

International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS

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February 12, 2021

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File: 23(a-5)-19-1
23(a-5)-19-2
Cir. Ltr. #7/21

**TO ALL LOCAL LODGE PRESIDENTS, BUSINESS MANAGERS
AND SECRETARY-TREASURERS IN THE U. S. AND CANADA**

Re: Waiver of the Meeting Attendance Requirements for Eligibility for Nomination and Election as a Delegate or Alternate Delegate

THIS NOTICE IS TO BE READ AT ALL REGULAR AND SPECIAL MEMBERSHIP MEETINGS BETWEEN THE DATE OF THIS LETTER AND THE NOMINATION MEETING IN MARCH 2021, AND SUCH ACTION REFLECTED IN THE MINUTES

Brothers and Sisters:

Pursuant to Article 2.3.4 and Article 25.4.1.4 of the International Brotherhood Constitution, Local Lodge By-Laws may state that members must satisfy certain meeting attendance requirements to be eligible for nomination and election as convention delegates. However, the Department of Labor has held that the application of such requirements may be "unreasonable" where they disqualify a large portion of the membership.

Additionally, with the current ongoing COVID-19 pandemic and the continued restrictions in some states and/or provinces where gatherings in groups and in-person meetings are being prohibited, it's possible the Department of Labor would order re-run elections.

We would prefer that every local lodge be allowed to abide by its by-laws without the threat of government interference. However, in order to assure that members in good standing are not "unreasonably" denied the right to be nominated and/or elected as delegates to the forthcoming convention (and to avoid the possible expense of re-running the convention), the International Executive Council has elected to waive all such meeting attendance requirements with respect to establishing eligibility for nomination and election as a delegate or alternate delegate to the Thirty-Fourth Consolidated Convention.

Accordingly, per my directive and the unanimous vote of the International Executive Council, no local lodge shall impose the meeting attendance requirements to disqualify any member seeking nomination and election as a delegate or alternate delegate to this upcoming convention. All other conditions for eligibility, as prescribed in the International Brotherhood Constitution or your lodge's approved by-laws, shall still apply.

In addition, due to the COVID-19 pandemic, nominations and elections may be held by mail ballot. This letter provides modified procedures on how to conduct this year's nomination and election of local lodge convention delegates by mail ballot if your local lodge chooses to do so. If your local lodge chooses to hold the nominations and elections as they've done in the past, the instructions provided in my letter dated January 29, 2021 (Cir. Ltr. #6/21) shall apply.

Your local lodge may choose to: 1) Conduct the nominations and elections at the regular or special monthly meetings in March and April 2021, 2) conduct the nominations at the regular or special March 2021 meeting and conduct the elections by mail ballot, or 3) conduct both the nominations and elections by mail ballot.

This letter and attachments shall be posted at such locations (e.g. the union office, all job sites, shops, shipyards, website, etc.) and in a manner reasonably calculated to reach all members. Furthermore, if the lodge has not already mailed the nomination notice, such notice when mailed must include language advising that the attendance eligibility requirements are waived for this election only. A copy of this letter should be included with the Nomination Notice. There shall be no deviation from this procedure.

For those Lodges that do not hold regular monthly meetings or will not be holding the March and April 2021, regular meetings, you are hereby directed to mail a copy of this letter and my letter dated January 29, 2021 (Cir. Ltr. #6/21) to all members of the local lodge.

Trusting you will be guided accordingly, and with best wishes, I am

Sincerely and fraternally yours,



Newton B. Jones
International President

NBJ:tab

cc: International Officers
International Staff

Interp. 2.3, 2.4 & 25.4

NOMINATION AND ELECTION OF 2021 CONVENTION DELEGATES (MODIFIED FEBRUARY 2021)

NOTE: The Local Lodge President will provide a copy of this communication along with all enclosures to the Chairman of the Nomination and Election Committee and post in such locations (e.g. the Union office, all job sites, shops, shipyards, websites, etc.) and in a manner reasonably calculated to reach all members.

