

General Rules for Electing Officers In Machinists District Lodge 19 Denver, CO

Pursuant to voluntary compliance agreement dated October 28, 2023, between the U.S. Department of Labor, Office of Labor-Management Standards (OLMS) and the International Association of Machinists (IAM) District Lodge 19, Machinists District Lodge 19 will conduct a new election for the offices of President/Directing General Chair and Secretary/Treasurer under the supervision of the Secretary of Labor. The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor is responsible for assuring that the election is conducted in accordance with Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) and, in accordance with that responsibility, has established the following rules for the supervised election.

1. Election Supervisor

Senior Investigator Beth Growney has been appointed Election Supervisor and has the authority and responsibility for implementing all aspects of the supervised election. All questions, correspondence, or protests should be directed to her at the following address:

Beth Growney, Election Supervisor
Kansas City Resident Investigator Office
2300 Main Street
Suite 10013
Two Pershing Square Bldg.
Kansas City, MO 64108

Phone: (202) 999-8259
E-mail: IAMDL19electionsupervisor@dol.gov

2. Application of IAM Constitution/Bylaws

The election will be conducted, insofar as lawful and practicable, in accordance with the provisions of the IAM International Constitution dated January 2023 and the IAM District Lodge (DL) 19 Bylaws dated September 2022.

3. Officers to be Elected

As provided in the agreement, a new election will be conducted for the offices of President/Directing General Chair and Secretary/Treasurer.

4. Term of Office

The term of office will be for the remainder of the unexpired term which will end on September 30, 2027. Installation for those elected will occur on June 3, 2024.

5. DL 19 Election Tellers and Local Lodge Election Tellers

In accordance with the DL 19 Bylaws and the IAM Constitution, the DL 19 Secretary-Treasurer is the main election official.

Article IV, Section 8, of the DL 19 Bylaws provides for the DL 19 President/Directing General Chair to appoint at least three tellers to assist in conducting the election in a fair and impartial manner. Appointments will be made by April 1, 2024.

Article IV, Section 7, of the DL 19 Bylaws provides for each Local Lodge (LL) president to appoint at least three members as local lodge tellers. LL tellers should be appointed at the first LL meeting held in April 2024. In case one or more of said tellers are unable to act, the President of the local lodge shall fill the vacancy by appointment.

6. Eligibility to Hold Office

In accordance with Article II, Section 4, of the IAM International Constitution, and Article VI, Section 2(a), of the DL 19 bylaws any person who has been a member of the International Union for five years and a member of DL 19 for at least two years prior to the election and who is in good standing is eligible to run for office. Retired members who pay full dues are eligible to run for office.

Section 504 of the LMRDA prohibits persons convicted of certain crimes, including 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, and violations of Title II of the LMRDA, from holding office for 13 years after conviction or after their release from imprisonment, whichever is later.

7. Election Notice

An election notice will be mailed to all District Lodge 19 members the week of February 19, 2024. Notices will also be posted at all employer work sites on union bulletin boards if available, the DL 19 website, and the DL 19 Facebook page.

The notice will inform members of the date, time, and locations of the LL polling sites, and contain instructions and qualifications to request an absentee ballot. The notice will also be in Spanish with translation done by OLMS.

8. Campaign Procedures

The LMRDA requires that all candidates be treated equally regarding the opportunity to campaign. In addition, Section 401(g) of the LMRDA provides that any money received by Machinists District Lodge 19 or any other labor organization by way of dues, assessments, or similar levy, or monies of any employer may not be used directly or indirectly to support the candidacy of any person in a union officer election. This prohibition extends to equipment, vehicles, office supplies, records, and personnel of the IAM or any other labor organization and to employers, whether or not they employ IAM

members. Accordingly, union officers and employees may not campaign on time paid for by the union.

In order to avoid inadvertent violations, OLMS has arranged to review all written and electronic communications from DL 19 to the membership in advance of the election. This review does not apply to campaign literature.

The LMRDA also states that members, in the exercise of their right to support candidates of their choice, may not be subjected to penalty, discipline, or reprisal of any kind by a labor organization or its members.

No one will censor campaign literature.

