

# LOCAL 802 ELECTION RULES (2024)

## NOTICE TO CANDIDATES

In all instances below that refer to the “Recording Vice President,” the official contact shall be the Recording Vice President’s Executive Secretary Maureen Cupid, who shall be reachable at: [mcupid@local802afm.org](mailto:mcupid@local802afm.org) and/or (212) 245-4802, ext. 111

Likewise, the physical offices of Local 802 (including the “office of the Recording Vice President”) for the purpose of picking up a petition, returning a petition, or for any other purpose in these election rules, shall be located at: 25 West 45th Street (10th floor), New York, NY

**UPDATE: Oct. 10, 2024: the contact e-mail at the American Arbitration Association is [KawaharaH@adr.org](mailto:KawaharaH@adr.org)**

## INTRODUCTION

On December 3, 2024, the Local 802 election of officers, officials, Executive and Trial Board members, delegates and alternate delegates will be held by a secret ballot, in-person vote of the membership. The American Arbitration Association (the "Election Firm") will conduct the election process. See later in these rules for the contact information of the Election Firm. The election will be governed by these rules and, where applicable, the AFM Constitution, the Constitution and Bylaws of the Associated Musicians of Greater New York, Local 802, AFM (“Local 802”) and Title IV of the LMRDA. The term of office for the winning candidates will begin on January 1, 2025 and continue until December 31, 2027.

## ARTICLE I: NOMINATIONS

### 1. Positions to be Filled

The following offices are to be elected:

- A. President
- B. Financial Vice President
- C. Recording Vice President
- D. Executive Board (9 positions)
- E. Trial Board (9 positions)

F. Delegate to the AFM Convention (5 positions)

G. Alternate Delegate to the AFM Convention (3 positions)

H. Delegate to the New York State AFL-CIO (2 positions)

I. Delegate to the NYC Central Labor Council (3 positions)

J. Delegate to the United Hebrew Trades\* (1 position) (*\*the United Hebrew Trades is the New York division of the Jewish Labor Committee*)

## **2. Nomination and Acceptance.**

A. Method. A member may be nominated by petition on a form prepared by the Recording Vice-President and signed by one hundred (100) members in good standing.

B. A ticket may designate one representative (the “Ticket Representative”) to pick up petitions from the Local 802 Recording Vice-President on September 13, 2024 and to perform such other functions as specified under these Rules. Wednesday, Sept. 13, 2024 is the first date that NOMINATING PETITIONS for the election will be available to those seeking office. You may request a petition as early as Sept. 9, 2024 by sending an e-mail to Recording Vice President’s Executive Secretary Maureen Cupid at: [mcupid@local802afm.org](mailto:mcupid@local802afm.org).

### C. Nominating Petitions.

i) Petitions may be picked up from the Recording Vice-President beginning on September 13, 2024 by either the candidate or a representative that the candidate has authorized to pick up a petition. Such authorizations must be submitted in writing to the Recording Vice-President prior to the time that petitions are picked up. Friday Sept. 13, 2024 is the first date that NOMINATING PETITIONS for the election will be available to those seeking office. You may request a petition as early as Sept. 9, 2024 by sending an e-mail to by sending an e-mail to Recording Vice President’s Executive Secretary Maureen Cupid at: [mcupid@local802afm.org](mailto:mcupid@local802afm.org).

ii) Petitions must be returned to the Recording Vice-President on or before October 15, 2024, and must be accompanied by the signed acceptance of the nominee. If nominated for President, Recording Vice-President, or Financial Vice-President, the nominee shall indicate on the nominating petition whether or not they are willing to accept appointment by the Executive Board to a full-time directorship.

iii) A member in good standing signing a petition must sign their name and must include their card number on the petition. Any signature of a member not in good standing and/or with a missing card number, or a duplicate signature (i.e. a member signing more than once for the same candidate) will not be counted toward the nomination.

iv) Local 802 will permit nominees to e-mail "blank petitions" to members. A "blank petition" means a petition without any other signatures on it. (Example: Jill wants to run for office. Jill can email a blank petition to Local 802 member Jack.)

