

PART XIII: LOCAL BYLAWS

1. Local Bylaws Guide

These suggested bylaws may be used as a guide for newly organized Locals who are required to draft a set of bylaws, as well as existing Locals, who find it necessary to amend their current bylaws.

The following Articles require your particular attention:

ARTICLES I AND III

Be certain to include your Local number.

ARTICLE V, SECTION 2

The bylaws stipulate the amount of the initiation fee to be paid. According to Article V, Section 2(b) of the CWA Constitution, the initiation fee shall be not less than \$2.00 nor more than \$5.00.

If a Local, by appropriate membership vote, changes the initiation fee as was originally stipulated, it is required to furnish the International, through the lines of organization, the appropriate bylaw amendment. Initiation fees less than \$2.00 or more than \$5.00 require Executive Board approval.

ARTICLE VI, SECTION 1

The 1990 Convention established a minimum dues of 2¼ hours pay per month based on a forty-hour week. The ¼ hour amount goes directly into the Member Assistance Fund which was established at that convention. The extra ¼ hour for the Member Assistance Fund applies only to those Locals and/or units that have the right, under law, to strike. A

number of public employee units are prohibited from striking by various state laws; thus the minimum dues for those units is 2 hours pay per month based on a forty-hour week.

This Section is written so as to eliminate any dollars and cents reference to dues. Any Local having this suggested language is not obligated to amend their bylaws should the actual dues amount be changed.

A Local may increase its dues structure above the minimum dues, however, the International Secretary-Treasurer, as well as appropriate District officers, must be advised of any change in the Local's dues structure. This must be done in accordance with the District's procedures.

ARTICLE XII

The Labor-Management Reporting and Disclosure Act and the CWA Constitution require that all Local officers who handle union funds be bonded in an amount equal to ten percent of the Local's assets.

It is the Local's obligation to secure proper bond coverage either through CWA or their own insurance broker. In this connection, see UOPM Section 5.1 and 5.2.

ARTICLE XIII, SECTION B

If due notice of membership meeting is given at least seven days prior to the meeting, the language in Section B of the Article may read: "The number constituting a quorum for Local meetings shall be those present."

ARTICLE XIV, SECTION 1

The second paragraph of this Section is worded so that members have the right to make nominations from the floor.

ARTICLE XIV, SECTION 4(B)

Insert the date the newly elected officers are to assume office.

ARTICLE XVIII

If a Local at any time amends its bylaws, it is incumbent upon that Local to provide a copy of the amendment to the following:

1. Your District office and any other CWA representatives affected;
2. The International Headquarters office, through the lines of organization established in your District;
3. The Department of Labor, Office of Labor Management Standards, at the time you submit your annual financial filing;
4. The Internal Revenue Service at the time you file your IRS 990;
5. Any state agencies requiring a copy of such amendments.

You are to follow the lines of procedure established within each District. See UOPM Section 8.2 for the form to be used when submitting amendments. It is strongly recommended that a proposed bylaw provision be submitted to the appropriate CWA Staff person to review for consistency with the CWA Constitution prior to the vote on the proposal.

ARTICLE XXI

Many Locals show confusion between the difference in adopting a new set of bylaws as opposed to adopting a revised set of bylaws. When a CWA Local adopts its first set of bylaws, an initial adoption date is shown. When bylaws are subsequently revised, the initial adoption date is shown, as well as the adoption date of the revised bylaws.

Example:

These Bylaws Adopted February 1, 1977
Revised Bylaws Adopted April 2, 1981
Revised Bylaws Adopted May 1, 1989

If additional copies of these sample bylaws are required, they may be obtained by directing your request to the International Secretary-Treasurer.

According to the CWA Constitution Article XIII, Section 9(h), Locals shall provide for the

2. Sample Local Bylaws

These suggested bylaws may be used as a guide for newly organized Locals who are required to draft a set of bylaws, as well as existing Locals, who find it necessary to amend their current bylaws.

ARTICLE I - NAME

This Local shall be known as Local (number), Communications Workers of America.

ARTICLE II - JURISDICTION

Jurisdiction of this Local shall be the jurisdiction assigned by the Union and appearing on the face of the Local Charter.

ARTICLE III - OBJECTS

The objects of Local (number) shall be to represent and serve the workers within its jurisdiction in accordance with the Bylaws and Rules of the Local and the Constitution and policies of the Union.

