

**B.A.C. LOCAL 3, CA**  
**RULES AND ELECTION PROCEDURES**  
**for the December 8, 2018 Officer Election**

Members' dues must be paid through October 2018 for their vote to count on December 8, 2018.

**PLEASE NOTE:** Only members in good standing whose dues are current through October 2018 shall be eligible to have their ballots counted on December 8, 2018. Any member wishing to pay dues in arrears will be able to do so at the Local 3 office, located at 10806 Bigge Street, San Leandro, California 94577, up until 4:00 p.m. on Friday, December 7, 2018. No dues will be accepted after that time. Local 3 does not accept dues payments in cash, but only by personal check, cashier's check, money order, Visa, MasterCard, American Express, or Discover Card.

On November 3, 2018, B.A.C. Local 3 California ("Local 3" or the "Local Union") will hold a nomination meeting for the 2018 officer election. The ballots will be counted on December 8, 2018. The November 3, 2018 nomination meeting will be held at the Warehouse Union Local 6 hall, located at 99 Hegenberger Road, Oakland, California. The December 8, 2018 ballot count will be held at the Sheet Metal Workers Local 104 union hall, located at 1720 Marina Blvd, San Leandro, California.

Local 3 offices open for nomination are **President, Secretary-Treasurer, and (3) Vice Chairpersons (Management Committee).**

No use of recording devices or cell phones shall be permitted in any aspect of the election procedure (including but not limited to the Nomination meeting, the ballot count, or any other official proceedings).

The following are the rules for the election. In addition to these rules, all members, nominees and candidates are urged to review the Local 3 Constitution and By-Laws, the International Constitution, Rules of Order and Codes, and the Rules for a Mail Referendum (reproduced at the end of the Local 3 Constitution and By-Laws pamphlet), copies of which may be obtained from the Local Union.

## **QUALIFICATIONS FOR OFFICE**

- A. In order to qualify as a candidate for any elected office in this Local Union a member shall be required:
- (1) to have been a journeyman member continuously in Local 3 and in the International Union for a period of two (2) years immediately prior to nomination, and
  - (2) to be in good standing at the time of nomination, current in the payment of his/her dues; provided that the Secretary-Treasurer shall accept payment of any dues in arrears up to 4:00 p.m. on Friday, November 2, 2018, at the Local 3 office.

- B. No person who has been debarred from holding office by the International Union or any Local Union after trial shall be qualified as a candidate or hold office during the period of his/her debarment.
- C. A contractor member who (either directly or through a business entity such as a partnership or corporation) employs one or more persons working at any branch of the trade shall not be eligible to run as a candidate for or to hold office. (Merely holding an active contractor's license is not sufficient to disqualify any otherwise eligible member from running as a candidate for or holding office.) A supervisory member who works in a supervisory position on a continuous and ongoing rather than on a project-by-project basis, with the effective authority to hire or fire, or impose substantial discipline, shall not be eligible to run as a candidate for or hold office.
- D. Apprentices in good standing may nominate candidates and vote in elections for the Local Union officers, provided that they have been members for one (1) year. Apprentices may not be candidates for or hold office or position in this Local Union or serve as delegates to the International Union.
- E. Pursuant to 29 U.S.C. § 504, no person who has been convicted of, or served any part of a prison term resulting from his conviction of, 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, or a violation of 29 U.S.C. §§ 431-466, any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall be eligible to run as a candidate for or hold office during or for the period of thirteen (13) years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least three years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) if the offense is a Federal offense, the sentencing judge or, if the offense is a State or local offense, the United States district court for the district in which the offense was committed, pursuant to sentencing guidelines and policy statements under 28 U.S.C. § section 994(a), determines that such person's service in the capacity of a union officer would not be contrary to the purposes of the Labor-Management Reporting and Disclosure Act, 29 U.S.C. §§ 401-531.

## **NOMINATIONS AND BALLOTS**

- A. The Nomination meeting will be held on Saturday, November 3, 2018, beginning at 10:00 a.m., at the Warehouse Union Local 6 Hall, 99 Hegenberger Road, Oakland, California.

