

FINAL RULES  
FOR THE 2017 ELECTION  
OF THE OFFICERS OF THE  
NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS

(July 2017)

**SECTION ONE**  
**Introduction**

**1. Role and Authority of the Independent Monitor**

On March 4, 1994, the United States and the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America (the "District Council") entered into a Consent Decree concluding civil litigation brought by the Government in 1990. By Stipulation and Order dated June 3, 2010, the Court appointed a Review Officer granted certain authority and required to engage in certain undertakings. Following the term of the Review Officer, the Court appointed an Independent Monitor ("IM") by Stipulation and Order dated November 18, 2014. That Stipulation and Order was extended on April 18, 2016, and April 24, 2017.

In 2011, pursuant to paragraph 5k of the 2010 Stipulation and Order, the Review Officer established Election Rules (the "Rules") governing the secret ballot election of the District Council officers. The Rules were incorporated into, and made a part of, the Bylaws of the District Council. A modified version of the Rules was approved by the Court on July 7, 2014.

The IM retains the authority to interpret and enforce the Rules and is also authorized to propose modifications of the Rules, subject to approval by the Court. Under paragraph 5j of the Stipulation and Order entered into on November 18, 2014 and extended on April 18, 2016, and April 24, 2017, the IM also is empowered to:

- approve all candidates seeking to run for office;
- supervise all phases of the election, which power includes the authority to conduct, overturn, or rerun any or all phases of the election, if necessary;
- resolve all disputes concerning the conduct of the election; and
- certify the results of the election.

The Honorable Victor Marrero, United States District Judge of the United States District Court for the Southern District of New York, presides over this matter. This modified version of the Rules was submitted to the Court and the parties on July 19, 2017 and approved by the Court on \_\_\_\_\_, 2017.

The IM may hire or designate other persons or entities to assist in carrying out the Rules and any act required to be done by the IM may be done by a duly-designated person. Should the tenure of the IM end, the authority of the IM shall be transferred to any person approved by the Court.

**2. The District Council Officers**

The Rules apply to the nomination and election for positions as District Council Officers (the "Officers"), comprising:

- Executive Secretary/Treasurer of the District Council;
- President of the District Council;

- Vice-President of the District Council;
- Warden;
- Conductor; and
- Three Trustees.

**3. Schedule**

The following is a calendar of the major election events.

**Tuesday, August 1, 2017**

- The District Council will mail to members of all local unions affiliated with the District Council ("District Council members") and post on the District Council website a letter from the IM providing notice of the December election of the District Council Executive Secretary/Treasurer, President and Vice-President, to be conducted by mail-in ballot, and of the District Council Warden, Conductor and Trustees, to be elected at a special meeting of the local union delegates on Thursday, December 21, 2017; advising that on August 8, 2017, each prospective candidate or slate of candidates may begin to gather signatures of members in good standing on the petition form attached as Exhibit A, which is also available on the District Council website; and advising members that they may review the Election Rules on the District Council website.

**Tuesday, August 8, 2017**

- Prospective candidates may begin to gather the signatures of members in good standing on their nominating petitions, utilizing Exhibit A.

**Tuesday, August 15, 2017**

- The District Council submits to the IM for approval the production schedule for the November special election issue of The Carpenter.

**Friday, September 1, 2017**

- Prospective candidates can submit their nominating petitions to the IM if they have gathered the minimum number of signatures required. The IM will review the petitions, identify any deficiencies and return copies of petitions with deficiencies to prospective candidate no later than Friday, September 8, 2017, to afford them time to cure the deficiencies. Prospective candidates may cure any deficiencies in the petitions prior to the September 15, 2017 deadline.
- Upon request, the District Council will provide information to the IM regarding voter eligibility from the UBC's Ultra system.

**Tuesday, September 5, 2017**

- The District Council must notify the IM of the dates, times, and locations of the regularly scheduled meetings of the local unions to be held after October 4, 2017 and before December 21, 2017 and the amount of time each nominated candidate

will be permitted to speak. Equal time must be allocated to all candidates for a particular office.

**Friday, September 15, 2017**

- Last day for prospective candidates or a slate of prospective candidates to submit their nominating petitions to the IM. Candidates must also identify who their observers would be should they be certified by the IM as eligible to run. Petitions must be received by 5:00 p.m.
- The IM will begin the final review of petitions; in advance of October 4, 2017, candidates whose petitions are certified will be interviewed by the IM, and provide declarations to the IM confirming facts set forth in their interviews.

**Wednesday, October 4, 2017**

- The District Council holds a meeting, at its offices at 5:00 p.m. on this date to permit candidates approved by the IM to accept (or decline) nominations for positions as District Council officers. Note that candidates approved by the IM will continue to be subject to the IM's review and approval.
- The IM provides each nominated candidate with a schedule for the preparation and tabulation of ballots.

**Friday, October 13, 2017**

- Last day for a nominated candidate to submit one piece of campaign literature to the IM for distribution to the membership at the District Council's expense.
- Each nominated candidate must submit the first of three campaign contribution and expenditure disclosure statements to the IM. See Exhibit B; see also Exhibit C (instructions).

**Friday, November 3, 2017**

- No later than this date, one piece of campaign literature from each nominated candidate who provided such literature to the IM shall be mailed to the membership at the District Council's expense and posted on the District Council's website through December 21, 2017.

**Tuesday, November 14, 2017**

- On this date, a Forum devoted to the election will be held at the District Council's office at 395 Hudson Street.

**Wednesday, November 22, 2017**

- The District Council publishes the special election edition of The Carpenter containing candidates' submissions and election information.

**Monday, November 27, 2017**

- Each nominated candidate must submit the second of three campaign contribution and expenditure disclosure statements to the IM.
- On this date, the American Arbitration Association, under the auspices of the IM, will begin to distribute mail-in ballots to all eligible members.
- By this date, a member must be in good standing in order to cast an eligible ballot in the District Council officer election.

**Tuesday, December 21, 2017**

- Only mail-in ballots received by the American Arbitration Association by 5:00 p.m. on this date will be tabulated.
- A special meeting of the District Council delegates will be held at the District Council between 5:00 p.m. and 7:00 p.m., at which the delegates will vote by secret ballot for Warden, Conductor and three Trustees.

**Friday, December 22, 2017**

- The American Arbitration Association will tabulate the ballots on this date, starting at 10:00 a.m.

**Wednesday, January 3, 2018**

- Each nominated candidate must submit the third (final) campaign contribution and expenditure disclosure statement to the IM.

**Wednesday, January 10, 2018**

- The newly elected officers will be installed on this date.

**SECTION TWO**  
**Nomination**

**1. Candidate Eligibility**

A member is eligible to run for a position as a District Council officer if he or she:

- has been a member in good standing for twelve (12) consecutive months prior to nomination;
- has been a member of the United Brotherhood of Carpenters and Joiners of America (the "United Brotherhood") for two (2) consecutive years immediately prior to nomination, unless the local union has not been in existence in that time;
- is working for a livelihood in employment that qualifies him or her for membership, or is depending on the trade for a livelihood, including a member who is unemployed but actively seeking employment in the trade or a member who is actively pursuing an unresolved grievance or other legal action challenging suspension or discharge, or is a full-time officer or representative of the United Brotherhood;
- is not receiving a pension under the United Brotherhood Pension Plan;

- is not a life member, trainee or probationary employee;
- is not a contracting member and has not been a contracting member for six months following written notification by the member to his or her local union that he or she has ceased contracting (any such written notification must be provided to the IM);
- is not, at the time of installation to a position as a District Council officer, holding any elected, appointed, or salaried position in any local union;
- submits a declaration under Section 504 of the Labor Management Reporting and Disclosure Act ("LMRDA") to the IM;
- is interviewed by the IM and provides a sworn declaration to the IM confirming the statements in the interview;
- is certified as eligible by the IM; and
- has not been convicted of a crime that would make him or her ineligible to hold union office under federal labor law.

Crimes that make one ineligible to hold union office include extortion, embezzlement, bribery, grand larceny, robbery, burglary, arson, violations of narcotics laws, murder, rape, assault with intent to kill, assault that inflicts grievous bodily injury, any felony involving abuse or misuse of a position or employment in a labor organization or of an employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, violations of title II or title III of the LMRDA, or conspiracy involving any such crimes or a crime in which any of the foregoing crimes is an element. An individual convicted of such crimes may be prohibited from holding union office up to a period of thirteen years after such conviction or after the end of such imprisonment, whichever is later. (Additional information regarding these restrictions may be found in the provisions of 29 U.S.C. § 504 and 29 C.F.R. §§ 452.9, 452.34).

The IM reserves the right to conduct random drug testing of potential candidates and nominated candidates from Friday, September 15, 2017 through Wednesday, December 20, 2017. Candidates will be chosen for testing by lottery. No person elected as an officer shall be installed until he or she has successfully completed a drug test administered by the District Council.

