

CONSTITUTION

of the

INTERNATIONAL LONGSHORE & WAREHOUSE UNION



Amended as of June 2015

PREAMBLE

Since the beginning of history humankind has struggled individually and collectively for political, economic and cultural betterment, and has the greatest ability to make such advancement through democratic organization to achieve common aims.

Therefore, we who have the common objectives to advance the living standards of ourselves and our fellow workers everywhere in the world, to promote the general welfare of our nation and our communities, to banish racial and religious prejudice and discrimination, to strengthen democracy everywhere and achieve permanent peace in the world, do form ourselves into one, indivisible union and adopt the following Constitution to guide our conduct and protect our democracy within the union.

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ARTICLE I

Name

This organization shall be known as the International Longshore and Warehouse Union, composed of voluntarily affiliated autonomous local unions.

ARTICLE II

Headquarters

The official headquarters of the International Union (hereinafter referred to as the International) shall be maintained at San Francisco, California, with such branches located at such places as the Convention or National Organizing Committee shall designate.

ARTICLE III

Objectives

The objectives of the organization are:

First, to unite in one organization, regardless of religion, race, creed, color, gender, sexual orientation, political affiliation or nationality, all workers within the jurisdiction of this International;

Second, to maintain and improve the wages, hours and working conditions for all of its members without discrimination;

Third, to educate the membership of this organization in the history of the American labor movement and in present day labor problems and tactics;

Fourth, to secure legislation in the interests of labor and to oppose anti-labor legislation.

ARTICLE IV

Jurisdiction

SECTION 1. The geographic jurisdiction of the International shall extend to the United States, Canada, and Panama.

SECTION 2. The industrial jurisdiction of this International shall extend to:

- a. All workers employed in the loading and unloading of vessels, and operations incidental to such loading and unloading;
- b. All workers employed in warehousing, wholesaling and distribution industries and operations incidental thereto;
- c. Processing and other industries connected with warehousing, wholesaling and distribution industries and operations incidental thereto;
- d. In Hawaii, agriculture and aquaculture (to include processing, transportation and distribution), tourist industry (to include hotels, resorts, and restaurants), wholesale and retail trade, general manufacturing and food processing, service industries (to include hospitals and health care facilities, financial and insurance operations, and newspapers), and other operations related and incidental thereto.

SECTION 3. Except as otherwise provided, the legislative, executive and judicial jurisdiction of this International shall extend in all respects to and over all local unions. It shall have full power and authority:

- a. To adopt, amend or repeal the fundamental laws of the International Union;
- b. To issue all charters to local unions except those in Canada and Panama;
- c. To determine the amount of per capita from all local unions necessary for its maintenance, support and organizational activities;
- d. To exercise all other powers and authority directly or indirectly granted by this Constitution.

ARTICLE V

Powers and Duties of Locals

SECTION 1. Except as otherwise provided in this Constitution, all local unions may adopt and enforce all necessary laws for local government which do not conflict with this Constitution nor with the decisions adopted by the Convention of this International, nor with the decisions reached through any International referendum.

Nothing in the Constitution or by-laws of any local shall conflict with any of the provisions of this Constitution, with the decisions adopted by the Convention of this International, or with the decisions reached through any International referendum.

SECTION 2. It shall be the duty of all locals:

- a. To observe and comply with all of the provisions of this Constitution, all of the decisions adopted by the International Convention or approved by an International referendum, and all of the decisions of the Executive Board and International officials made in keeping with and pursuant to the authority contained in this Constitution;
- b. To bond all local officials in any amount sufficient to properly protect the local from any loss, and in any event in a sum not less than Twenty-Five Thousand Dollars (\$25,000);
- c. Upon request made by any titled International official, to immediately permit such official to examine all local records and books of any nature and description;
- d. Upon request by the International President or International Secretary-Treasurer, to submit all of its financial records for audit, and otherwise to cooperate fully with any Certified Public Accountant appointed by the International President;
- e. To forward to the Secretary-Treasurer copies of all local Constitutions and by-laws and any changes made therein, and upon request of a Titled Officer, shall forward a copy of any agreement entered into by the local;

- f. Upon request of the International President or the International Secretary-Treasurer, to promptly prepare and forward true and correct copies of local records of any kind or description, and any statistical or other information requested;
- g. To send the names of their president, secretary, and any other full-time officials, and the local's mailing address to the International Secretary-Treasurer as soon as the officers are elected, and thereafter when any changes occur;
- h. To place the impression of the seal of the local on all official communications and documents.

SECTION 3. No local shall charge an initiation fee in excess of One Hundred Dollars (\$100), provided, however, that any local may for the purpose of organizing activities, or for other good and sufficient reasons, be excused from this limitation by the International Executive Board.

SECTION 4. The funds, property, and assets of each local union shall be vested exclusively in the membership of the local unions, unless otherwise determined by the membership of the local union.

ARTICLE VI

Officers

SECTION 1. The elective full-time officers of the International Union shall be: President, two Vice-Presidents, and Secretary-Treasurer, herein referred to as "titled" officers.

The Titled Officers shall comprise the National Organizing Committee, and shall be responsible for the selection, employment, and assignment of personnel. The Titled Officers shall direct the organizational activities of the International Union.

Between meetings of the International Executive Board, the Titled Officers shall be charged with the responsibility of coordinating and directing the affairs of the International Union. The Titled Officers shall act upon all questions affecting the interests of the union, consistent with the policies adopted by the membership and shall report them to the International Executive Board. The Titled Officers shall direct the work of the International professional and clerical staff and have the authority to engage professional and/or technical services.

SECTION 2. The International Executive Board of the International Union shall consist of Titled Officers and additional Executive Board members to be elected from each of the following geographical areas:

Alaska shall compose an area. Canada shall compose an area. Washington shall compose an area. Columbia River locals situated in Washington and all locals situated in the State of Oregon shall compose an area. Northern California shall compose an area. Southern California shall compose an area. Hawaii shall compose an area. The Inlandboatmen's Union of the Pacific - Marine Division of the ILWU shall compose an area. The Mining Industry in Southern California shall compose an area. The Panama Canal Division shall compose an area.

The allocation of Executive Board members in the areas shall be in the following manner: for the first 1,000 members or less, one Executive Board member; over 1,000 and up to 3,000 members, two Executive Board members; over 3,000 and up to 10,000 members, three Executive Board members; over 10,000 and up to 14,000, four Executive Board members. Any area with more than 14,000 members shall be entitled to a maximum of five Executive Board members. Any local with more than 14,000 members shall be entitled to one ex-officio member of the Executive Board, who shall be determined by the local involved and whose replacement, if they cannot attend a meeting, shall be determined by the local involved. (ILWU Canada, the Inlandboatmen's Union of the Pacific - Marine Division of the ILWU, and the Panama Canal Division shall each be entitled to one member of the Executive Board.)

Only the International Convention shall determine the number of Executive Board members to be elected from each of the geographical areas, and specify the geographic area within the International from which a designated number of Executive Board members are to be elected.

The International Convention shall be empowered, in the case of an emergency as determined by the Convention, to establish pro tem officers to act as Titled Officers during the temporary absence caused through such an emergency. Such pro tem officers shall be nominated and elected at the time and in the same manner as provided for Titled Officers.

Election of Officers

SECTION 3. The nomination and primary election of Titled Officers shall be held on the last day of the Convention. All Convention delegates have the right to nominate candidates for titled office. Nominations shall be from the floor and shall be conducted separately for each Titled Officer. No person may be a nominee in Convention for more than one titled office. There shall be no limit to the number of nominees. No one not an accredited delegate from his/her own local to the Convention may be nominated, except that Titled Officers who by virtue of having held office in the previous term shall be eligible to be nominated for office.

A roll call vote shall be held and the two (2) nominees receiving the highest number of votes shall be declared elected in the primary election.

No person may be nominated for any International office unless such person has been a dues paying member of the ILWU for at least five (5) years, including having worked as a rank-and-file worker under jurisdiction of the ILWU for at least two (2) years, or has been a dues-paying member of the ILWU for a period of at least ten (10) years.

SECTION 4. The nominees so elected in the primary election shall be placed on a referendum ballot for a vote of the entire International active membership for final election. For the purpose of identifying the candidates on the ballot, within five (5) days after the primary election, candidates whose names are to appear on the ballot shall submit in their own handwriting, to the International Balloting Committee,

the exact way they wish their names to appear on the ballot.

SECTION 4A. All candidates for International office shall accept campaign donations only from members and retirees of the ILWU. Donations shall mean direct cash donations, airline tickets, payment of hotel and car rental bills, and also payment of radio, television, and newspaper ad bills. Further, each candidate shall be limited to \$25,000 in total campaign expenditures. All candidates must provide a full financial disclosure statement to the International Executive Board no later than the Board meeting at which the candidates will be installed. Such disclosure statements shall include all contributions received, listed by individual donor, and all money spent, listed by type of expense. Violation of this section shall cause the candidate to forfeit election. Candidate accountability under this section shall commence upon Convention acceptance of this Constitutional Amendment. Prior contributions or expenditures will not be required to be included.

SECTION 5. The Convention shall divide the International Union into such geographical areas as it deems appropriate.

SECTION 6. At the Convention, caucuses of the delegates from each geographical area shall be held at the time and place designated by the International President for the purpose of nominations and primary elections of Executive Board members.

The nominations and primary election of Executive Board members shall be conducted by each caucus in the same manner as such nominations and primary elections are conducted for Titled Officers by the Convention, provided

that no more than twice the number of Executive Board members to be elected from the respective area shall be declared nominated at the primary election. Executive Board members shall in no case be a candidate to succeed themselves unless they are accredited Convention delegates from their own local at the time of nomination.

A referendum ballot shall be conducted for the election of Executive Board members in the same manner and at the same time as Titled Officers, provided that only the active members of the locals within each area designated by the Convention shall vote for Executive Board members for their respective areas, and provided further that exclusive of Titled Officers, there shall not be over one Executive Board member from any one local. This restriction shall not apply to Local 142 in Hawaii. In Hawaii, there shall not be over one Executive Board member from any one industrial group in Local 142. However this restriction shall not apply should an industrial grouping cease to exist.

