

UNITED TRANSPORTATION UNION

Office of the President

Secretaries, All Locals
United Transportation Union

August 1, 2010

**SUBJECT: 2010 ELECTIONS OF DELEGATES, ALTERNATE DELEGATES
AND LOCAL COMMITTEES OF ADJUSTMENT; GENERAL
CHAIRPERSON MAIL REFERENDUM ELECTION**

Dear Brothers and Sisters:

Under the provisions of Article 57 of the Constitution, elections of Delegates, Alternate Delegates and Local Committees of Adjustment will be held by all Locals in November 2010.

On those properties where General Chairpersons are elected by referendum, such elections will be held this Autumn as provided in Article 82; otherwise the General Chairpersons and other officers of a General Committee of Adjustment shall be elected by members of the committee during the 2011 quadrennial meeting.

Permanent vacancies that exist in any office can be filled during this election.

Sample ballots and envelopes are enclosed, which you must obtain locally. For those Locals that will conduct a mail referendum, the enclosed samples of three (3) envelopes required in elections must also be obtained locally.

Enclosed is a sample postcard -- "SPECIAL NOTICE" -- as well as voting instructions for use in mail referendums. These can be printed locally, or may be purchased from International Headquarters on the regular "Order for Supplies" form. There is no requirement for the Local to use a union printer. However, the total number of ballots printed by the Local Secretary must be identified prior to the canvassing of ballots.

The following instructions and pertinent portions of our law are called to your attention to insure the legality of your election. A separate outline of tips for conducting elections that meet the requirements of the Labor Management Reporting and Disclosure Act and the UTU Constitution is enclosed, as well as an election planner and checklist. All questions relating to Local election procedures should be directed in writing to this office.

OFFICERS TO BE ELECTED IN NOVEMBER 2010

DELEGATE AND ALTERNATE DELEGATE

An election for Delegate and Alternate Delegate shall be held in November 2010. In Locals having jurisdiction over more than one craft, the Delegate and the Alternate Delegate must be elected from different crafts. (Art. 57, Lines 12-15.)

They shall assume their offices on January 1 of the year in which the convention is held and serve for a period of four (4) years. (Art. 5, Lines 4-6.)

NOTE: If your Local has jurisdiction over more than one craft, the nomination and election of Delegate must be completed first; after which nomination and election will be held for an Alternate Delegate from a craft other than that from which the Delegate was elected.

NOTE: Delegates and Alternate Delegates are not required to be insured members.

NOTE: By action of the Board of Directors, Delegates will not be seated from delinquent Locals and/or from those Locals which have failed to file Treasurer's Annual Reports as required by the provisions of Article 64 of the Constitution. Notices of such delinquencies to be included in the billings of all UTU Locals.

If the office of Delegate becomes vacant for any reason, the Alternate Delegate will succeed to that office and the Local will elect another Alternate to fill the unexpired term of the Alternate Delegate. (Art. 5, Lines 10-12.) (Also review Art. 57, Lines 99-100.)

LOCAL COMMITTEE OF ADJUSTMENT

An election to fill the offices of Local Committees of Adjustment shall be held in November 2010. (Art. 57, Lines 3-4)

Local Committeepersons...shall assume their office on January 1, following the year of the quadrennial election. (Art. 57, Lines 9-11)

Each Local shall elect a Local Committee of Adjustment, consisting of a Chairperson, one or more Vice Chairpersons, and a Secretary. (Art. 81, Lines 1-2)

Such committeepersons must hold seniority rights in one of the crafts under the jurisdiction of the Local Committee. (Art. 81, Lines 5-7, except as provided in Art. 7[d])

*In Locals having more than one Local Committee of Adjustment for different crafts, the Secretary will provide a **separate ballot** for all eligible voters of each craft working under the jurisdiction of the committee involved. (Art. 57, Lines 33-36)*

In elections for Local Committees of Adjustment, only members in service under the jurisdiction of such committee will be notified of such election and permitted to file or sign nominating petitions and vote. (Art. 57, Lines 101-103)

GENERAL CHAIRPERSON MAIL REFERENDUM ELECTIONS

The Chairperson of a General Committee of Adjustment may be elected by referendum vote instead of by General Committee vote...if two-thirds of the Local Chairpersons under the jurisdiction of a General Committee, prior to August 1 preceding the year of the regular quadrennial meeting of the General Committee, vote for and advise the International President in writing of their desire to have the Chairperson of that Committee elected by referendum vote. (Art. 82, Lines 38-45)

Incumbent officers and members of the General Committee, and any member holding seniority in the craft represented by the General Committee, shall be eligible for election to the office of General Chairperson. (Art. 82, Lines 25-28)

Less Than Three Locals

If less than three (3) Locals are located on a property, the General Chairperson shall be elected by referendum vote. (Art. 82, Lines 127-128)

GENERAL INSTRUCTIONS

NOMINATIONS IN LOCAL ELECTIONS

Nominations must be filed with the Secretary not later than the last regular meeting in October in the year of election. Where nominations are made by nominating petition, at least five (5) members eligible to vote shall sign the petition. The secretary shall promptly acknowledge receipt of all petitions and read them at the last regular meeting in October. (Art. 57, Lines 18-23)

NOTE: Nominations may also be made from the floor at the nomination meeting. Nominations do not require a second. Nominations may be withdrawn within a reasonable period (10 days), provided withdrawal is submitted in writing prior to the ordering of printed ballots.