A member who meets the applicable eligibility requirements may simultaneously seek election to an office in a local union and as an officer of the District Council. If the member wins election to both seats, he or she must provide written notice refusing the local union position to his or her local union and to the IM within twenty-four (24) hours of the certification of the results for the District Council officer election. The local union must hold a new election for the vacant position within a reasonable period of time.

## 2. Nomination Process

### A. Notice of Election and Nominations

On Thursday, August 1, 2017, the District Council, under the direction of the IM, shall mail a letter including the notice of election and nominations to all members at their last known addresses and post the notice on its website. Each local union president shall post the notice of election and nominations on the local union's bulletin board or in some other conspicuous place accessible by all members until Wednesday, October 18, 2017. The notice of election and nominations, which shall be prepared by the IM, shall notify members of:

- the schedule and the process by which members may be nominated as candidates to be District Council officers;
- the time, date, and location of the meeting for nominations for District Council officers; and
- the specific District Council positions, including each officer's salary and compensation and a brief description of each officer's duties as described in the United Brotherhood Constitution and the District Council Bylaws.

## B. Nominating Petitions

### 1. Overview

In order to ensure that access to The Carpenter, a subsidized mailing, and other information are provided to candidates having a measure of support from the membership, each prospective candidate who satisfies the candidate eligibility requirements and seeks nomination to be a District Council officer must submit to the IM a nominating petition with the signatures of at least two hundred fifty (250) members in good standing. A slate of prospective candidates must obtain five hundred (500) such signatures for the entire slate.

Prospective candidates are urged to submit more signatures than required in the event that certain signatures or petition pages fail to conform to the requirements of this Section and are declared void. Prospective candidates are also encouraged to avail themselves of the early verification process described below so that they may cure any deficiencies or obtain additional signatures before Friday, September 15, 2017, the deadline by which the IM must receive nominating petitions from prospective candidates. After petitions are submitted to the IM, they will be verified for compliance with the Rules.

### 2. Petitions Are Confidential

Nominating petitions submitted to the IM by prospective candidates will be kept confidential and are not available for inspection by any other candidate or member. All nominating petitions will be destroyed by the IM or the District Council's Inspector General one year after the final certification of the election.

### 3. A Member Does Not Endorse A Prospective Candidate By Signing His or Her Petition

A member who signs a prospective candidate's petition is not obligated in any way to support or vote for the candidate whose petition he or she has signed. A member's signature on a candidate's petition reflects only that member's opinion that the candidate should be on the ballot and that it would be beneficial to the membership to have the opportunity to consider that individual's candidacy.

### 4. General Requirements for Petitions

A member who satisfies the candidate eligibility requirements and wishes to be nominated as a candidate to be a District Council officer must circulate and submit nominating petitions. The following provisions govern the circulation of petitions.

- A prospective candidate must obtain the signatures of at least two hundred fifty (250) members in good standing of local unions on pre-printed nominating petition forms provided by the IM. A slate of prospective candidates must obtain the signatures of at least five hundred (500) in good standing of local unions on the pre-printed nominating petition

forms. The prospective candidate may make copies of the pre-printed forms.

- The petition of a prospective candidate must be received by the IM by personal delivery or by certified or registered mail at the address on the last page of the Rules on or before Friday, September 15, 2017 at 5:00 p.m. The prospective candidate shall file the original, not copies, of the nominating petition. The prospective candidate may retain a copy of his or her nominating petition.
- A prospective candidate may not run for more than one District Council officer position.
- Nominating petitions may be signed only by members in good standing. Membership status for the purpose of signing nominating petitions shall be determined as of the date the petition was filed.
- A member may sign the nominating petitions of as many different prospective candidates as he or she wishes, but may not sign any one candidate's nominating petitions more than once.
- A prospective candidate who submits a nominating petition to the IM or verification may not withdraw the petition without the written approval of the IM. The reason for withdrawal must be submitted by the candidate to the IM in writing. The IM must be reasonably certain that the prospective candidate has not been coerced to allow withdrawal or if he or she has been coerced that it is reasonable or prudent to allow the candidate to withdraw.
- A nominating petition may be circulated by any member in good standing.
- A prospective candidate may begin gathering signatures on or after Monday, August 8, 2017.
- The petition form is attached hereto as Exhibit A and available on the District Council's website; a petition form may also be obtained by contacting the IM at the telephone number printed on the last page of the Rules. A prospective candidate is required to use these forms. The information required on a nominating petition is discussed below.

#### 5. Slates

A member may seek nomination to be a District Council officer as a member of a slate of two or more candidates. A member shall also have the right to campaign and appear on the ballot as a member of a slate of candidates. There must be mutual consent between and among all candidates running on the slate.

A slate may be formed without a candidate for every available position. A slate shall contain only one candidate for each position. Should one or more members of a slate be found ineligible to run, that candidate's ineligibility will not affect the eligibility of any remaining members of the slate. No candidate may run on more than one slate.

To form a slate, prospective candidates must comply with the following requirements:

- A letter signed by each member of the slate that identifies the position that each prospective candidate seeks and the name, if any, of the slate to be formed must be submitted by personal delivery or by certified or registered mail to the IM at the address on the last page of the Rules. The declaration to run as a slate may not be retracted.

- Nominating petitions for an entire slate of candidates must be received by the IM by Friday, September 15, 2017 at 5:00 p.m. and must contain the signatures of at least five hundred (500) members in good standing and otherwise conform with the Rules. The members of a slate may circulate only nominating petitions that list all of the members of the slate and may not circulate petitions that describe members of the slate as independent candidates.

Candidates nominated as a slate will draw a single ballot position, and the names of a slate's candidates will appear together on the same ballot "line," along with any chosen slate name. However, votes for each District Council officer position will be cast individually; ballots will not permit members to vote for an entire slate of candidates by marking a single box.

#### 6. Information Required on a Nominating Petition

Every page of each nominating petition must provide the following information:

- At the top of the page, the name of the candidate(s), the candidate(s)' local union affiliation(s), and title of the office(s) sought.
- Each member who signs a nominating petition must sign his or her legal name and must print his or her first and last names, address, local union affiliation, UBC number and the date the petition was signed.
- Each member who circulates a page of a nominating petition must print his or her first and last names, address, local union affiliation and UBC number at the bottom of the page. Below this information, the person circulating the petition must sign and date a certification stating that he or she obtained the signatures on that page and that the contents of that page are accurate to the best of his or her knowledge.

#### C. Petition Verification

Following submission to the IM, each nominating petition will be reviewed for compliance with the requirements of this Section. In addition, the IM may verify the membership standing of the individuals signing the petitions and the authenticity of the signatures.

A signature or entry shall be declared void where:

- the entry lacks a full signature;
- the member who signed the petition either failed to print his or her name, address, local union affiliation, or UBC number, or this information is illegible;
- the same member has signed the petition more than once, in which event only one signature shall be counted;
- the signature is not of a member in good standing; or
- the signature is not authentic. The IM will bring disciplinary charges against any member who forged, or knowingly permitted or caused another person to forge, a signature on a nominating petition.

All of the signatures or entries that appear on a page shall be declared void where:

- the name(s) of the candidate(s), the candidate(s)' local union affiliation(s), and the title of the offices sought do not appear at the top of each page;
- all of the candidates of a slate do not appear at the top of the page;
- the member circulating the petition either failed to print his or her name, address, local union affiliation, or UBC number, or this information is illegible;
- the member circulating the petition and collecting the signatures failed to sign his or her name at the bottom of the page or otherwise failed to certify the accuracy and validity of the page's contents; or
- the signature of the member circulating the petition is not authentic.

#### **D. Early Verification Process to Cure Petition Deficiencies**

Prospective candidates shall be given an opportunity to correct any curable deficiencies in their nominating petitions by submitting the petitions to the IM by Monday, September 1, 2017. Any petitions submitted pursuant to this procedure by an individual must contain the signatures of at least two hundred fifty (250) members. Any petitions submitted pursuant to this procedure by a slate must contain the signatures of at least five hundred (500) members. The petitions will be reviewed and returned to the candidates by Friday, September 8, 2017. A candidate or slate of candidates must cure any deficiencies or obtain any additional signatures required by Friday, September 15, 2017.

#### **E. The Nomination Meeting**

On Wednesday, October 4, 2017 at 5:00 p.m., the District Council shall convene a nomination meeting which shall be open to all members. At the nomination meeting, the IM shall publicly announce each candidate who is certified as eligible by the IM. Thereafter, a member who is nominated to be a District Council officer shall accept his or her nomination either in person at the meeting or, if absent from the meeting, by furnishing a signed letter of acceptance to another member who shall present it to the IM at the time the member is nominated. At the nomination meeting, the IM will conduct a drawing by lot to determine each candidate's or slate's ballot position. After the nomination meeting, the IM shall provide a list of the nominated candidates to all local union presidents and the District Council. The District Council shall post this list on its website through Thursday, December 21, 2017. Local union presidents shall post this list on the local union's bulletin board or in some other conspicuous place accessible by all members through Thursday, December 21, 2017.

