



# UAW ADMINISTRATIVE LETTER

## OFFICERS

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Letter No. 3

### IN THIS ISSUE:

#### **ELECTION OF DELEGATES TO THE UAW 37<sup>th</sup> CONSTITUTIONAL CONVENTION.**

#### *To All Local Unions*

#### *Greetings:*

The Call to the 37<sup>th</sup> Constitutional Convention, which is scheduled to be convened in **Detroit, Michigan on June 11, 2018**, was recently submitted to all Local Unions. For those Local Unions that had paid per capita through the month of November 2017, the Call included the credentials for the number of delegates and the number of votes to which each respective Local Union is entitled. Credentials will be forwarded to those Local Unions that had not paid the full per capita tax due to the International Union through the month of November 2017, as soon as such per capita is paid.

Any Local Union that has not done so, should immediately begin to prepare for the election of delegates to the International Convention.

This Administrative Letter is to advise Local Unions on the preparation for the elections. It is hoped that this letter and the ***Guide for Local Union Election Committees*** will assist the Local Union Officers and the Election Committees in carrying out their responsibilities in conducting the elections.

The preparation, guidelines and administrative procedures for the conduct of Local Union elections for delegates to the International Convention as set forth under Article 8 of the Constitution and Local Union Executive Officers, as set forth under Article 38, Section 1 of the Constitution, are required to be made by the principal officers of the Local Union (President, Recording Secretary and Financial Secretary) to assure that the elections will be held in accordance with the provisions of the International Constitution, the suggestions in the ***Guide for Local Union Election Committees*** and any applicable provisions of the Labor-Management Reporting and Disclosure Act (LMRDA).

In order to clarify the responsibility of the Local Union Officers and the actual work of the committee in conducting the election, the following is directed to all Local Unions:

A Local Union Election Committee is obligated, in any election required by the Local Union to be conducted by the Election Committee, to cooperate with the officers of the Local Union in establishing the procedures for such election.

**However, the actual conduct of the election is entirely the responsibility of the Election Committee.**

The following are some basic requirements and directions of the election for the guidance of the Local Union Executive Board in establishing the procedures for the election:

### ***ELECTION DATE***

Article 38, Section 10(d) of the International Constitution states as follows:

**"(d) The date or dates for all elections must be established by the membership body of the Local Union."**

The International Executive Board made the following interpretation of this Article and Section, as a result of a Convention mandate:

**"In unusual circumstances, where the Local Union still holds general membership meetings, and is unable to secure a quorum immediately preceding the required time to begin the conduct of their elections, the establishment of the date and other specifics in connection with the election may be established by the Local Union Executive Board."**

### ***ELECTION NOTICES (Mailed)***

Once the time, date and place of the election has been established by the membership or the Local Union Executive Board as provided herein, the Local Union is required in elections held for delegates to the Convention and triennial elections for Local Union officers, to mail notice of such elections to each member in good standing, whether working or on layoff, including retirees, not less than fifteen (15) days prior to the election at the last known home address. (The procedures to assist Local Unions in meeting this requirement are as set forth later in this Administrative Letter.)

### ***ELECTION NOTICES (Posted)***

Notices of the election are also required to be posted as mandated by Article 8 and Article 38 of the International Constitution.

### ***NOMINATIONS***

1. The International Constitution requires that at least seven (7) days' notice should be given to the membership of the Local Union in advance of the date, time and place of nominations and of the election of an Election Committee, if such committee is to be elected at that time. The Local Union may announce the date of nominations in the notices mailed on the election; however, only a posted notice of at least seven (7) days is required for nominations and election of an Election Committee.
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Where a Local Union utilizes a newspaper for the purpose of meeting the mailed notice requirement, the date, time and place of nominations should be included in such notice.

Local Unions should make sure that every reasonable opportunity is given for the nomination of candidates among the members in good standing in the Local Union. (See ***Guide for Local Union Election Committees***.)

