



# 2009 Election Rules

## Governing: International Convention Delegates, Union-Wide Offices, Departmental Vice Presidents, Executive Board, Divisions, and Sections

### I.

#### NOTICE OF NOMINATIONS AND ELECTIONS FOR UNION-WIDE OFFICES, 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 Union-wide officers, Departmental Vice-Presidents and Executive Board members will take place by secret mail ballot mailed out (a) on June 2, 2009 to all members in good standing as of June 1, 2009, and (b) on November 17, 2009 to all those who become employed in a Local 100-represented bargaining unit between June 1, 2009 and November 17, 2009 and are members in good standing as of November 16, 2009. (For ballots to count, voters must also be members in good standing on December 7, 2009.) Ballots will be counted on Monday, December 7, 2009. The following officers are to be elected.

#### POSITIONS TO BE FILLED

Local Offices: President  
Financial Secretary-Treasurer  
Administrative Vice President  
Recording Secretary

Seven (7) Departmental Vice Presidents; and

Thirty-Nine (39) Executive Board Members

#### PERIOD OF PETITION NOMINATIONS

Monday, April 13, 2009 to Thursday, April 23, 2009.

#### ELIGIBILITY

To be eligible for nomination for any of the above positions, a member must be in continuous good standing in Local 100 since April 2008. 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 in this General Election or within 18 months of the conclusion of this election.

#### NOMINATIONS

All nominations shall be made by filing a "Nominating Petition Form." 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 (Room 624 at the Union Hall) between Monday, April 13, 2009, and Thursday, April 23, 2009, between the hours of 9:00 AM and 6:00 PM; the Elections Committee Office will be closed on Saturday and Sunday, April 18 and 19, 2009.

Petitions will be issued only to candidates who complete and submit an "Authorization to Pick Up a Petition" form. The forms will be available at the Elections Committee Office or 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. 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. 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. Each member signing must be a member in good standing, and only members in good standing may solicit signatures.

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 deemed illegible will not be counted.

#### PETITION REQUIREMENTS

##### Top Four Offices

For nomination for one of the top four offices, a candidate requires the signatures of one thousand (1,000) members in good standing from any department.

##### 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-President signature requirements are in the following table:

#### VICE-PRESIDENT TABLE

DEPARTMENT	VICE-PRESIDENT	REQUIRED SIGNATURES
Car Maintenance	1	185
Station	1	180
Maintenance of Way Line Equipment – Signal, Track, Structure, Power	1	390
Rapid Transit Operations Train Operators, Conductors, Tower Operators	1	235
MaBSTOA Division I, Division II, Maintenance, Clerical, P&E	1	295
NYCTA Surface Operators, Maintenance	1	240
MTA Bus/ Private Operations/School Bus- Paratransit	1	435

### Executive Board

For nomination for Executive Board Member, the signature requirements are outlined in the following table which also shows the number of Executive Board positions allocated to each Division. Only a member in good standing in the Division may validly sign a Nominating Petition to nominate a candidate for the Executive Board from that Division.

## EXECUTIVE BOARD TABLE

DIVISION	EXECUTIVE BOARD MEMBERS	REQUIRED SIGNATURES PER CANDIDATE
<b>NYCTA</b>		
Surface Maintenance	1	65
Surface Operators	4	175
Car Maintenance	4	185
Train Operators	3	135
Conductor / Tower	3	100
Station	6	180
Line Equipment – Signal	3	145
Track	2	80
Structure	2	120
Power	1	45
<b>MaBSTOA</b>		
Division I	2	90
Division II	2	110
Maintenance, Clerical, Plant & Equipment	1	95
<b>Private Operations/School Bus-Paratransit/MTA Bus</b>		
MTA Bus	2	125
Private Operations	1	70
School Bus-Paratransit	2	240

### SLATE NOMINATIONS

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 at least one Department. 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.

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.

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.

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

### 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 (4) his/her contact information including the mailing address, social security number, telephone number, and e-mail address.

### SIGNATURES REQUIRED

To nominate a slate of candidates for the top four Local Officers and one or more Departmental Vice-Presidents, a minimum of one thousand (1,000) signatures of Local 100 members in good standing from any department are required. **IN ADDITION**, 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. **IN ADDITION**, should a slate include candidates for the Executive Board in a Division, the petition must include a sufficient number of signatures from that particular Division, as set forth in the Executive Board Table above.

### PREPARATION OF PETITIONS/ELIGIBILITY

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 April 13 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 Form with the Elections Committee in advance of April 13.