### **SECTION THREE** **Campaigning**

Nominated candidates have the right to receive and distribute certain information that will enable them to conduct an effective election campaign. The goal of achieving a vigorous, issue-oriented election is advanced if candidates have access to direct mailing, the special election issue of The Carpenter and the receipt of certain information. This Section describes the rights of nominated candidates to certain information and communications media.

#### **1. Access to Job Site Information**

Any nominated candidate who wishes may obtain job site information from the District Council website or the Labor Technical

College's (apprentice school's) bulletin board on the second floor of the District Council's office at 395 Hudson Street.

#### **2. Access to Collective Bargaining Agreements**

Any member may inspect and make notes from any and all collective bargaining agreements to which the local unions and/or the District Council are parties at the District Council's offices between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. The Director of Operations of the District Council shall be responsible for ensuring that members are provided access to the requested collective bargaining agreements. Nothing in this paragraph shall be interpreted to deny rights that members are entitled to under federal labor law.

Any nominated candidates may obtain a copy of any and all collective bargaining agreements to which the local unions and/or the District Council are parties within forty-eight (48) hours of a written request to the Director of Operations of the District Council. A slate of candidates may obtain only one copy of each requested agreement.

#### **3. Access to a Membership List**

A nominated candidate may inspect a current list of members' names and addresses by going to the IM Office on the tenth floor of the District Council during business hours or by calling the IM Hotline at (877) 712-4896 during business hours to schedule such inspection. The membership list may not be copied.

Within thirty (30) days prior to the mailing of ballots, a nominated candidate may also inspect a current list of the names and addresses of members who are eligible to vote by going to the IM Office on the tenth floor of the District Council during business hours or by calling the IM Hotline at (877) 712-4896 during business hours to schedule such inspection. The list of members eligible to vote may not be copied.

There shall be no discrimination in favor of or against any candidate with respect to the foregoing.

#### **4. Access to Membership Meetings**

The local union president is responsible for ensuring that his or her local union complies with governing access by candidates to regular meetings of a local union and for maintaining order at such meetings.

##### **A. Candidate Speeches**

Any nominated candidate shall have the opportunity to address union members at the regular monthly meetings of local unions according to the procedures described in this Section.

By Tuesday September 5, 2017, the District Council shall notify the IM in writing by email or first-class mail of the dates, times and locations of the local union's meetings for the months of October and November 2017 and the first two weeks of December 2017, and the amount of time each candidate will be permitted to speak. In no case shall any candidate be allocated less than ten (10) minutes to speak and/or answer questions. A local union may provide candidates with more time, but must treat all candidates who wish to speak equally, including allocating all candidates for the same position the same amount of time to speak. When more than one candidate is present at a meeting, the order of appearance must be determined by lot or by mutual agreement of the candidates.

At the nomination meeting held on Wednesday, October 4, 2017, a nominated candidate will be provided with the local union meeting

schedule by the IM. From Wednesday, October 4, 2017 until Friday, December 15, 2017, a nominated candidate shall be permitted to attend any general meeting of any local union and address its members for the time allotted by that local union.

A candidate who attends a local union meeting:

- may speak on his or her own behalf and/or on behalf of the slate with which he or she is or may be running;
- may attend the entire meeting and listen to the addresses of any other candidates who speak;
- may designate up to four (4) supporters, each of whom must be a member in good standing of a local union, to accompany the candidate for the entire meeting or any part of it; and
- must be permitted prompt entry into the meeting with his or her designated supporters by the warden and other local union officials, who may require only that the candidate identify his or her supporters and that the candidate and his or her supporters each produce one piece of identification and a current union card for inspection.

Local union presidents who fail to maintain order will be subject to veto by the IM.

Nothing in the Rules shall prevent any local union from convening a special meeting for the purpose of permitting candidates to address the membership. The requirements governing candidate addresses at regularly scheduled meetings shall apply to any such meeting, however, and any candidate must be permitted to address the special meeting. Any local union convening a special meeting for this purpose must send a written invitation by first-class mail to every nominated candidate no later than ten (10) days prior to the meeting. Any local union convening such a special meeting must also continue to provide candidates with access to address the regularly scheduled meetings, as described above.

#### **B. Discrimination Prohibited**

A local union shall not discriminate or permit discrimination in favor of or against any candidate in conjunction with its meetings or otherwise. The president of a local union is responsible for ensuring that discrimination is prohibited, and will be subject to remedial action or disciplinary charges for failing to supervise or permitting such conduct. The requirement that discrimination be prohibited shall apply not only to formal presentations by or on behalf of candidates, but also to informal campaign activities, such as comments on candidates during meetings (including, but not limited to, the "good of the order" portions of the meetings) and the distribution of candidates' campaign literature at meetings. This requirement shall in no way infringe a member's right to participate in campaign activities, including the right to support or oppose any candidate.

#### **5. Campaign Literature**

##### **A. Mailing and Posting on District Council's Website of a Nominated Candidate's Campaign Literature at the District Council's Expense**

A nominated candidate is entitled to have one piece of his or her campaign literature mailed to members at the District Council's expense and posted on the District Council's website. On or before Friday, October 13, 2017, a nominated candidate may provide to the IM one piece of campaign literature for this purpose. Each candidate, regardless of whether he or she is a member of a slate, may submit up

to one 8.5" by 11" page with matter on one or both sides. Black shall be the only color of ink used in the mailing paid for by the District Council. A slate of candidates may submit joint material that does not exceed one page per candidate.

The District Council shall bear the entire cost of reproducing, collating, folding, mailing, and otherwise preparing the nominated candidates' literature as well as posting it to the District Council's website. A single envelope shall be mailed to each member containing one piece of campaign literature from each candidate who submits such material to the IM. In no case shall the District Council pay to mail any candidate's campaign material under separate cover, unless ordered to do so as a remedial measure by the IM. This literature shall be mailed to the membership by first-class mail and posted on the District Council's website on or before Friday, October 27, 2017.

A nominated candidate may have two additional pieces of campaign literature, which conform to the specifications outlined above, posted on the District Council's website between Friday, November 3, 2017 and Thursday, December 22, 2017. The nominated candidate must provide a piece of literature to the IM no later than one week in advance of when he or she wishes the literature to be posted.

##### **B. Mailing of Campaign Literature at the Candidate's Expense**

A candidate seeking nomination and/or election as a District Council officer shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his or her literature distributed at his or her expense by a commercial mailing service arranged for by the District Council and approved by the IM. This means that

- each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s);
- when campaign literature is distributed on behalf of any candidate, similar distribution under the same conditions and costs shall be made for any other candidate, if requested; and
- a candidate's campaign literature need not be distributed if that candidate is not able or willing to pay for the reasonable costs of such distribution.

#### **6. Access to The Carpenter**

##### **A. Process**

A nominated candidate shall have access to the special election edition of The Carpenter that shall be mailed to members of local unions within the jurisdiction of the District Council and posted on the District Council's website. A nominated candidate for Executive Secretary/Treasurer of the District Council shall be allocated one page in this edition of The Carpenter. Any other nominated candidate shall be allocated one-half page in this edition. A nominated candidate may use any portion of the allocated space to make candidate statements or to solicit contributions from eligible contributors. Members of a slate may pool their allocated space in the issue. All submissions must be in the form of camera-ready copy. Black will be the only color of ink used in each special election editions of The Carpenter. Upon his own initiative or upon application by the District Council, the IM, in his discretion, may adjust the space allocations proportionately if the number of candidates makes the established allocations impractical.

The District Council shall mail and post the special election edition of The Carpenter to all members of local unions within the jurisdiction of the District Council on Wednesday, November 22, 2017. The District Council shall also:

- notify the IM of any special deadlines that must be met by a nominated candidate for his or her submission to be printed in this edition of The Carpenter; and provide for the IM's supervision and observation of the entire layout and printing process, including his inspection of this edition of The Carpenter prior to its production and distribution.

The order of presentation in each issue of The Carpenter shall be determined by the IM by lot at the nomination meeting.

The District Council may not censor or alter the contents of any candidate's statement. The District Council may not refuse to process or distribute The Carpenter on the basis of its content.

#### **B. Discrimination Prohibited**

The District Council shall not discriminate or permit discrimination in favor of or against any candidate in conjunction with any issue of The Carpenter. Such discrimination includes, but is not limited to:

- carrying pictures or articles that state or indicate support of the candidacy of a particular candidate or slate of candidates;
- printing features and accompanying photographs about insignificant or un-newsworthy events in which the accomplishments or qualities of any candidate are heralded;
- carrying pictures or articles that report on the activities of a particular candidate where the same or similar activities of similarly situated candidates for the same office(s) have not been similarly reported; or
- carrying a substantial number of articles and/or multiple pictures that feature a particular candidate, whether or not such candidate is a current officer, unless all candidates for the same position are given equal treatment, equal space, and equal prominence.

