

Article VI

LOCAL 802 AFM BYLAWS

ARTICLE VI

ELECTIONS

Section 1. Beginning with the election held in 1994 the election of officers, officials, Executive and Trial Board members and Delegates shall be held by a secret-ballot vote of the membership to be held on a date within the first week of December of each third year, and said date shall be designated by the Executive Board on or before September 15th of such year. In-person voting shall be conducted at the Local's offices, and beginning with the election held in 2009, the administration of Local 802 shall arrange for an in-person voting site at a location within or adjacent to the Lincoln Center for the Performing Arts, Inc. complex. Members eligible to vote who make written request for absentee mail ballots on or before October 15th of each election year may cast such ballots which must be received no later than the date designated for in-person voting. The term of office shall be for three years and all candidates who receive a plurality of all votes cast for an office shall be declared elected. Election of officers and members of the Executive Board shall constitute their simultaneous election as officers and members of the board of directors of the Greater New York Musicians' Club Corporation.

Motion carried unanimously.

It was moved and seconded to adopt the following amendment to the bylaws, as published in Allegro and in accordance with Article V111, Section 4 of the Bylaws:

Section 2. In the event there is no opposition for an elected Local 802 Officer or position by the filing deadline of an election year, the unopposed eligible candidates(s) shall be declared elected by acclamation. In event that an election year yields no more candidates standing for election than the number of elected offices or positions by the filing deadline, no election shall take place and all eligible candidates shall be declared elected by acclamation. Such declaration shall be made by the President (or presiding officer) at the first Executive Board meeting in November of the election year.

It was moved and seconded to adopt the amendment to the Bylaws, as published in Allegro and in accordance with Article VIII, Section 4 of the Bylaws.

Discussion held.

Motion carried unanimously.

ELECTION BALLOT

Section 2. (a) The names of the candidates for the following offices shall be arranged in alphabetical order: President; Recording Vice-President; Financial Vice-President; Executive Board; Trial Board; Delegates to the A. F. of M. Convention; Delegates to the New York City Central Labor Council; Delegates to the New York State Federation of Labor; and Delegate to the United Hebrew Trades.

(b) Any group of two or more candidates shall be designated as a ticket upon the written request of said candidates. Such request must contain the name of the ticket and the signatures of the candidates making the request and must be submitted to the agency conducting the election in

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accordance with that agency's rules.

- (c) No candidate may appear on more than one ticket.
- (d) Candidates listed as a ticket shall be given a column (or row, if the ballot is so arranged by the agency conducting the election) and no other candidate shall appear in that column (or row).
- (e) Independent candidates shall be listed separately.
- (f) There shall be no check box appearing on the ballot to vote for the entire ticket.

Section 3. (a) The elections shall be conducted by the American Arbitration Association of New York City which shall have the power to appoint all personnel necessary for the conduct of the elections, obtain all necessary equipment, prepare, mail and receive all absentee ballots, count the number of votes cast for each candidate and upon completion of the count to forward a certification of the results thereof to the Executive Board.

(b) The American Arbitration Association shall be authorized to adopt such rules and instructions in connection with the conduct of the elections that are not inconsistent with the Constitution and Bylaws of the Local and of the American Federation of Musicians, the Labor-Management Reporting and Disclosure Act of 1959, or other applicable laws.

(c) Each duly nominated candidate shall have the right, either in person or through a representative, to inspect the membership rolls of the Local prior to the election and to be present at the voting and counting of the vote. The authorization of a representative must be in writing and signed by the individual candidate.

(d) No votes will be valid which are cast for "write-in" candidates, i.e., candidates who have not been nominated in accordance with the provisions of Sections 6 and 7 of this Article.

Section 4. No member of this Local shall be eligible to run for, hold or continue in any elective office unless he/she has been a regular member in good standing of this Local for at least two consecutive years immediately preceding his/her election. Suspensions during said two-year period for periods not exceeding six months when due solely to failure to pay regular periodic membership dues shall not be deemed a bar to eligibility within the limit set above.