Petitions for those individuals and slates filing required forms on or before Monday, April 6, 2009 will be available at 9:00 AM on April 13, 2009. Otherwise, petitions will be prepared as promptly as possible after the Elections Committee is provided with the necessary forms and information.

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. 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, April 28, 2009.

### 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.

### 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, April 13, 2009 to Thursday, April 23, 2009 between the hours of 9:00 AM and 6:00 PM; the Elections Committee will be closed on Saturday and Sunday, April 18 and 19, 2009. A receipt will be given to the delivering member indicating the number of pages and the number of sig-

natures on all accepted Nomination Petitions. ***NO Petitions will be accepted after 6:00 PM April 23, 2009.***

## 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, April 27, 2009, and Tuesday, April 28, 2009, 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, April 28, 2009. 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 Monday, May 4, 2009. 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.

## ELIGIBILITY REPORT

The Elections Committee will issue the Final Report on Eligibility on or before May 4, 2009. 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 Neutral Monitor, and may appeal the Neutral Monitor's ruling to the International Committee on Appeals. All decisions will be posted on the elections website: [www.twulocal100.org/elections2009](http://www.twulocal100.org/elections2009)

## FRAUD

All candidates on a petition are responsible for all petitions and forms filed on their behalf. The submission of petitions or forms with forged or fraudulent signatures may result in the disqualification of the candidate(s) whose names are on the petition.

## ELECTION PROCEDURE

*See Section IV below.*

# II. NOTICE OF NOMINATIONS AND ELECTIONS FOR DIVISION OFFICERS

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 (a) on June 2, 2009 to all members in good standing as of June 1, 2009, and (b) on November 17, 2009 to all those who become employed in a TWU-represented bargaining unit between June 1, 2009 and November 17, 2009 and are members in good standing on November 16, 2009. (For ballots to count, voters must also be members in good standing on December 7, 2009). Ballots will be counted on Monday, December 7, 2009. The following Division Officers are to be elected: *see chart to right*

## NOMINATION OF DIVISION OFFICERS

Nomination of candidates for the above Division offices shall take place at a Division Meeting (except, in the case of the Recording Secretary of the Conductor/Tower Division, who shall be nominated at the Tower Section meeting), to be held no sooner than Wednesday, April 1, 2009, and no later than Thursday, April 30, 2009. 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 by the close of the nomination meetings. The acceptance form must include the nominee's mailing address, telephone number, e-mail address and social security number.

## ELIGIBILITY – RULINGS

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. The ruling may be appealed to the Elections Committee, which shall hold a hearing in order to establish a factual record and further consider its decision.

## Division Officer Chart

NYCTA	
Surface Maintenance	Chair, 3 Vice Chairs, Recording Secretary
Surface Operators	Chair, 3 Vice Chairs, Recording Secretary
Car Maintenance	Chair, 5 Vice Chairs, Recording Secretary
Train Operators	Chair, 3 Vice Chairs, Recording Secretary
Conductor / Tower	Chair, 3 Vice Chairs, Recording Secretary*
Station	Chair, 4 Vice Chairs, Recording Secretary
Line Equipment – Signal	Chair, 3 Vice Chairs, Recording Secretary
Track	Chair, 5 Vice Chairs,** Recording Secretary
Structure	Chair, 6 Vice Chairs, Recording Secretary
Power	Chair, 3 Vice Chairs, Recording Secretary
MaBSTOA	
Division I	Chair, 3 Vice Chairs, Recording Secretary
Division II	Chair, 3 Vice Chairs, Recording Secretary
Maintenance, Clerical, Plant & Equipment	Chair, Recording Secretary
Private Operations/School Bus-Paratransit/MTA Bus	
MTA Bus	Chair, 5 Vice Chairs,*** Recording Secretary
Private Operations	Chair, 2 Vice Chairs,**** Recording Secretary
School Bus-Paratransit	Chair, 5 Vice Chairs,***** Recording Secretary

\* The Recording Secretary will be nominated from the Tower Section.

\*\* The fifth (5th) Vice Chair shall be the TEM Section Chair elected in the TEM Section Election.

\*\*\* One Vice Chair will be nominated from each property.

\*\*\*\* One Vice Chair will be nominated from Liberty Lines and one from New York Waterways. If there are no Vice Chair nominations from one of these sections, nominations will be accepted from any other section.

