counting takes place.

5. Candidates/observers may not engage in campaign activities, including conversations about candidates or conversations about the election campaign in the room where counting takes place. Candidates/observers who are disruptive may be ordered to leave the counting area.

6. Candidates/observers must enter and exit through the designated door only.

7. Candidates/observers must sign in and sign out each time they enter or exit the room.

8. Candidates/observers may not address the ballot counter. The member may request the counter to stop and address the issue with the Neutral Monitor.

9. Candidates/observers are permitted to view all aspects of the election process, but must give the ballot counters room to do their job.

10. The Neutral Monitor will look for the Head of Slate or their designated observer to discuss issues.

11. No one will be permitted to bring knapsacks or oversized bags into the count room.

12. No observer or candidate shall be permitted to photograph, videotape, broadcast, or live-stream the count.

13. Any in person observer who is loud, disruptive, or, in the opinion of the Election Committee intoxicated or high shall immediately be ejected from the counting room.

H. PROCEDURES FOR MAILING/EMAILING CAMPAIGN LITERATURE

1. **Mailings** - Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have literature mailed, via the US Postal Service, to all or part of the membership, at the candidate's expense. Each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s). Requests for mailing shall be made to the Elections Committee at least five (5) days before the desired mailing date. The postal address list will be transmitted by the Elections Committee to the mailer designated by the Elections Committee.

2. **E-Mails** - Each candidate shall also be permitted to send up to five emails, no more than one in any week, to all or part of the membership for whom the Local Union maintains email addresses, at the candidate's expense. Requests for e-mailing shall be made to the Elections Committee at least five (5) days before the desired e-mailing date. The e-mail address list will be transmitted by the Elections Committee to the vendor designated by the Elections Committee.

3. **Phone Blasts and Text Messages** - Each candidate shall also be permitted to do up to two phone blasts or text message blasts, no more than one of each in any week, to all or part of the membership for whom the Local Union maintains phone numbers, at the candidate's expense. Requests to do a phone or text blast shall be made to the Elections Committee at least five (5) days before the desired phone or text blast. The list of phone numbers will be transmitted by the Elections Committee to the vendor designated by the Elections Committee.

4. All written requests will be honored in the order received.

5. Arrangements will be made by the Elections Committee with a professional mailer to handle the mailing of campaign literature, and a vendor qualified to handle the mass transmission of e-mails, and phone calls, and text blasts.

6. All costs for the mailing or emailing of campaign literature, sending out emails, or doing phone blasts or text blasts will be borne solely by the candidate. Costs associated with the mailings include, but are not limited to:

Address labels, materials, and labor

Postage

Fees as determined by the outside vendor.

7. The outside mailer chosen shall be one prepared to provide candidates with either bulk rate or first class service at the candidate's expense. Once the Elections Committee is contacted by the candidate regarding the volume of the mailing, the vendor will inform the candidate of the estimated cost of the mailing. Cost will vary according to volume. Payment by cashier's check or cash must be made upon delivery of the campaign materials to the mailer. No personal checks will be accepted by the mailer.

MISCELLANEOUS

Staff members who are members of Local 100 but who are not on leave from an employer whose employees are represented by Local 100 may only vote for the four Local-wide officers. Special ballots will be prepared for this group.

2. Members employed by a Private Operations or School Bus-Paratransit employer, and by the NYC Transit or MaBSTOA may vote only for a NYC Transit or MaBSTOA Vice-President, Executive Board Members, and Division Officers. Such members, however, will be allowed to vote for Section Officers in both of their sections. Special ballots will be prepared for this group (if any).

VII. LOCAL 100 ELECTIONS COMMITTEE

Aquilino Castro, Chair	212.873.6000 x 2061
Angella Fonte, Member	212.873.6000 x2089
Ron Gregory, Member	212.873.6000 x2059
Elections Committee General	Phone: 212.873.6000. ext: 2090 Fax: 646.998.7150 e-mail: elections2021@twulocal100.org
Election materials are available at:	www.twulocal100.org/elections2021
Arthur Z. Schwartz, Counsel	e-mail: aschwartz@afjlaw.com Phone: 212.285.1400, Fax: 212.285.1410
Neutral Monitor: Barbara Deinhardt	917.763.0906 email: neutralmonitor@gmail.com

RECEIPT OF THESE RULES DOES NOT MEAN YOU ARE A MEMBER IN GOOD STANDING, ELIGIBLE TO VOTE OR RUN FOR OFFICE.

The law requires that all "members" receive the Notice of Nominations and Election. If you do not know if the union considers you to be a Good Standing member, eligible to nominate, or run for office, or vote, you must check with the union. To do so, and/or to bring yourself into Good Standing, please call the Dues Department at 212-873-6000 ext. 2084.

ONLY MEMBERS IN GOOD STANDING MAY SIGN NOMINATING PETITIONS, NOMINATE DIVISION OFFICERS, RUN FOR OFFICE (12 MONTHS IN CONTINUOUS GOOD STANDING), OR VOTE.