ARTICLE IV - LOCAL STRUCTURE

The structure of the Local shall consist of the following:

1. Membership
2. Executive Board
3. Officers
4. Committees

(Note: Locals are not required to have an Executive Board, but may find it desirable. Members of such Executive Board or other governing body are deemed to be "officers" under the Reporting and Disclosure Act of 1959.)

ARTICLE V - MEMBERSHIP

Section 1 - Eligibility

Any person eligible for membership in the Communications Workers of America, as defined in Article V of its Constitution, shall be eligible for membership in this Local, if performing work within the Local's assigned jurisdiction, or if employed on a part-time or full-time basis by the Union or the Local.

Section 2 - Application

Membership in the Local shall be obtained after payment of the Local initiation fee of (amount) and upon the approval of any membership committee authorized to accept or reject membership on behalf of the Local, subject to the right of the Local to overrule the decision of a membership committee.

(Note: Article V, Section 2(b) of the CWA Constitution provides that a Local may not establish an initiation fee of less than \$2.00 or more than \$5.00 without approval of the CWA Executive Board.)

Section 3 - Transfers

The transfer of membership from this Local to the jurisdiction of another Local or from another Local to the jurisdiction of this Local shall be made in accordance with Article V of the Union Constitution.

ARTICLE VI - LOCAL DUES AND ASSESSMENTS

Section 1 - Local Dues

- A. Each member of the Local shall pay minimum membership dues of two and one-quarter hours pay per month, in accordance with convention action.
- B. Membership dues which exceed in amount the minimum membership dues may be authorized by a majority of those voting on the question, in accordance with the Local bylaws.
- C. Membership dues may be changed only by a majority of those voting on the question by secret ballot referendum, or by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on bulletin boards at least seven (7) days in advance of the meeting or by notice

mailed postage prepaid to each member at least seven (7) days in advance of the meeting.

(Note: The Reporting and Disclosure Act of 1959 requires reasonable notice be given of the intention to vote on the question of a dues increase. Seven (7) days is suggested as being the minimum time to meet this requirement.)

Section 2 - Local Special Assessments

The membership of this Local may levy a special assessment only in the same manner as provided for changing Local dues. However, any special assessments levied shall be in compliance with Article VI, Section 3 of the Union Constitution.

ARTICLE VII - GOVERNING AUTHORITY

Section 1 - Membership

The affairs of this Local shall be governed by its membership in accordance with the Constitution and policies of the Union in the following manner:

- A. Through action taken in membership meetings or by referendum of the membership.
- B. Through actions and decisions of the Executive Board (or other governing body of the Local) between membership meetings.

(Note: If the Local does not desire to have an Executive Board or other governing body, other than or in addition to the officers of the Local, then this paragraph (b) should be omitted.)

- C. Through actions and decisions of the Local Officers between meetings of the Executive Board (or other governing body).

(Note: List here the composition of the Executive Board or other governing body, such as President, Vice President, Secretary-Treasurer, Executive Board members, Stewards, etc.)

ARTICLE VIII - LOCAL MEETINGS

Regular meetings of this Local shall be held at such time and place as the members may determine by vote. Special meetings may be called by a majority vote of the Local Executive Board, or by a petition signed by (number of) members. Upon receipt of a proper petition, the Local officers shall call a special meeting for the purpose set forth in the petition to be held within ten (10) days.

ARTICLE IX - LOCAL DELEGATES TO THE UNION CONVENTION

- A. Delegates and alternate delegates to the Union Convention shall be elected by the membership voting by secret ballot conducted not less than thirty (30) days in advance of the Union Convention.

(Note: This provision may be omitted if the Local has already elected all of its Convention delegates at the time of regular Local elections.)

The secret ballot may be by referendum or at a membership meeting, whichever method may be desired by the Local. The same notice requirements (15 days) must be met in connection with the nomination and election of delegates as in the case of nominations and elections of Local officers. Locals may provide in their bylaws for the election of certain officers as delegates simultaneously. In such case the notices of nominations and elections, and the ballot, should specify that the nomination and the vote cast is for the specific office and for the same person to be delegate to any convention held during his term of office -- See Addendum No. 1 for suggested language to be used in connection herewith. See UOPM Section 14 for further information concerning the election of convention delegates.)