2. Where nominations are held at a nominating meeting, any member in good standing in the Local Union is entitled to be nominated. A member is not required to be present at the nomination meeting in order to be nominated or accept her/his nomination. (All members nominated should be advised of their nomination in notices posted by the Local Union following such nomination.)
3. Following the close of nominations and the adjournment of the membership meeting at which nominations are held, nominations are closed. No further nominations may be accepted by the Local Union by any other method or under any other circumstance.
4. Following the nomination meeting, the Local Union should post, as soon as possible, in the place of employment, a notice on the bulletin boards of the names of all those members nominated at the nomination meeting. The notice should advise all candidates of the date, time and place established by the Local Union relative to the deadline for acceptance of nominations and should also indicate the method by which such acceptance should be submitted.
5. Any member in good standing may nominate another member in good standing at the meeting or any member may nominate her/himself.
6. Where nominations are made at the membership meeting no nominations in writing or by mail may be accepted either before or after the nomination meeting. However, if a member cannot attend the nomination meeting because the employer requires her/him to work, and no other arrangements can be made, such member may nominate in writing. The written nomination must be delivered to the Chairperson of the Election Committee before the nomination meeting. Any acceptance must be made before nominations are closed at the meeting.

### ***ALTERNATE NOMINATING PROCEDURE REQUIREMENTS***

Where Local Unions adopt the alternate nominating procedure as set forth in the ***Guide for Local Union Election Committees***, the Local Union should revise its procedures to provide for the following interpretation which was adopted by the International Executive Board:

"Where a Local Union in the United States adopts a nominating procedure that all members stand nominated, such procedure must also provide the opportunity for a member or members to nominate candidates of their choice during the nomination period."

Local Unions utilizing such a procedure (all members stand automatically nominated) are instructed to place in their nomination notices the procedure set forth in the ***Guide for Local Union Election Committees***. This procedure is as follows:

"Such alternate procedure may not prevent a member from making a nomination of some other member or members. To meet this requirement, Local Unions in

the United States adopting the alternate procedure that all members are nominated, should make it known on the notices to the membership, that any member may nominate any other member(s) s/he desires for any specific office established in the election. Where a member chooses to nominate another member, s/he would be required to notify the Local Union of such nomination in writing within the nominating period. S/he would also be required to notify the member nominated for the specific office, so that her/his nominee will be aware of the nomination and of the obligation to accept such nomination within the deadline. If a member is nominated and the nominator fails to notify the nominee, such failure will not invalidate or excuse the member's responsibility to accept such office or position to which s/he was nominated within the established deadline period."

## ***CANDIDATES***

1. Any member in good standing is eligible to be a candidate for delegate to the Convention, if s/he is determined eligible in accordance with the rules and qualifications established by the International Constitution.
2. The election of all delegates must be by secret ballot. A sufficient number of voting booths or voting machines must be made available to allow each member to cast her/his ballot in secret.
3. Each nominee for delegate will be required to adhere strictly to any reasonable deadline procedure, for acceptance or declination, established by the Local Union.

## ***ELIGIBILITY***

1. Eligibility to be a candidate for delegate to the Convention is as set forth in the International Constitution.
  2. No member is eligible to be a candidate as a delegate to the Convention unless s/he has been a member in continuous good standing in the International Union for twelve (12) months immediately preceding the first day of the month in which the Convention is held (**June 2018**) and s/he must also have been a member of the Local Union in which s/he is a candidate for delegate for three (3) months immediately preceding the first day of the month in which the Convention is held.
  3. All members in good standing shall be eligible to vote for all candidates for delegates to the Convention in accordance with the International Constitution and the bylaws of the Local Union. Eligibility to vote must be determined in accordance with the financial records of the Local Union and the provisions of the International Constitution.
  4. In accordance with Article 38, Section 10(b) of the International Constitution, all elections scheduled within the Local Union for Executive Officers and Convention Delegates must be held during specified dates and hours at a specified polling place, or polling places, where each member shall personally cast her/his vote. The use of absentee ballots is not permitted in any Local Union election, including the election held for Convention Delegates, except as limited by the interpretation of the International Executive Board, and as established by the Local Union, in accordance with such interpretation, prior to nominations for the election to be held.
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## ***ELECTIONS***

1. The Local Union should establish adequate hours for voting, at a conveniently located polling place or polling places, so that all members in good standing in the Local Union have ample opportunity to vote in the election.
2. Any certified candidate in the election shall be entitled to have a challenger at the polls during the time of voting and/or the counting of the ballots by submitting to the Election Committee an authorization, in writing, for such challenger. The challenger must be a member of the Local Union in good standing. No other persons or members should be allowed at the polling place during the election or at the time of counting.