Duties of Officers

SECTION 7. The President shall be the executive officer of the International, and at all times shall supervise the affairs of the International and enforce this Constitution and all of the decisions of the International. He/she shall interpret the Constitution and decisions of the International whenever any questions regarding interpretation shall arise. He/she shall preside at all Conventions and Executive Board meetings of the International, and along with the other Titled Officers, shall make a written report of his/her official acts and of the state of the International to each

Convention. He/she shall appoint all International committees, and shall be an ex-officio member of such committees. If so directed by a Convention, or upon the demand of a majority of the Executive Board, or whenever he/she may deem necessary, he/she shall order an audit of the books of any local and shall appoint a Certified Public Accountant for that purpose.

He/she shall order a quarterly audit of the books and accounts kept by the International Secretary-Treasurer, and shall designate a Certified Public Accountant for that purpose.

With the consent of a majority of the Executive Board members he/she may, and upon the request of locals representing a majority of the members of the International (which request shall have been approved by a two-thirds vote of a regular membership meeting of each local joining in the request) he/she shall call a special Convention or conference of the International.

At such times as he/she may deem it necessary, or upon the request of a majority of the members of the Executive Board, he/she shall call a special meeting of the Executive Board. The special IEB meeting shall be arranged by the International President no later than fourteen (14) days from the time he/she receives such a request from the majority of the IEB.

As President, he/she shall cast a vote on any proposition before the Executive Board or the Convention only when there is a tie vote.

He/she shall perform such other duties as are provided for elsewhere in the Constitution or as may be necessary in order to carry on the business of the International, and shall have full power to do all things necessary to the carrying out of his/her duties as International President.

He/she shall be bonded to the extent to which the International Executive Board deems advisable, and in any event in a sum not less than Twenty-Five Thousand Dollars (\$25,000).

SECTION 8. The Vice-Presidents shall perform such duties as are delegated to them by the President and shall serve as the President in his/her absence when so assigned. One Vice President, the Mainland Vice President, shall work out of the International Headquarters in San Francisco and shall be responsible for planning the organizational budget and the expenditure of funds earmarked for organizational activities (subject to the approval of the National Organizing Committee), shall make reports on the status of organizational activities to the International Executive Board, and shall perform other such duties for the International Union as assigned by the International President.

The other Vice President, the Hawaii Vice President, shall be assigned from the San Francisco headquarters to work out of the International Longshore and Warehouse Union's offices in Hawaii and shall plan and administer the International Union's activities and programs in Hawaii, shall be responsible for the expenditure of funds earmarked for the International's activities in Hawaii (subject to the approval of the National Organizing Committee), shall make reports

on the status of the International's activities in Hawaii to the International Executive Board, and shall perform other such duties for the International Union as assigned by the International President.

Both Vice Presidents shall be nominated and elected in accordance with Article VI, Section 3 of the International Constitution. However, each nomination will be made specifically for either the Mainland Vice President position or the Hawaii Vice President position.

They shall be bonded to the extent to which the International Executive Board deems advisable, and in any event, in a sum not less than Twenty-Five Thousand Dollars (\$25,000).

SECTION 9. The Secretary-Treasurer shall keep a true and correct report of the proceedings of the Conventions of the International, and of meetings of the Executive Board. At the conclusion of each Convention, he/she shall furnish to each local in good standing copies of its proceedings.

He/she shall present to the International at its Conventions a complete and correct statement showing the financial and general condition of the International compiled from the latest reports of the locals, and shall submit to each Convention a proposed budget for the general guidance of the International during the period until the next regular Convention.

He/she shall be the custodian of the funds, seals, books, papers, documents and properties of the International, and

shall sign all official documents and affix the seal of the International thereto.

He/she shall conduct all correspondence, keep a record of the names, numbers, and locations of all locals, and shall keep a true and just account between the International and the locals. He/she shall issue quarterly financial reports.

He/she shall be in charge of educational research, and shall collect from the locals and other available sources all information possible showing the conditions of workers in the various industries, and any statistical or other data needed by the Officers, Executive Board, Convention, or any committee of the International.

He/she shall perform such other duties as properly belong to his/her office or as may be entrusted to him/her by the vote of the International Executive Board or Convention, and he/she shall be bonded to the extent to which the International Executive Board deems advisable, and in any event, in a sum not less than Twenty-Five Thousand Dollars (\$25,000).

SECTION 10. The Executive Board shall constitute the highest governing body of the International when its Conventions are not in session, and shall take all actions necessary to carry into effect the provisions of this Constitution and the Convention decisions.

Following the Convention, a meeting of the Executive Board shall be held within twenty (20) days after issuance of the International Balloting Committee's report or after issuance of the International Election Procedures

Committee's report, whichever is later. A majority of the members of the Executive Board shall constitute a quorum, and shall meet not less than three times each calendar year.

In the event of a vacancy in the position of any Executive Board member, the Executive Board shall fill the vacancy or designate a successor to complete the un-expired term of office. In the case of a vacancy in the Executive Board, the Executive Board shall consider the recommendations of the local Executive Boards and District Council in the area in which the vacancy occurs.

In the case of a vacancy in the office of the President, the order of succession to the office of President shall be: The mainland Vice President first, the Hawaii Vice President second, and then the Secretary-Treasurer, if so required. In the event of a vacancy in any of the other titled offices, the Executive Board shall convene within sixty (60) days for the purpose of designating a successor to complete the un-expired term, or to call a special election to fill the vacancy. The International Executive Board may, however, decide not to fill an un-expired term.

The Executive Board shall have a standing committee of four Trustees, elected by the Executive Board from among the members of the Executive Board so that one trustee will be from Hawaii and no two trustees shall be from the same region. The Trustees shall designate one of their members as chair. The chair shall submit a written and oral report to each meeting of the Executive Board.

The Trustees shall receive, study, and make recommendations to the Convention on the budget

submitted by the Secretary-Treasurer. They shall examine the books and finances of the International as often as it is deemed necessary, see that the books and cash are correct, and they must see that all warrants have been drawn and paid in accordance with the Constitution. They shall review and make recommendations upon the auditor's quarterly report to the Executive Board.

The Trustees shall have the authority to recommend to the International Executive Board denial of the payment of expenditures in excess of the budgeted amount in each disbursement account. The Trustees shall be responsible for reviewing all bonds handled by the International quarterly so that the International is protected in the event of replacement on the staff. They shall also review all insurance policies paid for by the International.

The Executive Board shall have the power to make such adjustments, reallocations of funds, or changes in the budget as may be necessary from time to time. It shall hear such appeals and hold such trials as are properly within its powers, as provided elsewhere in this Constitution.

SECTION 11. International elections shall be conducted by mail ballot in accordance with the ILWU Election Rules and Procedures, incorporated herein by reference.

The ballots for the referendum election of Titled Officers, Executive Board members, and, except as otherwise herein provided, for all other elections referred to referendum by the Convention of the International, shall be prepared by the International Election Procedures Committee selected by the Convention, with the assistance of an outside impartial,

certified and licensed professional election agency hired by the Titled Officers.

Within approximately thirty (30) days after the Convention or within such time as reasonably required for the preparation of ballot packets (i.e. ballots, accompanying instructions, envelopes, and any other materials) not to exceed forty-five (45) days after the Convention, ballot packets shall be mailed to each member on the eligible voter list at his/her last known home address.

The International Election Procedures Committee shall, within thirty-five (35) days of the Balloting Committee Report, resolve any objections to conduct affecting the outcome of the election and issue a report thereon, subject to final review and determination by the International Executive Board at its first meeting following the Convention as specified in Article VI, Section 10.

All officers elected shall take office at the first Executive Board meeting following the Convention.

SECTION 12. The Titled Officers of the International Longshore and Warehouse Union shall not hold any other salaried official positions or salaried office in any other organization.

SECTION 13. The Titled Officers shall receive such salaries as may be provided for by action of the Convention.

The salary of the International President shall be One Hundred Twenty-Five Thousand Six Hundred Eighty-Eight Dollars and Ninety-One Cents (\$125,688.91) per annum, and the salary of the other titled officers shall be One

Hundred Twenty-Two Thousand Fifty-Eight Dollars and Three Cents (\$122,058.03) per annum. Commencing May 1, 2016 and effective each May 1 thereafter, the annual wages of the titled officers shall be adjusted by a percentage equal to the average of the increase in percentage terms in the base rate of pay in the ILWU's three major industries— Longshore, Northern California Warehouse, and Local 142's major hotel agreements (Tourism) - during the previous calendar year. The titled officers shall have the authority to suspend or postpone any salary increase to which they are entitled pursuant to Article VI, Section 13 based on the financial situation of the International Union. Further, they shall have the authority to reinstate any or all suspended or postponed increases without retroactivity at any time between Conventions.

The Titled Officers shall receive Fifty-Dollars (\$50) per week for expenses incurred in the proper discharge of their duties.

Titled Officers who relocate to the San Francisco Bay Area or to Oahu, in the case of the Hawaii Vice President, shall receive a rental subsidy of Four Thousand Dollars (\$4,000) per month for rent reimbursement.

In that the Titled Officers are required to operate an automobile in the course of conducting union business, they shall receive for that purpose a monthly allowance of One Hundred Fifty Dollars (\$150), reimbursement for the cost of gas and oil used in the course of conducting union business, and automobile insurance in amounts sufficient to protect the assets of the union adequately in the event that they are

involved in an automobile accident during the conduct of union business.

Titled Officers and members of the Executive Board, when traveling on union business, shall, upon the submission of receipts, be reimbursed for the full cost of reasonable hotel accommodations and necessary travel and transportation expenses incidental thereto, plus Fifty Dollars (\$50) for meals for each full day away from home, such amount to be pro-rated for partial days away.