- B. In the event the Local elects more than one delegate to the Union Convention, the Local shall determine the convention votes assigned to each delegate in accordance with Article VIII of the Union Constitution.
- C. It shall be the duty of the Secretary-Treasurer (or Secretary) of the Local to certify the Local delegates to the Union Convention to the Secretary-Treasurer of the Union within the time limits specified in Article VIII of the Union Constitution.

ARTICLE X - LOCAL COMMITTEES

- A. The Local shall have the following regular committees:
1. Education Committee
 2. Election Committee
 3. Organizing Committee
 4. Legislative-Political Committee
 5. Membership Committee or Committees
 6. Community Services Committee
 7. Committee on Equity
 8. Other Committees
- B. Members of all committees shall be appointed by a majority vote of the Local Executive Board, subject to the right of the Local membership to overrule such appointments.
- C. Vacancies on committees shall be filled in the same manner as the original appointments.
- D. Any member of any Local committee may be removed by majority vote of the Local Executive Board, subject to the right of the Local to overrule the action of the Executive Board. A committee member may be removed by action of the Local in a membership meeting.

(Note: The Local may, if it wishes, provide for the appointment of Committee members by the President with the approval of the Local Executive Board. Where the Local does not have an Executive Board or other governing body, it may desire to have committee members appointed or removed by the Local officers.)

E. Duties of Committees:

(Note: These are minimum duties. Your Local may wish to go into more detail.)

1. Membership Committee - The Membership Committee or Membership Committees shall accept or reject membership applications in accordance with the bylaws and rules of this Local and Article V of the CWA Constitution and policies of the Union.
2. Legislative-Political Committee -- The Legislative-Political Committee shall assist in developing and pursuing the program of the Union and the Local in the Legislative-Political field. It shall be responsible for the Local's program to register each qualified voter.
3. Organizing Committee - The Organizing Committee shall assist the Local officers and members in organizing all non-union employees within the Local's jurisdiction as well as unorganized workers in external units.
4. Election Committee - The Election Committee shall conduct all nominations and elections and referenda of this Local.
5. Education Committee - The Education Committee shall assist in developing the Local's education program and, with the Local officers, be responsible for effectuating the Union's and Local's educational programs.
6. Community Services - The Community Services Committee shall assist in developing all Community Services programs.
7. Committee on Equity - The Committee on Equity shall study and report to the Local on the ways and means of eliminating discrimination on the basis of sex, race or any other basis.
8. Other Committees - (add duties)

ARTICLE XI - ORDER OF BUSINESS

- A. The order of business at a Local meeting shall be as follows:
1. Call to order
 2. Roll Call (optional)
 3. Reading and action on minutes of previous meeting
 4. Report of officers and Executive Board
 5. Report of committees
 6. Unfinished business
 7. New business
 8. Adjournment
- B. The order of business may be suspended by a two-thirds (2/3) vote of the members present.

ARTICLE XII - LOCAL OFFICERS, EXECUTIVE BOARD, STEWARDS AND THEIR DUTIES

Section 1 - Local Officers

- A. The officers of the Local shall be:
1. Local President
 2. Local Vice President
 3. Local Secretary
 4. Local Treasurer

(Note: The Local may wish to have an Executive Vice President in addition to the regular Vice President(s). They may also desire to combine the offices of Secretary and Treasurer. Persons performing any of the executive functions of these offices cannot be appointed; they must be elected by secret ballot majority vote of the membership.)

- B. The duties of Local officers shall be as follows:
1. The Local President shall:
 - i. Be responsible for the conduct of all Local business;
 - ii. Preside at Local Membership, Local Executive Board and Local Officers meetings;

- iii. Prosecute grievances and appeal them to higher levels of the Union when not satisfactorily settled;
- iv. Supervise and be ex-officio member of all Local committees;
- v. Approve all bills to be paid, and countersign all checks drawn on the Local treasury; and
- vi. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or required by the policies or Constitution of the Union.

2. The Local Vice President shall:

- i. Work under the direction of the Local President; and
- ii. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

3. The Local Secretary shall:

- i. Maintain a record of the Local membership;
- ii. Record and maintain the minutes of all meetings of the Local, the Local Executive Board or Local officers;
- iii. Furnish the District Vice President and the International Secretary-Treasurer with copies of any changes in these bylaws within ten (10) days after such changes are adopted;
- iv. Certify the Local delegates to the Union Convention to the International Secretary-Treasurer within the time limits specified in Article VIII of the Union Constitution; and
- v. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

4. The Local Treasurer shall:

- i. Be custodian of all assets of the Local;
- ii. Report to each membership meeting on the financial status of the Local;
- iii. Be bonded, as must any other person who handles Local funds or other property in accordance with the Union Constitution or any state or federal law;
- iv. Cause the payment of all bills approved by the Local President;
- v. Cause the proper filing of all reports or filings required by federal, state or local law; and

- vi. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.