Campaigning may not be done on union affiliated social media sites. Candidates and their supporters may not use mail, email addresses, and phone numbers, that were collected by DL or LL officers or employees and utilized during the normal course of union business. If you are unsure whether a contact list you have compiled or have access to is a union or personal list, please contact OLMS Election Supervisor Beth Growney for guidance before using the list to campaign in any way.

Candidates and slates are prohibited from utilizing the IAM logo in campaign materials.

Candidates must maintain all campaign-related invoices and transaction receipts.

DL 19 will comply with a candidate's reasonable request to distribute campaign literature to the membership through mail and/or email, and the candidate must bear the cost.

9. Inspection of Membership List

Once within 30 days of the election, each candidate has the right to inspect a list containing the names and last known addresses of all District Lodge 19 members subject to a collective bargaining agreement. No candidate is entitled to a copy of the list.

The membership list will be maintained in the District Lodge 19 office in Denver. Any candidate who wishes to inspect the list should contact Election Supervisor Beth Growney by telephone or email to make an appointment (202) 999-8259; IAMD19electionsupervisor@dol.gov.

10. Distribution of Campaign Literature via Mail

Section 401(c) of the LMRDA provides that a union must comply with all reasonable requests by any candidate to distribute campaign literature at the candidate's expense. All campaign mailing requests should be sent via email to District Lodge 19 at richard.nadeau@districtlodge19.com and the Election Supervisor at IAMD19electionsupervisor@dol.gov.

Candidates are responsible for preparing and printing all of their campaign literature for this election. Candidates should deliver to the District Lodge 19 office their campaign literature stuffed, sealed, and postage applied. Once received, DL 19 staff will apply mailing labels and return labels to the envelopes at a cost of \$.30 per envelope which covers the cost of the labels and staff time. The literature will be mailed within 2 business days of receipt of both the campaign materials and payment.

11. Distribution of Campaign Literature via Email

DL19 will allow each candidate an equal amount of space (size TBD) in the 1st quarter DL 19 newsletter for a campaign statement. The content of these statements will not be edited; however, appropriate language and decorum will be required.

Other than the space provided in the newsletter, all other campaign e-blasts will be done at the candidates' expense via Kelly Press. DL 19 will provide Kelly Press with an updated email list in January. Candidates will be notified when DL 19 has provided Kelly Press with an updated email list.

12. Voter Eligibility

In order to have his/her ballot counted, a member must be in good standing at the time of the election on May 3, 2024. Retirees who pay full dues or have retired and purchased a retirement card will be eligible to vote in the election.

District Lodge 19 will compile a list of all members in good standing as of April 1, 2024, when the election materials are mailed to the local lodges on or around April 10, 2024.

Retirees who pay full dues or have retired and purchased a retirement card will be eligible to vote in the election. The retirement card is valid as long as the retiree:

- remains retired
- maintains a valid mailing address on file with the Grand Lodge

If a retiree has a retirement card and has dropped off the list due to an invalid address, they may contact the Grand Lodge with a good address and regain eligibility.

Members who are in exempt status and maintain a valid mailing address on file with the Grand Lodge are in good standing and eligible to vote.

Members with lifetime membership cards are eligible to vote.

Members who join the union prior to May 3, 2024, and have submitted their application and paid their initiation fee or established check-off will be eligible to vote.

Members who are not in good standing as of April 1, 2024, who are still employed in a bargaining unit may pay their reinstatement fee and catch up on any arrearages to go back into good standing prior to May 3, 2024, and be eligible to vote.

If a member's name does not appear on the eligibility list and/or eligibility cannot be determined at the polling site, they may vote a challenged ballot to be resolved at the final tally.

13. Absentee Ballots

In accordance with the absentee ballot procedures found in the IAM Constitution and the DL 19 Bylaws, absentee ballots must be requested in writing by mail to the DL 19 Secretary-Treasurer.

Once the absentee ballots have been printed and received in the DL 19 office, tentatively the week of March 4, 2024, absentee ballot packages will be sent to eligible absentee voters.

All requests for absentee ballots must be received by DL 19 not later than 15 days before the election, April 18, 2024.

The request must contain the member's full name and current address.