\*\*\*\*\* One Vice Chair will be nominated and elected from each of the following sections: Ardsley, First Transit, Mile Square, Royal Coach, and White Plains. If there are no Vice Chair nominations from any one of these sections, nominations will be accepted from any other section.

## 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.

## 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.

## ELIGIBILITY – MEETING ATTENDANCE

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 his/her Division and Section held during the twelve (12)

month period immediately preceding the month in which the nominations are held. Meeting attendance may be excused if the nominee has acted in accordance with Article XV, Sec. 6 of the TWU Constitution. 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.

## DIVISION NOMINATING MEETINGS SCHEDULE\*

DIVISION	APRIL	TIMES
<b>NYCTA</b>		
Surface Maintenance	21	10 AM & 5:30 PM
Surface Operators	21	11 AM & 6:30 PM
Car Maintenance	22	10:15 AM & 5:15 PM
Train Operators	15	10 AM & 6 PM
Conductors	8	10:30 AM & 6 PM
Tower	22	10 AM & 6 PM
Station	23	10 AM & 5 PM
Line Equipment – Signal	1	5 PM
Track	22	8 AM & 5 PM
Structure	1	5 PM
Power	16	5 PM
<b>MaBSTOA</b>		
Division I	14	11 AM & 7 PM
Division II	22	11 AM & 7 PM
Maintenance, Clerical, Plant & Equipment	16	1 PM & 4 PM
<b>Private Operations/School Bus-Paratransit/MTA Bus</b>		
MTA Bus	21 - Queens	11 AM & 8 PM
MTA Bus	15 - Westchester	10:30 AM & 8 PM
Private Operations	9	11 AM & 8 PM
School Bus-Paratransit	6	11 AM & 5 PM

\* *Convention Delegates will also be nominated in Division meetings.*

### ELIGIBILITY – OBJECTIONS

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. Decisions will be made by the Elections Committee as promptly as possible. Any disputes can be appealed to the Neutral Monitor within 48 hours of the Election Committee's decision.

### SLATE NOMINATIONS

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, at least one Vice Chair, and Recording Secretary. 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. 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.

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.

A Division slate may run as part of a Union-wide slate. The ballot shall give the voter the opportunity to cast one vote for a slate; however, separate slate boxes will appear on the Officer ballot and the Divisional ballot, which will be printed on the opposite sides of the ballots.

### ELECTION

The election of Division Officers (except for MaBSTOA Maintenance Vice Chairmen) will take place, along with the election of Union-wide Officers, Departmental Vice Presidents and Executive Board Members, by secret mail ballot mailed out as described in Section IV below and counted on Monday, December 7, 2009.

## III. NOTICE OF NOMINATIONS AND ELECTION OF INTERNATIONAL CONVENTION DELEGATES

The AFL - CIO's Transport Workers Union of America **Twenty-third Constitutional Convention** will be held beginning Monday, September 14, 2009 and ending on Friday, September 18, 2009. TWU Locals are entitled to one delegate for every three hundred (300) members or major fraction thereof (*TWU Constitution Article XI, Section 2*). The number of delegates certified for Local 100 will be allocated among the Divisions in proportion to the members of each Division. Alternate delegate slots will also be elected – see the table below.

### ELIGIBILITY

To be eligible for nomination as delegate or alternate a member must have been in continuous good standing for the twelve months immediately prior to the nominations meeting. There are no union meeting requirements to be a convention delegate.

### NOMINATIONS

Nomination of candidates for the above delegate election shall take place at a Division Meeting, to be held no sooner than Wednesday, April 1, 2009, and at no later than Thursday, April 30, 2009. 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 delegate must be present at the nomination meeting, or the member nominating him/her must submit a written acceptance signed by the absent member by the close of the nomination meetings. The acceptance form must include the nominee's mailing address, telephone number, e-mail address and social security number.

### ELIGIBILITY RULINGS

The Division or Section Recording Secretary shall submit a Nominations Report to the



Elections Committee on or before 6:00 PM on the third business day after the Nominations meeting.

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. The ruling may be appealed to the Elections Committee, which shall hold a hearing in order to establish a factual record and further consider its decision.

#### 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.

#### SLATE NOMINATIONS

For purposes of nominations, any group of candidates for delegate 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. A slate which meets the above requirements need not include a candidate for every position 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.

The Elections Committee will number the delegate and alternate positions from each division. The Slate form must show the numbered positions for which the nominees are candidates and this number will govern the nominee's position on the ballot. A Convention Delegate Slate may run as part of a Union-wide slate. The ballot shall give the voter the opportunity to cast one vote for a slate. The Convention Delegate Ballot, however, shall be on a separate piece of paper.