Executive Board members, when serving as such in their home locale, shall receive Fifty Dollars (\$50) per day expenses as provided above.

When the Board meets at a place farther than two hundred (200) miles from the city in which the Board member resides, the Board member shall receive round trip air fare plus a maximum of one (1) day's travel expenses. For Board meetings necessitating travel of less than two hundred (200) miles and for other necessary travel when acting as a member of the Board, Board members may travel by automobile and will be reimbursed for actual mileage at the rate of Twenty and One-half Cents (20 1/2¢) per mile as per the guidelines established by the Internal Revenue Service, such amount to be adjusted as per subsequent adjustments in the IRS mileage allowance, plus other travel expenses as provided elsewhere.

Executive Board members when attending meetings of the Board shall be paid One Hundred Fifty Dollars (\$150) per day wages.

When fifty percent (50%) or more of the members of the International are involved in strikes or lockouts, the Titled Officers and Executive Board members shall automatically be removed from the payroll.

SECTION 14. Titled Officers must retire at age sixty-five (65), except to complete an un-expired term of office.

ARTICLE VII

Preferring of Charges Against and Recall of International Officers

SECTION 1. Any local may, by a majority vote at a meeting of such local, prefer charges against any elected officer of the International for violation of the Constitution, by-laws, or Convention decisions of this International, or for any act calculated to embarrass or impair the dignity of the International organization. Such charges must be in writing, setting forth separately and specifically each charge, and must be certified as having been approved by the membership of the local filing the charges. Such charges shall be presented to the International President (or if that officer is charged with any misconduct, the International Secretary-Treasurer).

If the officer receiving the charges has reason to and does believe that the local filing such charges is financially incapable of paying for the costs of the trial and referendum held under the provisions of this Article, he/she shall, before proceeding any further with such charges, require the execution of a bond in an amount sufficient to meet the costs of such trial and referendum conditioned upon the

officer charged being found guilty of such charges, and providing that otherwise the bond shall be liable for the expenses of the trial and referendum.

The officer receiving the charges shall, within ten (10) days thereafter, appoint a trial committee consisting of three (3) or more members of the Executive Board, and shall set a time and place for trial. The time of the trial shall be not less than twenty (20) nor more than thirty (30) days after the receipt of the charges by the President or Secretary-Treasurer, provided, however, that the time for trial may, for good cause, be continued from time to time by the officer with whom the charges were filed for a total period not exceeding sixty (60) days beyond the original trial date. A copy of the charges, together with a notice of time and place of trial, shall be served on the officer charged at least ten (10) days before the date set for trial, or by registered mail addressed to the officer charged, the mailing to take place at least twelve (12) days before the date set for trial.

Any officer or member designated by the local preferring the charges shall act as the prosecutor at the trial. The defendant may select any member of any local to assist him/her in his/her defense. Each side shall be permitted to present oral and documentary evidence. A stenographic transcript of the proceedings shall be kept and written up. The officer charged shall be entitled to a copy of the transcript upon written request.

Within a reasonable time after the conclusion of the hearing, the trial committee shall make written recommendations that the officer charged be found guilty or not

guilty of the charges, and in the former event shall recommend penalties.

The recommendations of the trial committee shall be submitted to the entire Executive Board, excluding the officer or officers charged. The Executive Board, by a majority vote, shall approve, disapprove or modify the recommendations, and shall issue its decision, a copy of which shall immediately be served upon the officer charged in person or by registered mail. The decision of the Executive Board shall become final five (5) days after the service of the copy of the decision, unless, within that period, the officer charged files with the President or the Secretary-Treasurer a written request for an International referendum on the decision of the Board. If such request is filed, a referendum shall be held in the same manner and with the same time limits as a referendum for the election of officers of the International, the time for mailing of ballots to be not more than fifteen (15) days after the filing of the request for the referendum.

In cases of members of the Executive Board, the referendum shall be held only in the area from which the Executive Board member was elected. The referendum ballot shall call for approval or disapproval of the decision of the Executive Board. If the decision of the Executive Board is approved by a majority of the votes cast in the referendum, it shall become final. If it is disapproved by a majority of the votes cast, it shall be vacated.

The decision of the Executive Board may provide for any appropriate discipline or punishment, including removal

from office, expulsion from the International Longshore and Warehouse Union and/or a fine not to exceed Five Hundred Dollars (\$500).

In the event that the charges are ultimately dismissed, the local which preferred the charges shall pay all expenses of the proceedings sustained by the International, including the cost of the referendum, if any.

Otherwise than is provided for in this section, no International Officer shall be placed on charges of any kind by any local.

SECTION 2. Upon a recall petition directed against any elected International official setting forth the reasons for the recall and signed by fifteen percent (15%) of the International in good standing, with not more than twenty-five percent (25%) of the signatures from any one local, being presented to the International President (or, if that officer be charged with misconduct, to the International Secretary-Treasurer), that officer shall immediately stand suspended from office pending a recall election. The officer to whom the petition is presented shall immediately notify each local of the filing of the petition. A recall referendum shall be held in the same manner and with the same time limits of a referendum for the election of officers to the International, the time for mailing of ballots to be not more than fifteen (15) days after receipt of the petition by the President or Secretary-Treasurer.

In cases of members of the Executive Board, the referendum shall be held only in the area from which the Executive Board member was elected.

The referendum ballot shall provide for a “yes” or “no” vote on the recall of the officer involved. If a majority of the votes cast is in favor of recall, the office in question shall be declared vacant, and it shall be filled in the manner provided in Article VI of this Constitution. If the majority of the votes cast are against recall, the suspended officer shall immediately be reinstated with full salary for the period of suspension. If the officer against whom the recall petition was filed is not recalled, each of the locals whose members' signatures appear on the petition shall pay a portion of the costs of the petition and recall election proceedings prorated according to the number of signatures of each local's members as compared with the total number of signatures on the petition.

ARTICLE VIII

Charges Against Locals, Local Officials, and Members

SECTION 1. Upon the presentation to the International President of a petition requesting the International to investigate the affairs of any local, stating the reasons for such request and signed by twenty percent (20%) of the membership in good standing of the local involved, the President shall immediately investigate or appoint one or more other International officials to investigate the affairs of that local. All of the records of the local of every kind shall be made available upon request of the officials making the investigation, and all of the members and officials of the locals shall otherwise fully cooperate with the investigation

by the International officials. The official or officials making the investigation shall, as soon as possible, submit a report to the International President regarding the investigation.

The International President, if he/she so decides, shall put into effect in the local union such administrative changes as may be necessary to correct the situation giving rise to the investigation.

In the event the International President does institute changes in the administration or administrative affairs of the local, such changes must be submitted to a secret referendum vote of the local conducted under the supervision of the International Union within two weeks of such changes being put into effect. Those eligible to vote in such referendum are limited to active dues paying members of the local who are in good standing as per the Constitution and by-laws of the affected local.

Following the taking of such action, the International President shall submit a report on the matter to the International Executive Board. The Executive Board shall then issue its order clearing the local of all charges or reprimanding the local and/or its officials or shall prepare written charges against the local and/or its officials.

If written charges are prepared, the Executive Board may, in its discretion, suspend from office any or all of the local officials and appoint temporary officials to conduct the business of the local pending trial of the local and/or its officials.

If charges are prepared, the Executive Board shall appoint a trial committee of three (3) or more members of the Executive Board, and shall designate a time and place for trial, the time to be not less than twenty (20) nor more than thirty (30) days after the decision of the Executive Board that charges be filed; provided, however, that the time for trial may, for good cause, be continued from time to time for a total period not exceeding sixty (60) days beyond the original trial date.

A copy of the charges, together with notice of time and place of trial, shall be served in person on the President and Secretary of the local charged, and on each local official named in the charges at least ten (10) days before the date set for trial, or by registered mail addressed to each of the officials above mentioned, the mailing to take place at least twelve (12) days before the date set for trial.

The International President shall designate a person to prosecute the charges. The local charged may designate any person to defend it at the trial, and each official of the local charged may select any person to assist him/her in his/her defense. Each side shall be permitted to present oral and documentary evidence. A stenographic transcript of the proceedings shall be kept and written up. The local and each of the officials charged shall be entitled to a copy of the transcript upon written request.

Within a reasonable time after conclusion of the hearing, the trial committee shall make written recommendations, which shall be submitted to the International Executive Board, excluding any persons charged who are likewise

members of the Executive Board. The Executive Board, by a majority vote, shall approve, disapprove, or modify the recommendations, and shall issue its order which shall take effect immediately regardless of an appeal.

An appeal may be taken to the next Convention and the order of the Executive Board may be affirmed, reversed, or modified by a majority vote of the Convention. The order of the Executive Board may provide for any appropriate discipline or punishment, including permanent removal of any or all of the officials with or without a provision that they shall not hold office in the local in the future, appointment of temporary officials of the union for a period not exceeding one (1) year after the order of the Executive Board, revocation of the charter of the local and/or a fine not to exceed One Thousand Dollars (\$1,000) upon the local, and/or a fine not to exceed Five Hundred Dollars (\$500) upon each of the officials charged, and/or expulsion from the International Longshore and Warehouse Union of any of the officials charged.

SECTION 2. Upon the recommendation of the International President, the International Executive Board may without petition by the members of any local, prefer charges against any local and/or officials thereof, and proceed with trial, discipline or punishment, and with a right of appeal in the manner provided in Section 1 hereof.

SECTION 3. Any International Officer may file charges against any officer or member of any local for violation of the Constitution, by-laws or Convention decisions of the International, or for making false charges, unfounded

accusations, or malicious attacks upon any International official outside of a regular meeting of the International Longshore and Warehouse Union or one of its locals, or outside any local publication of the International or one of its locals, or for any other act calculated to impair the dignity of the International organization. Such charges must be in writing setting forth separately and specifically each charge. The charge shall be presented to the International President (or, if he/she is the charging officer, to the International Secretary-Treasurer). Thereafter, the procedure set forth in Article VII, Section 1, shall be followed, and any of the penalties provided for therein may be imposed upon any member found guilty of charges under this Section.

