

General Rules for Electing Officers in Transport Workers Union, AFL-CIO Washington, DC

Pursuant to an order signed on November 23, 2011 by Judge Paul Engelmayer of the U.S. District Court for the Southern District of New York, the Transport Workers Union (TWU) will conduct new nominations and a new election for the offices of international vice president and two international Executive Board members under supervision of the Secretary of Labor. The U.S. Department of Labor, Office of Labor-Management Standards (OLMS) is responsible for assuring that the election is conducted in accordance with Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), and in accordance with that responsibility, OLMS has established the following rules for the supervised election.

1. Election Supervisor

Investigator Bennett Allen has been appointed election supervisor and has the authority and responsibility for implementing all aspects of the supervised election. All questions and correspondence should be directed to him at the following address:

Bennett Allen, Election Supervisor
New York District Office
201 Varick Street, Suite 878
New York, NY 10014
(646) 264-3154 / Fax: (646) 264-3191

2. Application of the Transport Workers Union Constitution

The election will be conducted, insofar as is lawful and practicable, in accordance with the provisions of the 2009 TWU Constitution.

3. Officers to be Elected

As provided in the court order, new nominations and a new election will be conducted for the offices of international vice president and two international Executive Board members.

4. Term of Office

The term of office will be for the remainder of the unexpired term, which will end September 2013. Installation of those elected will occur immediately. The international vice president will be sworn into office at TWU's first International Executive Council meeting following the election, and the two International Executive Board members will be sworn in at TWU's first International Executive Board meeting following the election.

5. Local Delegate Elections

All TWU local unions will be contacted by an OLMS investigator regarding their delegate elections. OLMS investigators will be reviewing election records to certify recently elected delegates or to supervise a delegate election.

If the review determines that the union's delegates were not elected in accordance with the LMRDA and with the union's Constitution and Bylaws, OLMS will determine whether the local elected alternate delegates, and if so, determine whether the alternates were properly elected. Properly elected alternates may be seated as a delegate, or the union's membership may decide to take votes from delegates who were not properly elected and assign them to delegates who were properly elected.

If the local union election was not conducted properly, and the violation(s) could have affected the entire election process, the union must call a meeting during which its members can vote on whether they want to elect new delegates. If the members vote to hold a new election, OLMS will supervise the conduct of the delegate election.

In accordance with Article XI, Section 5 of the TWU Constitution, "Any Local Union which on the seventh day prior to the [ballot tally] is in arrears to the International Union for per capita or assessment shall not be entitled to [vote] in the [election] unless exonerated for good cause by the International Executive Council."

6. Eligibility to Hold Office

In accordance with Article IV, Section 6 of the TWU Constitution, "No member shall be eligible for nomination or election to any International office, or to the International Executive Board, unless he/she shall have been in continuous good standing in the International Union for at least two (2) years immediately preceding his/her nomination."

Section 504 of the LMRDA prohibits persons convicted of certain crimes, including robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, and violations of Title II of the LMRDA, from holding office for 13 years after conviction or after their release from imprisonment, whichever is later.

7. Nominator Eligibility

In accordance with TWU Convention Rule Number 2 and Article XI, Section 5 of the TWU Constitution, only properly elected (certified) delegates representing local unions that are current in the payment of their per capita tax will be eligible to nominate candidates.

8. Nomination/Election Notice

A combined notice of nominations and election will be mailed to all certified delegates on April 1, 2012. The notice will also be posted on TWU's website.

The notice will advise members of candidate eligibility requirements, the offices to be filled, and the date, time, and place of the nominations meeting as well as the procedure for submitting nominations. In addition, the notice will advise members of voter eligibility requirements and outline details of the mail balloting procedures.

9. Combined Nominations and Candidates Meeting

The combined nominations and candidates meeting will be conducted:

Date: May 14, 2012

Time: 1:00 p.m.

Place: 201 Varick Street, Room 841

The election committee will conduct, and OLMS will supervise, the conduct of nominations and of the candidates meeting. Both meetings can also be attended by way of teleconference. No quorum will be necessary.