(Note: If the Local has an Executive Vice President, duties should be outlined in this section. If the Local combines the offices of Secretary and Treasurer, it should also combine the duties of each office. If separate offices are maintained, the Local may want the Treasurer to maintain the membership records, rather than the Secretary.)

Section 2 - Local Stewards

- A. The Local shall have as many Stewards as may be appointed by the Local President.

(Note: If the Local so desires, it may provide for the election of Stewards. If Stewards are members of the Local Executive Board or other governing body, then they cannot be appointed -- they must then be elected by secret ballot in the same manner as Local officers.)

- B. The duties of Local Stewards shall be as follows:

(Note: The Local Steward structure and the duties of Stewards may vary between Locals. A Local should, however, set forth the general duties of Stewards in this section. For example, a Local could provide as follows:

- 1. *The Stewards shall:*

- a. Work under the direction of the Local President; and*
- b. Perform such other additional duties as may be assigned by the Local, the Local Executive Board or the Local President.)*

Section 3 - Local Executive Board

- A. The duties of the Local Executive Board shall be as follows:

- 1. The Local Executive Board shall:

- i. Be responsible for making decisions and taking action on behalf of the Local membership between Local meetings on all matters concerning the good and welfare of the members;

- ii. Meet as necessary. The Local President shall call a meeting of the Executive Board whenever requested by a majority of the Board members to do so.
- iii. Cause an annual budget to be prepared and presented to the membership; and
- iv. Be responsible for the operation of strike action procedures as outlined in the Union Constitution.
- v. Actions and decisions of the Executive Board shall be subject to approval by the membership.
- vi. A majority of the Executive Board shall constitute a quorum.

ARTICLE XIII - CONDUCT OF MEETINGS, OTHER LOCAL BUSINESS AND QUORUM

- A. Membership meetings and any other business of this Local shall be conducted under these bylaws and rules of the Local and in conformity with the Union Constitution. On questions where the Local bylaws, the Local rules or the Union Constitution do not clearly apply, Robert's Rules of Order shall govern.
- B. The number constituting a quorum for Local meetings shall be (number or percentage of membership or "those present") .

(Note: The 1959 Convention adopted Resolution No. 29, thereby interpreting Article XXIII, Section 5, and Article XIII, Section 8(1) of the CWA Constitution to mean that any number of members present at a local membership meeting shall constitute a quorum, provided due notice of the meeting has been given the membership of the Local. "Due notice" shall mean notice given at least seven (7) days prior to the meeting. Where "due notice" is not provided for in the Local bylaws, a specific number of members, or a specific percentage of its membership, must be provided for in the Local bylaws as a quorum.)

- C. A majority of the officers or of the Executive Board or a majority of the members of a committee shall constitute a quorum for those bodies.

ARTICLE XIV - NOMINATION AND ELECTION OF LOCAL OFFICERS AND MEMBERS OF THE LOCAL EXECUTIVE BOARD

Section 1 - Nominations

Local officers and members of the Executive Board shall be nominated in the month of _____ each election year.

(Note: The Reporting and Disclosure Act of 1959 requires, in connection with nominations, reasonable notice of the office to be filled, and the time, place and proper form of submitting nominations. Such notice must be given in a manner reasonably calculated to inform all members in good standing and in sufficient time to permit such members in good standing to nominate the candidates of their choice. It is recommended that fifteen (15) days be used to meet the time requirements for such notice.

Nominations may be made: (1) at a membership meeting, (2) by a nominating committee, with the right of members to also nominate from the floor or (3) by petition.

Article XV of the Union Constitution requires Local nominations be conducted during the months of September, October, November and December of each election year.

For more detailed information concerning Local elections, please refer to the Local Elections Manual in Part X of the UOPM)

Section 2 - Elections

Elections of Local officers and Executive Board members shall be by secret ballot of the membership in the month of _____ of each election year.