Nothing in this paragraph shall interfere with the publication of the statements by nominated candidates in the special election editions of The Carpenter as provided for above.

### **7. Freedom to Exercise Political Rights**

#### **A. Political Rights of Union Members**

A Union member, including a member who is a Union officer or employee, has the right to participate in campaign activities, including the right to openly support or oppose any candidate, to campaign for any candidate, and to make personal campaign contributions. (The term "Union" means the United Brotherhood of Carpenters and Joiners of America all local unions and all other subordinate bodies, including the District Council.)

#### **B. Prohibitions**

Campaigning by a Union member may not involve the expenditure of Union funds, except as provided for in the Rules. No candidate, member, officer, employee, or paid agent of the Union may campaign during his or her working hours. However, campaigning by Union employees during, paid time off, including vacation, lunch hours or breaks, or campaigning incidental to work or regular Union business, is permissible.

A local union or the District Council may not endorse or otherwise promote any candidate, even if all members agree on the endorsement or candidacy.

Except as provided for in the Rules, Union funds, facilities, equipment, stationery, etc. may not be used to assist in campaigning unless the candidate reimburses the Union for the costs of such goods and services and unless such goods and services are equally available to all candidates and all candidates are notified a reasonable time in advance of the availability of such goods and services.

#### **C. Access to Employer's or Union's Premises**

No restrictions shall be placed upon a candidate's or Union member's pre-existing rights to use employer or Union bulletin boards for campaign publicity. Similarly, no restrictions shall be placed upon a Candidate's or Union member's pre-existing rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund raising events or engage in similar activities on employer or Union premises. Such facilities and opportunities shall be made equally available on the same basis to all candidates and union members as provided for by federal labor law.

#### **D. Retaliation**

Retaliation or threat of retaliation by the Union, any Union member, or an employer against any Union member, including one who is a Union officer or employee, for exercising any right guaranteed by the Rules is strictly prohibited.

### **8. Observers**

#### **A. General Rules**

Each candidate shall have the right, at his or her expense, to have two (2) observers. Only a candidate or member in good standing may serve as an election observer. Candidates must inform the IM in writing by Friday, September 15, 2017 of the names of those individuals whom they have chosen to serve as observers.

Observers shall not interfere with the IM in his performance of duties and shall not interfere with or seek to influence voters or electioneer in any way.

#### **B. Processing and Distribution of Candidate Literature**

An observer shall be permitted to observe the processing and distribution of campaign literature for his or her candidate. This shall include the opportunity to:

- observe the duplication of the literature, the stuffing of the envelopes, the placement of the mailing labels or the members' names and addresses, and the postage on the envelopes;
- accompany and observe any delivery of the literature by the mailing service to the post office;
- check that the literature is posted on the District Council's website.

An observer shall inform the IM if he or she believes that a member's address is incorrect or an eligible member has been improperly omitted from a mailing.

**C. Ballots**

An observer for a nominated candidate shall be permitted to:

- accompany the blank ballots to the post office for mailing; and
- be present when the ballots are counted.

If an observer claims that an eligible member has been omitted from the list, such person shall be sent a ballot. If such ballot is later cast, it shall be characterized as a challenged ballot.

**SECTION FOUR**  
**Campaign Contributions and Disclosure**

**1. Campaign Contributions**

**A. Overview**

The Rules apply to all contributions received by a candidate seeking nomination or election as a District Council officer that he or she intends to expend in support of his or her candidacy to be a District Council officer, even if such campaign contributions were received prior to the effective date of the Rules. The term "campaign contribution" is defined in Section Eight. A candidate should notify all prospective contributors of the limitations on campaign contributions prescribed by the Rules.

A candidate for a position as a District Council officer may not:

- accept campaign contributions of more than \$500 from any member of the United Brotherhood;
- accept any campaign contribution, or anything of value, from any person who is not a member of the United Brotherhood, except as specified below, or from any person who, is a contracting member; or
- accept any campaign contribution from any employer or labor organization, except as specified below.

A candidate may spend as much of his or her own money on his or her campaign as the candidate wishes, provided the candidate complies with the campaign finance disclosure requirements found in this Section. Similarly, a candidate may spend as much of his or her own money on his or her slates' campaign, provided that the money is used for campaigning as an entire slate and the candidate complies with the campaign finance disclosure requirements found in this Section.

**B. Contributions from Union Members**

A candidate may accept contributions of up to \$500 from any member of the Union, except for a contracting member.

**C. Contributions From Employers**

No employer may contribute any monies or anything of value to the campaign of any candidate to be a District Council officer. No candidate for nomination or election as a District Council officer shall accept or use any monies or anything of value from any employer, representative of an employer, foundation, trust or similar entity, except as specified below.

This prohibition is not limited to employers that have contracts with the Union; it extends to every employer, regardless of the nature of the employer's business, and includes, but is not limited to:

- any political action organization that employs anyone;
- any nonprofit organization, such as a church or civic group, that employs anyone; and
- any law firm or professional organization that employs anyone.

This prohibition extends beyond strictly monetary contributions made by an employer to include a ban on in-kind assistance, including the use of employer stationery, equipment, facilities, and personnel, and applies even if the employer is unaware of the purposes for which its resources are being used.

**D. Contributions from a Labor Organization**

No labor organization, including but not limited to the Union, whether or not an employer, may contribute any monies or anything of value to any campaign of any candidate for District Council officer, except as provided for in the Rules. This prohibition extends beyond strictly monetary contributions made by a labor organization to include a ban on in-kind assistance, including the use of the labor organization's stationery, equipment facilities, and personnel.

Except as provided for in the Rules, no funds or thing of value of the Union shall be used to promote the candidacy of any particular individual. The prohibition against the use of Union funds or things of value includes the use of Union stationery, equipment, facilities, and the labor of Union employees, personnel, or agents, unless the Union is compensated for such use by the candidate and, unless all candidates are provided equal access to such goods and services and reasonable notice of their availability. In no case shall any candidate use the Union's official stationery or any stationery that appears to be or is intended to appear to be the Union's official stationery.

**E. Contributions from Any Other Person or Entity**

No other person or entity may contribute anything to any campaign, except as specified In the Rules.

An individual, however, may donate his or her services to a candidate provided that the individual donates these services on his or her personal free time, the donation is truly voluntary and not coerced, and the donation is (a) made without compensation in any form by an employer, labor organization or other person or entity who is not a member of the Union or (b) not accompanied by the contribution of supplies or services of others who are compensated for such supplies or services by an employer, labor organization or other person or entity who is not a member of the Union.

**F. Contributions for Legal and Accounting Services**

Nothing prevents a candidate from accepting legal or accounting services or financial support to pay for these services provided that the services are obtained to assure compliance with applicable election laws, rules or other requirements or to secure, defend, or clarify his or her legal rights as a candidate, and the services or financial support for such services are obtained from any person or entity other than:

- the Union or other organization or entity affiliated with, or within the jurisdiction of, the Union; or
- an "interested employer" or a contracting member.

An "interested employer" includes any employer or association of employers which is (a) a party to a collective bargaining agreement with the District Council and/or a local union, (b) the subject of an organizing campaign by the District Council and/or any local union since

December 15, 2013, or (c) concerned with, liable to, affected by or has some self-interest in litigation brought by a member against the District Council or any local union.

Contributions of this kind are only permitted to the extent that they are used for the reasons specified above and comply with the campaign finance disclosure requirements described below.

## 2. Disclosure

The Rules concerning campaign finance disclosure apply to each candidate to be a District Council officer individually, whether or not he or she is a member of a slate of candidates.

### A. Maintenance of Financial Records

A nominated candidate must:

- open and maintain one bank account into which he or she shall deposit any money the candidate expects to spend on his or her campaign (or the campaign of his or her slate), which funds shall include only (a) contributions from members of the United Brotherhood and (b) any of the candidate's personal funds;
- if necessary, open and maintain a second bank account into which only contributions toward fees for legal or accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying his or her legal rights as a candidate as described above in subsection 1F entitled "Contributions for Legal and Accounting Services" shall be deposited;
- pay for expenditures of \$100 or more by check, although such expenditures may originally be covered by credit card (Any expenditure made by a campaign must ultimately be by a check drawn on the campaign bank account, with any violator subject to veto or discipline or both by the IM under 5b and 5f of the Stipulation and Order.);
- maintain a separate written record of every contributor's name, address, contribution amount, UBC number, and the date of each contribution, without regard to the size of the contribution;
- maintain all receipts or comparable written records demonstrating how the value of each in-kind contribution was determined (any goods, services or in-kind contributions must be valued at fair market value.); and
- maintain clear, complete, and accurate records for all contributions received, expenditures incurred, and goods and services obtained that demonstrate compliance with the Rules, the United Brotherhood Constitution and applicable law. Such records shall include copies of all cancelled checks, bills, receipts, deposit slips, bank account statements, and any other documentation to verify contributions, expenditures, and services.