v) Once a member receives a petition on behalf of a nominee, they must sign it as a "wet" signature. The term "wet signature" means an original handwritten signature and not an electronic signature of any kind. (Example: Local 802 member Jack receives a blank petition via e-mail from Jill. Jack prints out the petition at home, signs it by hand, scans the petition and then e-mails it back to Jill. Jack may also snail-mail it back to Jill, but Jill is responsible for all deadlines as per the election rules.)

vi) A petition may contain multiple signatures. For example, Local 802 members in the same household may sign a petition. (Example: Local 802 member Jack is married to Local 802 member Fred. They may both sign Jill's petition before e-mailing or snail-mailing back to Jill.)

vii) Petitions may also be gathered by other people on behalf of nominees. (Example: Jill's friends e-mail blank petitions to all of their contacts and begin gathering signatures from a number of people on behalf of Jill.)

viii) If the same member signs a nominee's petition more than once, it will only be counted once. (Example: Local 802 member Jack is approached by multiple people who are all trying to get signatures for nominee Jill. Jack signs *all* of these petitions. When Local 802 receives Jill's petitions, we will only count Jack's signature *once*.) **SPECIAL REQUEST FROM LOCAL 802: This situation described above causes delays in the election process. *To prevent delays for your nominees, only sign each nominee's petition once! You may be approached multiple times on behalf of a nominee by various supporters. Only sign each nominee's petition once, please!***

ix) Local 802 requests that all petitions be returned directly to the nominee first. The nominee should then forward to Local 802 all petitions in one "batch," following the procedure outlined in the Local 802 election rules. (Example: Jill's friends are gathering signatures on behalf of Jill. Each time a petition is signed, *it should go back to Jill*. Then Jill will ultimately return all of the petitions in one batch to Local 802 as per the election rules.)

x) When you sign a petition, you have to write down your Local 802 card number. If you need to look up your Local 802 union card number, you may do so at <https://info.local802afm.org>

D. Revocation of Acceptance. After a candidate has been nominated, they may not, under any circumstances, revoke acceptance after 12:00 p.m. on October 29, 2024, except where, as a result of such revocation, the remaining candidate is left unopposed.

E. Unopposed Nominees. When a nominee is unopposed, there shall be no necessity for the election of such nominee and they shall be declared duly elected effective as of the beginning of the nominee's terms.

### **3. Publication/Posting of List of Candidates.**

Local 802 shall include in the November issue of *Allegro* a list of those candidates nominated by name and ticket, if applicable. Local 802 shall also post the list on the Local's website by October 22, 2024.

## **ARTICLE II. ELIGIBILITY RULES**

### **1. Eligibility to Nominate.**

A. Eligibility to Nominate. To be eligible to nominate, a member must have paid their dues for the third quarter of the election year on or before September 30, 2024.

### **2. Eligibility to Be a Candidate.**

To be eligible to run for office, one must:

- A. Be a member in continuous good standing of Local 802, with one's dues paid to the Local Union for the period of two (2) consecutive years prior to December 3, 2024, with no interruptions in active membership due to suspensions, expulsions, transfers or failure to pay fines or assessments provided, however, that suspensions during this two-year period for a period not exceeding six (6) months, when due solely to the failure to pay regular periodic membership dues, shall not be deemed a bar to eligibility;
- B. Not have been convicted for a violation of the Constitution or Bylaws of Local 802 or the AFM Constitution within two (2) years of the date of nomination unless the membership has decided otherwise by a two-thirds (2/3) vote of those voting at a duly convened membership meeting;

### **3. Eligibility to Hold Office**

To be eligible to hold office, one must:

A. Not be an employer including, but not limited to: (a) a leader, contractor, agent, Broadway producer, personnel manager, partner in a booking office or officer of a booking corporation; or (b) a member who is continuously engaged in the hiring or supervising or assisting in the hiring of other members; and

B. Be otherwise eligible to hold office if elected, consistent with applicable federal law.

### **4. Eligibility to Vote.**

A. General Rule. To be eligible to vote, a member must have paid their dues for the third quarter of the election year on or before September 30, 2024.