ARTICLE IX

Appeals Procedure

Any union member may file an appeal to the International President claiming that an action or decision of the International, any division or subordinate body of the International, or any local union is in violation of this Constitution and bylaws or the Constitution, bylaws or rules of such division, subordinate body or local union; provided, however, that no issue concerning or arising out of the negotiation or administration of any collective bargaining agreement shall be subject to this Appeals Procedure.

- a. The Appeals Procedure is as follows:
 1. In any case in which it is claimed that a decision of a local or the International is illegal,

an appeal must be filed to the International President.

2. Such an appeal must be filed within ninety (90) days of the notification of the decision appealed from. The appeal shall be in writing and shall state the grounds upon which it is made. A copy of the appeal shall be served upon the local, the International, or the International body which rendered the decision appealed from.
3. Upon receipt of the appeal, the International President shall advise in writing the local involved or the International body involved that it has thirty (30) days within which to file a written response.
4. Upon receipt of the written response, the International President shall within thirty (30) days thereafter render a written decision if he/she believes he/she can do so upon information provided by the documents so submitted to him/her, or he/she shall assign the case to a committee of three (3) selected by him/her from among the members of the International Executive Board, excluding therefrom representatives of the local or the International body involved in the case. If the President assigns the case to such a committee, it shall convene a hearing within thirty (30) days, and shall hear evidence of the appellant and the

responding local or International body, and shall within thirty (30) days thereafter render a decision in writing.

5. If either party is dissatisfied with the decision of the International President or the committee, a further appeal may be taken within thirty (30) days to the International Executive Board. Such an appeal shall be in writing to the International President, shall state the grounds upon which it is made, and a copy shall be served on the other party. Upon receipt of the appeal, the International President shall forward the written record of the case to the members of the International Executive Board.
6. At its next regular meeting, the International Executive Board shall hear the appeal, giving both the appellant and the respondent an opportunity to be heard. The International Executive Board may rule on the appeal at the meeting in which the appeal was heard but shall, in no case, rule on the appeal later than its next regular Executive Board meeting. All rulings of the International Executive Board shall be in writing clearly stating the constitutional bases for said ruling.
7. The action of the International Executive Board shall be final and binding under these appeals procedures.

8. Neither the International nor any local shall be liable for any costs incurred by the appellant in pursuing any of the remedies specified in these appeals procedures.

ARTICLE X

Per Capita and Assessments

SECTION 1. Per capita and assessments are an obligation of the local unions.

SECTION 1a. Per capita to the International by the locals shall be a single amount per member per month depending upon the hourly rate of pay of the member. Per capita payment shall be paid on all members and other workers under the local's jurisdiction who pay dues and/or fees to the local.

Effective January 1, 2014 per capita to the International by the locals shall be Seven Dollars and Twenty-Four Cents (\$7.24) per member per month for those members whose rate of pay is less than Sixteen Dollars (\$16.00) per hour; Twelve Dollars and Forty-Nine Cents (\$12.49) per member per month for those members whose rate of pay is equal to or greater than Sixteen Dollars (\$16.00) but less than Twenty-One Dollars (\$21.00); Nineteen Dollars and Eighty-Four Cents (\$19.84) per member per month for those members whose rate of pay is equal to or greater than Twenty-One Dollars (\$21.00) per hour; and Twenty-Seven Dollars and Nine Cents (\$27.09) per member per month for those members in a division or local where the average

earnings exceed Ninety Thousand Dollars (\$90,000) per year.

Effective January 1, 2017 per capita to the International by the locals shall be Seven Dollars and Forty-Six Cents (\$7.46) per member per month for those members whose rate of pay is less than Sixteen Dollars (\$16.00) per hour; Twelve Dollars and Eighty-Six Cents (\$12.86) per member per month for those members whose rate of pay is equal to or greater than Sixteen Dollars (\$16.00) but less than Twenty-One Dollars (\$21.00); Twenty Dollars and Forty-Four Cents (\$20.44) per member per month for those members whose rate of pay is equal to or greater than Twenty-One Dollars (\$21.00) per hour; and Twenty-Seven Dollars and Ninety Cents (\$27.90) per member per month for those members in a division or local where the average earnings exceed Ninety Thousand Dollars (\$90,000) per year.

Payment of per capita by locals entitles such locals to the full services of the International, including support and assistance in collective bargaining negotiations, organizing, and the right to participate in International Conventions with full voice and vote as set forth in Article XI.

Per capita shall be computed on all members and other workers who work under the jurisdiction of a local. Local union requests for exceptions to the timely payment of per capita or the amount of per capita may be granted by the Convention, or by the National Organizing Committee, subject to the approval of the International Executive Board. The Titled Officers shall have the power to make refunds to

any local for reasons of extenuating circumstances, such as organizing, servicing the local's membership as a result of economic hardship or other good cause, subject to approval of the Board.

Upon the request of a Titled Officer or the International Executive Board, a local union shall provide copies of its financial reports and financial audits of its books to the International Union.

Any local union requesting exoneration shall not be granted exoneration unless the local union:

1. Submits to the International Secretary-Treasurer audited financial statements for the three year period immediately prior to the request for exoneration;
2. States in writing what measures the local has taken to reduce expenditures and/or raise income; and
3. Provides a written plan of how the local will meet its financial obligation for the next three years. Such information must be provided in a timely manner to allow sufficient opportunity for review and analysis.

In consideration of granting such relief, the Titled Officers shall use objective criteria based on, but not limited to, the following:

1. The ratio of paid staff and officers to members compared with other locals;
2. The salaries of staff and officers compared with other locals;

3. The local's reserve funds, property and assets compared with other locals;
4. The local's efforts to cut cost and streamline administration;
5. The local's efforts to raise income from its members;
6. The local's prudent use of its resources and funds;
7. Recent extraordinary expenditures by the local;
8. A local's organizational plan to balance its budget;
9. A local's strategic plan to organize new members;
10. The possibility of merging locals.

The International Executive Board shall use the same criteria in approving or denying any exoneration granted by the National Organizing Committee.

The Titled Officers may condition such relief on a local's participation in organizing.

SECTION 1b. Assessments may be levied by the International either upon recommendation of a majority of the delegates voting at the Convention, or upon the recommendation of a majority of the Executive Board with approval in either case by a majority of the members voting in an International referendum. Any assessments levied shall apply equally to all members and other workers under the jurisdiction of the local on whom per capita is being paid.

SECTION 2. The International shall establish a Political Action Fund, which shall consist exclusively of voluntary contributions. The union will not favor or disadvantage any

member because of the amount of his/her contribution or the decision not to contribute. In no case will a member be required to pay more than his/her pro rata share of the union's collective bargaining expenses. Reports on the status of the fund and the uses to which the voluntary contributions of the members are put will be made to the International Executive Board.

SECTION 3. To retain good standing, the locals shall forward per capita for the preceding month by the first day of each month, and a local shall become in arrears if its per capita is not forwarded by the 15th of that month. Any local three (3) months in arrears in its per capita shall be in bad standing.

At the request of the local in bad standing at a meeting called especially for that purpose, or at the request of twenty percent (20%) of its members, the International President may appoint a receiver to take over the affairs of the local, or the International President, with the approval of the Executive Board, may appoint a receiver to take over the financial affairs of such local, until such time as it is placed in good standing; provided that no receivership may last more than one (1) year, at the end of which year, if the local has not been placed in good standing with the International, it shall either be dissolved or reorganized and its unpaid per capita exonerated.

SECTION 4. Any local in receivership may appeal to the International Executive Board and from that body to the next International Convention.

SECTION 5. In the event of any lockout or any strike approved by the International President, he/she may exonerate the local or locals involved from payment of per capita on the number of members directly involved in the strike or lockout. In the event that the President refuses his/her approval, the local may appeal the refusal to exonerate to the International Executive Board, and from the International Executive Board to the next International Convention.

ARTICLE XI

Conventions

SECTION 1. A Convention of the International shall be held every three (3) years beginning at 10 a.m. on the second Monday following Easter Sunday. However, the International Executive Board may authorize a different Convention location and starting date which shall be no earlier than March 1st nor later than June 30th of the year in which the Convention is to be held.

Conventions will be held on the following rotational basis in a host city of each area enumerated, except when granted an exception by the International Executive Board as stated above:

- | | |
|-------------------------------|------|
| 1. Oregon/Columbia River Area | 2018 |
| 2. Panama | 2021 |
| 3. Northern California Area | 2024 |
| 4. ILWU Canada | 2027 |

5. Washington/Puget Sound/Alaska 2030
6. Southern California Area 2031
7. Hawaii Area 2036
8. Oregon/Columbia River Area 2039

SECTION 2. In order to be entitled to send delegates to the Convention and receive voice and vote, a local must have its International per capita, together with assessments and any overdue indebtedness to the International, paid up one month prior to the Convention.

SECTION 3. Representation at the International Convention shall be as follows: each local shall be entitled to one vote regardless of membership up to one hundred (100) members, and one vote for each additional one hundred (100) members or major fraction thereof of its paid membership averaged for the one (1) year period immediately prior to the year in which the Convention is held.

SECTION 4. Delegates to the International Convention shall be elected either by secret referendum ballot of the entire membership or by ballot at a regular meeting of the local, or where for geographical reasons meetings of the entire membership are not practical, by ballot at regular meetings of its subdivisions. Nominating procedures shall be established by the local. The credentials of delegates elected shall be signed by the president and secretary of the local, must bear the seal of the local, and certify that the delegate was elected as provided herein.

Locals may designate member participants in the Convention as observer delegates with voice and vote in all matters before the Convention, except on roll call votes and elections. Such credentials may also be issued by the Credentials Committee with the approval of the Convention.

SECTION 4a. Locals within any geographical subdivision with a combined membership of 500 members or less may consolidate for the purposes of nominating and electing a Convention delegate. Any method of nominating and electing said delegate should be worked out by the said locals involved, providing other provisions of the International Constitution are adhered to. The delegate elected shall cast the full voting strength of the locals he/she represents in Convention. No proxy vote will be allowed. The delegate's wages and expenses, travel and transportation shall be borne equally by members of the locals the delegate represents.