Requests must be made by mail to the IAM DL 19 office:

IAM District Lodge 19
7010 Broadway, Suite 203
Denver, CO 80221-2921

Members can use the Absentee Ballot Request Form that will be enclosed with the Election Notice or clearly provide the following information in a written request:

1. Purpose of the request: May 2024 DL Officer Election
2. Requestor's name, street address, city, state, and zip code.
3. Requestor's local lodge number
4. Requestor's Employer and IAM Book number
5. The request must indicate which of the following absentee ballot eligibility requirements have been met:
 - a. Member resides more than 25 miles from the designated polling place*.
 - b. Member is confined due to a verified illness.
 - c. Member is on leave qualifying under U.S. and Canadian Family Leave Laws.
 - d. Member is on vacation and retired members more than 25 miles from their residence on election day.
 - e. Member is on official IAM business approved by the L.L., D.L., or G.L.
 - f. Member is on an employer travel assignment.
 - g. Member is on reserve military leave.

*The 25-mile distance will be determined by the closest driving distance calculated by Google maps.

Absentee ballot packages can be mailed to post office boxes, but requesting members will need to provide their complete home address if they live more than 25 miles from their local lodge's polling place.

Lack of signature, LL number, employer, or IAM Book number should not invalidate the request if the requestor's identity can be otherwise determined.

If the records of the Lodge indicate that the applicant is eligible to vote in the election, the District Lodge shall mail the absentee ballot within 5 business days upon the receipt of the request. Any requests received prior to March 4, will be fulfilled once the ballots are received by DL 19. Absentee ballot mailings will be done on Tuesdays and Thursdays with the assistance of OLMS personnel.

If, in the judgement of the DL 19 Secretary-Treasurer, the member is not entitled to vote by absentee ballot, the member will be so notified, in writing, as soon as possible but no more than 5 business days after receipt of the request for an absentee ballot.

Absentee ballot packages returned undeliverable will remain unopened and will be maintained by DL 19 staff at the DL 19 office. A new absentee ballot package will be sent to the requesting members if a new address can be found. OLMS will supervise and assist in this process.

Any member who spoils their absentee ballot can contact the DL 19 office and request a replacement. The final date for requesting a replacement absentee ballot package is April 18, 2024.

LMRDA Section 401(e) requires that officers be elected by secret ballot. Members are responsible for mailing their own absentee ballots. Voted ballots are not to be turned over to other members so they can vote on your behalf.

The DL 19 P.O. Box located at 1411 Cortez St. Denver, CO 80221 will be swept by OLMS personnel on March 5, 2024, (time TBD) to confirm the box is empty of all materials prior to the start of absentee balloting.

Voted absentee ballots must be inside the designated post office box by (time TBD) on May 3, 2024, to be included in the final tally.

Absentee ballots will be picked up from the post office box on May 3, 2024, (time is TBD). This will take place under OLMS supervision and candidates' observers. The absentee ballots will be taken by OLMS personnel to the OLMS Denver office, where they will be secured until OLMS personnel return them to the DL 19 office for the tally on May 13.

14. Ballot Preparation and Mailing

OLMS will assist DL 19 in designing the ballot. On January 22, 2024, a sample ballot will be provided to all candidates to confirm their name/information is correct on the ballot.

Feedback should be given to OLMS Election Supervisor Beth Growney by January 26, 2024 (via email).

OLMS translation services will translate the voting instructions into Spanish.

Names will be listed on the ballot based on the number of endorsements received by each candidate for their respective office.

Failure to vote for the required number of candidates in a given race will invalidate the vote for that office.

Slate voting (i.e., checking one box to vote for an entire slate) and write-in votes are not permitted.

OLMS representatives will supervise the preparation and mailing of voting materials for polling sites on or about April 10, 2024.

The printing, acquisition, custody, control, and distribution of ballots will be under direct OLMS supervision. OLMS representatives will verify the number of ballots printed for use in the supervised election and the number of ballots mailed to each local lodge. OLMS will also verify the range of the ballot stub serial numbers issued to each local lodge.

OLMS will meet with Post Office officials to ensure security of voted absentee ballots. The post office box will be used solely for election purposes, and no one will have keys to the box except the Election Supervisor or her designee. Once the post office box has been swept on March 5, 2024, it will not be opened until May 3, 2024, when the absentee ballots are collected.