ELECTION IN NOVEMBER - BY SECRET BALLOT

Officers...shall be elected by secret ballot at a November meeting of the Local, or by referendum vote, as provided by existing bylaws or procedures of each Local. (Art. 57, Lines 16-18)

NOTE: In the absence of Local bylaws or procedures that require a mail referendum, election must be by secret ballot at a meeting of the Local.

SETTING ELECTION DATE AND TIME

The members present at the last regular meeting in October shall set the date on which the ballots shall be counted and the election held. (Art. 57, Lines 24-25)

NOTE: Secretaries may post notice indicating the exact time the Local Secretary and designated election Tellers (3) are to JOINTLY accept receipt of the Post Office box key from the U.S. Postmaster to obtain collected Post Office box ballots for canvassing. If the Postmaster refuses to maintain possession of the Post Office box key, one of the Tellers shall retain the key sealed in an envelope until the appointed time to receive ballots. The designated Tellers (3) shall accept receipt

of ballots at the appointed time and immediately return to the Local and canvass the ballots. The Local Secretary shall not handle ballots at any time following mailing until the election canvassing has been completed by the Tellers.

NOMINATION AND ELECTION NOTICES

Reasonable notice (not less than 10 days) shall be provided all eligible members that nominations will be received at the last regular meeting in October in the year of election. A "SPECIAL NOTICE," such as set forth on the attached sample postcard, is designed for use as notice of nominations or notice of election of officers. Locals which do not use the mail referendum ballot procedures must use the "SPECIAL NOTICE" or like notification for mailing to each eligible member at his/her last known address not less than 15 days prior to the date of election.

Where election is by mail referendum ballot, the notice of election and election date can be included on the ballot, as indicated on the sample ballot attached, and must be mailed to each eligible member at his/her last known home address not less than 15 days prior to the date of election.

PREPARATION OF BALLOTS

The Secretary shall prepare ballots showing the names of all candidates and the offices for which they are nominated. Incumbent officers shall appear first, with names of other candidates following in alphabetical order. The ballots shall be prepared so as to provide a square opposite each candidate's name in which the voter can mark his/her preference of candidates. (Art. 57, Lines 26-32)

NOTE: Write-in candidates are not permitted.

NOTE: The return address on the "Important Ballot Enclosed" envelope must be the same as the mailing address on the "Ballot" envelope.

DUPLICATE BALLOTS

It shall be the duty of the members to keep the Local Secretary-Treasurer or Secretary advised of their current home address. Eligible voters may request a Duplicate Ballot from the Local Secretary if their original ballot has not been received in a reasonable length of time. The Local Secretary-Treasurer or Secretary shall identify each Duplicate Ballot issued with the words "Duplicate Ballot" written on the front of the "Return Envelope," reissue each "Duplicate Ballot," and list reissue on the voter eligibility list. The Tellers (3) shall allow the "Duplicate Ballot" and disallow the original ballot if it is returned.

MAIL REFERENDUM ELECTION

Locals having the mail referendum plan of election in effect should complete their election in accordance with Art. 57, Lines 37-94.

LOCAL FLOOR ELECTION

Locals that hold elections at Local meetings shall determine winning candidates by secret vote of eligible members present at the election meeting, in accordance with Art. 57, Lines 71-95.

ONE NOMINATION - ELECTED WITHOUT OPPOSITION

When only one (1) nomination has been received for an office, the member so nominated will be declared elected on the date set for the tabulation of ballots and election. (Art. 57, Lines 92-94)

NOTE: In this event, such office should not appear on the ballot.

MEMBERS ELIGIBLE TO VOTE:

Except as otherwise provided in this Constitution, no member shall be entitled to any of the rights or benefits of the United Transportation Union, unless dues and assessments are paid within the time specified herein. (Art. 53, Lines 1-4)

The dues and assessments of members shall be paid in advance, before the first day of the month in which they are due. (Art. 49, Lines 1-2)

During the period in which members request relief and are relieved from the payment of dues and assessments in accordance with this Article, they shall continue to enjoy all privileges of membership, except they shall not be permitted to vote in elections ... (Art. 49, Lines 25-28)

NOTE: *In elections for Local Committees of Adjustment, only members in service under the jurisdiction of such committee will be notified of such election and permitted to file or sign nominating petitions. (Art. 57, lines 101-103)*

NOTE: Retired members are among those not eligible to vote.