SECTION 5. All credentials must be in the International office thirty (30) days prior to the Convention. The President may appoint a pre-Convention committee to consist of that number of delegates to the Convention that he/she deems necessary to carry out the functions of the committee, to be selected by him/her with due regard to proportionate representation so far as possible from all areas, with the International Officers to act as ex-officio members of the committee. All work of the pre-Convention committee shall be subject to the approval of the Convention.

The International will send each of the locals copies of all resolutions, statements of policy, and Constitutional amendments for distribution to their delegates at least two (2) weeks prior to the beginning of the Convention as outlined above.

SECTION 6. During each Convention, at times and places designated by the International President, each occupational group or geographic area within the International may hold a caucus for the purpose of discussing its specific problems with full authority to set up such machinery as it may deem necessary and appropriate to deal with its collective bargaining problems.

A conference of any occupational group must be called by the President when requested by a majority of the locals of that group. Such a conference must be called at a place designated by the President at a time not later than thirty (30) days after such conference has been requested.

Expenses and wages of one delegate from each local shall be divided pro-rata among the locals of that occupation; providing, however, that locals within any geographical subdivision with a combined membership of less than 500, if they consolidate under Section 4a for the purpose of nominating and electing a Convention delegate shall, if represented at such a caucus, only be entitled to one delegate representing all of such consolidated locals.

The salary and expenses of any additional delegate from any local or group of locals consolidating in a geographical subdivision shall be paid by the respective local or subdivi-

sion. Delegates to such conferences shall be elected as provided for in Article XI, Section 4 and 4a.

SECTION 7. The Titled Officers and Coast Committeemen who are not elected delegates from their respective locals shall have a voice and vote in the Convention, except on roll call votes.

SECTION 8. Executive Board members who are not elected delegates from their respective locals shall have voice and vote in the Convention, except on roll call votes. Such Executive Board members shall be paid for attendance at the Convention in the same manner as salary and per diem expenses are provided elsewhere in this Constitution for attendance at Executive Board meetings.

SECTION 9. Pensioners designated by their pension clubs shall be fraternal delegates at Conventions with voice, but no vote, on all matters before the Convention.

SECTION 10. Auxiliary members designated by their auxiliaries shall be fraternal delegates at Conventions with voice, but no vote, on all matters before the Convention.

SECTION 11. Each District Council shall be entitled to send one fraternal delegate to the Convention with voice, but no vote, on all matters before the Convention. The delegate costs shall be borne by the individual District Councils.

ARTICLE XII

Charters

SECTION 1. Applications for local charters shall be made to the International Secretary-Treasurer. Such applications shall be in writing, signed by at least ten (10) workers employed in the industry involved desirous of obtaining the charter, and must set forth the class of work to be performed by such local and the geographic jurisdiction to be covered.

SECTION 2. The fee for the issuance of a local charter shall be Fifty Dollars (\$50), which shall include the cost of the charter and seal for the local. All applications for charters must be accompanied by the charter fee. If the charter is not issued, the charter fee shall be returned.

SECTION 3. All applications for charters must be submitted to the National Organizing Committee, and no charter shall be issued without its approval. In issuing charters, due consideration and consultation shall be given to the interests of other locals in the area and to the interests of the International.

SECTION 4. Upon the approval of a charter as provided in Section 3, the International Secretary-Treasurer shall assign a number and issue a charter to the local filing the application.

SECTION 5. Sections 1, 2, 3 and 4 of this article notwithstanding, the granting of local charters in Canada is to be the sole prerogative of the ILWU Canada as per rules established by the ILWU Canada.

ARTICLE XIII

Agreements, Strikes, Lockouts, and Boycotts

SECTION 1. Only those locals that are directly involved shall vote on questions of proposed agreements, strikes or boycotts.

SECTION 2. Supporting locals shall at all times be allowed full opportunity to express themselves as to their belief in the matter of support, and due consideration for their position under any agreement they have with their employers must be given by the supported local. All supporting locals must be given a true copy of any proposed agreement or proposition to be voted on in time so that they may be able to express an opinion on the matter.

ARTICLE XIV

Interpretation and Amendments to the Constitution

SECTION 1. Whenever any question of interpretation of this Constitution arises, it shall be submitted to the International President whose interpretation shall be final and binding unless appeal is taken, as herein provided for. Any member of a local aggrieved by an interpretation of the Constitution may appeal to the Executive Board, and the Executive Board upon such appeal being made to it may reverse or modify the interpretation by a majority vote. A further appeal may be taken to the Convention of the International, which may reverse or modify the interpretation by a majority vote. Pending any appeal, the interpretation of the President or of the Executive Board if it

reverses or modifies the President's interpretation by a majority vote, shall remain in full force and effect.

SECTION 2. This Constitution may be amended only by a majority vote at a Convention of the International, except that between Conventions it may be amended upon the majority vote of the Executive Board, and approved by a majority vote on an International referendum.

ARTICLE XV

Referendum Votes

Whenever fifteen percent (15%) of the membership of the International acting through their locals, with no more than twenty-five percent (25%) of the votes coming from any local, and votes not to be counted unless there is a majority vote within the local in favor of the referendum, shall request a referendum on any proposition, an International referendum shall be held. Within fifteen (15) days after receipt of notice of the demand by fifteen percent (15%) of the members of the International as above defined, the International Secretary-Treasurer shall forward referendum ballots to all locals. The referendum shall be conducted in the same manner and with the same respective time limits as referenda for election of officers of the International.

ARTICLE XVI

Withdrawals

Each local shall issue withdrawal cards and honor withdrawal cards in accordance with terms and conditions of its own Constitution.

ARTICLE XVII

Transfers

SECTION 1. No member shall be allowed to transfer more than once in a year, unless by mutual agreement of the locals involved.

SECTION 2. No member shall be allowed to transfer unless he/she has been a member of his/her local for three (3) years or more.

SECTION 3. Before any member can be accepted as a transfer he/she must first secure a clearance from his/her own local. He/she shall then submit a letter to the local he/she wishes to transfer to, stating the time he/she has been affiliated with the previous local and the date transfer was issued.

SECTION 4. Any member accepted for transfer shall not be required to pay an initiation fee.

SECTION 5. The rights, rules and procedure for transfer shall be determined by the respective industry divisions of the union.

ARTICLE XVIII

Visiting Members, Traveling Cards

SECTION 1. Any member who so desires and who has been a member in good standing of an active local for at least one (1) year, shall procure from his/her local secretary a traveling card, which shall be renewed every thirty (30) days, showing that he/she is paid up to date and in good standing, which will entitle him/her to the following

privileges in any local of the same geographic division of a similar craft.

SECTION 2. Work privileges accorded to a visiting member shall be for a period not to exceed thirty (30) days unless agreeable to the local being visited.

SECTION 3. All locals shall be required to accept a minimum of visitors of one percent (1%) of their membership at any given time, but no local shall be visited more than once a year by any given member unless agreeable to the local so visited.

ARTICLE XIX

District Councils

Whenever there are two or more locals in any one area, said locals may form a District Council in order to discuss local conditions and mutual problems that may arise from time to time, and submit recommendations to the affiliated locals. The presently constituted District Councils or Councils conforming to areas named in Article VI, Section 2, are the Councils referred to herein.

ARTICLE XX

Jurisdiction of Federated Auxiliary Charters

Only one charter shall be issued to the Federated Auxiliary in each port or locality where International Longshore and Warehouse Union locals are chartered.

- a. The charter fee shall be Five Dollars (\$5) and it shall require the signatures of ten (10) applicants to obtain and ten (10) members to retain the charter.

Such charters shall be numbered consecutively as issued.

- b. All chartered auxiliaries must affiliate with the Federated Auxiliaries and be guided by policies and procedures thereof.
- c. ILWU Federated Auxiliaries shall include relatives of all workers (excluding casuals) associated with the International Longshore and Warehouse Union, regardless of craft. No charter shall be issued to conflict with this section.
- d. Membership shall include full privileges for those desiring to adhere to the principles and purposes of Auxiliaries and meeting the requirements as herein stated.

ARTICLE XXI

International Newspaper

A newspaper shall be published by the International Union not less than eleven (11) times annually. The International Officers may, at their option, increase the number of issues if they feel that such an increase is warranted. Each International Titled Officer shall have the right to have articles they have authored inserted in any issue of the International newspaper. Every member of the Union shall, by virtue of membership, receive the newspaper. The Executive Board shall fix by resolution the subscription price of the newspaper, and the sum fixed shall be set aside from the per capita of each member to pay for his/her subscription in accordance with postal laws and

regulations. The editor shall be appointed by and work under the supervision of the Titled Officers.

ARTICLE XXII

Endorsements

No local union, Titled Officer, Executive Board member, or member of the International staff shall be allowed to use the name of any local or the International in connection with any particular political campaign, committee, social, community or other activity unless use of such name of such local or the International has been authorized by the local or International Executive Board.

ILWU affiliates, pension clubs, auxiliaries, and district councils may use the ILWU logo for their own purposes. Use of the ILWU logo by any other entity is prohibited without the express written consent of the International Union.

This article expressly prohibits the unauthorized use of the local or International name, or logo, for the purpose of “identification only.”

APPENDIX

Election Rules and Procedures

These rules, procedures and policies, authorized by the International Longshore and Warehouse Union, at its Twenty-Ninth Convention of April, 1994, shall apply to all future International elections, except as may be amended by future Conventions.

These rules shall apply to all locals, divisions, and other labor organizations affiliated with the ILWU (hereinafter called "affiliates") and all ILWU members and candidates in the conduct of all International Elections. They have been developed in accordance with the Constitution and by-laws of the Union and the federal union election laws.

RULE 1. ELECTION TIMETABLE

The election shall be conducted pursuant to the timetable specified in Article VI, Section 11 of the ILWU Constitution.