*\* The numbers of delegates may change after the International's accreditation. Additional delegate spots will be filled by the alternates with the highest vote totals. In the event that there are fewer delegate spots than those indicated in the table, the delegates with the lowest vote totals will be alternates.*

### IV.

#### ELECTION PROCEDURE – UNION-WIDE OFFICERS, DEPARTMENTAL VICE-PRESIDENTS, EXECUTIVE BOARD MEMBERS, DIVISION OFFICERS, AND CONVENTION DELEGATES AND ALTERNATES

##### THE BALLOT OFFICERS/EXECUTIVE BOARD/DIVISION OFFICER

###### Union-wide Officers, Vice-Presidents & Executive Board

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 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.

###### 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 Union-wide slate, will be placed in the same order on the Divisional bal-

## APPORTIONMENT OF DELEGATES & ALTERNATE DELEGATES IN LOCAL 100 \*

DIVISION	DELEGATES	ALTERNATES
Surface Maintenance	3	2
Surface Operators	12	5
Car Maintenance	14	5
Train Operators	10	4
Conductor/Tower	10	4
Station	18	7
Line Equipment - Signal	8	4
Track	6	3
Structure	6	3
Power	3	2
MaBSTOA Div. I	6	2
MaBSTOA Div. II	6	2
MaBSTOA Mtce. Clerical & P&E	4	2
MTA Bus	5	3
Private Operations	2	2
School Bus-Paratransit	5	4

lot as they are in the Union-wide ballot; the position of slates not affiliated with an Union-wide slate will be determined by alphabetical order of surnames of heads of slates. Individual candidates will be placed on the ballot after slates, in alphabetical order by surname.

##### THE BALLOT – CONVENTION DELEGATES

Unless otherwise requested in the Notice of Slate, each slate will be identified on the ballot by the surname of the candidate nominated for top office 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 Union-wide slate, will be placed in the same order on the Convention ballot as they are in the Union-wide ballot; the position of slates not affiliated with an Union-wide slate will be determined by alphabetical order of surnames of heads of slates. Individual candidates will be placed on the ballot after slates, in alphabetical order by surname.

##### THE ELECTION

###### The First Mailing

Ballots will be mailed on Tuesday, June 2, 2009, by the American Arbitration Association, for Union-wide Officers, Vice Presidents, Executive Board, Divisional Officers, and Convention Delegates and Alternates, utilizing the most recent membership list available. Separate ballots will be included for (1) Union-wide Officers, Vice Presidents and Executive Board Members, and Division Officers, and (2) Convention Delegates and Alternates. To be eligible to vote in the election, 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 June 1, 2009.

Enclosed with the ballot mailed to each member will be four (4) envelopes. The words "SECRET BALLOT – OFFICER ELECTION AND DIVISIONAL ELECTION" will be printed on one envelope, and "SECRET BALLOT – CONVENTION DELEGATE ELECTION" on another. The two other envelopes will be addressed return envelopes, 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 envelopes should be placed in the appropriate return addressed envelope and sealed.
- The voted ballots must be mailed so as to arrive at the AAA office before 8:30 AM on Monday, June 22, 2009. *No ballots may be returned to the AAA in person.*

#### **The Second Mailing**

An opportunity to vote for Union-wide Officers, Executive Board, and Divisional Officers will also be made available to all persons who become employed in a Local 100 represented bargaining unit, and become employed between June 1, 2009 and November 16, 2009, and who are members in good standing on November 16, 2009. Ballots will be mailed to such persons on Tuesday, November 17, 2009.

In these mailings, each member shall receive two (2) envelopes: one will have the words "SECRET BALLOT" printed on it, and the other will be a postage pre-paid, addressed return envelope. The Secret Ballot envelope will be placed in the postage-paid envelope and mailed to the AAA.

The voted ballot must be mailed so as to arrive at the AAA office before 8:30 AM on Monday, December 7, 2009.

#### **THE AMERICAN ARBITRATION ASSOCIATION**

The AAA will administer the balloting. The AAA will be in possession of the membership list as it stands on May 15, 2009, and any member who does not receive a ballot, including those who became a member between May 15 and June 1, 2009, should contact AAA at 1-800-529-5218. Any question by a member regarding his or her eligibility to vote should be directed to the Elections Committee. If the question is not resolved to the member's satisfaction, then the member requesting a ballot may make a written appeal to the Neutral Monitor who will then make a determination.