Challengers in the election are permitted, with the clear understanding that their responsibility is to observe only.

Local Union Election Committees shall have the responsibility to maintain order during the election and the counting of the vote. Where challengers manifest conduct which interferes with the election, the Local Union Election Committee may invalidate their opportunity to challenge the election by having them removed from the polls.

3. At the closing of the polls, the Election Committee should establish a time for the counting of the ballots and if it is at all possible, once the counting of the ballots begins, the count should be concluded before the Election Committee closes the place of counting and seals the ballot box or boxes.
  4. A canvass of the results of the election should be posted on the bulletin boards in the place of employment and in the Local Union following the count.
  5. At the conclusion of the count, the Election Committee should place all of the election material, including unused ballots, used ballots, void ballots, poll books, worksheets and other election information in a properly sealed container which should be locked and securely wrapped. It is further recommended that the ballot box containing all of the election material be tape-sealed by the Election Committee and signed by members of the Election Committee. Any challengers present at the time of the sealing of the ballot box may also sign the ballot box.
  6. It is important that the ballot box is stored in a satisfactory place for safekeeping and preserved for one (1) year following the election, "...unless an appeal is pending, in which event they must be preserved until the appeal has been decided and the decision is final."
  7. Where there are unopposed candidates in an election held for delegates to the Convention, such delegates may be declared elected by acclamation at the membership meeting where they are nominated, in accordance with Article 38, Section 17 of the International Constitution. Under these circumstances no election is required.
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## ***MAILED NOTICE REQUIREMENTS & PROCEDURES***

As previously stated, federal law requires that a fifteen (15) day notice of the election of delegates is required to be mailed to each member in good standing in the Local Union, whether working or on layoff, including retired members, at the last known home address.

The procedure for facilitating this requirement follows:

The fifteen (15) day notice should be mailed by the Recording Secretary of the Local Union.

The mailed notice requirement may be fulfilled by the use of postcards, a Local Union newspaper or a city or county-wide newspaper with which a Local Union is affiliated. Whether a postcard or a newspaper is used it must be mailed to the entire membership in good standing, whether working or on layoff, including retirees.

If newspapers are used for the mailing, the notices should be placed in a prominently displayed position on the front page of the paper or there must be a prominent reference on the front page referring to the election notice inside the newspaper.

Local Unions may also fulfill the mailed notice requirement by the use of a letter, or other means of mailing, as long as such notice is mailed to all members in good standing, whether working or on layoff, including retirees, at their last known home address.

## ***PRINTING SERVICE AVAILABLE***

For the convenience of those Local Unions who may not have adequate equipment to make their own mailing of the fifteen (15) day notice, or for those Local Unions who may desire to use a means for the mailing other than their own facilities, the International Union has approved an arrangement for the use of postcard mailing with the Inland Press, 2001 W. Lafayette, Detroit, Michigan.

Any Local Union desiring to use the International Union mailing list for the purpose of sending postcards to comply with the fifteen (15) day mailed notice requirement under this arrangement, should make a timely request directly to the Inland Press, 2001 W. Lafayette, Detroit, Michigan. The telephone number is (313) 961-6000.

The Local Union is also required to submit a copy of such request to the UAW Circulation Department in order that the mailing list for the Local Union may be released for the mailing of the postcards.

Local Unions who choose to use the printer for mailing notices of elections should make their request to the printer at least ten (10) days in advance of the date the postcard should be mailed in order to comply with the fifteen (15) day mailed notice requirement. It is, therefore, important that any Local Union contemplating using the printing service immediately plan its election in order for it to provide adequate timely notification to the printer so the notices may be mailed in accordance with the requirements.