RULE 2. ELIGIBLE CANDIDATES

Eligible candidates in this election are as per the nomination procedure specified in Article VI, Sections 3, 4, 5 and 6 of the ILWU Constitution.

RULE 3. ELIGIBLE VOTERS

All members in good standing of any affiliate of the ILWU shall be eligible to vote in this election in accordance with such affiliate's established rules defining membership

in good standing that conforms with the International Constitution. A member in good standing shall be defined as a member having the same rights and responsibilities as any other member of such ILWU affiliate.

RULE 4. RIGHTS OF MEMBERS IN UNION ELECTIONS

A. Right to Vote and to Support Candidate

In any election of the ILWU, every member in good standing shall have the right to vote for or otherwise support the candidate or candidates of the member's choice.

B. No Penalties, Reprisals or Other Interference

No member shall be subject to penalty, discipline, or improper interference or reprisal of any kind by the Union or any member for exercising the member's right to vote for or otherwise support the candidate or candidates of the member's choice.

C. Equal Rights of Members

Every member of the Union shall have equal rights and privileges to nominate candidates, to vote in elections, to attend membership meetings, and to participate in the affairs of the Union, subject to reasonable rules and regulations of the Union as specified in the ILWU Constitution and by-laws and rules, constitutions and by-laws of the affiliates to the extent they do not conflict with the ILWU Constitution and these rules.

D. Freedom of Speech and Assembly

Every member of the Union shall have the right to meet and assemble freely with other members, to express any

views, arguments, or opinions upon candidates in an election of the Union subject to the organization's reasonable rules.

RULE 5. RIGHTS AND LIMITATIONS ON CAMPAIGNING

A. Reasonable Opportunity to Campaign

All candidates have the right to reasonable periods of campaigning prior to the election in accordance with the rules and regulations of the Union.

B. Use of Union Funds Prohibited

A Union may not use any funds to contribute or apply to the candidacy of any person in a union election. Accordingly, officers and employees may not campaign on time that is paid for by the Union, nor use Union funds, facilities, equipment, stationery, etc., to assist in campaigning. Monies of the Union may be utilized for notices, factual statements of issues or of the qualifications of candidates, and other expenses necessary for the holding of an election. The Union may hold a debate provided no candidate is shown any preference over another by the Union.

C. Receiving Employer Support Prohibited: Campaigning During Work Hours Prohibited

No employer, whether or not under a labor contract with the ILWU or its affiliates, may contribute funds, directly or indirectly, in support of the candidacy of any person for Union office under any condition. This prohibition includes

any costs incurred by an employer and anything of value contributed by an employer.

Campaigning is prohibited during working hours, except during official breaks and meal periods.

D. Use of Union Newspaper and Other Publications Prohibited

Articles contained in the Union's newspapers and publications shall not be used to attack or criticize candidates or urge the nomination or election of any candidate. Use of the Union paper to provide notice of nominations, elections, related announcements and statements prepared by the candidates and photos of the candidates are allowed.

1. Statements prepared by the candidates for inclusion in the Union's newspaper shall not exceed five hundred (500) words. It shall be the obligation of each candidate to see to it that his/her written statement (and photo if he/she desires) is received by the editor of the Union newspaper no later than twenty (20) days after the Convention.
2. Any statement received by the editor in excess of five hundred (500) words shall not be printed in full. Such statement shall end with the last full sentence prior to reaching five hundred (500) words.
3. Any statement received by the editor later than twenty (20) days after the Convention shall not appear in the Union newspaper.

4. Candidates shall bear the sole responsibility for statements they submit to the editor for inclusion in the Union newspaper.
5. The Union's newspaper containing the statements of the candidates, etc. shall be mailed out no later than thirty (30) days after the Convention, and the ensuing edition of the Union's newspaper shall contain a reminder to vote.

E. Campaigning in Polling Area Prohibited

Campaigning in the polling area and within 50 feet of any poll is prohibited. Campaign materials visible within the polling place or 50 feet thereof shall be removed. Sound trucks and other similar means used for campaigning which may be heard in the polling area shall also be prohibited.

RULE 6. INSPECTION OF MEMBERSHIP LISTS

A. Right to the Inspection of Membership Lists

Each bona fide candidate has the right to inspect a list containing the names and last known addresses of only those members of the Union who are eligible to vote for their office. This right to inspect does not include the right to copy and is limited to one inspection within 30 days before voting commences in the election. All requests shall be as per the following procedure.

B. Inspection Procedure

Inspection shall be during regular business hours only (excluding lunch and break times).

The Election Procedures Committee shall designate custodians for all lists for inspection who may be clerical

employees, full-time officers (who are not candidates for any International office) or members (who are not candidates for any International office). Inspection of the list by a candidate must be made in the presence of a custodian.

No candidate shall be given or permitted to make a copy of the list. Candidates are also prohibited from copying any names and/or addresses from the list of eligible voters.

Once a candidate begins inspection of the list they may not review portions of the list that they have already inspected. If they should temporarily suspend the inspections, the custodian shall so note where the inspection was suspended. Inspection of the list may only be resumed from that point.

All candidates requesting inspection of the voter eligibility list must log in and out with date and time.

C. Inspection of Membership Lists Before Primary Election Held at Convention

Any accredited delegate to the International Convention who publicly declares an intention to run for International office may request from the International Union a list of accredited delegates to the International Convention at any time within thirty (30) days prior to the Convention. A list of addresses of those delegates will also be available at the International Union for inspection. The International Union will not provide copies of the addresses of delegates or members of the Union.

D. Inspection of Membership Lists Before Referendum Election

Candidates may inspect once within thirty (30) days of the referendum election the list of eligible voters and their address at the International Union Offices at 1188 Franklin Street, San Francisco, CA 94109.

RULE 7. ILWU MAILING OF CANDIDATES' LITERATURE

A. Candidates' Right to ILWU Mailing of Campaign Literature

The Union shall honor all reasonable requests by a candidate to distribute campaign literature to members in good standing, provided the entire cost of the distribution is at the candidate's expense and no member is subject to unequal treatment. The Union shall not regulate the contents of campaign literature requested for distribution.

B. Procedures for ILWU Mailing of Campaign Literature

All requests to distribute campaign literature using the ILWU membership lists shall be sent in writing, signed by the candidate or his/her designated representative whose name shall be on a list provided by the candidate, to the ILWU Research Director or other appropriate staff.

1. Labels will be printed in zip code ascending order or the order reasonably available.
2. The International Union will respond to candidates' mailing requests as soon as possible. However, candidates should be advised that generally five working days is the

minimum time necessary to complete a mailing request.

3. Candidates are responsible for ensuring that the campaign literature has sufficient postage on each piece and a return address on each piece. (The International Union's *Dispatcher* mail permit cannot be used by candidates.) Candidates should make prior arrangements directly with the U.S. Postal Service for payment of mailing costs to expedite distribution of campaign literature.
4. Campaign literature shall be in sealed, business envelopes (#10) or machine folded paper, either 8^{1/2}" x 11" folded in half, 8^{1/2}" x 14" folded twice (in thirds), or 11" x 17" folded twice (in thirds). If the literature is machine folded, there shall be no staples.
5. Sufficient copies of the literature shall be delivered to the International Union offices at 1188 Franklin Street, San Francisco, CA 94109. Alternatively, candidates may deliver their literature to their local affiliate who shall immediately forward same by first class mail to the International for mailing to members. The International shall reimburse any affiliate for its mailing expenses. An estimate of the number of pieces of the campaign literature to be sent based on the requested mailing will be

provided by the ILWU Research Director or other appropriate staff.

6. Candidates will be charged for all expenses incurred in complying with a mailing request.
7. An estimate of the total cost of the mailing will be provided to the candidate (or his/her representative) by the Research Director or other appropriate staff as soon as possible after receiving a mailing request.
8. Prior to delivering the pieces and labels to the bindery, the candidate shall deliver to the ILWU a cashiers or certified check or money order in an amount equal to 100% of the estimate provided above. Checks must be made payable to the "ILWU." As soon as possible after the mailing is complete, the candidate will be issued a refund of the amount paid over actual expenses or a bill for the actual expenses in excess of the amount paid.
9. Upon receipt of the check/money order, the pieces and labels will be delivered to the bindery. The bindery will deliver the pieces to the San Francisco Post Offices' bulk mail center.
10. Any questions concerning mailing procedures must be directed to the ILWU Research Director or other appropriate staff.

C. Distribution of Campaign Literature for Primary Election

With respect to any primary election that may be conducted at the Convention, candidates, including intended candidates, are entitled to distribute campaign materials to delegates at any time outside the Convention hall and at times inside the Convention hall when the delegates are on break or not otherwise in session, provided such activities shall not disrupt Convention proceedings and that candidates are solely responsible for the cost and distribution of campaign material at the Convention. Candidates who wish to have the International Union mail campaign literature sent to the residences of Convention delegates (the eligible voters in the primary election) must comply with the procedures specified in Section (B) above.

RULE 8. PRIMARY ELECTION

A. With respect to any primary election held at the Convention pursuant to Article VI, Sections 3 to 6, of the ILWU Constitution, such election shall be conducted by the International President, provided he/she is not a candidate for office. In the event the International President is a candidate for office, he/she shall appoint another International Titled Officer who is not a candidate for office to conduct the primary election. If all Titled Officers are candidates for office, the International President shall appoint an incumbent IEB member who is not a candidate for office, and if none is available then a credentialed Convention

delegate who is not a candidate, to conduct the primary election.

- B. Each Convention delegate may vote for up to two (2) nominees in the primary election. A roll call vote shall be taken either by each affiliate or by individual Convention delegates within an affiliate as determined by the procedures of each affiliate.

RULE 9. NOTICE OF REFERENDUM ELECTIONS

The ILWU shall have issued a notice of the election no later than fifteen (15) days prior to the date ballots must be postmarked for return. The notice shall be sent to each member's last known address, containing the dates, times and places of the election. The notice may be sent along with the mail ballot provided that they are mailed to the member's home no later than fifteen (15) days prior to the date when cast ballots must be postmarked for return.