Before the nominations and candidates meeting, the election supervisor and Election Committee will compile a list of the delegates who will be eligible to nominate candidates for election. At the meeting, oral nominations will be accepted from the floor. Seconds are required. Self nominations will be permitted. To make a nomination, a member must stand and be recognized, identify himself, be verified as an eligible nominator, and state the office and name of his/her nominee. A member may accept or decline the nomination in person at the nominations meeting

If unable to attend the nomination meeting, a delegate may make a nomination in writing. The nominations notice will be sent along with a nominations form that includes space for the name of the nominee, the office to which he/she is being nominated, the name and signature of the delegate making the nomination, the name and signature of the delegate seconding the nomination, space for the nominee to accept or decline the nomination, and that includes space for the candidate to indicate how his/her name should appear on the ballot. To be valid, acceptance of nomination must be received by the election supervisor at 201 Varick Street, Room 878, New York, NY 10014 no later than 5:00 p.m. on Monday, May 28, 2012. Written nominations will be read by office at the nomination meeting on May 14, 2012.

The election supervisor will meet with the Election Committee and all interested candidates to discuss campaign restrictions, inspection of TWU's list delegates, distribution of campaign literature, and observers. At that time, candidate positions on the ballot will be determined based on alphabetical order of each candidate's last name. Candidates' names from nominations received after May 14 but before May 28, 2012 will be added to the ballot according to the same criteria.

10. Determining Candidate Eligibility

The election supervisor, in conjunction with the Election Committee, will review union records to verify the eligibility of all nominees. Each nominee will be advised of the election supervisor's determination by mail.

11. Campaign Literature

The LMRDA requires that all candidates be treated equally regarding the opportunity to campaign. In addition, Section 401(g) of the LMRDA provides that any money received by TWU, its subordinate locals, or any other labor organization by way of dues, assessments, or similar levy, and monies of any employer may not be used directly or indirectly to support the candidacy of any person in a union officer election. This prohibition extends to equipment, vehicles, office supplies, records, and personnel of TWU or any other labor organization and to employers, whether or not they employ TWU members. Accordingly, union officers and employees may not campaign on time paid for by the union.

The LMRDA also prescribes that members, in the exercise of the right to support candidates of their choice, may not be subjected to penalty, discipline, or reprisal of any kind by a labor organization or its members.

12. List of Delegates

The list of delegates including their local union number and last known home address will be maintained by the election supervisor, and the list will be posted without delegates' address information on TWU's website circa April 1, 2012.

Any candidate who wishes to inspect the list should contact the election supervisor (646-264-3154) who will make arrangements with the appropriate district office.

13. Campaign Literature

TWU will comply with any reasonable request by a candidate to distribute campaign literature at the candidate's expense. Any candidate who wishes to mail campaign literature must furnish the election supervisor with stamped envelopes already sealed and stuffed with the candidate's literature. Requests will be honored in the order received. Candidates must contact Election Supervisor Bennett Allen at (646) 264-3154 to arrange a mailing.

14. Voter Eligibility

In order for his vote to be counted, each delegate's local union must be current in the payment of its per capita tax as of June 25, 2012.

The Election Committee and election supervisor will compile a list of all certified delegates when ballots are mailed on June 1, 2012. Delegates who have not received a ballot may

request a duplicate ballot by contacting Election Supervisor Bennett Allen directly at (646) 264-3154.

15. Ballot Preparation and Mailing

The Election Committee and the election supervisor will design the official ballot and comprehensive voting instructions. The printing, acquisition, custody, control, and distribution of ballots will be under direct OLMS supervision. In addition to the ballot, the Election Committee and election supervisor will arrange for consecutively-numbered ballot return envelopes pre-addressed to an official U.S. Post Office box at 201 Varick Street, New York, NY, obtained specifically for this election. TWU will cover the cost of all election materials.