(Note: The Reporting and Disclosure Act of 1959 requires, in connection with elections, notice of the election be mailed to each member's last known home address not less than fifteen (15) days prior to the election. Such notice must specify the time and place of the election and the offices to be filled. Elections may be conducted by either of the following methods: (a) ballot conducted by U.S. Mail or (b) balloting by use of established polling places and ballot boxes.

If Local elections are conducted by mail ballot referendum, the election notice may be mailed along with the ballot so long as they are mailed not less than fifteen (15) days prior to the date and time set for the return of the ballots.

Article XV of the Union Constitution requires Local elections be conducted during the months of September, October, November and December of each election year.)

Section 3 - Local Election Committee

- A. The nomination and election of Local officers, members of the Executive Board and delegates to the CWA Convention shall be conducted under the supervision of the Election Committee. This committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with federal law, the Union Constitution and these bylaws, with reasonable opportunity for each member to nominate and vote for the candidate of his/her choice.
- B. The Election Committee shall also conduct any referenda submitted to the membership.
- C. A member shall not be permitted to serve on the Election Committee if he/she is a candidate for any office of the Local or delegate to the CWA Convention.
- D. All questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to the governing body and membership of the Local in accordance with Article XV of the CWA Constitution.

Section 4 - General Provisions

- A. Only members of the Local in good standing shall be eligible to vote.
- B. The nominee in any election receiving the majority of the votes cast shall be declared elected. If no one nominee has a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.

(Note: Article XV, Section 4(d) of the CWA Constitution requires a Local President, Executive Vice President, Vice President, Secretary, Treasurer and Secretary-Treasurer to be elected by majority vote. Locals may provide in their bylaws for the election of other positions by plurality vote.)

(Note: See Addendum No. 2 for explanation of manner of counting ballots and arriving at the number necessary to constitute a majority.)

- C. The term of office shall be for three (3) years.
- D. The officers shall take office on (date) .

(Note: For further information on the election of Local officers, see the Local Elections Manual in UOPM Part X)

Section 5 - Vacancies

A vacancy in the office of Local President shall be filled by the Local (Executive) Vice President. Vacancies in other offices shall be filled by appointment of the governing body of the Local, subject to approval of the appointment by the Local membership within sixty (60) days.

(Note: The above provision is one way a Local may fill vacancies. Article XV, Section 3(d) of the CWA Constitution also allows a vacancy in the office of President to be filled by election and vacancies in other offices to be filled by election within sixty (60) days.)

ARTICLE XV - STRIKES

The calling, conduct and termination of strikes affecting this Local shall at all times be carried out in compliance with the rules prescribed by the Union and Article XVIII of its Constitution.

ARTICLE XVI - CHARGES, TRIAL AND APPEALS

Section 1 - Charges

Members of this Local may be fined, suspended and/or expelled, in the manner provided in these bylaws, for any of the acts enumerated in Article XIX of the Union Constitution.

Section 2 - Trials

Any accused member, including officers, of this Local shall be tried under the provisions of Article XX of the Union Constitution.

Section 3 - Appeals

A member or officer of this Local, upon being found guilty by a Local Trial Court, may appeal as provided in Article XX of the Union Constitution.

Section 4 - Local Trial Court

A Trial Court of this Local shall be composed of (number of) persons, who are members of this Local and not parties to the proceedings, and who shall be selected by the governing body of the Local.

(Note: If the Local does not have an Executive Board or other governing body, then the members of a Trial Court must be selected by the membership. There should be not less than three nor more than seven persons on the Trial Court.)

ARTICLE XVII - RECALL OF LOCAL OFFICERS

Any elected officer or executive board member of this Local may be recalled in accordance with the provisions of Articles XXI, Section 2, and XXII, Section 8, of the Union Constitution.

ARTICLE XVIII - AMENDMENTS TO LOCAL BYLAWS

After adoption, these bylaws may be amended by either of the following methods:

- A. Majority vote of the members present in the Local meeting, if the proposed amendment has been introduced at a previous membership meeting or has been advertised to the membership by use of the Local newsletter, Bulletin Boards or U.S. Mail, postage prepaid, at least seven (7) days in advance of the meeting; or
- B. Referendum of the membership.

(Note: If it is necessary to amend the bylaws in order to increase dues or initiation fees, the amendment must be by secret ballot either at a membership meeting or by referendum.)