RULE 10. VOTER ELIGIBILITY

A. Member in Good Standing

All members in good standing of any affiliate of the ILWU shall be eligible to vote in this election in accordance with such affiliate's established rules defining membership in good standing that conforms with the International Constitution. A member in good standing shall be defined as a member having the same rights and responsibilities as any other member of such affiliate.

B. Proof of Membership

Members may be required to present proof of identification including proof of ILWU affiliate membership (driver's license and pay stubs or ILWU local membership card) as may be required to verify their eligibility.

C. One Member, One Vote

Each member in good standing shall have only one vote.

RULE 11. SECRET BALLOT

It is the right of each member to cast a secret ballot in every ILWU referendum election. The ILWU and each affiliate shall make the necessary provisions to safeguard the election process and secure secrecy of balloting.

RULE 12. CHALLENGING A BALLOT

A. Right to Challenge

Any candidate, the candidate's designated observer, or a member of the International Balloting Committee may challenge a voter or ballot at any stage of the balloting but before the final tally, provided, however, that there is a reasonable justification for the challenge. The challenge shall be properly presented to the International Balloting Committee in a timely manner.

B. Discretion of Challenge

Furthermore, if the reason for the challenge has been disproved, the International Balloting Committee may use its discretion by not honoring the challenge. (For example, the voter is challenged because the challenger claims he/she

is not on the list. This can easily be checked through the voter list.)

C. Preservation of Challenged Ballot

Any challenged voter shall be allowed to cast their ballot, but the ballot shall be put in a special envelope marked “Challenged Ballot” and sealed. The following list details examples for a challenge:

- (1) Not on the ILWU Voter Eligibility List.
- (2) Voluntarily quit and no longer a member, and not covered by a collective bargaining agreement.
- (3) Promoted to full-time permanent supervisor outside of the collective bargaining unit.

D. Determination of Challenged Ballots

All challenged ballots shall be resolved by the International Balloting Committee. Such determination shall be final and binding.

RULE 13. OBSERVERS

A. Candidate's Right to Have Observers

Each candidate has a right to have up to two observers plus the candidate, who must be ILWU members in good standing, present for reasonable viewing of election procedures, so long as they do not interfere with the proper conduct of the election process. Observers shall be allowed to observe the preparation, mailing, receipt and handling of mail ballots as well as the counting of returns.

B. Observer Badges

Members while serving as observers shall wear official observer badges furnished by the International Office.

C. Exclusion of Observers From Election Procedures Committee's Deliberations Re: Challenges

Observers are not permitted to observe the deliberations of the International Elections Procedure Committee related to investigation of any challenges to the conduct of the election.

RULE 14. MAIL BALLOTING PROCEDURES

A. General Rule

All ILWU referendum elections shall be conducted by mail ballot with the assistance of an outside impartial, certified and licensed professional elections agency hired by the Titled Officers. The elections shall be conducted in accordance with the provisions of this document and any rules and procedures of the outside agency to the extent they are not inconsistent with this document.

B. Optional In-Person Return of Mail Ballot

Affiliates, at their own option and expense, may have official representatives from the outside election agency conducting the election to appear at the affiliate's offices or dispatch hall with a locked voting box to allow eligible members of such affiliate to return in person their mail ballot directly to such agency representatives. However, in such case, no one other than the agency representatives shall collect or handle any mail ballots other than his/her own ballot. Also in such cases, the marking of ballots shall be

done privately by each member before bringing the mail ballot to the union office or hall for delivery to the agency representatives. Finally, such optional in-person return of mail ballots shall be preceded by a written notice of such opportunity at least fifteen (15) days in advance mailed by the affiliate to its members' last known home address.

C. Preparation of Updated ILWU Membership and Voter Eligibility Lists

1. Within thirty (30) days prior to the Convention, each affiliate shall submit to the International Secretary-Treasurer a listing of its active members specifying name, last known home address, and membership book number, if available. In turn the International Secretary-Treasurer shall forward to each affiliate a copy of the affiliate's voter eligibility listing one week prior to the Convention for verification, corrections, additions and/or deletions. Each affiliate on the final day of the Convention shall submit to the International Secretary-Treasurer final corrections to this listing and any additions and/or deletions of its active members which have occurred since the submission of the listing. Any active members not in good standing or otherwise considered by the affiliate to be ineligible to vote shall be so noted on the listing. The address of any union office, union hall or union official's home shall not be used as the home mailing address of any member other than those union officials. Wherever possible, the

listing shall be submitted on computer diskette in a format acceptable to the International Secretary-Treasurer. The listing shall be accompanied by a letter of certification, signed by the President or Secretary-Treasurer of the affiliate, certifying that the listing is accurate, complete and current as reasonably possible.

2. The International Secretary-Treasurer and the International Election Procedures Committee shall have full authority to take all reasonable steps to timely obtain from affiliates the required listing of active members including but not limited to the following:
 - (a) Providing any assistance needed to facilitate preparation of the listing in a timely manner;
 - (b) Assuming temporary control over the affiliate's records, files and computer databases but only those that are necessary for the sole purpose of preparing the required listing in a timely manner; and
 - (c) Instituting legal action where an affiliate fails to cooperate, in which case, each affiliate hereby agrees that the proper jurisdiction and venue for any such legal action shall be with the federal district court for Northern California, located in San Francisco,

California; in such action, the International shall be entitled to obtain a temporary restraining order and/or preliminary injunction ordering the full cooperation of the affiliate involved, the temporary assumption of International control over the affiliate's records, and/or any other relief necessary and proper to facilitate the timely preparation and submission to the International Secretary-Treasurer of the affiliate's listing of active members as specified herein; the International shall also be entitled to recover reasonable attorney fees and costs, should it obtain any relief.

The above stated powers and procedures are expressly limited to the sole purpose of obtaining sufficient membership and voter eligibility lists from the affiliates for conducting ILWU referendum elections. Such powers and procedures shall not be used for any other purpose, situation or time period.

3. Upon receipt of the membership listings from the affiliates, the International Secretary-Treasurer shall have them consolidated on a computer diskette or magnetic tape which shall be given to the outside agency within fourteen (14) days after the Convention. The International Secretary-

Treasurer shall also maintain a copy of the consolidated listing. The consolidated membership listing shall constitute the voter eligibility list.

D. Preparation of Ballot Materials

1. The outside agency shall prepare all ballots and related materials. All ballots shall be identified as “Official Ballot for ILWU Referendum Election” and shall list the officers, respective candidates for each office or IEB position, and any resolutions referred by the Convention. The order of placement of candidates on the ballot shall be determined at random by the outside agency. Candidate's names shall be printed on the ballot in the manner specified in writing by the candidate pursuant to Article VI, Section 4 of the ILWU Constitution. Except for IEB candidates from Hawaii, the section of the ballot for IEB candidates shall state, “Only one candidate per local may be elected to the International Executive Board.”
2. The outside agency shall also prepare a “Notice of Election and Instructions to Voter” which shall specify clearly the following:
 - (a) The procedures for marking and returning the ballot;
 - (b) The dates by which marked ballots must be postmarked for return and received in order to be counted; and

- (c) Any other information which the outside agency or Election Procedures Committee believes should be set forth to ensure that voters are fully instructed on what they must do to have their vote counted.
- 3. The outside agency shall prepare any other materials which it considers necessary for the proper conduct of the mail ballot election.
- 4. The outside agency shall prepare and distribute to the International and its affiliates sufficient sample Official Ballots which shall have printed across the face "SAMPLE" but which shall otherwise be in the same form as the Official Ballot as near as practical.
- 5. The affiliates shall post in their offices and halls for open viewing by the membership the official Sample Ballot along with the "Notice of Election and Instructions to Voter" and a written notice specifying how a member who does not receive by mail a ballot kit may obtain one. Such posting shall be maintained throughout the entire voting period and the posted Sample Ballot shall not be defaced in any manner.
- 6. Ballot packets, consisting of the Official Ballot, return envelop and secret ballot envelope, "Notice of Election and Instructions to Voters" and any other necessary materials, shall be printed in sufficient number to ensure that each member who so desires has the right to vote. Extra ballot packets

in excess of the number of members on the list of eligible voters shall be printed for this purpose. The outside agency preparing the ballot packets shall certify the number printed and the number mailed out. Ballot security shall be maintained throughout the election process.

E. Mail Balloting

1. The outside agency shall mail each member in good standing a ballot; a secret ballot envelope; a stamped self-addressed return envelope, pre-labeled by the agency with the member's name, address, the identity of the affiliate and other data sufficient to identify and distinguish the member; and instructions regarding the procedure for mail-ballot voting within forty-five (45) days prior to the return date for voting.
2. Observers shall be permitted to observe the mailing process and inspect the list of eligible voters. Should any observer claim that an eligible member has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be characterized as a challenged ballot.
3. Any eligible member not receiving a ballot shall contact the outside agency or Election Procedures Committee immediately if he/she wishes a ballot. The outside agency or Election Procedures Committee shall then immediately send such person a mail-ballot package. Regardless of any question(s) concerning the individual's eligibility

to vote, the ballot shall be sent; if such ballot is cast, it shall be characterized as a challenged ballot.

4. Once the mail-ballot materials are received, the member shall cast his/her vote(s), place the ballot in the secret ballot envelope (without making any mark on that envelope), place the secret ballot in the return envelope, and, if the pre-affixed label is missing, write his/her name, address, and other data sufficient to identify and distinguish the member in the upper left-hand corner of the return envelope. Any ballot cast with the pre-affixed label missing on the return envelope shall be characterized as a challenged ballot. Any ballot cast without proper identification or received after the deadline shall be void.
5. The outside agency shall secure a post office box for the return of such ballots, and the address on the ballot return envelope shall correspond to that post office box.
6. The outside agency shall secure a second post office box for the receipt of mail-ballot packages returned by the postal service as undeliverable. The return address on the mail-ballot package shall correspond to this second post office box. The outside agency shall periodically pick up the ballot package(s) so returned and shall make all reasonable efforts to verify and correct the address(es) and to re-mail.