1. LOCAL LODGE VOTING STRENGTH (Article 2.2.1)

Total number of votes each Local Lodge of the International Brotherhood will be eligible to cast shall be on the following basis: One (1) vote for each member in good standing. Any one delegate may cast the full vote of that delegate's Local Lodge. Not more than seven (7) delegates shall be seated from any Local Lodge. The number of votes allotted to each Local Lodge shall be on the basis of the membership as shown to be in good standing as of the March report preceding the Convention, and no delegate shall be seated unless such report has been filed with the International Secretary-Treasurer on or before May 31st of such Convention year. There shall be no deviation from the foregoing stated months without prior approval of the Executive Council. Only Lodges instituted prior to June 1 preceding the Convention, shall be entitled to representation. Any delegate whose Lodge is two (2) full months in arrears for Per Capita Tax, or other charges, shall not be seated in the Convention.

2. DISTRICT LODGE AND INDUSTRIAL COUNCIL REPRESENTATION (Article 2.2.2)

Representation from District Lodges and Industrial Councils of the International Brotherhood shall be on the following basis: Marine District Lodges - Executive Secretary or elected alternate; other District Lodges - District Representative (or equivalent) or elected alternate; Industrial Councils - Industrial Council Representative or elected alternate. They shall have voice and one (1) vote each in the proceedings of the Convention except that they shall not be entitled to vote in the election

of International Officers. Each District Lodge and Industrial Council shall be entitled to elect up to six (6) additional delegates. Such additional delegates shall be seated with all rights of other delegates, but in no event shall the District Lodge or Industrial Council be entitled to more than one (1) vote.

3. SELECTION OF DELEGATES (Articles 2.4, 25.1, 25.2)

(a) Nominations and elections of delegates to the 2021 Convention may be held by mail ballot without further action of the Local Lodge. The International President has determined that in order to protect the membership and to conduct democratic nominations and elections, that Local Lodges may conduct nominations and/or elections using mail ballot voting. These instructions have been designed to assist those Local Lodges that choose to conduct mail nominations and/or elections. To do so in a fair and democratic fashion.

(b) Nomination of delegates shall be held in March 2021, by mail ballot. Elections of delegates shall be held in April 2021, by mail ballot.

(c) Prior to elections, a member who is nominated shall be required to give a written statement to the Nomination and Election Committee that the nominee understands the eligibility requirements as set forth in the Constitution and the Local Lodge By-Laws and that the nominee meets those eligibility requirements (other than a meeting attendance requirement); further, if it is later found that the nominated member committed perjury, that member shall be automatically disqualified and shall be subject to the disciplinary procedures in Article 17 of the Constitution.

(d) Prior to the election, a member who is nominated shall be required to give a written statement to the Nomination and Election Committee that if elected, the nominee will accept.

(e) If any candidate receives more than one (1) nomination, the additional nomination(s) shall be treated as a second or seconds.

(f) Those nominees for delegate who fail to receive a sufficient number of votes to be named

delegate shall be designated as alternates, in the order of number of votes received, to serve in case of death, illness, resignation or removal of the regularly elected delegates.

NOTE: *No meeting attendance requirements contained in Local Lodge By-Laws shall be enforced by directive of the International President and unanimous vote of the International Executive Council.*

NOTE: *The written statement requirement in Sections 2(c) and 2(d) may be combined into one (1) written statement.*

4. NOTICES (Articles 2.4, 25.3)

(a) Every member in good standing shall have equal rights to nominate and vote for delegates, except as provided in Articles 25.6 and 27.2.1.

(b) At least fifteen (15) days written notice of nominations and thirty (30) days written notice of elections shall be given to the membership and mailed to each member at his/her last known home address.

(c) Notice of nominations and elections may be given in a combined notice and mailed to each member at his/her last known home address. Such combined nomination and election notice shall be mailed so as to allow at least fifteen (15) days notice of the nomination date and thirty (30) days notice of the election date. The election notice or combined nomination/election notice shall specify the date when nomination and election ballots will be mailed and when the nomination and election ballots must be received by the Nomination and Election Committee. The foregoing provision shall not apply in the case of District Lodge and Industrial Council delegates selected pursuant to the provisions of Article 2.2.2 of the International Constitution.

5. QUALIFICATIONS OF DELEGATES (Articles 2.3, 25.4.5)

(a) The Local Lodge Secretary-Treasurer must have maintained and shall have complete membership records available to the Nomination and

Election Committee to determine the eligibility of those nominated.

(b) To be eligible for nomination and election as a delegate of a Local Lodge, a member shall be:

(1) Actively working under the jurisdiction of the International Brotherhood or actively seeking and available for work under the jurisdiction of the International Brotherhood for a least twelve (12) months immediately prior to nomination date, or a full-time salaried officer or representative of the International Brotherhood or of a subordinate body thereof, or of the AFL-CIO, CLC, or any department thereof, or is on authorized leave of absence from any such position.