- B. No less than fifteen (15) days prior to the Nomination meeting, notice thereof shall be mailed by the Secretary-Treasurer to each member of the Local Union at his/her last known address, and such notice shall list the offices and positions to be filled and the time, date and place of such meeting.
- C. Only members in good standing of Local 3 shall be permitted to attend the Nomination meeting. Dues must be paid through September 2018 in order for a member to nominate a candidate or to be eligible to be nominated. Any member wishing to pay dues in arrears will be able to do so at the Local 3 office, located at 10806 Bigge Street, San Leandro, California 94577, up until 4:00 p.m. on Friday, November 2, 2018. Local 3 does not accept dues payments in cash, but only by personal check, cashier's check, money order, Visa, MasterCard, American Express, or Discover Card.
- D. No use of recording devices or cell phones shall be permitted during the Nomination meeting.
- E. At the Nomination Meeting, the Secretary-Treasurer Chair shall announce the names of the Election Committee of the Local Union appointed pursuant to Article IX, Section 6A of the Local 3 Constitution and By-Laws.
- F. Nominations shall be made from the floor at the Nomination meeting. In addition, in order to allow full membership participation in the nomination process, nominations may also be made by mail or fax. Nominations by mail or fax must be received no later than 4:00 p.m. on Friday, November 2, 2018. The fax number for nominations, which should be sent to the attention of the Election Committee, is (510) 632-8261. The mailing address for nominations is as follows: Election Committee, BAC Local 3, CA 10806 Bigge Street, San Leandro, California 94577.
- G. Any member in good standing, current in the payment of dues through September 2018, may run as a candidate for office, subject to the requirements outlined in Article VIII, Section 4 of the Local 3 Constitution and By-Laws, if he or she is nominated by another member in good standing. Any member in good standing, current in the payment of dues through September 2018, may nominate a candidate for office, but apprentices must additionally have been members for one (1) year in order to nominate candidates.
- H. A member may not be nominated unless he or she is present at the time of the nomination, except if he or she has filed with the Election Committee before the Nomination meeting a written acceptance stating that he or she will serve in a specific office, if elected. Such written acceptance must be received no later than 4:00 p.m. on Friday, November 2, 2018. The fax number for nominations, which should be sent to the attention of the Election Committee, is (510) 632-8261. The mailing address for nominations is as follows: Election Committee, BAC Local 3, CA, 10806 Bigge Street, San Leandro, California 94577. (A member intending to nominate a fellow member who will not be attending the nomination meeting should arrange to have the nominee send a timely written acceptance by fax or mail.)

- I. Before the close of nominations for each office, the Election Committee Chairperson shall inquire of each nominee present whether he or she will serve if elected. If so, his or her name shall be included on the list of nominees for that office and, in accordance with Article VIII, Section 3 of the Local 3 Constitution and By-Laws, his or her name may not be placed in nomination for any other office.
- J. The following shall be the procedure for nominations:
  1. Nominations will be made in the following order: President; Secretary-Treasurer; and, three Vice Chairpersons.
  2. As to each office, the Chairperson of the Election Committee shall announce that all persons present who wish to nominate a candidate for that office should fill out an index card, which shall be distributed by the Election Committee to all persons at the meeting requesting a card, stating the title of the office, the name of the person nominated as a candidate, and the name and signature of the person making the nomination. The index cards for that office will then be collected by the Election Committee and will be examined to insure that no candidate is being nominated more than once. With duplicate nominations eliminated, the remaining index cards will be placed into a box or similar container.
  3. The Election Committee will then review all of the nomination index cards and determine whether each person whose name is listed as a candidate on the cards has been nominated by at least one person who is a member in good standing. Any member in good standing wishing to protest the eligibility of any nominator must do so before the Election Committee commences drawing the nomination index cards from the container, in order to permit the candidate to be nominated by another member if his or her original nominator is ruled ineligible to nominate. The member lodging the protest shall have the burden of proving the nominator's disqualification through competent evidence. No protest to a nominator's eligibility shall be considered thereafter. If there is any person whose name is listed on the cards as a candidate has not been nominated by a person who is a member in good standing, the Chairperson of the Election Committee will announce that fact to the meeting and ask if there is any person present who wishes to nominate that candidate. If any nominator comes forward and that nominator is a member in good standing, then the nomination for that candidate shall proceed.
  4. To determine the order in which the candidates' names will be placed on the ballot, only one index card will be drawn from the container at a time. The order in which the names are drawn shall be the order in which nominations are made. The names of the candidates for that office will be placed on the ballot in the order in which the names were drawn from the container, if all other procedures for the nomination are satisfied as set forth in the Constitution and Bylaws of BAC Local 3.

K. Upon completion of nominations for all offices:

1. Any nominee may withdraw his/her name.
2. The Election Committee shall then examine the names of the nominees against the records of the Local Union in order to determine whether or not each nominee possesses all of the qualifications herein above provided, and shall announce any disqualifications.
3. If any nominee withdraws or is disqualified pursuant to the foregoing subparagraphs (1) or (2), further nominations will be in order only if no nominee is remaining for that office.