### B. Access to Books and Records by the IM

The IM has complete and unfettered access to, including the right to make copies of, all books, documents, accounts, correspondence, files, data compilations and other financial records that a nominated candidate must maintain under the Rules. A nominated candidate must

produce such material within twenty-four (24) hours of a written request by the IM.

### C. Disclosure Statements

A nominated candidate must file with the IM three (3) campaign contribution and expenditure disclosure statements. See Exhibit B. A member may also obtain form disclosure statements on the District Council website or by contacting the IM at the phone number listed on the last page of the Rules. Each nominated candidate shall have the right to inspect, but not make notes from or copy, his or her opponents' campaign contribution and expenditure disclosure statements at the office of the IM indicated on the last page of the Rules, twice before the election and once after, by appointment made with the IM. A nominated candidate must reveal the following information:

- Contributions: for every member who has contributed \$100 or more toward a campaign - either in one contribution or in two or more contributions whose total value equals or exceeds \$100 - the following information: the member's name, address, and local union affiliation; the date(s) and amount(s) of the contribution(s); and the manner in which the contribution was made (check, cash, or money order) or, if the contribution was of material or equipment, a description of the contribution and the value attributed to it.
- Expenditures incurred or goods or services obtained: for any expenditure incurred of \$100 or more or for anything of value, good or service obtained of \$100 or more in value, the following information: the name and address of the person or business providing the good or service; the amount of the expenditure incurred or the value of the good or service obtained; the purpose of the expenditure incurred or the good or service obtained; the date the expenditure was incurred or the good or service received; and the manner in which the expenditure was made (check or money order).
- Important Note: Where a campaign receives anything of value, or obtains or uses a good or service, and the thing, good or service was provided at other than fair market value, the difference between the fair market value and the amount actually paid is a contribution. Such a contribution is permitted only to the extent provided for in the Rules and under federal labor law, and if permitted, must be disclosed in accordance with this Section.
- Campaign account balances: the cash balance of the campaign account(s) at the beginning and end of the reporting period, the total amount of contributions received, the total amount of expenditures incurred, and the total amount of goods and services obtained.
- Account information: for the campaign account(s), the following information: the name of the bank or other depository institution at which the account is maintained; the name of the account the account signatories; the account numbers; and the date the account was opened and, if applicable, closed.

These disclosure requirements also apply to any contributions received, expenditures incurred or services obtained by a nominated candidate to pay fees for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal rights of

candidates as described above in subsection 1F entitled "Contributions for Legal and Accounting Services."

Every nominated candidate is required to give the IM formal written consent to obtain all information concerning the depository account(s) in which he or she has placed any contributions. The IM's access shall extend, but is not limited, to all financial statements, cancelled checks and copies of deposited items.

#### **D. Schedule**

A nominated candidate must file with the IM, by certified or registered mail, three (3) campaign contribution and expenditure disclosure statements according to the following schedule:

- The first statement, due on Friday, October 13, 2017, must detail all contributions received, expenditures incurred, or services obtained by the candidate between Tuesday, August 1, 2017 and Wednesday, October 11, 2017. In this statement, the candidate shall also include any contributions received, expenditures incurred, or services obtained prior to the effective date of the Rules.
- The second statement, due on Monday, November 27, 2017, must detail the contributions received, expenditures incurred, or services obtained by the candidate between Thursday, October 12, 2017 and Tuesday, November 21, 2017.
- The third statement, due on Wednesday, January 3, 2018, must detail the contributions received, expenditures incurred, or services obtained by the candidate since Wednesday, November 22, 2017.

#### **E. Remedial Action for Contribution or Disclosure Violations**

The IM may take any appropriate remedial action to address any violation of this Section. Such action may include, but is not limited to, disgorgement and restitution.

### **SECTION FIVE** **Voting**

#### **1. Process**

On Tuesday, August 1, 2017, the District Council will mail to District Council members and post on the District Council website a letter prepared by the IM providing notice of the December election of the District Council Executive/Secretary Treasurer, President and Vice President, to be conducted by mail-in ballot received no later than 5:00 p.m. on December 21, 2017, and of the District Council Warden, Conductor and three Trustees, to be voted for at a special meeting of the delegates on December 21, 2017. Write-in votes will not be permitted. Upon request, the District Council shall provide information to the IM from the UBC's Ultra system regarding voter eligibility. The District Council, and any local union in possession of information requiring updating of a member's voting eligibility, are responsible for ensuring that the Ultra system is up to date within twenty-four (24) hours of receipt of the information.

By Friday, September 1, 2017, the District Council will provide information to the IM regarding voter eligibility, upon request. By October 11, 2017, the IM shall provide each nominated candidate and local union president with a schedule for the production of ballots and the counting of votes. Upon receipt of the schedule, the District Council and each local union shall post such schedule on the local union's bulletin board

or in some other conspicuous place accessible by all members until the certification of the vote.

To be eligible to vote, a member must:

- have been initiated as a member of a local union any time before October 4, 2016 and have remained a member of that local union continuously thereafter;
- as of November 27, 2017, have paid all dues through the previous quarter; and
- otherwise be in good standing.

The American Arbitration Association, under the auspices of the IM, will be responsible for producing, distributing, collecting and tabulating ballots. Ballots and instructions will be mailed to members starting on Monday, November 27, 2017. Ballots must be received through the mail by the American Arbitration Association by Tuesday, December 21, 2017 at 5:00 p.m.

Note that there will be a special session on December 21, 2017, between 5:00 p.m. and 7:00 p.m. at 395 Hudson Street supervised by the IM during which delegates vote by secret ballot for the Warden, Conductor and three Trustees. Observers may also be present at this special session.

#### **2. Invasion of Ballot Secrecy**

No Union member, officer, business agent, steward or any other person or entity may demand or require any member to give his or her ballot to any other person or entity, or demand or require any member to mark his or her ballot in the presence of any other person. A Union member may not give his or her ballot, marked or unmarked, to any other person or entity. Such actions may result in veto or disciplinary action or both by the IM under paragraphs 5b and 5f of the Stipulation and Order.

#### **3. Announcement of the Election Results**

The American Arbitration Association shall tabulate the votes on December 22, 2017, beginning at 10:00 a.m. Upon completion of the vote count by the American Arbitration Association under the supervision of the IM, the IM shall immediately announce the election results to the Election Committee, see infra, and all candidates and observers present. The IM shall also post the election results on the District Council's website. As soon as possible after the completion of the vote count, the IM shall provide each local union president with a copy of the official election tally sheet. Such tally sheet must be posted on all local union bulletin boards for at least thirty (30) days. Announcement of the election results does not constitute certification, which is required before the results are official.

#### **4. Certification of the Election Results**

After the election process is completed in accordance with the Rules, and where no timely objections to the election are raised, or upon completion of the protest and appeal procedure, or upon the conclusion of any investigation the IM may undertake with respect to the election, the IM shall certify the election results, provide a copy of the election certification to the Supervisor of the District Council and post the election certification on the District Council's website. All ballots and records pertaining to the election shall be preserved under the auspices of the IM for one (1) year following the date of the election. In the event that violations of the Rules or applicable law occurred that may have affected the outcome of the election, the IM shall refuse to certify the election results and shall immediately order that a rerun election be held,

including, if necessary, the refilling of nominating petitions, and promptly promulgate a schedule for a rerun election.

## 5. Installation of Officers

Newly elected officers of the District Council including the Warden, Conductor and three Trustees, will be installed following certification of the election results by the IM. Unless the IM has refused to certify the election results, installation of the new officers will occur on Wednesday, January 10, 2018.

## **SECTION SIX** **Protest Procedure**

### 1. Filing a Protest

A protest may be filed in writing by delivering a letter to the IM at the address on the last page of the Rules by personal delivery, overnight mail or email. The protest shall contain a clear and concise statement of the grounds for the protest and the complainant's name, address, phone number and local union affiliation. The complainant bears the burden of presenting some evidence of the alleged improper conduct. The IM must provide a copy of the protest to any other person or entity whom the IM determines may be a subject of the protest decision or remedy. The person or entity shall have the opportunity to present evidence and/or legal argument to the IM.