(2) Free from delinquency of every nature to the International Brotherhood.

(3) In continuous good standing in the International Brotherhood and the Local Lodge from which the member is elected a delegate for a period of at least two (2) years immediately prior to the time of nomination, excepting at date of nominations in Lodges chartered less than two (2) years there shall be no length of membership eligibility requirements, except as provided in Article 2.2.1; members of consolidated Lodges and members directed by the International President to transfer their membership.

RULING: *In the event there are no eligible candidates nominated, the Nomination and Election Committee must waive the eligibility requirements. However, if a candidate is nominated who meets the eligibility requirements, those candidates not meeting the requirements shall be ruled ineligible.*

(c) No Local Lodge meeting requirement shall be enforced during the nomination and election process by order of the International President and unanimous vote of the International Executive Council.

(d) There shall be no deviation from the foregoing without prior approval of the International President.

6. ELIGIBILITY OF DELEGATES (Articles 2.3, 25.4.5)

(a) No member shall be eligible to be a delegate of a Local Lodge who is:

(1) Not working or actively seeking to work within the jurisdiction of the International Brotherhood.

(2) Retired.

RULING: *A retired member, even though maintaining full membership, is not eligible for election to office or as a Convention delegate. Supervisors are not eligible for election to office or as a Convention delegate in accordance with Article 25.4.5.3.*

(3) Holding regularly or on a probationary basis a supervisory position with authority to hire, promote, discharge, discipline or otherwise effect changes in the status of employees or effectively recommend such action. Article 25.4.5.3 shall not be interpreted to include members who intermittently or at irregular intervals are employed as general foremen, foremen, or assistant foremen covered by a collective bargaining agreement.

(4) Maintaining membership in another labor organization.

(5) Employed at an occupation not represented by the Brotherhood.

(6) An apprentice or construction trainee.

(b) There shall be no deviation from the foregoing without prior approval of the International President.

7. DELEGATE NOMINATION OBJECTIONS (Articles 2.4, 25.5)

Objections to nominations based on eligibility shall be ruled on by the Local Lodge President or presiding officer at the nomination meeting, subject to ruling and appeal as further outlined in Article 25.5.

8. ELIGIBILITY TO NOMINATE AND VOTE (Articles 2.4, 25.6, 27.2.1)

A member, to be entitled to nominate a candidate or to vote in any Local Lodge election, must have been in good standing in such Local Lodge for at least two (2) months immediately prior to such date of nominations and/or elections as recorded in the office of the International Secretary-Treasurer. Every member in good standing shall have equal rights to nominate and vote for delegates except as provided in Articles 25.6 and 27.2.1.

RULING: *In order to nominate or be nominated in March, the member's monthly dues must be paid in full with the Local Lodge through January 2021.*

9. ELECTION (Articles 2.4, 25.7.1)

(a) The election of delegates to the International Convention shall be conducted by secret ballot, unless chosen as delegates by virtue of their office, as provided in the Constitution or in approved By-Laws.

(b) MAIL BALLOTS: The International President has directed that all nominations and elections may be conducted by mail ballot due to the ongoing COVID-19 pandemic. (Procedure enclosed)

10. OBSERVERS (Articles 2.4, 25.7.2)

Each member in good standing has a right to inspect the nomination ballots at a reasonable time and place to be determined by the Nomination and Election Committee.

Each candidate shall have the right to have an observer (who must be a member of the Local Lodge) at each step of the election process.

RULING: *No remuneration is to be paid from Local Lodge funds to any observers.*

11. ELECTION COMMITTEE (Articles 2.4, 25.7.3 and 25.7.4)

(a) The President or presiding officer shall, at the nomination meeting following close of nominations,

appoint a Nomination and Election Committee, not to exceed seven (7) impartial members.

(b) The members of the Nomination and Election Committee shall select a Chairman.

(c) The Nomination and Election Committee shall make all arrangements for and conduct nominations and the election. The members of the Nomination and Election Committee shall act as tellers and shall conduct the election in a just and impartial manner.

(d) Each Local Lodge Secretary-Treasurer shall prepare, on the basis of the records available, a list of eligible voters for the Nomination and Election Committee.

(e) After the counting of the ballots, the Nomination and Election Committee shall certify the results and conduct of the election on a form furnished by the International Secretary-Treasurer.