B. New Members. Any member who first joins the Local after June 30, 2024 shall be ineligible to vote in the 2024 election.

## **5. Ticket Membership.**

Each candidate nominated for office may campaign and appear on the ballot as a member of a ticket of candidates, regardless of whether the ticket is complete. No candidate shall be compelled to run as a member of a ticket. No candidate shall be permitted to run on more than one ticket. Partial tickets with two or more candidates are permitted.

## **6. Formation of Tickets.**

To form a ticket, there shall be mutual consent between and among all candidates running on the ticket. Such mutual consent shall be evidenced by the signing of a declaration by all members of the ticket, giving the name of the ticket to be formed, the printed name of each candidate as it will appear on the ballot, the contact information (email and cell phone) for each candidate, and the office that each candidate seeks. The ticket declaration form shall be submitted in person or by email to the Local 802 Recording Vice-President's Executive Secretary [mcupid@local802afm.org](mailto:mcupid@local802afm.org) at and the Election Firm the American Arbitration Association at: [KawaharaH@adr.org](mailto:KawaharaH@adr.org) no later than October 25, 2024 at 5 p.m. Unopposed candidates may appear on the ballot if part of a ticket.

## **7. Effect of Eligibility Determination.**

Should one (1) or more members of a ticket be found ineligible to run, such ineligibility shall not affect the remaining members of the ticket.

## **8. Non-Amendment of Ticket Declarations.**

Once submitted, a ticket declaration may be amended up until October 25, 2024. After that date, no amendments may be made, regardless of whether any member of the ticket has been declared ineligible to run for office.

# **ARTICLE III CAMPAIGNING AND ACCESS**

## **1. Inspection of Membership List.**

Each duly nominated candidate is permitted, either in person or through a representative, including the Ticket Representative, to inspect the membership rolls of the Local prior to the election. A request in writing must be sent to the Recording Vice President in advance of a candidate's requested inspection date. The authorization of a representative must be in writing

and signed by the individual candidate. No candidate or representative may copy the membership list, nor may they copy members' personal contact information.

## **2. Mailings of Candidate Literature.**

A. Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have their literature mailed at the candidate's expense. Each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s).

B. Such request(s) for literature mailings shall be made in writing by the candidate to the Local 802 Recording Vice-President's Executive Secretary [mcupid@local802afm.org](mailto:mcupid@local802afm.org) and shall specify the desired date of the mailing and the portion of the membership that is to receive the mailing. If feasible, Local 802 will honor requests to distribute literature mailings to a specific portion of the membership.

C. Local 802 will arrange for the production of mailing labels/electronic database from the Local Union's computer records and for a New York area mail house to either: (a) label and mail pre-sealed envelopes containing campaign material; or (b) insert the candidate's preprinted campaign material into labeled and sealed envelopes. Candidates must tender the cost of such literature distribution upon delivery of their material to the mail house. A candidate also will be responsible for reimbursing Local 802 for the reasonable costs it incurred in connection with the distribution of candidate campaign material, including the production of mailing labels, prior to the mailing.

D. The Local Union will not distribute any candidate's campaign literature if that candidate has not paid for the reasonable costs of the mailing, including the costs of printing and affixing the mail labels, prior to the mailing. Payment of the costs associated with the labels shall be made to the Local Union prior to the time the mailing labels are generated.

E. In complying with requests to mail literature, the Local Union shall use the names and current addresses that are on file for all members. Mailing labels shall be prepared through the least expensive system available to the Local Union.

F. The Local Union may not refuse to process or distribute any candidate's literature on the basis of its content, nor may it edit any candidate's campaign literature.

## **3. Emailing Candidate Literature**

A. Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have their literature sent via electronic mail at the candidate's expense. Each

candidate is entitled to a reasonable number of electronic mailings, regardless of whether or not any other candidate makes such request(s).