The subject matter of a protest may include, without limitation, the following:

- Improper or inequitable treatment of a candidate or his or her supporters by the Union, including improper endorsements; threats, coercion or intimidation; aid or financial support of a candidate; or discriminatory or prohibitive access to the membership, including access to local union meetings, mailings, membership information, and The Carpenter.
- Improper or inequitable treatment of a candidate or his or her supporters by an employer, including: endorsements, threats, coercion or intimidation; aid or financial support of a candidate; or discriminatory access to job sites.
- Threats, coercion, intimidation or acts of violence committed toward a member with respect to the election.
- Improper aid or financial support to a candidate.

A protest concerning alleged improper conduct must be filed with the IM within five (5) work days of the time when the complainant becomes aware or reasonably should have become aware of the action under protest.

The IM may undertake an investigation without a protest having been filed, if he believes that the Rules have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest and open election. The IM has access to Union information to the full extent provided for in paragraph 5c of the Stipulation and Order. The IM has the right to conduct interviews and request and receive documents.

### 2. Investigation by the IM

Within seven (7) days after receipt of a protest, the IM shall evaluate the protest and notify the following individuals or entities of his decision in writing: the complainant, the Union officials or members

involved, any candidate adversely affected, and any person or entity who is the subject of the decision or remedy. The IM may:

- determine the merits of the protest and, if found meritorious, determine the appropriate remedy;
- exercise his veto authority or bring charges before the Chairman or Vice Chairman of the Trial Committee established under paragraph 5f of the Stipulation and Order; and/or
- defer action pending further investigation.

### 3. Hearing by the IM

Upon a request or on his own initiative, the IM may commence and conduct a protest hearing within three (3) days after notifying the parties involved. The hearing will be conducted during business hours and may be adjourned by the IM as necessary to continue conducting the hearing during business hours. The IM shall determine whether the hearing shall be conducted in person or by telephone. The following individuals may participate in any hearing: the complainant and/or his or her representative; any representative of the Union official or member involved or his or her representative; any person or entity who is the subject of the decision or remedy and that person or entity's representative; and any other person who obtains the permission of the IM.

Within four (4) working days of the conclusion of the hearing, the IM shall issue a written decision, making findings of fact and ordering appropriate relief. The parties involved and any candidate, person or entity adversely affected or who is the subject of the decision or remedy shall be notified promptly of the decision.

Any decision by the IM must be obeyed unless and until it is stayed or overturned by order of the Court.

### 4. Remedies

If as a result of any protest filed with the IM, or as a result of any investigation undertaken by the IM either in response to a protest or on their own initiative, the IM determines that the Rules or any law have been violated or that any other conduct has occurred that may prevent or has prevented a fair, honest and open election, the IM may take whatever remedial action is appropriate. Such remedial action may include, without limitation:

- placing a candidate on the ballot or removing any candidate from the ballot;
- qualifying or disqualifying any member from voting;
- requiring or limiting access to the Union's or an employer's premises;
- requiring the District Council to mail or otherwise distribute, at its own expense, candidate campaign materials;
- requiring the District Council or the local unions to hold meetings and prescribing the format or content of such meetings;
- requiring the return of campaign contributions;
- requiring reimbursement for goods or services;
- requiring the District Council or local unions to provide a candidate with specific goods or services;
- regulating the number and conduct of observers or disqualifying observers or members of the Election Committee;
- ordering the rerun of an election; and
- requiring immediate compliance with the Rules, or any portion thereof.

In addition to whatever remedial action he may take, the IM may bring disciplinary charges for election-related offenses described in Section Seven and may further choose to exercise his veto authority as applicable.

#### 5. Appeal to the District Court

Any person aggrieved by a decision of the IM under these procedures may seek review before the Honorable Victor Marrero, United States District Court Judge of the United States District Court for the Southern District of New York within thirty (30) calendar days after service of the IM's decision.

### SECTION SEVEN

#### Election-Related Conduct Subject to Disciplinary Charges

The IM may bring disciplinary charges for or enjoin

- election-related conduct that falls within his charging authority under paragraph 5f of the Stipulation and Order; or
  - the conduct enumerated below.
1. Collecting or inspecting ballots. Requesting, receiving, collecting, taking, completing, or inspecting another member's ballot, or requiring any member to complete a ballot in the presence of any other person.
  2. Giving one's ballot to another person. Surrendering, providing, or giving an election ballot to any other person. This provision does not prevent a member from mailing the ballot to the American Arbitration Association as provided for in the Rules or giving a completed ballot to an immediate family member for this purpose or giving an election ballot to the IM in the course of an investigation.
  3. False representations regarding ballot secrecy. Falsely representing, for the purpose of influencing any member's choice of candidate(s) or decision to cast a ballot, that the balloting is not secret or that any person or entity is capable of determining how any individual member voted.
  4. Forgery. Forging a signature on a nominating petition or any other document submitted to the IM pursuant to the Rules.
  5. Campaigning with Union funds. Knowingly using Union funds in any way, except as provided for in the Rules, to promote any candidate to be a District Council officer.
  6. Campaigning with funds of non-members. Knowingly using in any way, or accepting or receiving, money, funds or anything of value, from any person who is not a member of the United Brotherhood or from a contracting member, except that money may be accepted from any person other than the Union, an interested employer, or a contracting member when it is received and used for fees for legal and accounting services performed in either assuring compliance with applicable election laws, rules, or other requirements or securing, defending, or clarifying the candidate's legal rights. (The terms "interested employer" and "contracting member" are defined in Section Eight.)
  7. Misusing the membership list. Misappropriating any Union membership or voter eligibility list or the information contained therein, or providing such list or information to any person for any purpose other than for conducting or participating in a campaign

conducted pursuant to these Election Rules to be a District Council officer.

8. Interfering with the exercise of political rights. Extorting, committing or threatening physical violence, or taking any adverse economic action against any member for supporting or failing to support any candidate to be a District Council officer or for the exercise or failure to exercise any political right guaranteed under the Rules, the United Brotherhood Constitution, the District Council Bylaws, federal labor law, or the United States Constitution in the course of the election. The term "adverse economic action" includes, but is not limited to action affecting a member's employment, Union job referral status, or Union membership status or position. The term "extortion" means impeding a member's exercise of political rights, with his consent, induced by wrongful use of actual or threatened force, violence, fear, or under color of official right.
9. Voting fraud. Engaging in any scheme or artifice designed to permit ineligible members to vote, prevent eligible members from voting, prevent the ballots of any members from being received by the American Arbitration Association, or prevent the ballots of eligible members from being counted.
10. Ballot tampering. Tampering with any completed ballot.
11. False statements and testimony. Providing knowingly and materially false statements or testimony to the IM in any submissions or proceedings, including the protest procedures under the Rules.
12. Suborning perjury and obstructing proceedings. Suborning perjury or using intimidation, extortion, bribery, physical force, or threat thereof, or misleading conduct, to persuade another person to:
  - delay or prevent the testimony of any person;
  - withhold testimony or other evidence;
  - alter, destroy, mutilate or conceal any object or document with the intent to impair the object or document's integrity or availability for use, review or inspection;
  - evade process summoning a person to appear as a witness or to produce a document or other object; or
  - be absent after having been properly summoned as a witness in any election hearing under the Rules or disciplinary proceeding brought under this Section and the Consent Decree.
13. Failure to supervise. Every candidate is responsible for supervising his or her staff, including, but not limited to, campaign workers, organizers, consultants and observers who are working for that candidate's nomination and election. A candidate commits an election offense if he or she knowingly permits any person associated with his or her campaign to violate, or attempt or conspire to violate, any of the enumerated election offenses, or to commit any conduct that is chargeable under paragraph 5f of the Stipulation and Order in the course of campaigning, or knowing of such offense, fails to report a description of the conduct and the person committing it in a prompt and timely fashion to the IM.

A member who knowingly and intentionally aids, abets, counsels, commands, induces, procures, or causes the commission of any of these offenses is subject to the same charges and discipline as the person who directly commits the offense. A member is also subject to disciplinary charges if he or she attempts or conspires to commit any of the foregoing offenses or any other conduct that is chargeable under

paragraph 5f the Stipulation and Order in the course of campaigning to be a District Council officer.

**SECTION EIGHT**  
**Definitions**

The term "*campaign contribution*" means any direct or indirect contribution of money or thing of value where the purpose, object or foreseeable effect of that contribution is to influence, positively or negatively, the election of a candidate. Campaign contributions include, but are not limited to:

- Contributions of money, securities, or any material thing of value;
- Payments to or subscriptions for fundraising events of any kind (e.g., raffles, dinners, beer or cocktail parties, etc.);
- Discounts in the price or cost of goods or services, except to the extent that commercially established discounts are available to the customers of the supplier;
- Extensions of credit, loans, and other similar forms of finance, except where obtained in the regular course of business of a commercial lending institution and on such terms and conditions as are regularly required by such institutions;
- Payment for the personal services of another person, or for the use of building or office space, equipment or supplies, or advertisements through the media; or
- Performance of personal services or the making available for use of space, equipment, supplies or advertisements, except that the term "campaign contribution" does not include the performance of services by a volunteer rendered on the volunteer's personal free time, provided the donation is truly voluntary and not coerced, and the donation is (a) made without compensation in any form by an employer, labor organization or other person or entity who is not a member of the Union or (b) not accompanied by the contribution of supplies or services of others who are compensated for such supplies or services by an employer, labor organization or other person or entity who is not a member of the Union.

