

**NOTICE OF NOMINATIONS AND
ELECTIONS FOR
MTA BUS DIVISION
ONE EXECUTIVE BOARD MEMBER**

In accordance with the Constitution of the Transport Workers Union of America and Local 100's By-Laws, the election to fill one vacancy of an Executive Board position in the MTA Bus Division, (who will also serve as Convention Delegate) will take place by secret mail ballot mailed out on Thursday, August 1, 2019 to all those who are eligible members of Local 100 in good standing as of July 12, 2019. Ballots will be counted on Thursday, August 22, 2019.

POSITIONS TO BE FILLED

Executive Board Member – MTA Bus Division

(Executive Board Members also serve as Convention Delegates)

PERIOD OF PETITION NOMINATIONS

Monday, June 24, 2019 to Monday, July 8, 2019 (office closed July 4, 2019)

ELIGIBILITY

To be eligible for nomination for any of the above position, a member must be in continuous good standing in Local 100 since June 24, 2018.

**I.
NOMINATION PROCEDURE**

NOMINATIONS

All nominations shall be made by filing a Nominating Petition Form ("Petition"). Petitions will be available to any member in good standing at the Office of the Elections Committee at 195 Montague Street, 3rd Floor, Brooklyn, NY, 11201 on weekdays (except July 4) between Monday, June 24, 2019, and Friday, July 5, 2019, between the hours of 9:00 AM and 6:00 PM.

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

signing must be a member in good standing for the signature to count, and only members in good standing may solicit signatures.

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.

The Petition must be signed in ink; the member must print his/her name and must include his/her pass number. Any signature of a member not in good standing and/or pass number deemed illegible will not be counted.

PETITION SIGNATURE REQUIREMENTS

For nomination for **MTA Bus Division Executive Board Member**, a candidate must submit **225 signatures** of members in good standing. 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.

NOMINATION FORM

Candidates must notify the Elections Committee of their intent to run for office by completing a “Nomination Form” provided by the Elections Committee. The completed form submitted to the Elections Committee must: (1) be signed *by the candidate*, (2) show the office for which he/she is a candidate, and (3) include his/her name, printed exactly as it is to appear on the petition and ballot, and his/her contact information including the mailing address, his/her pass number, telephone number, and e-mail address.

PREPARATION OF PETITIONS/ELIGIBILITY TO BE INCLUDED ON PETITION

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 Monday, June 24, 2019 resulting from the time required preparing petitions, candidates are requested to file their Nomination Form with the Elections Committee in advance of Monday, June 24, 2019

Petitions for those individuals filing required forms on or before Monday, June 10, 2019 will be available at 9:00 AM on Monday, June 24, 2019. 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 to be included on the petition as promptly as possible and will notify each candidate found to be ineligible by telephone, e-mail, and/or overnight mail. Those found ineligible will not be included on a Petition. The inclusion by the Elections Committee of a candidate’s name on a Petition shall not be construed as a final ruling about whether that candidate has met the eligibility requirements

for election; such an issue can be the subject of an objection through a period ending 6:00 PM on Wednesday, July 10, 2019.

APPEALS OF ELIGIBILITY RULINGS

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

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, June 24, 2019 to Friday, July 5, 2019 between the hours of 9:00 AM and 6:00 PM; and on Monday July 8, 2019 between the hours of 9:00 AM and 5:00 PM. The Elections Committee will be closed on Saturday and Sunday, June 29 and 30, Thursday July 4, and Saturday and Sunday, July 6 and 7, 2019. A receipt will be given to the delivering member indicating the number of pages and the number of signatures on all accepted Nomination Petitions. ***NO Petitions will be accepted after 5:00 PM*** Monday, July 8, 2019. Anyone who has signed in at the Elections Committee by 5:00 PM shall be able to turn his/her Petitions in.