B. Such request(s) for electronic mailings shall be made in writing by the candidate to the Recording Vice-President's Executive Secretary [mcupid@local802afm.org](mailto:mcupid@local802afm.org) , and shall specify the desired date of the electronic mailing and the portion of the membership to receive the electronic mailing. If feasible, Local 802 will honor requests to distribute literature mailings to a specific portion of the membership.

C. Local 802 will make available to all candidates the opportunity to send campaign communications by email to all eligible voters who have provided an email address to the Union. Email distribution of literature will be transmitted by an independent company designated by Local 802 that specializes in electronic communications. The email message must identify the candidate and be in rich text format. The message may not include attachments, though it may include a website's URL in rich text format. The subject line will read "Local 802 Election Campaign Literature." All messages will be preceded by the following statement:

"This email is not an official communication from Local 802, and has not been transmitted at Local 802's expense."

and followed by the following statement:

"Local 802 is required by federal law to comply with all reasonable requests by candidates for union office regarding the distribution of campaign literature at the candidate's expense. The preceding message has been prepared by the candidate and is not endorsed or reviewed by Local 802. The candidate has not been provided with your email address and will not receive any responses. This message is being transmitted by an independent electronic communications company that has signed an agreement with Local 802 which requires the company to guarantee the confidentiality of your email address."

D. The candidate will be responsible for all vendor costs and will pay the vendor directly for the transmission of candidate literature via email. Local 802 will provide candidates requesting the distribution of literature via email with the name of the authorized vendor. Payments must be made to the vendor prior to its rendering services.

E. Upon the reasonable request of a candidate, and if feasible, Local 802 will provide segmenting services wherein it will isolate the email addresses of a particular segment of the membership and transmit that list to the email vendor. Candidates will be required to reimburse Local 802 for staff time spent segmenting the list at a rate of \$50.00/hour.

F. All vendors will sign a confidentiality agreement that guarantees that members' email addresses will not be made available to the candidate, the recipients of campaign materials, or any third party. The vendor will verify with Local 802, before entering into an agreement with the candidate, that they are included on a list of authorized candidates. Candidates will not be able to see progress messages, bounce notifications or failed delivery information. Upon request

by the candidate, the vendor will provide them with a report on the total number of emails sent and the total number of undeliverable emails.

G. Local 802 may not refuse to process or distribute any candidate's literature on the basis of its content, nor may it edit any candidate's campaign literature.

#### **4. Publication of Candidates' Statements and Photos in *Allegro***

A. Candidate Statements and Photos in *Allegro*. Candidates may submit a photograph and a statement to be included in the November issue of *Allegro*, subject to the requirements set forth in this section. Candidate statements and photos will be listed in *Allegro* alphabetically by office. The November issue of *Allegro* shall contain a written statement that all candidates were afforded the right to submit statements and photos in accordance with these Rules.

B. Candidate Statement Requirements. Candidate statements must be in a single paragraph of not more than one hundred (100) words. Candidate statements may not contain hyperlinks, graphics, or emojis. If a candidate statement contains a website address, the website address will not be displayed as a hyperlink on the electronic version of *Allegro*. To ensure a uniform and equitable display of candidate information, candidate statements will be displayed in paragraph form with no additional spacing and printed in the same font style and size.

- i. Words divided by slashes, hyphens, or other punctuation are counted individually.
- ii. A candidate's name is not counted as part of the statement.
- iii. The names of Local 802, the American Federation of Musicians, the AFM Pension Fund, union officer titles, and the names of union committees are counted as one word. "New York City" and "New York" are counted as one word. Telephone numbers and websites are counted as one word.
- vi. In the event that a statement submitted in advance of the published due date exceeds one hundred (100) words, a candidate will be given the opportunity to revise it prior to the deadline. If a revised statement is not received by the established deadline, the first one hundred (100) words of the original statement will be printed.
- vii. In the event that a statement submitted in advance of the published due date contains a hyperlink, graphic, or emoji, a candidate will be given the opportunity to revise it prior to the deadline. If a revised statement is not received by the established deadline, the original statement will be printed as is, minus the prohibited content.



viii. Except as set forth above, statements will be printed exactly as submitted.