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## **PRICE LIST LOCAL UNION ELECTION POSTCARDS**

The following list covers the cost of a Local Union Election Postcard and is based upon usual typesetting, printing on one side only, membership mailing and the present postcard mailing rate of **35¢** per card, plus five samples mailed to the Local Union when printed. To arrive at your cost go to the next nearest quantity, in multiples of 25. [Example: Order 35 -- Cost would be as 50.]

**Copy and mailing list must be received 25 days prior to election date.**

<u>QUANTITY</u>	<u>COST</u>	<u>QUANTITY</u>	<u>COST</u>	<u>QUANTITY</u>	<u>COST</u>
25.....	\$208.00	400.....	\$383.00	775.....	\$571.00
50.....	\$217.00	425.....	\$395.00	800.....	\$582.00
75.....	\$231.00	450.....	\$410.00	825.....	\$593.00
100.....	\$241.00	475.....	\$422.00	850.....	\$603.00
125.....	\$264.00	500.....	\$432.00	875.....	\$612.00
150.....	\$269.00	525.....	\$443.00	900.....	\$623.00
175.....	\$279.00	550.....	\$454.00	925.....	\$632.00
200.....	\$288.00	575.....	\$465.00	950.....	\$645.00
225.....	\$302.00	600.....	\$478.00	975.....	\$656.00
250.....	\$321.00	625.....	\$492.00	1,000.....	\$668.00
275.....	\$340.00	650.....	\$504.00	2,000.....	\$1,142.00
300.....	\$351.00	675.....	\$515.00	2,500.....	\$1,379.00
325.....	\$359.00	700.....	\$525.00		
350.....	\$365.00	725.....	\$537.00		
375.....	\$371.00	750.....	\$550.00		

Again, the rates set forth are based upon the present postcard mailing rate of **35¢** per card. Should there be an increase in the postal rate prior to the requested mailing time, then the rates specified will be increased accordingly. Such increase will be in addition to the above-quoted rates (for postage only).

A Local Union having a substantial number of units and desiring to have individual unit coverage of such notices should work out arrangements with the printer and secure approval of the cost prior to concluding the order.

Local Unions using the printing service that encounter any problems with regard to space and layout of the postcard, or cost, should contact **Inland Press** directly.

**To achieve the best coverage with these mailings, each Local Union is urged to keep its mailing list as current as possible.**

The postcard or other mailings should carry the following minimum information:

1. The Election of Delegates to the **37<sup>th</sup> Constitutional Convention** and the number of delegates to be elected.

The names of the candidates need not be placed on the fifteen (15) day mailed notice. However, the notices which are posted in the place of employment (at least seven (7) days prior to the election) should carry the names of all the eligible candidates for delegates to the Convention.

2. The date, time and place of the election for delegates.
3. The request to the printing company should always contain the name and title of the person who is authorizing the mailed notice for the Local Union (Recording Secretary).

The Local Union may use the postcard as a notice of both nomination and election. If the postcard is also being used as a nomination notice, then the time and place of the nomination meeting should be added.

### ***LOCAL UNION ELECTIONS – 2018***

Local Unions holding triennial elections in **2018** who use the postcard mailing or other independent mailing should also place in such notices either of the following:

- The four (4) top Executive Officers shall also be the Local Union delegates to the UAW State, County, City or Area CAP Councils, or---
- The four (4) top Executive Officers may be spelled out and/or designated as the UAW Local Union delegates to State, City, County or Area CAP Councils.

If the Local Union should require any additional information on the requirements of the fifteen (15) day mailed notice, **such inquiries should be directed to the Regional Director.**

In addition to the fifteen (15) day notice required by federal law, the Local Union is required to make the proper posting of notices fifteen (15) days within their respective place of employment on bulletin boards, as required under the International Constitution.

Federal law also gives each candidate the right, upon a reasonable request to the Local Union, to have the candidate's literature distributed to all members in good standing at her/his own expense. The procedure for handling this matter should be discussed with the Regional Director, if such a request is made of the Local Union by any bona fide candidate in the election.