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 Tuesday, July 9, 2019, and Wednesday, July 10, 2019, 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, Wednesday, July 10, 2019. The burden shall be on the challenging party to present evidence that would invalidate individual signatures or a petition as a whole. The Elections Committee will reach a decision about all objections on or before Tuesday, July 16, 2019. 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 Friday, July 19, 2019. Any party who wishes to contest the determination of the Elections Committee has forty-eight (48) hours from the date of this Report to appeal to the Neutral Monitor, and may appeal the Neutral Monitor's ruling to the International Committee on Appeals. All decisions will be posted on the elections web site:

www.twulocal100.org/elections2018

BALLOTING PROCEDURE

The balloting shall be by secret mail ballot mailed out on Thursday, August 1, 2019 and counted on Thursday, August 22, 2019, in accordance with the procedure set forth in Section III below.

II.

ELECTION PROCEDURE

THE BALLOT

The Candidate who files the greatest number of valid signatures will be placed first on the ballot and other candidates will be ranked accordingly.

THE MAILING

Ballots will be mailed on August 1, 2019, by the Elections Committee, utilizing the most recent membership list available. To be eligible to vote in the election and be mailed a ballot, a member must be in good standing and must have paid all arrears in dues and other financial obligations to the Union, prior to voting, in accordance with Article XIII of the Constitution of the Transport Workers Union of America, AFL-CIO, on or before July 12, 2019. Any member who is not in good standing on July 12, 2019 may pay his/her arrears and request a ballot from the Elections Committee. Ballots received from such members will be counted.

Enclosed with the ballot mailed to each member will be two (2) envelopes. The words "SECRET BALLOT – TWU EXECUTIVE BOARD" will be printed on one envelope. The other envelope will be an addressed return envelope, with postage prepaid.

- Each ballot must be voted in accordance with the instructions printed on it.
- Having voted, the member must place their marked ballot in the appropriate secret ballot envelope and seal it. Any mark on the secret ballot envelope which could identify the voter will void the ballot.
- The sealed secret ballot envelope should be placed in the appropriate return addressed envelope and sealed.
- The voted ballots must be mailed so as to arrive at the Post Office Box utilized for this election before 8:30 AM on Thursday August 22, 2019 *No ballots may be returned to the Election Committee in person.*

LOCAL 100 ELECTION COMMITTEE

The Local 100 Elections Committee will administer the balloting. The Committee will be in possession of the membership list as it stands on July 12 2019. Any member who does not receive a ballot should contact the Elections Committee. 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 count of the ballots returned will commence at 9:00 AM on Thursday August 22, on the 3rd Floor, of the TWU office at 195 Montague Street or at another location chosen by the Election Committee, in consultation with the Neutral Monitor, and will continue until completed, with such breaks for meals and rest as the Elections Committee may decide.

No ballot which is received after 8:30 AM on Thursday August 22, 2019 shall be counted.

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 ballot pick up from the post office; the eligibility check and the count on Thursday August 22, 2019. An individual candidate may not be represented by more than one observer at any one time, except at the count. At the count a candidate may have the same number of observers as there are stations for counting. A candidate may be one of the allowed observers. Attorneys for candidates may not be present in the observer area, but will be allowed to observe in a designated seating area.

THE NEUTRAL MONITOR

A Neutral Monitor appointed by Local 100 will be responsible for supervising all aspects of the election, including fraud (which will give him/her authority to modify any procedure put into place by the Elections Committee), and resolving disputes that arise during the course of the election. The Neutral Monitor's jurisdiction includes all disputes over conduct of the election, and disputes about or protests to the conduct of candidate(s), the Local Union or other parties. The Elections Committee will continue to resolve disputes over eligibility, sufficiency of petitions, or failure to issue a ballot, subject to appeal to the Neutral Monitor. Any protests, objections and appeals sent to the Neutral Monitor (or the Elections Committee) must be in writing and must be made within the time periods set forth in these Rules. It will be the Neutral Monitor's responsibility to resolve these disputes in accord with the Local 100 By-Laws, the

TWU Constitution, applicable law, the Election Rules adopted by the Local Executive Board, and any Supplemental Rules which may be promulgated by the Neutral Monitor. The Neutral Monitor will have the power to investigate and determine the facts prior to applying the law to all disputes brought to the Neutral Monitor's attention.

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.