The term "*candidate*" means any member who satisfies the candidate eligibility requirements and is either seeking nomination to be a District Council officer or is a nominated candidate for such position.

The term "*certified or registered mail*" means mail for which the sender receives evidence of delivery, and includes commercial overnight mail services.

The term "*complainant*" means a member, local union, or the District Council which files a protest with the IM.

The term "Consent Decree" refers to the consent decree entered into between and among the United States Government, the District Council, and others in the case of United States v. District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America, et al., 90 Civ. 5722 (VM) (S.D.N.Y. 1994).

The term "*contracting member*" means a member who is a contractor or is engaged in the business of contracting.

The term "*Court*" means the United States District Court for the Southern District of New York, the Honorable Victor Marrero, presiding.

The term "*day(s)*" means calendar day(s), unless otherwise specified.

The term "*District Council*" means the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America. District Council includes all constituent local unions, as well as the New York City District Council of Carpenters Retirement & Pension Plan for Officers and Employees and any other fund or plan established now or in the future for the benefit of District Council employees or officers as defined in 29 U.S.C. § 1002(3).

The term "*District Council website*" means the internet page(s) for the District Council accessible at [www.nycdistrictcouncil.com](http://www.nycdistrictcouncil.com).

The term "*election*" means the process by which a member is chosen by the membership to hold a position as a District Council officer, whether or not contested.

The term "*employer*" means any individual, corporation, trust, organization or other entity that employs another, paying monetary or other compensation in exchange for that individual's services, but does not include a candidate's campaign or campaign organization or a caucus or group of Union members, provided that such caucus or group is itself financed exclusively from contributions permitted under the Rules.

The term "*employer bulletin board*" means any bulletin board on the premises of an employer which is used, among other purposes, for the posting of general information and for the posting of notices by employees.

The term "*interested employer*" includes any employer or association of employers which is (a) a party to a collective bargaining agreement with the District Council and/or a local union, (b) the subject of an organizing campaign by the District Council and/or any local union since December 14, 2013, or (c) concerned with, liable to, affected by or has some self-interest in litigation brought by a member against the District Council or any local union.

The term "*IM*" means the Independent Monitor appointed pursuant to the November 18, 2014 Stipulation and Order In United States v. District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America, et al. 90 Civ. 5722 (VM) (S.D.N.Y. 1994), which was extended on April 18, 2016 and April 24, 2017, or his duly authorized designee.

The term "*labor organization*" means any organization recognized or certified as a collective bargaining representative of employees, or any organization seeking to be so recognized or certified, and includes any organization of any kind, any agency, or employee representation committee, group, association or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board or joint council so engaged that is subordinate to a national or international labor organization other than a State or local central body, of the United Brotherhood of Carpenters and Joiners of America.

The term "*local union*" means any local union chartered under and within the jurisdiction of the District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America.

The term “*member*” means any person who has fulfilled the requirements of membership in any local union within the jurisdiction of the District Council and who has neither voluntarily withdrawn from membership nor been lawfully expelled or suspended from membership.

The term “*member in good standing*” means a current member who is not suspended and who has paid his or her dues in full or owes less than three months’ dues.

The term “*nominated candidate*” means a member who satisfies the candidate eligibility requirements to be a District Council officer, has submitted nominating petitions that were verified by the IM, and has accepted the nomination to such candidacy.

The term “*The Carpenter*” means The Carpenter newspaper or any substitute for it, by whomever issued.

The term “*Union*” means the United Brotherhood of Carpenters and Joiners of America, all local unions and all other subordinate bodies, including the District Council.

The term “*Union bulletin board*” means any bulletin board to which the District Council and local unions have access for the purpose of posting information concerning the business and/or activities of the District Council and local unions, and includes bulletin boards at the offices of the District Council and local unions as well as bulletin boards located on employer premises.

**SECTION NINE**  
**Administration**

**1. Election Committee**

An Election Committee shall be formed to:

- examine and approve the mail-in ballot prototype; and
- be present at the counting of ballots and resolve questions regarding the validity of challenged ballots.

Any decision of the Election Committee is subject to review by the IM.

Each nominated candidate shall be permitted to name one (1) member in good standing to the Election Committee. No nominee for office and no Business Representative is eligible to serve on the Election Committee. A nominated candidate shall provide to the IM in writing the name, address and local union affiliation of his or her proposed representative on the Election Committee at the nomination meeting on Wednesday, October 4, 2017.

**2. Role of the District Council**

Officers and employees of the District Council shall carry out the responsibilities assigned to them in the Rules in a competent manner that is free of discrimination or partisanship.

**3. Enforcement of the Rules**

The IM expressly reserves the right to issue orders to enforce the Rules and any rights and prohibitions contained therein, and to make application to the Court for enforcement as may be required.

Independent Monitor  
Glen G. McGorty  
Crowell & Moring  
590 Madison Avenue, 20<sup>th</sup> Floor  
New York, New York 10022  
(212) 895-4246  
[gmcgorty@crowell.com](mailto:gmcgorty@crowell.com)

In Case of Emergency  
IM Hotline  
(877) 712-4896

**NOMINATION PETITION  
DECEMBER 2017 DISTRICT COUNCIL OFFICER ELECTION**

**A. CANDIDATE INFORMATION**

Information must be printed legibly in ink or typed. If there is no candidate for the position, mark "N/A" under both columns.  
If this petition is for a slate, check here:

POSITION	CANDIDATE'S NAME	LOCAL UNION
Executive Secretary-Treasurer		
President		
Vice-President		
Warden		
Conductor		
Trustee		
Trustee		
Trustee		

**B. MEMBERS' SIGNATURES AND INFORMATION**

Only members in good standing may sign a nominating petition. Standing is determined as of the date this petition is submitted to the Independent Monitor. A member may sign the nominating petitions of as many different candidates as he or she wishes, but may not sign the nominating petitions of any one candidate or slate of candidates more than once. The information provided below will be kept confidential after it is provided to the Independent Monitor.

DATE	SIGNATURE	NAME	ADDRESS	LOCAL UNION #	UBC #
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

**C. CERTIFICATION**

This section must be completed by the union member who gathered the signatures on this page after all the signatures on the page have been collected.

I, \_\_\_\_\_ reside at \_\_\_\_\_. I am a member in good standing of the United Brotherhood of Carpenters and Joiners of America. I belong to local union \_\_\_\_\_ and my UBC number is \_\_\_\_\_. I do hereby certify that the signatures on this page were signed in my presence and that the contents of this page are true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## 2017 DISTRICT COUNCIL OFFICER ELECTION CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

### A. CANDIDATE INFORMATION

Name of Candidate: \_\_\_\_\_

Office that Candidate is Seeking: \_\_\_\_\_

This report covers the period beginning \_\_\_\_\_, 2017 and ending \_\_\_\_\_, 2017.  
Month/Day Month/Day

### B. CONTRIBUTOR INFORMATION

Name and Address of Contributor	Local Union Number	Manner of Contribution (e.g., check, in-kind etc.) If Material or Equipment, Provide Description	Date of Contribution	Total Amount Previously Contributed or Value of Previous In-Kind Contributions Made by This Contributor	Amount Contributed or Value of In-Kind Contributions Made This Period
<b>TOTAL</b> (only required on the last page of the disclosure statement for campaign contributions)				\$ _____	\$ _____

### C. CERTIFICATION (only required on the last page of the disclosure statement for campaign contributions)

I certify that the information contained in this campaign contribution disclosure statement is true and accurate to the best of my knowledge.

\_\_\_\_\_ Date \_\_\_\_\_  
Candidate's Signature

## 2017 DISTRICT COUNCIL OFFICER ELECTION CAMPAIGN EXPENDITURE DISCLOSURE STATEMENT

### A. CANDIDATE INFORMATION

Name of Candidate: \_\_\_\_\_ Office that Candidate is Seeking: \_\_\_\_\_

This report covers the period beginning \_\_\_\_\_, 2017 and ending \_\_\_\_\_, 2017.  
Month/Day Month/Day

### B. CONTRIBUTOR INFORMATION

Name and Address of Business or Individual Providing Goods or Services in the Candidate or Campaign	Date That Expenditures Were Incurred or Goods or Services Were Obtained	Have the goods or services been paid for? If so, when and how – e.g., check, money order If not, when will they be paid for?	Description of Goods and Services	Amount of Expenditures Incurred with or Cost or Value of the Goods or Services Obtained from this Business or Individual This Period

### C. CERTIFICATION (only required on the last page of the disclosure statement for campaign contributions)

I certify that the information contained in this campaign contribution disclosure statement is true and accurate to the best of my knowledge.