NOTE: Members serving in an official capacity are eligible to vote in Local elections, except for committees of adjustment.

VOTER ELIGIBILITY LIST AVAILABILITY TO CANDIDATES

Once within 30 days before the election or 30 days before the mailing of ballots, candidates must be allowed to inspect (not copy) the voter eligibility list. If a candidate as a result of serving in a union job has benefit of a voter eligibility list, the voter eligibility list should be made available to the other candidates affected.

ELIGIBILITY FOR OFFICE (Art. 7, Lines 1-30)

Unless otherwise provided, any member paying full dues shall be eligible for election to any office in the United Transportation Union, except a member who:

(a) *Has attained age 65 or attains age 65 during year of election;*

NOTE: *Due to the U.S. Age Discrimination in Employment Act, paragraph (a) cannot be applied as written. The U.S. Age Discrimination in Employment Act eliminates age as an exception for eligibility for office in the United States.*

(b) *Holds membership in any other union representing transportation employees, other fields of employment, trades and industries, whether in public or private employment, except when a member is forced by agreement to belong to another union;*

- (c) *Is serving in an official capacity with a transportation company, other fields of employment, trades and industries, whether in public or private employment, except as yardmaster where the United Transportation Union holds the contract for yardmaster;*
- (d) *Does not hold seniority rights in transportation service, other fields of employment, trades and industries, whether in public or private employment where the UTU holds the contract, except this does not apply when a member is dismissed from service and his/her case is being appealed;*
- (e) *Voluntarily elects to receive a rebate of dues from any department will not be eligible to hold office in that department and will not be eligible for the offices of Delegate or Alternate Delegate, Legislative Representative, or Alternate Legislative Representative;*
- (f) *Is restricted from holding office by Labor-Management Reporting and Disclosure Act;*
- (g) *Is an elected officer of the International shall not be eligible to the office of Delegate.*

(NOTE: A member may not seek office in any Local other than the Local in which membership is held and may not serve on more than one Local Committee at the same time.)

FILLING MORE THAN ONE ELECTIVE OFFICE

No member may fill more than one (1) of these elective offices (specified in Article 56, Lines 1-3) at the same time. (Art. 56, Lines 13-14)

NOTE: This does not prohibit a member from holding one of the elective offices set forth in Article 56 and at the same time serving on a Local Committee of Adjustment, as Legislative Representative or Alternate Legislative Representative, and/or as Delegate or Alternate Delegate.

RUNOFF ELECTION

Locals failing to complete their regular elections during the month of November must notify the International President the reason therefor and the date set for the completion of the election. (Art. 57, Lines 104-106)

CIRCULARS OF CANDIDATES

Candidates for elective office may send statements or circulars to members regarding their qualifications, but letterheads of a candidate's Local or office must not be used for this purpose.

NOTE: Candidates may have observers present during the counting and tallying process including totaling, recording, and reporting of tally sheets. In a mail ballot election, candidates may have observers present at the preparation and mailing of the ballots, their receipt, opening and counting.

NOTIFICATION OF COMPLETED ELECTIONS

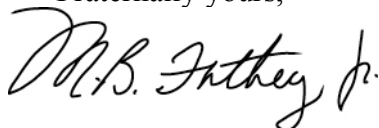
Locals must, following each election of officers or succession to office, promptly notify the General Secretary and Treasurer, interested General Chairpersons, State and District Legislative Boards of the names and addresses of the new officers. (Art. 57, Lines 107-110) (Use form attached.)

PRESERVATION OF ELECTION BALLOTS AND RECORDS

All records pertaining to elections, including "Ballot" envelopes; used, unused and void ballots; tabulation sheets; eligibility list and related material shall be preserved for one year as required by Federal Law (29 USC 481) and Art. 57, Lines 89-91.

Local officers, Committeepersons, Legislative Representatives and Delegates upon leaving office must promptly transfer all property, funds, securities, equipment and other effects of their office to their successor. Any member failing to comply with the provisions of this paragraph shall be suspended from membership in the United Transportation Union. (Art. 57, Lines 111-115)

Fraternally yours,



M.B. Futhey, Jr.
International President

Enclosures

cc: International Officers
General Chairpersons
State Directors
Local Presidents
Field Supervisors

SPECIAL NOTE TO SECRETARY

If your Local has the mail referendum plan of election in effect, you must send each member entitled to vote, at least 15 days prior to date set for counting ballots, one of the following:

1. Leaflet containing Voting Instructions as enclosed. (See Art. 57, Lines 45-55)
2. Official mailing envelope with return Post Office box address.
3. Official Ballot(s).
4. Envelope marked "A."
5. Official return envelope marked "Ballot" with postage affixed and Post Office box return address.