RULING: If there are members whose eligibility is in doubt, the Nomination and Election Committee should allow them to vote. Those members may then be challenged in accordance with Article 25.8.

12. ELECTION CHALLENGES AND OBJECTIONS (Articles 2.4, 25.8)

Challenges to the eligibility of any voter shall be done prior to a mail ballot being removed from its return envelope. Objections to the conduct and/or validity of the election shall be filed with the Nomination and Election Committee, as outlined in Articles 25.8.1 and 25.8.2.

13. USE OF LODGE FUNDS (Articles 2.4, 25.10)

(a) No funds of the Lodge may be used to promote the candidacy of any member.

(b) Funds of the Local Lodge may be used for issuance of notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

(c) A candidate shall not accept any contributions from employers, either directly or indirectly, in support of his/her bid for election.

14. CAMPAIGN (Articles 2.4, 23.7.5, 23.7.6, 25.11)

(a) All candidates must receive equal treatment as to procedure and use of facilities.

(b) All reasonable requests of any candidate to distribute campaign literature, by mail or otherwise, at the candidate's expense, to members in good standing shall be honored subject to Article 25.10 and 25.11.

(c) Every bona fide candidate shall have the right, once within thirty (30) calendar days prior to the election to inspect, but not copy, a list containing the names and last known addresses of all members of the Lodge who are covered by an agreement requiring membership in the Lodge as a condition of employment.

RULING: A candidate's campaign material shall be mailed irrespective of the nature or content of said material.

15. PRESERVATION OF ELECTION RECORDS (Article 25.12)

The Chairman of the Nomination and Election Committee shall turn over all nomination and election ballots and all other records pertaining to the election to the Local Lodge Secretary-Treasurer, who shall preserve the same for a period of one (1) year.

**NOMINATION MAIL BALLOT
PROCEDURE FOR 2021 CONVENTION
DELEGATES (MODIFIED FEBRUARY 2021)**

1. By direction of the International President, Local Lodges may choose to conduct the nomination and election of Local Lodge convention delegates by mail ballot. This procedure is designed to assist Local Lodges to conduct fair and democratic mail nominations and/or elections.

2.

(a) All nomination ballots shall be mailed at least ten (10) days prior to the prescribed deadline for the return of completed nomination ballots to the Nomination and Election Committee. A nomination ballot shall be mailed to the last known address of the member eligible to nominate/vote along with an envelope pre-addressed to the Local Lodge Nomination and Election Committee. The pre-addressed envelope shall bear the name, register number and return address of the prospective nominator. Members shall be instructed to seal the completed nomination ballot in the pre-addressed envelope and mail within the prescribed time.

(b) The nomination ballot envelope mailed to the eligible member must show the return address of the designated Post Office Box under supervision of the Nomination and Election Committee. In no instance should such unclaimed, returned election material be returned to any other location or address including and specifically the Union office.

(c) If it is more practical and would give greater assurance that out-of-town members would receive nomination ballots, it is permissible to mail the nomination ballots and pre-addressed envelopes to the job steward or shop steward, along with a list for each member to sign upon receiving his/her ballot. The steward should be instructed to send such signed list to the Chairman of the Local Lodge Nomination and Election Committee. Unless otherwise approved by the International President, the job steward or shop steward shall not have anything to do with the nomination ballots after the members have received them. He/she should specifically not pick up the nomination ballots after the members have

nominated. Each individual nominating member must place the completed ballot in the mail.

3. The designated observer of a candidate or the candidate shall be permitted to observe the mailing of the nomination ballots and the tabulation of the returned nomination ballots if proper request is made to the Local Lodge Nomination and Election Committee. (No remuneration is to be paid from the Local Lodge Treasury for any member serving as an observer.)

4. The returned nomination ballots must be checked off the nomination list by the Local Lodge Nomination and Election Committee before being opened. The nomination(s) on the nomination ballot shall be tabulated by the Nomination and Election Committee. All challenges of returned nomination ballots must be made before the ballot has been removed from the return envelope.

5. All nomination ballots which are returned undelivered to the Local Lodge Nomination and Election Committee shall be kept along with all other records pertaining to the election for a period of one (1) year. (Article 25.12)

6. The election notice referred to in Article 25.3 of the Constitution shall advise the membership when mail nomination ballots will be mailed and the deadline for their return.