L. Any member in good standing wishing to protest the eligibility of any candidate must appear before the Election Committee before the Nomination meeting is adjourned at the time and place specified. The member lodging the protest shall have the burden of proving the nominee's disqualification through competent evidence. No protest to a candidate's qualifications by a member who has not so appeared shall be considered thereafter. Within seven (7) days after the Nomination meeting, the Election Committee shall investigate any protest lodged, determine whether or not each nominee as to whom the protest has been lodged qualifies, and notify in writing of its decision each such nominee and the member lodging the protest. The Committee's determination on eligibility shall be final and binding, subject to any appeal filed with the International Union pursuant to the provisions of Code 8 of the International Constitution.

M. In the event there is no contest for an office and the sole nominee is found properly qualified, the Election Committee shall certify to the members of the Local Union that there is no need for a mail referendum election as to that office, and declare the nominee duly elected.

N. The Election Committee shall prepare the official ballot, which shall list the names of the qualified candidates in the order in which they were nominated.

O. The Election Committee shall then consult with the Secretary-Treasurer in order to determine the number of official ballots to be printed. Upon being so informed, the Election Committee shall then order the preparation of the required number of official ballots, which shall be in such form as to protect and insure the secrecy of the vote of the members.

P. The election shall be conducted by mail referendum. The Election Committee shall send the ballots, by first class mail, to each member at his or her last known address, not less than twenty (20) days prior to the date set for counting the ballots.

Q. The mail referendum shall be conducted in accordance with federal law and with rules promulgated by the Election Committee pursuant to Article IX, Section 6A(2), of the Local 3 Constitution and By-Laws.

- R. The official ballots, once printed, shall remain in the custody of Unilect until the day for mailing to the members. The ballots shall be delivered to the Election Committee together with the printer's certification of the number of ballots printed. The candidates and/or their observers shall be permitted to observe the delivery of the ballots to the Election Committee.

## **ELECTION CAMPAIGN MAILINGS**

- A. Address labels for candidates' campaign mailing to Local 3's membership are available from the Local Union at a cost of one hundred dollars (\$100.00) for a full list. Labels will be available through December 7, 2018 at the Local 3 office, located at 10806 Bigge Street, San Leandro, California.
- B. All campaign literature should be ready for labels (that is, stuffed into stamped and sealed envelopes) when delivered to the Local Union office. Any candidate intending to send such a campaign mailing shall arrange an appointment in advance with the Election Committee for that purpose, by contacting the Local Union's clerical staff at (510) 632-8781. At least two (2) working days' notice is required. The full cost of the mailing shall be tendered at or before that appointment.
- C. At the appointment, the candidate and/or his or her assistant(s) shall affix the labels to the envelopes under the direct supervision of the Election Committee or members thereof and shall return the labeled envelopes to the Election Committee members present for mailing (which the candidate and/or his or her assistant shall be permitted to observe) without copying or otherwise making a record of the names and addresses.
- D. Under no circumstances shall any candidate or anyone else be permitted to remove the labels from the direct observation of the Election Committee or members thereof present. Violation of this rule shall be grounds for disqualification of the candidate.
- E. All candidate mailings will be done at the Pardee Office of the USPS.

## **BALLOT COUNT**

- A. The ballots will be mailed on or before November 17, 2018.
- B. A final eligibility list for the ballot count shall be compiled on Friday, December 7, 2018, at 4:00 p.m., at the Local 3 office located at 10806 Bigge Street, San Leandro, California. Candidates or their observers shall be permitted to observe the compiling of this list.
- C. The ballots shall be counted on Saturday, December 8, 2018. The ballot count meeting shall commence at 9:30 a.m. at the at the Sheet Metal Workers Local 104 union hall, located at 1720 Marina Blvd, San Leandro, California.