C. Deadline to Submit Candidate Statements and Photos. Candidate statements and photos must be submitted to the Recording Vice-President. The deadline to submit photos and statements is **October 25th at 5:00 pm**, but candidates are encouraged to submit their photos and statements as soon as possible. **Candidate statements and photos received after the deadline will not be accepted.** If a document is mailed or emailed, there will be no presumption that it has been received prior to the deadline. Therefore, a candidate who chooses to mail or email such documents is urged to do so within sufficient time for receipt by the established deadline and to check with the office of the Recording Vice-President to ensure that the documents have been received.

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

Subject to the limitations set forth in Article IV, all Local Union members and all Local Union Officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office if qualified, to openly support or oppose any candidate, to aid or campaign for any candidate and to make personal campaign contributions.

## **ARTICLE IV**

### **CAMPAIGN CONTRIBUTIONS**

#### **1. Limitations on Contributions.**

A. Receipt of Employer Contributions. No candidate for election shall accept from any employer (including employers who are not covered by Local 802 collective bargaining agreements), representatives of employers, foundations, trusts, or any employer entity listed in Article IV.B, below, any contributions or other things of value including, but not limited to, the contributions listed in Article IV.B.

B. Employer Contributions. No employer shall be permitted to contribute anything to any candidate or their campaign. The prohibition on employer contributions extends to every employer, regardless of the nature of the business or whether any union represents its employees. It includes, but is not limited to, political action organizations (other than a candidate's campaign organization), nonprofit organizations, churches or civic groups, law firms or other professional organizations. This prohibition includes a ban on monetary contributions and the use of stationery, equipment, facilities, personnel, professional services, and other employer resources.

C. Prohibited contributions from members. 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 their behalf, shall be permitted to make any campaign contributions whatever, directly or indirectly, to any candidate for office in this

election. This includes 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. No candidate shall be allowed to solicit or accept campaign contributions of any kind from any of the persons or entities listed herein.

D. Union Contributions. No labor organization, whether or not an employer, shall be permitted to contribute to or use its staff, professional services, facilities, equipment, goods or any other thing of value to support or promote the candidacy of any individual or ticket, and no candidate may accept any contribution or any other thing of value from a labor organization.

## **2. Use of Local 802 Resources.**

No Local 802 services, facilities, stationary, equipment or goods shall be used to promote the candidacy of any individual, and all candidates are prohibited from using any of these or other Local 802 resources to promote their campaigns. The use of the Union's logo by any candidate is strictly prohibited. Union officers and employees who normally are reimbursed for cell phone usage will not be reimbursed for such usage during the period from September 13, 2024 to December 4, 2024.

## **3. Social Media.**

Campaigning for union office on any Local 802 social media account, including but not limited to Local 802's Facebook and Instagram accounts, is strictly prohibited. Any posts or comments which could be construed as campaigning will be removed by the page or account administrator. This prohibition applies regardless of whether or not the author of the post or comment is a candidate.

## **4. No Campaigning on Paid Time.**

No member may campaign for themselves or for any other candidate during time that is paid for by the Local Union or by any employer. However, campaigning incidental to work or regular Local Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off, is permitted.

## **5. Permissible Contributions.**

Nothing shall prohibit the donation of services by an individual who is not an employer to a candidate rendered on the individual's personal, uncompensated time.

## **6. Notice to Contributors.**

It is strongly recommended that each candidate notify all prospective contributors of the limitations on campaign contributions on all campaign literature soliciting contributions and at all fund-raising events.

## ARTICLE V. THE ELECTION

### 1. The Ballot.

A. Printing of Ballot. All ballots shall be identified as the "Official Ballot: Local 802 Election" and shall be printed in a legible manner, with appropriate voter instructions as determined by Local 802 and the Election Firm.