\_\_\_\_\_  
 Candidate's Signature Date

**2017 DISTRICT COUNCIL OFFICER ELECTION  
CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT: LEGAL AND ACCOUNTING SERVICES**

**A. CANDIDATE INFORMATION**

Name of Candidate: \_\_\_\_\_ Office that Candidate is Seeking: \_\_\_\_\_

This report covers the period beginning \_\_\_\_\_, 2017 and ending \_\_\_\_\_, 2017.  
Month/Day Month/Day

**B. CONTRIBUTOR INFORMATION**

Name and Address of Contributor	Local Union Number	Manner of Contribution (e.g., check, in-kind etc.)	Date of Contribution	Total Amount Previously Contributed or Value of Previous In-Kind Contributions Made by This Contributor	Amount Contributed or Value of In-Kind Contributions Made This Period
<b>TOTAL</b> (only required on the last page of the disclosure statement for campaign contributions for legal and accounting services)				\$ _____	\$ _____

**C. CERTIFICATION** (only required on the last page of the disclosure statement for campaign contributions)

I certify that the information contained in this campaign contribution disclosure statement is true and accurate to the best of my knowledge.

\_\_\_\_\_  
 Candidate's Signature Date



2017 DISTRICT COUNCIL OFFICER ELECTION  
CAMPAIGN BANK ACCOUNT DISCLOSURE STATEMENT

A. CANDIDATE INFORMATION

Name of Candidate: \_\_\_\_\_ Office that Candidate is Seeking: \_\_\_\_\_  
This report covers the period beginning \_\_\_\_\_, 2017 and ending \_\_\_\_\_, 2017.  
Month/Day Month/Day

B. BANK ACCOUNT INFORMATION

1. BANK ACCOUNT FOR GENERAL CAMPAIGN CONTRIBUTIONS (see Final Election Rules § 4(2)(A) at page 9.)

Name and Address of Depository Institution: \_\_\_\_\_  
(If a branch, provide the branch's address) \_\_\_\_\_  
Name of the Account: \_\_\_\_\_  
Persons Authorized to Write Checks on or Withdraw Money from the Account: \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Date Account Was Opened: \_\_\_\_\_ Date Account Was Closed (if applicable): \_\_\_\_\_  
Month/Day/Year Month/Day/Year

Cash Balance in Account at the Beginning of this Reporting Period: \_\_\_\_\_  
Cash Balance in Account at the End of this Reporting Period: \_\_\_\_\_

2. BANK ACCOUNT FOR LEGAL AND ACCOUNTING SERVICES (see Final Election Rules § 4(2)(A) at page 9.)

Name and Address of Depository Institution: \_\_\_\_\_  
(If a branch, provide the branch's address) \_\_\_\_\_  
Name of the Account: \_\_\_\_\_  
Persons Authorized to Write Checks on or Withdraw Money from the Account: \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Date Account Was Opened: \_\_\_\_\_ Date Account Was Closed (if applicable): \_\_\_\_\_  
Month/Day/Year Month/Day/Year

Cash Balance in Account at the Beginning of this Reporting Period: \_\_\_\_\_  
Cash Balance in Account at the End of this Reporting Period: \_\_\_\_\_

C. ACCESS TO BANK ACCOUNTS

I hereby give formal written consent to the Independent Monitor, appointed by the United States District Court pursuant to the terms of the Stipulation and Order entered in 90 Civ. 5722 on November 18, 2014, and extended on April 18, 2016 and April 24, 2017, in the United States District Court of the Southern District of New York, or his designee to obtain any and all information, including all financial statements, cancelled checks and copies of deposited items, from the depository institutions listed above concerning the bank accounts described above.

\_\_\_\_\_  
Cardholder's signature

\_\_\_\_\_  
Date

D. SUMMARY OF CAMPAIGN CONTRIBUTIONS AND SPENDING

Total Amount of Contributions Received During This Reporting Period: \_\_\_\_\_  
Total Amount of Expenditures Incurred During This Reporting Period: \_\_\_\_\_  
Total Value of Goods and Services Obtained and Not Paid for During This Reporting Period: \_\_\_\_\_

E. CERTIFICATION

I certify that the information contained in this campaign bank account disclosure statement is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Cardholder's signature

\_\_\_\_\_  
Date

**2017 DISTRICT COUNCIL OFFICER ELECTION  
INSTRUCTIONS FOR COMPLETING CAMPAIGN FINANCE FORMS**

**Filing Schedule**

A nominated candidate for a position as a District Council Officer must file, by certified or registered mail, campaign contribution and expenditure disclosure forms with the Independent Monitor (“IM”) on three (3) separate occasions. For a complete explanation of these requirements, see Section Four of the Final Election Rules (“FER”) at pages 9-11. The filing dates are:

1. **Friday, October 13, 2017** – All contributions received, expenditures incurred or services obtained by a candidate prior to and including Wednesday, October 11, 2017 in relation to his or her campaign for a position as a District Council Officer must be disclosed in this report.
2. **Monday, November 27, 2017** – All contributions received, expenditures incurred or services obtained by the candidate between Thursday, October 12, 2017 and Tuesday, November 21, 2017 in relation to his or her campaign for a position as a District Council Officer must be disclosed in this report.
3. **Wednesday, January 3, 2018** – All contributions received, expenditures incurred or services obtained by a candidate between Wednesday, November 22, 2017 and the date of filing in relation to his or her campaign for a position as a District Council Officer must be disclosed in this report.

**Forms to be Filed**

On each occasion, a nominated candidate must file the following five (5) Election Forms with the IM.

**FORM  
NO.**

**DESCRIPTION**

2. **Campaign Contribution Disclosure Statement** – For campaign contributions, including in-kind contributions, of \$100 or more – either in one contribution or in two or more contributions whose total value equals or exceeds \$100.
3. **Campaign Expenditure Disclosure Statement** – For campaign expenditures incurred, including goods or services that have been obtained but have not yet been paid for, of \$100 or more.
4. **Campaign Contribution Disclosure Statement for Legal and Accounting Services** – For campaign contributions, including in-kind contributions, of \$100 or more – either in one contribution or in two or more contributions whose total value equals or exceeds \$100 – that are used to pay for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal right of the candidate.
5. **Campaign Expenditure Disclosure Statement for Legal and Accounting Services** = For campaign expenditures, including goods and services that have been obtained but have not yet been paid for, of \$100 or more that are used to pay for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal rights of the candidate.
6. **Campaign Bank Account Disclosure Statement** – A candidate must:
  - Disclose information about the bank account into which he or she deposits any money the candidate expects to spend on his or her campaign (or the campaign of his or her slate), which funds shall include only (a) contributions from members of the United Brotherhood and (b) any of the candidate’s personal funds;
  - Disclose information about the bank account into which he or she deposits contributions that are used solely for the payment of fees for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending or clarifying his or her legal rights as a candidate;
  - Provide formal written consent for the IM or his designee to obtain any and all information regarding the bank accounts that a candidate maintains for the District Council Officer election; and
  - Summarize the amount of campaign contributions received, expenditures incurred and goods and services obtained during the reporting period.

### Other Important Information

- A nominated candidate must pay for any expenditure of \$100 or more by check or money order FER § 4(2)(A) at p. 9.
- A nominated candidate must maintain a separate written record of every contributor's name, address, contribution amount, local union affiliation, UBC number, and the date of each contribution, without regard to the size of the contribution. FER § 4(2)(A) at p. 9.
- A nominated candidate must maintain all receipts or comparable written records demonstrating how the value of each in-kind contribution was determined (Any goods, services or in-kind contributions must be valued at fair market value.). FER § 4(2)(A) at p. 9.
- A nominated candidate must maintain clear, complete, and accurate records for all contributions received, expenditures incurred, and goods and services obtained that demonstrate compliance with the Rules, the United Brotherhood Constitution and applicable law. Such records shall include copies of all cancelled checks, bills, receipts, deposit slips, bank account statements, and any other documentation to verify contributions, expenditures, and services. FER § 4(2)(A) at p. 9.
- The IM shall have complete and unfettered access to, including the right to make copies of, all books, documents, accounts, correspondences, files, data compilations and other financial records that a nominated candidate must maintain under the Rules, A nominated candidate must produce such material within twenty-four (24) hours of a written request by the IM or Election Officer. FER § 4(2)(B) at p. 9.
- Each nominated candidate shall have the right to inspect, but not make notes from or copy, his or her opponents' campaign contribution and expenditure disclosure statements at the offices of the IM, twice before the election and once after, by appointment made with the IM. FER § 4(2)(C) at p. 9.