- D. Each candidate may serve as his or her own observer, or may have a member in good standing act as his or her observer, but only one (1) of them can be present at the ballot counting area on election day at any given time. An “observer” is a candidate’s representative who is stationed at the ballot counting area on Election Day to watch the conduct of the election officials to insure that the election is conducted in a fair and impartial manner. All references to “observers shall be understood to include both candidates’ observers and candidates acting as their own observers.
- E. Candidates are required to notify the Chairperson of the Election Committee in writing of the identity of their observers and alternates no later than Friday, December 7, 2018, and sooner if possible, including the telephone numbers of each candidate, observer, and alternate observer(s). This notification shall be sent to the attention of the Election Committee Chairperson, care of Local 3, at 10806 Bigge St., San Leandro, CA 94577.
- F. No use of recording devices or cell phones shall be permitted during the ballot count meeting.
- G. Conduct of Observers
  - 1. Observers shall be allowed to accompany election officials when returned ballots are picked up from the post office, transferred to the tally location, reviewed for eligibility, and counted.
  - 2. Observers will be required to sign a log indicating each time they entered and exited the ballot counting area.
  - 3. Observers do not have the right to interfere with or disrupt the conduct of the election. Their role is limited to observing the election process, asking procedural questions, challenging the eligibility of any individual voters, and lodging protests with the election officials as appropriate.
  - 4. Observers are allowed to adequately monitor the election process, but not to compromise or appear to compromise the secrecy of the ballot.
  - 5. Observers may not wear campaign buttons, stickers, or other campaign apparel, distribute literature, or engage in any campaign activities inside the counting area, including conversations about candidates or the election campaign.
  - 6. Observers shall not be permitted to count, handle or touch the ballots in any way, but are allowed to observe the counting closely enough to verify the accuracy of the tally. The observers’ cooperation will be necessary to insure an accurate ballot count.
  - 7. Observers should be prepared to spend the entire day during the lengthy preparations and counting of ballots, based on the large amount of ballots (approximately 2,000) mailed to members.

8. Rules governing observers' conduct will be enforced uniformly. If it is necessary to remove an observer from the tally area for improper conduct, a reasonable attempt will be made to notify the candidate, to allow for a replacement. All replacement observers must meet the requirements for observers.
- H. The election officials will review the counting procedures with the observers, including voting rules and eligibility requirements.
  - I. Observers present at the ballot count will be informed of any lunch and dinner breaks that would require stopping the counting process and closing of the counting area, and of the time the ballot counting will resume. (Candidates and their observers may wish to bring a bag lunch and/or dinner.)
  - F. Members' dues must be paid through October 2018 for their vote to count on December 8, 2018. Any member wishing to pay dues in arrears will be able to do so at the Local 3 office, located at 10806 Bigge Street, San Leandro, California 94577, up until 4:00 p.m. on Friday, December 7, 2018. No dues will be accepted after that time. Local 3 does not accept dues payments in cash, but only by personal check, cashier's check, money order, Visa, MasterCard, American Express, or Discover Card. Other qualifications for voter eligibility are as set forth in the Local 3 Constitution and By-Laws, and the International Constitution, Rules of Order and Codes. A contractor member who (either directly or through a business entity such as a partnership or corporation) employs one or more persons working at any branch of the trade shall not be eligible to vote in the election. (Merely holding an active contractor's license is not sufficient to disqualify any otherwise eligible member from voting in the election.) A supervisory member who works in a supervisory position on a continuous and ongoing rather than on a project-by-project basis, with the effective authority to hire or fire, or impose substantial discipline, shall not be eligible to vote in the election. An apprentice in good standing, with dues paid through October 2018, is eligible to vote in the election, provided that the apprentice has been a member for one (1) year.
  - J. Eligibility Challenges
    1. Candidates or their observers shall have the right to challenge any member's eligibility to vote. Any such challenges shall be presented on a challenge sheet of returned ballots prepared by Unilect at the ballot count, which will be distributed to the candidates or their observers for their review, completion, and submission at the ballot count. This rule shall be strictly enforced, such that failure to provide a list of challenges in this manner and at the time required shall result in a waiver of all such challenges.
    2. If a challenge is made, it shall be referred to the Election Committee. Challenges will only be considered after the ballots have been alphabetized, and all challenges to the eligibility of members who have not returned ballots shall be rejected as moot. After the remaining challenges are identified, the challenged ballots shall be set aside pending the counting of the remaining (unchallenged) ballots, and the challenges shall

be resolved only if the challenged ballots are sufficiently numerous so that they could affect the outcome of the election. If the challenged ballots are not sufficiently numerous so that they could affect the outcome of the election, they shall not be counted, but shall remain sealed and preserved as challenged ballots. If the challenged ballots are sufficiently numerous so that they could affect the outcome of the election, the Election Committee shall consider each challenge separately and shall receive evidence relevant to each such challenge. The candidate or observer lodging the challenge shall have the burden of proving the voter's disqualification through competent evidence. The Election Committee shall then resolve each such challenge and explain to the candidates and observers the reason for each decision to count or not to count the challenged ballot. The challenged ballots of voters deemed eligible after resolving the challenges thereto shall then be counted (unless there are so few that (a) they could not affect the outcome of the election, and (b) counting them would violate the secrecy of those ballots), and the final ballot tally shall be certified.