15. Polling Sites

Members may vote in person at their assigned local lodge on Friday, May 3, 2024, from 6:00am to 6:00pm. Local lodge polling sites will be listed in the Notice of Election. Polling sites will be operated under OLMS supervision (at the agency's discretion) by local lodge officers and election tellers. Candidates in the May 2024 supervised election are not permitted to participate in the operations of the local lodge polling sites.

Photo ID at the polling sites is not required unless the voter is not known by the on-site election officials.

If a member spoils the ballot, he/she received, the presiding officer should provide a replacement ballot, but must keep, secure, and account for any spoiled ballot and stub.

Candidates and/or their supporters are prohibited from campaigning inside the building where voting is taking place. This prohibition applies even if the building is a large, multi-use facility. Candidates and/or their supporters are permitted to campaign outside of the building where voting is being conducted.

Members are allowed to bring a list of candidates, for whom they wish to vote, for their personal use. Such lists should not be left in the voting area. Campaign literature may not be left unattended inside the polling location. The election tellers should periodically inspect the polling booths/voting areas and surrounding area and confiscate any voting lists or campaign literature found.

No one assisting in the administration of the election should distribute any campaign literature or lists of preferred candidates, nor wear any campaign buttons or clothing that indicates support for any candidate(s).

Ballots will not be counted by the local lodges.

Upon closing of the polls, the Local Lodge tellers/secretary-treasurers will immediately secure and seal ALL election materials (i.e., voter eligibility lists, ballots- challenged, voided, used and unused, used stubs, and tally sheets) in the provided boxes. These boxes must be mailed to the OLMS Denver office by May 6, 2024, where they will be maintained unopened until the official tally on May 13.

16. Collection and Tally of Ballots

The final tally will be conducted by DL 19 Election Tellers under the supervision of OLMS representatives. The final tally will commence ten (10) days after the local lodge tally (per the DL 19 Bylaws) on May 13, 2024, at the DL 19 office. At this tally:

- All ballots will be tallied.
- Once voter eligibility is confirmed, the absentee ballots will be mixed with their local lodge's ballots.
- All local lodges who have less than 5 votes cast, will have their ballots combined, for purposes of the tally, to preserve secrecy.
- Challenged ballots will be resolved.
- Calculation of final tally results.

In accordance with DL 19 bylaws, candidates who receive a plurality of the vote in their respective race will be declared the victor. In case of a tie in any office, ballots will be re-counted for the affected race, and if the recount is also a tie, the OLMS Election Supervisor will flip a coin.

17. Observers

Section 401(c) guarantees the right of a candidate to have an observer at the polls and at the counting of ballots. Observers must be able to see every phase of the election process. No ballot-related function will take place without OLMS representatives present, and observers will be given notice and opportunity to attend.

Candidate observers should be members in good standing of the IAM. In addition, no candidate may act as his or her own observer or act as observer for another candidate.

Candidates should notify the Local Lodge recording secretaries and the Election Supervisor in advance as to the identity of their observers that will be at local lodge polling sites. Candidates should also notify the DL 19 ST and Election Supervisor of the identity of observers for phases of the election completed at the DL (i.e., tally, absentee ballot pickup). Observers must sign an observer log.

18. Publication of Results

Section 401(e) of the LMRDA requires that District Lodge 19 must publish the results of the election in a manner calculated to reach the entire membership.

District Lodge 19 will post the results of the election on the District Lodge 19 website and Facebook page no later than May 17, 2024.

19. Installation of Officers

Newly elected officers will be installed on June 3, 2024.

20. Preservation of Records

Section 401(e) of the LMRDA requires that the ballots and all other election records be preserved for one year.

21. Election Protests

Any member in good standing may protest the supervised election for valid cause; such protest should be made directly to the Election Supervisor in writing at any time before, during or within 10 days after the election.

In conclusion, it should be clearly understood that all phases of the nominations and elections of District Lodge 19 officers are subject to U.S. Department of Labor supervision. No aspect should be conducted without prior consultation with and approval by the OLMS Election Supervisor or her designated representatives.

It should also be noted that the above rules and regulations are not all inclusive. Additional election rules or clarifications may be promulgated by the OLMS Election Supervisor as needed during the election period.