ARTICLE XIX - REFERENDUM OF THE LOCAL

- A. The Local Election Committee shall submit any question(s) to a referendum of the membership when directed to do so by the governing body of the Local or by action of a regular or special membership meeting.
- B. Questions submitted to referendum shall be determined by a majority vote of those voting on the question.

ARTICLE XX - FISCAL YEAR AND AUDIT

- A. The fiscal year of this Local shall be from October 1st of each year to and including September 30th of the succeeding year.
- B. The financial records of this Local shall be audited by a Certified Public Accountant, or by a committee established by the Local, at the end of each fiscal year. The results of such audit shall be made available for the inspection of any member of the Local and a copy thereof shall be sent to the District Vice President.

ARTICLE XXI - OATH OF OFFICE

Each elected officer of the Local, after meeting all other qualifications, shall be duly installed upon taking the following oath:

"I, _____ (name) _____, hereby accept the office of _____ (name of office) _____ of Local _____ (number) _____, Communications Workers of America, with full knowledge of the responsibilities and duties of such office.

"I promise to faithfully discharge my duties according to the bylaws and rules of the Local and the Constitution and policies of the Union.

"I further promise to give my successor in office all books and records in my possession. I shall at all times endeavor to serve my Local and the Union to the best of my ability, so help me God."

ARTICLE XXIII - ADOPTION

These bylaws shall be adopted upon the approval of a majority of the members voting upon their adoption in the membership meeting called for that purpose or by referendum of the membership.

These Bylaws adopted _____.

Revised Bylaws Adopted _____.

Revised Bylaws Adopted _____.

(Note: Be certain to include date of adoption on all copies of your bylaws. As the bylaws are revised and reprinted to include revisions, the original adoption date should be shown, as well as all revision dates.)

ADDENDUM NO. 1

REQUIREMENTS FOR THE LOCAL ELECTION COMMITTEE WHEN A LOCAL PROVIDES IN ITS BYLAWS THAT THE LOCAL PRESIDENT AND OTHER LOCAL OFFICERS SHALL BE A DELEGATE(S) TO CWA CONVENTIONS HELD DURING THEIR TERM OF OFFICE.

* * * * *

NOTICE OF NOMINATIONS

It is required that this language be included in the notice of nominations:

"The nomination of a person for the office of President shall also constitute the nomination of the same person as a delegate to CWA Conventions held during the term of office for which the election is being conducted."

NOTICE OF ELECTION AND THE BALLOT

It is required that this language be included in the notice of election and on the ballot:

"A vote cast for a candidate for the office of President shall also constitute a vote for such candidate to serve as a delegate to CWA Conventions during the term of office for which the election is being conducted, in the event such candidate is elected to office."

(Note: If the Local wishes to include other officers as Convention delegates, these titles are to be listed after the President.)

ADDENDUM NO. 2

A GUIDE FOR THE LOCAL ELECTION COMMITTEE IN COUNTING AND REPORTING BALLOTS CAST

* * * * *

All ballots cast, except blanks, must be counted. Blank ballots are simply ignored and are neither counted nor reported. Ballots which are not cast for actual persons (for example, a ballot cast for Mickey Mouse) are considered as blanks. If two or more filled-out ballots are folded together they are both rejected and reported as one (1) fraudulent vote; however, they are counted as one (1) vote cast. Votes for ineligible persons are rejected and so reported; however, they are counted as votes cast.

EXAMPLE: One hundred (100) ballot papers are found in the ballot box. Three (3) of them are blank; two (2) are filled out but folded together; one (1) is cast for a person who is ineligible to hold office; and ten (10) are cast for a "write-in" candidate. The ballots cast should be counted and reported as follows:

Number of votes cast.....	96(a)
Number necessary for election.....	49
Candidate A received.....	49(b)
Candidate B received.....	35
Candidate C ("write-in") received.....	10

-- Illegal Votes --

Two (2) ballot papers cast for Candidate A (or 1 for A and 1 for B) but folded together.....	1
One (1) ballot for Candidate D (ineligible).....	1

The three (3) blank papers are ignored, and two (2) papers folded together are counted as a single vote cast, thus 96 votes were cast.

Since Candidate A received a majority of the votes cast, he/she is elected.

(Note: For more detailed information concerning the counting and reporting of ballots cast, see *Robert's Rules of Order*.)

3. Bylaws for Purchase of Real Estate by Locals

The following procedure and proposed bylaws section has been prepared as a guide for Locals desiring to purchase real estate for use as a Local Headquarters or for other legitimate purposes.