#### **THE COUNT**

##### **The First Mailing**

On Monday, June 22, 2009, the count of the Convention Delegate ballots will begin at 9:00 AM at the AAA's office or at another location chosen by the AAA and the Elections Committee, and will continue until completed, with such breaks for meals and rest as the AAA may decide.

The Officer, Executive Board, and Divisional Election Ballots received by the AAA before 8:30 AM on June 22, 2009 shall be stored in a metal container, unopened, in which they shall be sealed and stored until December 7, 2009.

No ballot which was part of the first mailing, but which was received after 8:30 AM on June 22, shall be counted.

**Ballots received in the incorrect envelope will not be counted.**

##### **The Second Mailing**

The previously sealed container with the returns from the first mailing shall be unsealed by the AAA at 8:30 AM on December 7, 2009. The count of the ballots returned from both the first and second mailings will commence at 9:00 AM on December 7, 2009, at the AAA office or at another location chosen by the AAA and the Elections Committee, and will continue until completed, with such breaks for meals and rest as the AAA may decide.

**No ballot which was part of the second mailing, but which was received after 8:30 AM on December 7, 2009 shall be counted.**

#### **ELIGIBILITY**

In addition to eligibility requirements set forth above, in order for a ballot to count, the voter must be a member in good standing on December 7, 2009.

#### **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 on notice may perform prior to the two counting days); and the counts, on June 22, 2009 and December 7, 2009. 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 IV (7)(H)). A candidate may be one of the allowed observers.

#### **THE NEUTRAL MONITOR**

A Neutral Monitor appointed by Local 100 will be responsible for resolving disputes that arise in the course of the election. The Neutral Monitor's jurisdiction includes all disputes over the 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. 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 Supplemental Rules as promulgated by Neutral Monitor. As to all disputes brought to the Neutral Monitor's attention, the Neutral Monitor will have the power to investigate and determine the facts prior to applying the law to them.

#### **CERTIFICATION**

As soon as practicable, after the count has been completed and any protest(s) is decided and remedy put into effect, the 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. Should a rerun be necessary, the Neutral Monitor and the Elections Committee shall certify those elections not subject to a rerun.

## **V. SUPPLEMENTAL RULES**

#### **1. Membership List**

A computer disk containing 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 May 15, 2009 (first mailing) and October 31, 2009 (second mailing). This disk shall be considered the master membership list. All members who have moved or changed their address and have failed to notify the Local 100 office of such change should notify the Local 100 office of the change no later than April 30, 2009 (first mailing) or October 15, 2009 (second mailing). It is the responsibility of the member to keep the Union updated on his/her current address. Any additions made to the master membership list because of errors previously made 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 and all candidates. The list maintained by the AAA shall be the list used for all candidate mailings.

#### **2. Inspection of Membership List**

Each candidate has the right, on one occasion between Friday, May 1, 2009 and Monday, June 1, 2009 (first mailing), and Friday, October 16, 2009 and Monday, November 16, 2009 (second mailing), 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 membership list will be used for no other purpose except to generate labels for mailings. The Local Union shall not, in any way, discriminate in favor of or against any candidates with respect to the membership list. The Union shall take appropriate steps to direct that all staff and members 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 March 31, 2009.

#### **3. 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 cam-

paign contributions.

#### **4. Prohibition on Interference with Voting**

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

#### **5. Campaign Contributions**

**A. 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 the International Union, unless that employee or member is an employer.

**A. 2** No employer shall be permitted to contribute anything 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.

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

**B.** No Local Union 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 notifies 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 is prohibited irrespective of compensation or use.

**C.** 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 work or to regular Local Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off is permitted. Vacation request forms must be approved in advance and request/approval forms and vacation balances must be made available to the Neutral Monitor upon request.

**D.** 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, 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.

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

**F.** It is strongly recommended that each candidate notify all prospective contributors of the limitations on campaign contributions, on all campaign literature soliciting contributions, and at all fund-raising events.

#### **6. Protests**

**A.** 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 Additional 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.

**B.** 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.

**C.** 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 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).

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

**E.** 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 this/her behalf, caused or significantly contributed to the situation giving rise to such protest.

**F.** 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, the Local Elections Committee rules, and

these rules, 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.

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

**H. 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.

**I. 1. 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 decision of Local Unions, except that appeals must be made within three (3) business days of the decision of the Neutral Monitor.

**I. 2.** If no appeal is taken from the determination of the Neutral Monitor, that determination shall become final and binding.