III. SUPPLEMENTAL RULES

1. Membership List

The final list of the last known names and addresses of all members in good standing of the Local Union shall be established on July 12, 2019. This shall be considered the master membership list. All members who have moved or changed their address and have failed to notify Local 100 of such change should notify Local 100 of the change no later than July 11, 2019. **It is the responsibility of the member to keep the Union updated on his/her current address.** (Notice should be submitted either to the Financial Secretary-Treasurer's office or the Elections Committee.) After July 12, 2019 any additions made to the master membership list because of errors previously made, any address changes, and any deletions due to error, promotion or retirement shall be made only by the Elections Committee, with notice to the Neutral Monitor; such changes shall be subject to inspection by all affected candidates. The list maintained by the Elections Committee shall be the list used for all candidate mailings.

2. Inspection of Membership List

Each candidate has the right, on one occasion between July 1, 2019 and July 31, 2019 to inspect, but not copy, a list containing the last known names and addresses of all members of the Local Union. The list may be reviewed at the Local 100 office. Arrangements for review of the list will be made by the Chair of the Elections Committee. The Local Union shall not, in any way, discriminate in favor of or against any candidates with respect to the membership list. 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 June 1, 2019.

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 campaign contributions.

4. Prohibition on Interference with Voting

No person or entity shall limit or interfere with the right of any Local 100 members 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 Local 100 or 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 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 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. Phone numbers and email addresses, including but not limited to text message groups, utilized by Local 100 or collected by Local 100 officers or staff may not be used for campaign purposes, unless they made available to all candidates, as provided above. If text message groups are used by officers or staff to publish union notices or communicate about union business, they may not be used to promote a candidacy. **The use of the Local Union's official stationery, or its logo or its name is prohibited** irrespective of compensation or access.

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 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. In order to ensure compliance with this rule any person on the Union staff must make a written request and anyone on TA release must give written notice to Financial Secretary Earl Phillips by email in advance of taking any vacation time or other personal time for campaigning. If union staff making the request has sufficient vacation accruals,

the request will be deemed granted. This requirement does not apply to campaigning that is incidental to regular Local Union business or during paid lunch hours or breaks or similar paid time off.

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, that the limitation be placed on all campaign literature soliciting contributions, and at all fund-raising events, and that candidates keep a record of all donations greater than \$99.

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. All complaints made after 48 hours shall be deemed waived.

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 candidate unless it is clear that the protest does not impact on a candidate.

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 his/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, these rules, and any published supplemental rules issued by the Neutral Monitor, and, if found meritorious, determine the appropriate remedy. The Neutral Monitor or his/her representative shall render a written decision on each protest and shall notify the complainant(s), the Local Union Elections Committee, Counsel to the Elections Committee, and any other candidate(s) affected by his/her decision.

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

H. *Remedies.* If because 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 decisions 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 candidate's representatives will have an opportunity to view and comment on the draft of the ballot and instructions.

B. The Elections Committee shall create a daily list of all members requesting a duplicate ballot whose names it has not been able to find on its list. The Elections Committee will investigate these names as quickly as possible. While the Committee investigates whether that person is eligible, the Committee will send the person a challenged ballot. The Elections Committee will fax or e-mail these lists Neutral Monitor, on a daily basis. The Elections Committee will fax or email these lists to candidates 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 five (5) days of the mailing date, he or she should call the Elections Committee.** 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 the Elections Committee. 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 from any person, the later posted ballot will be the one counted. The Elections Committee 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.

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 Elections Committee will attempt to identify the voter by matching the number on the envelope with the number on the 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 candidate may have one observer.

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 may request the counter 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 candidate 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 Mailing/E-mailing of Campaign Literature

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

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

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

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

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

F. All costs for the mailing or emailing 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/e-mailer.

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

VI.
LOCAL 100 ELECTIONS COMMITTEE

Aquilino Castro, Chairman	212.873.6000 x 2061
Angella Fonte, Member	212.873.6000 x 2089
Ron Gregory, Member	212.873.6000 x 2059
Elections Committee	e-mail: elections2018@twulocal100.org Phone: 212-873-6000 x 2090 Fax: 646-998-7150
Arthur Z. Schwartz, Counsel	e-mail: aschwartz@afjlaw.com Phone: 212-285-1400 Fax: 212-285-1410
Neutral Monitor: Barbara Deinhardt	email: neutralmonitor@gmail.com Phone: 917-763-0906 Fax: 718-855-2933
Election materials are available at:	www.twulocal100.org/elections2018

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

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

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