7. In any case where it is discovered that a member is listed as having his/her last known mailing address at the office, hall or residence of any affiliate, other union or union officer's home, the outside agency shall mail a notice to such member at that address informing him/her of the means by which a ballot can be obtained. No ballot packet shall be sent to an office or hall or an affiliate or other union nor in care of a union officer's office or home address except the officer's own ballot to his/her own home.
8. The deadline for the outside agency receiving mail ballots shall be on the forty-fifth (45th) day after the mailing to the voters.
9. All mail ballots shall be picked up by the outside agency after 8:00 a.m. on the forty-fifth (45th) day following the mailing to voters. The final logging and tabulation of ballots shall immediately proceed thereafter.
10. Return envelopes and accompanying ballots, as well as challenged envelopes and ballots, shall be segregated and tabulated separately for each affiliate.
11. The name on each return envelope shall be checked against the list of eligible voters, and all challenged ballots shall be so marked and segregated.
12. All other return envelopes shall then be opened and segregated and all secret ballot envelopes shall be

mixed thoroughly to prevent any possible identification. The ballots shall then be opened, mixed thoroughly and counted by the outside agency and International Balloting Committee.

13. It shall constitute a violation of these Rules for any Union member, officer, business agent, steward, etc. to require or request that any member give him/her such member's mail ballot.

F. Counting of Ballots and Challenged Ballots

1. The International Balloting Committee, with the assistance of the outside agency, shall count the ballots. All unchallenged ballots shall be counted first. Ballots shall be tabulated and recorded by affiliate except that for Local 142, ballots shall be further segregated and counted by unit and by island. In the event that winning candidates for all offices attain a margin of victory greater than the number of challenged ballots left to be counted, the count shall cease and the challenged ballots shall remain uncounted. Otherwise, all challenged ballots shall be resolved prior to the completion of the count and those deemed valid shall be mixed and counted with the unchallenged ballots of the appropriate affiliate.
2. The International Balloting Committee shall obtain from affiliates by facsimile within twenty-four (24) hours of a request, a written confirmation on the affiliate's letterhead specifying any requested information as to the eligibility status of any voter

whose ballot is under challenge. Such written confirmation shall be signed by the affiliate's Secretary-Treasurer or President. The International Balloting Committee may also obtain, if deemed appropriate, any other information from the voter under challenge or from any other source to make its determination as to the challenged ballot.

3. In the event that a voter mistakenly marks or otherwise designates a particular candidate or vote for resolution which does not reflect his true wishes, such voter may write an "X" across the incorrect mark or designation and then mark or designate his/her true choice. In such case, the International Balloting Committee shall determine, upon physical review, the true intentions and vote of that voter. If the true intentions and vote of the voter cannot reasonably be discerned, that portion of the ballot shall be deemed invalid. The "Notice of Election and Instruction for Voters" shall instruct voters on how to correct a mistaken mark or designation in accordance with this provision.
4. Where more than one (1) mail and/or absentee ballot is received from a member, the ballot with the latest postmark or receipt stamp shall be counted and the other(s) voided. Where it is not possible to determine the latest postmark or receipt stamp, all such ballots shall be voided.
5. If on any ballot the total number of candidates votes exceeds the number of candidates to be

elected for such position, that portion of the ballot shall be void. The remaining portion of the ballot shall be counted.

6. Any ILWU affiliate may request of the Secretary-Treasurer and receive a list of their members who have voted. When such information is requested it shall be provided only to the affiliate, and any cost associated with providing this information will be passed on to the requesting affiliate.

G. International Balloting Committee Report

1. The International Balloting Committee shall ensure that all tabulating of ballots and resolution of challenged ballots shall be completed within ten (10) days after the designated date of final receipt of mail ballots.
2. Within such ten (10) day period, the International Balloting Committee shall issue its official report which shall specify the number of ballots printed, the number of ballots mailed out, the number of mail ballots returned, the number of challenged, void, spoiled and unused ballots and the number of votes received by each candidate or resolution. The report shall be signed by all members of the International Balloting Committee and a representative of the outside agency that conducted the election.
3. In the event of a tie vote, there shall be a re-run election between the tied candidates. A tie vote for

a resolution shall mean that the resolution did not pass.

RULE 15. ELECTION COMMITTEES

A. Composition and Duties of International Election Procedures Committee

The ILWU Convention shall elect three incumbent members of the International Executive Board, who are not candidates for International office or IEB, to serve on the International Election Procedures Committee. If there are not three such incumbent International Executive Board members, then the ILWU Convention shall elect three Convention delegates who are not candidates for International Office or IEB to serve on the International Election Procedures Committee. Upon their election, the three Committee members shall immediately meet to designate one among them to serve as the chair. The International Election Procedures Committee shall be responsible for administering these rules, overseeing the conduct of the election, maintaining order during the ballot count, and investigating any written challenges to the conduct of the election as specified below.

B. Composition and Duties of the International Balloting Committee

The ILWU Convention shall elect three Convention delegates, who are not candidates for International or IEB office, to serve on the International Balloting Committee. Upon their election, the three Committee members shall immediately meet to designate one among them to serve as

the chair. The International Balloting Committee shall, with the assistance of an outside agency, be responsible solely for tabulating the ballots and resolving any challenged ballots.

- C. No Person may serve on both the International Election Procedures Committee and the International Balloting Committee for the same election.

RULE 16. PRESERVATION OF ELECTION RECORDS

A. ILWU Records

The ILWU shall preserve for at least one year all used and unused ballots, tabulation sheets, and International Balloting Committee and Election Procedures Committee reports, correspondence, any written challenges to the election, and any responses and related records.

B. Affiliate Records

Each affiliate shall preserve for at least one year all other documents and records related to the ILWU referendum election other than documents and records required to be submitted to the International Balloting Committee or to the International Election Procedures Committee and preserved by the ILWU.

RULE 17. CHALLENGES TO CONDUCT OF ELECTION

A. Requirements for Filing of Challenges

In the event there is any challenge by any member or candidate concerning the conduct of the election, such

challenge shall be made in writing, signed by the challenger, and forwarded by certified mail or fax to the International Election Procedures Committee. Such challenges must be received within seven (7) days of the International Balloting Committee issuing its report on the tabulation of all valid ballots cast. Such challenges must set forth the exact nature of the complaint and specify how it has affected the outcome of the election. Challenges that are received later than specified above or that fail to provide the information required above shall not be acted upon. In any event, all challenges and documents forwarded to the International Election Procedures Committee shall become and remain the property of the International Election Procedures Committee, and may not be withdrawn.

B. Notice of Challenges to Candidates and Involved Affiliates

The International Election Procedures Committee shall, within twenty-four (24) hours of receipt of any timely, properly specific challenges, provide all candidates or their designated observers and all affiliates subject to the challenges with a copy of such challenges.

C. Affiliate's Duty to Respond: Candidates Right to Respond

Any affiliate subject to any challenges against its election procedures or conduct shall submit a response to the International Election Procedures Committee within seven (7) days of receipt of a copy of the challenges. In addition, any candidate may submit, if he/she so chooses, a response to any challenges provided it is received by the International

Election Procedures Committee within the seven (7) day time period.

D. Investigation of Challenges

The International Election Procedures Committee shall properly investigate all challenges and at its discretion may require any member, candidate or affiliate to provide any information or documents it deems necessary for its investigation.

E. Informal Hearing on Challenges

Upon receipt and review of all responses and all necessary information related to any challenges or investigations referred by the International Balloting Committee, on the twenty-first day after issuance of the report on the tabulation of ballots, the International Election Procedures Committee shall hold an informal hearing at International Headquarters for any oral arguments that any challenger, candidate, or affiliate representative may wish to present. Written notice of the date, time and location of the hearing shall be sent to all candidates, challengers, and involved affiliates at least four (4) days in advance of the hearing. Any member may attend the hearing. The International Election Procedures Committee has the authority to take steps to ensure the hearing is orderly and may eject anyone who engages in disorderly conduct or who fails to comply with the directions of the Committee.

F. The Standards for Resolving Challenges

The International Election Procedures Committee in its recommendations and the International Executive Board in

its final decision shall be governed by the following standards in resolving challenges: Only those challenges which are sufficiently proven by competent evidence and also which are found to have affected the outcome of the election can serve as the proper basis for setting aside any election results and ordering another election for any International office. Only those particular offices or referendum questions whose outcomes are directly affected by a proven challenge to the conduct of the election may be subject to the setting aside of election results and the ordering of another election.

G. International Election Procedures Committee Report on Challenges

The International Election Procedures Committee shall issue a written report setting forth its findings and recommendations concerning any challenges within thirty-five (35) days of the Balloting Committee Report. The report shall set forth a reply to each specific challenge and shall be immediately sent to the Titled Officers, the International Executive Board, all candidates and all affiliates for posting for their membership.

H. Final Decisions by International Executive Board Regarding Election

The seated International Executive Board (IEB) shall have the exclusive and final authority to review and adopt the tabulations of the International Balloting Committee, and shall have the same authority to overrule or modify such tabulations if they are not in accordance with the Election Rules specified by the Constitution.

The seated International Executive Board (IEB) shall have the exclusive and final authority to review and adopt the findings and recommendations of the International Election Procedures Committee regarding any challenges to the election, and shall have the same authority to overrule or modify such findings and recommendations if they are not in accordance with the Election Rules specified by the Constitution.

The International Executive Board (IEB) shall meet within twenty (20) days after the issuance of the International Balloting Committee's Report for regular business or after the issuance of the International Election Procedures Committee Report, whichever is later, for the purposes of reviewing and adopting the tabulations, findings and recommendations of these Committees or overruling or modifying such tabulations, findings and recommendations if they are not in accordance with the Election Rules specified by the Constitution.

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