### ***ELECTION OF LOCAL UNION EXECUTIVE OFFICERS – 2018***

It is recommended that Local Unions electing Executive Officers this year check the procedures for the conduct of such elections as set forth in **Administrative Letter No. 2, Volume 59, issued February 15, 2018.** The recommendations and procedures set forth therein will be helpful to those Locals conducting elections for Executive Officers this year.

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When questions arise that are not specifically set forth or answered in this Administrative Letter or the ***Guide for Local Union Election Committees***, the Local Union should contact the Regional Director.

Local Unions are further instructed not to request any assistance on the conduct of elections within our Union from the Department of Labor, Office of Labor Management Standards (OLMS), since the elections within our Union are conducted in accordance with the procedures established by the Convention and the International Executive Board in accordance with the provisions of the law. Should the advice of the U.S. Department of Labor be required, the International President's Office or the Regional Director will make the inquiry for the Local Union.

The Local Union should submit to my office, immediately after certifying the canvass of the results of the Local Union election for delegates, a copy of all information pertaining to the results of the election. This information should include the number of votes received by all candidates, the number of ballots cast in the election and the number of void and unused ballots.

### ***PROTEST PROCEDURE FOR CONVENTION DELEGATES***

Article 8, Section 15 of the International Constitution states, in part:

"Protests of delegate elections must be received by the International Secretary-Treasurer by whichever of the following dates occurs first: (1) Not more than seven (7) days after the Local Union delegate election or (2) not less than twenty-one (21) days prior to the convening of the Convention. These protests shall be referred to the Credentials Committee and the Credentials Committee may waive failure to comply with the foregoing time limitation where the interests of justice would require."

### ***ELECTION PROTESTS & THE CREDENTIALS COMMITTEE***

The Credentials Committee, under Article 8, Section 17 of the UAW Constitution, decides and reports to the full Convention all election protests which have been received. Under the UAW Constitution, these protests can raise any subject matter related to the election of that Local Union's delegates including, but not limited to, the conduct of a campaign, or the use of Union or employer assets.

All other election protests of elections held under Article 10 covering International Officers and Regional Directors, even though not touching the election of an identifiable delegate or delegates were required to be filed with the Credentials Committee, which has exclusive jurisdiction. The Credentials Committee in turn reports its actions to the Convention for its decision. So, any protest of the conduct of a campaign for these offices, or of any matter said to affect the election must be filed with the Credentials Committee. There are no exceptions.

While the Credentials Committee sits, it has full authority to receive such election protests, evaluate them and report its findings and recommendations to the full Convention. The Convention itself is the final authority, and so makes the final disposition of all election protests, whether presented by the Credentials Committee or even when directly raised on the floor of the Convention.

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The adoption of the Final Report of the Credentials Committee by the Convention immediately closes all protests of other questions concerning the election of delegate, Regional Director or International Officer, regardless of the allegation. The delegates then proceed to immediate vote, which when tabulated, is promptly announced, and in the case of Regional Director elections, is reported as informational matter to the full Convention.

No further protests or appeal exists or is possible under the UAW Constitution. Neither the International Executive Board, nor any officers, has authority to entertain further any election protest.

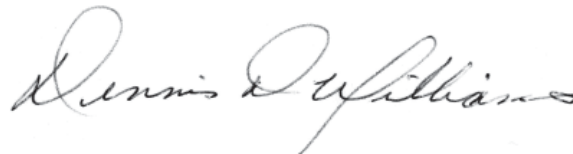
Any election issue which might have been presented to the Credentials Committee or the Convention, but was not, is completely barred at this point, regardless of the excuse. The elections of International Officers and Regional Directors are final upon tabulation and announcement of the relevant vote to the voting delegates.

### ***PROTEST-APPEALS LOCAL UNION ELECTIONS***

Appeals from the conduct of an election in connection with Local Union Executive Officers must be processed within the Local Union in accordance with the requirements of Article 38, Sections 11 and 12, and Article 33, Section 3 of the International Constitution. See also **Administrative Letter No. 2, Volume 59, issued February 15, 2018**, and the information on Local Union election protests contained therein.

Local Unions desiring any additional assistance or advice in connection with their election procedure should contact their Regional Director.

In solidarity,



Dennis D. Williams  
President

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