B. Headings. The names of all candidates for the following offices shall be printed on the ballot in alphabetical order: President; Financial Vice President; Recording Vice-President; Executive Board; Trial Board; Delegates to the AFM Convention; Alternate Delegates to the AFM Convention; Delegates to the New York City Central Labor Council; Delegates to the New York State AFL-CIO; and Delegates to the United Hebrew Trades. The names of all candidates on a ticket shall be placed under the heading of the name or title of the ticket, as designated by a ticket declaration form timely submitted to the Local 802 Recording Vice-President and the Election Firm.

C. Order of Ticket Placement. All full and then partial tickets shall be listed on the ballot before the column(s) listing independent candidates. The order of placement on the ballot of full tickets, and then partial tickets, shall be determined by the Election Firm by lot at the candidates meeting on October 25, 2024.

D. Candidate Names. Candidates shall be identified on the ballot only by name and, if affiliated, by ticket. Unopposed candidates may have their name appear on the ballot with a designation of "unopposed."

E. No Write-in Votes. Write-in votes are not permitted and will not be counted.

F. Additional Ballot Rules.

- i. There shall be no check box on the ballot to vote for an entire ticket.
- ii. The ballot shall reflect whether a candidate is willing to accept appointment by the Executive Board to a full-time directorship.

G. Ballot Custody. Representative(s) of the Election Firm shall maintain the ballots at all times throughout the election period and for a period of one (1) year thereafter.

### 2. Time, Date and Location of Election.

A. In-person Voting. The in-person voting process shall take place on December 3, 2024 at the offices of Actors Equity Association, 165 West 46th Street (14th Floor Council Room)(voting times will be 10 A.M. to 8:00 P.M.) and the Westside YMCA 5 West 63rd Street (Parkside Lounge) (voting times will be 12 P.M. -7 P.M.)

1. Campaigning on Election Day. Campaigning at the election sites on Election Day shall not be permitted. Members may campaign outside the election sites on Election Day, including on the sidewalks.

2. Absentee Balloting. Absentee balloting shall be permitted for those who, on or before October 15, 2024, make written application to vote absentee to the Local 802 Recording Vice-President. Members must include their card number in their request for an absentee ballot. Absentee ballots will be mailed on November 1, 2024 to voters who have requested them and must be received by the Election Firm no later than 5 pm on December 2, 2024. Requests for replacement absentee ballots must be made to the Election Firm by November 15, 2024. A member who both returns an absentee ballot and votes at the polls will only have their in-person vote counted.
3. Election Challenges. A voter shall be permitted to vote subject to challenge(s). All unchallenged votes shall be counted first. In the event that any candidate attains a margin of victory greater than the number of challenged votes left to be counted, the count shall cease with respect to such candidate(s). However, if such is not the case for all candidates, for all offices, a sufficient number of challenged votes shall be resolved so that the number of challenged votes remaining could no longer affect the outcome of the election.
4. Voting Rules. If, on any ballot, the total number of votes exceeds the number of candidates to be elected for such a position or positions, that portion of the ballot shall be void. In other words, if you vote for more candidates than the number of available positions, all your votes will be voided for that position.
5. Vote Count. The vote count shall begin immediately following the closing of the polls on December 3, 2024 and shall proceed without interruption until concluded. The Election Firm shall bring all ballots to the Local 802 election site before commencing the count.

### **3. Observers.**

Each candidate shall have the right, at their expense, to observe or to have observer(s) present at each phase of the election process, including the selecting by lot of placement on the ballot, and the printing, mailing, pick-up and counting of ballots. Such observer(s) shall be the candidate or a representative designated by the candidate in writing to the Recording Vice-President. The designated Ticket Representative may also serve as an observer in addition to the candidate and their designated representative.

### **4. Posting of Rules, Election Firm, and Impartial Arbitrator.**

On or before August 23, 2024, Local 802 shall post on its website these Rules. The election firm shall be the American Arbitration Association (AAA), 120 Broadway, 21st Floor, New York, N.Y. 100271, 212-484-4136. AAA's contact e-mail is [KawaharaH@adr.org](mailto:KawaharaH@adr.org) . The impartial arbitrator shall be selected by AAA no later than September 20, 2024, as per Section VI 1, below.