- K. A plurality of the votes cast for office shall be required for election to that office.
- L. The candidates elected to office shall assume their offices on the first day of February in the year following the election.
- M. The Election Committee shall prepare and submit to the President, at least (3) days prior to the first meeting of the Management Committee following the election, a written report of its activities and functions dealing with its duties after nominations, the conduct of the election, the official list of candidates containing the results of the election that was signed by them after the tally had been completed, and the status of any protest filed. The written report of the Election Committee shall be read at the next semi-annual meeting of the Local Union following the election.
- N. The following is a **tentative and approximate** time-table for the ballot count on Saturday, December 8, 2018:

9:00 a.m.	Doors open for Unilect and Election Committee to set up
9:30 a.m.	Doors open for candidates and observers; briefing of candidates and observers
10:00 a.m.	Go to Post Office to retrieve ballots
10:30 a.m.	Prepare ballots for counting; check eligibility; resolve challenges to ballots; count ballots; tally of votes; conclusion
Note:	Lunch and/or dinner breaks may be taken at appropriate times, depending on the progress of the ballot counting procedure.

## **ELECTION PROTESTS**

- A. Protest to any aspect of the election procedure, after nominations, shall be filed with the Chairperson of the Election Committee within two (2) days after the event occurs as to which a protest is sought to be raised. If the Election Committee promulgates any additional rules, protests to any such rules shall be filed within two (2) days after the rule is available to members.
- B. The Election Committee shall investigate any protest filed and shall, within ten (10) days after protest is received, notify the member protesting and all candidates for any office as to which the protest was filed of its decision upon the protest. If the protest is upheld before the date of the election, the Election Committee shall, if possible, order such changes in the election procedure or other remedies as are necessary to eliminate the defect, including, if necessary, rescheduling the election. As to any other protest upheld, but not remedied before the election, the Election Committee shall determine after the election whether the defect found could have affected the outcome of the election. If so, it shall order a rerun election of the office or offices affected.
- C. The decision of the Election Committee upon any protest shall be final and binding unless and until overturned by the International Union upon such appeal as the International Union may provided to the provisions of Code 8 of the International Constitution.
- D. If a rerun election is ordered either by the Election Committee after protest or by the International Union upon appeal:
  - 1. The candidates with the highest vote total in the official tally for each office as to which a rerun election is ordered shall serve in that office until rerun election is completed.
  - 2. The rerun election shall be held within sixty (60) days from the date of the order, except that if an order of the Election Committee requiring a rerun election is timely appealed to the International Union, the rerun election shall be held within sixty (60) days of the final decision by the International Union upholding that order.

## **COMMUNICATIONS WITH THE ELECTION COMMITTEE AND UNILECT**

- A. Any questions regarding these Rules and Regulations, all election protests, and any election-related inquiries or communications must be submitted in writing to the Election Committee at [electioncommittee@bac3-ca.org](mailto:electioncommittee@bac3-ca.org), except as specifically set forth above (e.g., for delivering written nominations and acceptances of nominations). Each such e-mail message should have the words “BAC 3 Election” in the subject line. The Election Committee shall not have any obligation to consider misdirected communications unless and until they are properly delivered to the foregoing e-mail address. The Election Committee shall not have any obligation to consider late communications that are

untimely under the above-stated Rules and Election Procedures (e.g., late election protests).

- B. Each candidate shall provide the Election Committee, in writing, with an address (either a physical address or a working e-mail address) to which the Election Committee can direct written communications to that candidate. Candidates shall then regularly check that address for such communications, including but not limited to regular, certified or other mail (if a physical address is provided) and e-mail (if an e-mail address is provided). Properly-addressed physical communications shall be considered to be received by the candidate on the date of notice of delivery by the Postal Service or, if no such notice is provided by the Postal Service, on the third day after their mailing. Properly-addressed e-mail communications shall be considered to be received by the candidate on the date of their transmission.

- C. **REQUESTS FOR DUPLICATE BALLOTS SHOULD BE REPORTED TO UNILECT AT 1-855-240-0363. Requests for duplicate ballots must be made no later than Friday, December 7, 2018 at 5:00 p.m. However, members are strongly advised to submit requests for duplicate ballots by Wednesday, November 28, 2018, because the Election Committee cannot control the Postal Service's delivery time and the U.S. Department of Labor requires duplicate ballots to be sent via first class mail. Please remember that any ballot must be received at the Post Office no later than 10:00 a.m. on Saturday, December 8, 2018, in order to be counted.**

Election Committee: Tyler Simpson, Chairperson; Steve Vogel, Member; Dennis Cookson, Member.

These Rules were issued by the Election Committee on October 16, 2018.