It should be recognized that the laws of the various states differ as to requirements for an unincorporated association holding title to real estate. It is, therefore, important and necessary that a Local, at the very beginning, consult with an attorney who is familiar with the local real estate laws or with a title company before executing any contract to purchase any real estate.

Any questions or problems regarding the ownership of real estate by a Local can be directed to the CWA Legal Department through the office of the Secretary-Treasurer. Requests for legal assistance may be made in accordance with the procedures established by the District office.

SUGGESTED OUTLINE OF PROCEDURE TO BE FOLLOWED BY ANY LOCAL DESIRING TO PURCHASE REAL ESTATE FOR USE AS A LOCAL UNION HEADQUARTERS OR FOR OTHER LEGITIMATE PURPOSES:

1. The attached suggested amendments to the Bylaws of the Local Union should be adopted at a regular or special meeting of the membership of the Local. The proposed amendments to the Bylaws should be advertised and the meeting held in strict compliance with the present provisions of the Local Bylaws as to amendments.
2. The Local may have a Building Committee consisting of any number of members; however, three members should in most cases be sufficient and a small committee can transact business more conveniently with a lending institution than can a large committee. Three to five members will, in most cases, be adequate.
3. A Building Committee should be appointed or elected as provided by the amendment to the Bylaws.

4. The Building Committee, with the governing body of the Local, should investigate thoroughly property available for use and report to the membership at a regular or specially called meeting. This meeting should be held in accordance with the provisions of the Bylaws as to advertisement of the purpose of the meeting.
5. The majority of the Local membership present at the meeting, at which a quorum must be in attendance, should authorize the Building Committee to enter into such loans and security trust transactions as are necessary to acquire title to the property.
6. The title to the property should, in every case, be approved by an attorney; and title insurance is recommended.
7. Title to the real estate should be taken in the name of each of the members of the Building Committee and their successors in office, as Trustees for the Local, as follows:

"John Doe, Joe Blow and Mary Roe (who comprise the Building Committee of Local 00000, Communications Workers of America), as Trustees for Local 00000, Communications Workers of America, and their successors in office."

8. In every case, a local attorney should be employed to ascertain that all provisions of local law, with reference to the acquiring of title to real estate, are complied with and to ascertain that good title to the property can be transferred to the Building Committee.
9. Funds in respect to the building should be handled exclusively by the treasurer and other officers of the Local regularly handling the funds of the Local so that no additional bonds are required. The treasurer should keep separate records on funds with respect to the Building.
10. The Constitution of the Communications Workers of America prohibits the incorporation of a Local, but where state laws make it inadvisable for a Building Committee to hold title to real estate owned by the Local membership, corporations may be formed with the permission of the International Union.
11. All loans procured, sales and other transactions with reference to the title of the real estate, should be approved by a properly held meeting of the membership prior to their execution by the Building Committee.

4. Building Committee Amendment to Bylaws

The Building Committee shall be appointed by the President and confirmed by the (fill in name of governing body of the Local) . It shall be composed of (number of) members. The Building Committee shall manage and control, under the direction of the (fill in name of governing body of the Local) , and subject to the functions of the Treasurer with respect to the making of disbursements connected therewith, any and all real estate which the Local may acquire for use as a Local headquarters or for the furtherance of any legitimate object of the Local. The members of the Building Committee, for the time being, shall serve as trustees for the Local, under the direction of (fill in name of governing body of the Local) for the purpose of acquiring and holding title to, managing, controlling, borrowing money upon, pledging by way of mortgage or deed of trust any loan secured thereon, leasing, letting, subletting and conveying in fee simple or in any lesser estate any and all real estate which may be acquired or otherwise dealt with for or on behalf of the Local. The foregoing powers shall be exercised only at such times and in such manner as the Local membership may, from time to time, direct by resolution of a majority of the members of the Local present in a regular or special membership meeting of the Local at which a quorum is in attendance.

The (fill in name of governing body of Local) shall have the full and irrevocable power to appoint a substitute trustee or trustees to be exercised at any time, from time to time, without notice and without specifying any reason therefore, the trustee or trustees so appointed to become fully vested with identically the same title and estate in and to the land, premises and property forming the subject matter of the trust, with all the rights, powers, trusts and duties of his or their predecessor in the trust, with like effect as if originally named as one of the trustees