On June 1, 2012, the Election Committee and OLMS representatives will meet at the New York District Office to prepare the election materials and ballots for mailing. Each certified delegate will be mailed:

- voting instructions
- one unmarked ballot
- one small envelope marked "ballot envelope" and
- one larger return envelope addressed to the Election Committee with member identification number and space for the voter's name.

The voting instructions will advise a member to mark his/her ballot, seal it in the ballot envelope, and place the ballot envelope in the return envelope addressed to the Election Committee. After printing his/her name on the return envelope, a voter must mail the envelope so as to be received no later than 10:00 a.m. on July 2, 2012.

The combined notice of nominations and election mailed to all certified delegates, and posted on TWU's website, will advise that any delegate who has not received a ballot by Monday, June 11, 2012, should request a ballot from Election Supervisor Bennett Allen at (646) 264-3154. Requests for replacement ballots must be made by Monday, June 25, 2012.

The election supervisor and Election Committee will also attempt to obtain updated addresses for those delegates whose ballot packages are returned undelivered. New ballots will be mailed to delegates with updated addresses as soon as possible following receipt of the returned package.

16. Collection and Tally of Ballots

At 10:00 a.m. on July 2, 2012, the election supervisor, Election Committee, and interested candidates or their observers will pick up the ballots from the Post Office. Postal authorities will be instructed that ballots are not to be released under any circumstances

until the scheduled time. After picking up the ballots, the election supervisor will transport them to the tally site in the New York District Office at 201 Varick Street.

The counting process will continue non-stop until completion. Before counting the ballots, the election supervisor will verify that all ballots are from certified delegates. Each voter's name will be marked off the list of delegates to insure that no one casts more than one ballot.

After voter eligibility is checked, the outer envelope will be opened and the ballot envelopes will be removed and opened, and the ballots will be stacked for counting purposes. Candidates or their observers will be permitted to watch the entire counting process. All ballots, counted and uncounted, will be kept in view of the observers at all times.

The candidate who receives the greatest number (plurality) of votes cast will be declared elected. In case of a tie vote, the outcome will be determined by a run-off election conducted under supervision of the Department of Labor.

17. Observers

Each candidate is entitled to have observers present at the various stages of ballot mailing and tally. An observer must be a TWU member, and a candidate may act as his/her own observer. No ballot-related function will take place without OLMS representatives present, and observers will be given notice and opportunity to attend. Observers will be required to present identification and sign an observer register. Candidates should submit the names of their observers in writing to the election supervisor no later than June 1, 2012.

Each Wednesday, beginning June 6 at 10:00 a.m. and ending Wednesday June 27 at 10:00 a.m., candidates and their observers are invited to accompany the election supervisor while checking the Post Office box for notices and ballot packages that are returned undelivered.

18. Installation of Officers

Newly elected officers will be installed immediately. The international vice president will be sworn into office at TWU's first International Executive Council meeting following the election, and the two international Executive Board members will be sworn in at TWU's first International Executive Board meeting following the election.

19. Preservation of Records

TWU will post the results of the election on its website, and it will preserve all election records for a period of one year.

20. Election Protests

In order to be acted upon, all protests concerning the conduct of this election must be in

writing and received by Acting District Director Andriana Vamvakas (201 Varick Street, Room 878, New York, NY 10014) within 10 days of the completion of the election.

21. Important Dates

- March 31, 2012: Deadline for delegate certification
- April 1, 2012: Mailing combined Notice of Nominations and Election
- May 14, 2012: Combined nominations and candidates meeting
- May 28, 2012: Deadline for accepting nominations
- June 1, 2012: Ballots mailed
- June 6, 13, 20, and 27: Election supervisor will check the Post Office box for ballot packages that are returned undelivered and
- July 2, 2012: Ballots tallied.

In conclusion, it should be clearly understood that all phases of the nominations and elections of TWU officers are subject to U.S. Department of Labor supervision. No aspect of this election should be conducted without prior consultation with and approval by the OLMS election supervisor or his designated representatives.

It should also be noted that the above rules and regulations are not all inclusive. Additional election rules or clarifications may be promulgated by the OLMS election supervisor during the nomination and election period.