Section 5. No member of this Local shall run for, hold, or continue in any elective office, serve on any committee, or hold or continue in any appointed office for a period of two years from the date of conviction for violation of any portion of the Constitution or Bylaws of this Local or the American Federation of Musicians unless the membership should decide otherwise by a two-thirds vote of those voting at a duly convened membership meeting with regard to any particular member.

Section 6. Nomination petitions for members who wish to be candidates in the election may be obtained from the Recording Vice-President on or after September 15th of the election year. The Recording Vice-President shall confirm the eligibility of each member to run for office, as defined in the foregoing sections of this Article, and shall provide petitions only to eligible members.

Section 7. One hundred (100) members in good standing may nominate candidates. Such nomination must be on a form provided by the Recording Vice-President in accordance with Section 6, above, and must be

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filed with the Recording Vice-President of the Local on or before October 15th of the election year and accompanied by the signed acceptance of the nominee. Effective January 1, 1993, the nominee shall indicate on his/her nominating petition whether or not he/she is willing to accept appointment by the Executive Board to a full-time directorship pursuant to Article I, Section 5(gg), and such information shall be reflected on the election ballots in a manner to be determined by the American Arbitration Association. Also effective January 1, 1993, the Executive Board shall appoint any elected candidate for President who had expressed willingness to accept such appointment on his/her nominating petition to the position of executive director and any elected candidate for Recording Vice-President or Financial Vice-President who had expressed willingness to accept such appointment on his/her nominating petition to a position as assistant director.

Section 8. Eligibility to Vote.

(a) In order to be eligible to vote in the election of officers, a member must have paid his or her dues due for the third quarter of the election year on or before September 30th of that year, or on or before the first business day following September 30th in the event that that date is a Saturday, Sunday, or other day on which the Local is not open for business.

(b) Any member who first joins the Local after the close of the second quarter (June 30) of the election year shall be ineligible to vote that year in the election of officers.

Section 9. In the event there shall be any protest or charges by any member concerning the conduct of the election after the election has been held, such protest or charges shall be made in writing by registered or certified mail and addressed to the American Arbitration Association by such member within one week after the tally and announcement of the results have been made, setting forth the exact nature and specification of the protest, and his/her claim as to how it has affected the outcome of the election. The American Arbitration Association shall have the right to appoint an impartial arbitrator to hear complaints, protests, or charges by any member concerning the conduct of the election; and that such complaints, protests, or charges shall be considered by the arbitrator at the time they are made if before or during the election. The decision of the arbitrator shall be appealable to the American Federation of Musicians pursuant to Article 15 of the Bylaws of the A. F. of M.

Section 10. The American Arbitration Association shall have authority to make any investigations, including the right to inspect any records, prior to or after the election has been completed, for the purpose of insuring an honest election.

Section 11. Campaign Contributions.

(a) No member who is an employer of other members, or who is an agent or representative of any employer, or who directs, hires or engages Local 802 members on a continuing basis, or who directs or engages on a continuing basis another person or persons to hire members on his behalf, shall be permitted to make any campaign contributions whatever, directly or indirectly, to any candidate for office in a Local 802 election of officers. This is meant to include members who act as leaders, contractors, agents, Broadway producers, personnel managers, partners in a booking office or officers of a booking corporation and any member continuously engaged in hiring or supervising or assisting in the hiring of other members.

(b) No candidates shall be allowed to solicit or accept campaign contributions of any kind from any of the persons listed in paragraph (a) above.

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Section 12.

Local 802 Officers and Members of the Union's Executive and Trial Boards shall not be employed in staff or non-elected staff supervisory positions during their terms in office.

Any staff member or non-elected staff supervisor who chooses to run for Local 802 office shall, if elected, terminate his or her employment as a staff member or non-elected staff supervisor effective on the January 1st immediately following that election.