#### **7. Voting and Ballot Count Procedures**

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

**B.** 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 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 48 hours after receiving the name from AAA, then AAA will send the person a challenged ballot. AAA will fax or e-mail to the Elections Committee, Elections Committee Chair, and Neutral Monitor on a daily basis the names, divisions and pass numbers of all those receiving challenged ballots. The Elections Committee will fax or e-mail these lists to candidates or 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.

**C.** If any member does not receive a ballot within three (3) days of the mailing date, 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 or faxed to AAA. No duplicate ballot will be mailed less than three (3) 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, he or she should contact the Neutral Monitor.

**D.** If more than one ballot is received by the AAA from any person, the later posted ballot will be the one counted. 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.

**E.** 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.

**F.** 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.

**G.** 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.

**H.** 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.

#### **8. Election Count Candidates & Observers Rules**

**A.** Any candidate who wishes to designate a member in good standing as an observer must notify the Elections Committee in writing.

B. Candidates and observers may not count or handle the ballots.C. Campaign apparel, stickers or buttons may not be worn in the room where counting takes place.

D. 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.

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

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

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

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

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

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

#### 9. Procedures for Mailings of Campaign Literature

A. Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have literature mailed 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 mailing list will be transmitted by the AAA to the mailer designated by the Elections Committee.

B. All reasonable requests by candidates for distribution of campaign literature will be honored.

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

D. Arrangements will be made by the Elections Committee with a professional mailer to handle the mailing of campaign literature.

E. All costs for the mailing of campaign literature will be borne solely by the candidate. Costs associated with the mailings include, but are not limited to:

1. Address labels, materials, and labor
2. Postage
3. Fees as determined by the outside mailer

F. 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 Elections Committee 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.

#### 10. Miscellaneous

A. 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 top four officers. Special ballots will be prepared for this group.

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

## VI. NOTICE OF SECTION OFFICER NOMINATIONS AND ELECTIONS

In accordance with the Constitution of the Transport Workers Union of America, the election of Section Officers will take place in December 2009 and January 2010. 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
- MaBSTOA Maintenance Division Vice Chairs

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

#### NOMINATIONS

Nomination of candidates for the above-mentioned Section offices shall take place at a Section meeting held no sooner than October 1, 2009 and no later than October 31, 2009.

A schedule of those meetings will be available at the Elections Committee office. 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 business day following the nominating meeting. 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 by the close of the nomination meetings. The acceptance form shall include the nominee's address, telephone number, e-mail address and social security number.

#### ELIGIBILITY

To be nominated for Section Office, a member must have been in continuous good standing for twelve months prior to the month of nomination, and the member must have attended at least five (5) of the regular meetings of his/her Division or Section held during the twelve (12) month period immediately preceding the month of nomination. Meeting attendance may be excused only if the nominee has previously acted in accordance with Article XV, Sec. 6 of the TWU Constitution. The Elections Committee shall make all rulings on issues related to the application of meeting attendance requirements.

#### 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. 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 his/her contact information including the mailing address, social security number, telephone number, and e-mail address. A section slate may utilize the name of a slate which ran in the union-wide election. The ballot shall give the voter the opportunity to cast one slate vote for all Section officers.

#### ELIGIBILITY

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.

#### MAILINGS

Mailings may be made to members. All mailings will be administered by the Elections Committee at the candidate's expense.

#### ELECTION

The election of Section Officers will take place in December 2009 and January 2010, on dates to be determined by the Elections Committee. The manner of voting (whether in person or mail ballot) shall proceed in accordance with the past practices of the section except for Stations Sections 2, 46, 106 and 145, which shall have a mail ballot election, or if the Elections Committee determines that a mail ballot provides a substantially greater opportunity to vote.

## VII. LOCAL 100 ELECTIONS COMMITTEE

James P. Mitchell, Chairman	212.873.6000, x2089
Kesia Jones-Glenn, Secretary	212.873.6000, x2059
Peter Lewnes, Member	212.873.6000 x 2059

Elections Committee:	elections2009@twulocal100.org
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Arthur Z. Schwartz, Counsel	districtleader@msn.com
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Election Fax	212.579.3381
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Dan Silverman, Neutral Monitor	718 237-8693
	718 855-2933 (fax)
	<a href="mailto:dan@silversilverman.com">dan@silversilverman.com</a>

Election materials are available at: [www.twulocal100.org/elections2009](http://www.twulocal100.org/elections2009)