## **ARTICLE VI. PROTESTS AND APPEALS**

### **1. Impartial Arbitrator**

By no later than September 20, 2024, the American Arbitration Association shall appoint an impartial arbitrator to hear and determine pre-election and post-election protests.

## **2. Eligibility Protests**

A. Any member who desires to challenge a ruling on eligibility or challenge a candidate's eligibility to run for office must file a written protest by email to the arbitrator designated by the Election Firm within forty-eight (48) hours of when the member knew or should have known of the basis for the eligibility challenge. A copy of the protest must also be sent at the same time by email to the Local 802 Recording Vice President.

B. Eligibility protests shall be decided by the impartial arbitrator by no later than October 28, 2024.

C. With respect to any protest, the burden shall be on the protester to demonstrate that an eligibility determination was made in error.

D. The decision of the arbitrator shall be appealable to the American Federation of Musicians pursuant to Article 5 of the AFM Constitution and Bylaws. Pending the appeal, the decision of the impartial arbitrator shall stand.

## **3. Pre-Election Protests**

A. A pre-election protest alleging a violation of these Election Rules, the Local 802 Constitution and Bylaws or Title IV of the LMRDA shall be made in writing and sent by email to the arbitrator designated by the Election Firm within forty-eight (48) hours after the protester knew or should have known of the conduct at issue. A copy of the protest must also be sent at the same time by email to the Local 802 Recording Vice-President. The protest must set forth the exact nature and specification of the claim and a description of how it might affect the outcome of the election.

B. A pre-election protest alleging a violation of these Election Rules, the Local 802 Constitution and Bylaws or Title IV of the LMRDA that purportedly occurred prior to the appointment of the impartial arbitrator by the Election Firm shall be made in writing and sent by email to the impartial arbitrator within forty-eight (48) hours after the published notice of the appointment of the impartial arbitrator. A copy of the protest must also be sent at the same time by email to the Local 802 Recording Vice-President. The protest must set forth the exact nature and specification of the claim and a description of how it might affect the outcome of the election.

C. All complaints made outside of the above time-periods shall be deemed waived.

D. With respect to any protest, it shall be the burden of the protester to present evidence that a violation has occurred.

E. Both the respondent and the Union shall have a right to present their position to the impartial arbitrator.

F. If, as a result of any protest or investigation, the impartial arbitrator determines that these Rules, the Local 802 Constitution and Bylaws, or Title IV of the LMRDA has been violated, the impartial arbitrator may take appropriate remedial action.

G. The decision of the arbitrator shall be appealable to the American Federation of Musicians pursuant to Article 5 of the AFM Constitution and Bylaws. Pending the appeal, the decision of the impartial arbitrator shall stand.

#### **4. Post-Election Protests.**

A. A post-election protest alleging a violation of these Election Rules, the Local 802 Constitution and Bylaws or Title IV of the LMRDA shall be made in writing and sent by certified or registered mail, as well as by email, to the arbitrator designated by the American Arbitration Association within one (1) week after the tally of ballots and announcement of results. A copy of the protest must also be sent at the same time by email to the Recording Vice-President. The protest must set forth the exact nature and specification of the claim and a description of how it affected the outcome of the election. All protests raised after one (1) week shall be deemed waived.

B. With respect to any protest, it shall be the burden of the protester to present evidence that a violation has occurred.

C. Both the respondent and the Union shall have a right to present their position to the impartial arbitrator.

D. If, as a result of any protest or investigation, the impartial arbitrator determines that these Rules, the Local 802 Constitution and Bylaws, or Title IV of the LMRDA has been violated, the impartial arbitrator may take appropriate remedial action.

E. The decision of the arbitrator shall be appealable to the American Federation of Musicians pursuant to Article 5 of the AFM Constitution and Bylaws. Pending the appeal, the decision of the impartial arbitrator shall stand.

#### **ARTICLE VII. ANNOUNCEMENT AND CERTIFICATION OF ELECTION RESULTS**

Upon completion of the vote count, the Election Firm shall announce the results of the count and certify the count in writing. The candidates elected in the Local 802 Election shall assume their offices and positions on January 1, 2025.