



**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS**

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LONNIE R. STEPHENSON
International President

KENNETH W. COOPER
International
Secretary-Treasurer

May 4, 2021

VIA EMAIL AND U.S. MAIL

To: All IBEW Local Union Business Managers

Re: 40th IBEW International Convention

Dear Sisters and Brothers:

The 40th IBEW International Convention has been postponed to May 9, 2022, through May 13, 2022, in Chicago, Illinois. Due to the COVID-19 pandemic and acting pursuant to newly amended Article XXVII of the *IBEW Constitution*, the International Executive Council (IEC), in consultation with International Secretary-Treasurer Kenneth W. Cooper and myself, adopted a resolution making temporary changes to the *IBEW Constitution* to enable the International Convention (IC) to be moved to May 9, 2022. The full text of that resolution will appear in the June edition of *The Electrical Worker*. Please note that we will return to the regular IC dates set forth in Article II, Sections 1 and 2 of the *IBEW Constitution* for the 2026 Convention (the third Monday in September, unless moved within ninety (90) days of that date by the IEC).

As part of the decision to postpone the IC, we consulted with the U.S. Department of Labor's Office of Labor-Management Standards ("DOL"). We have been able to reach an agreement with the DOL, which states in pertinent part that due to challenges presented by the COVID-19 pandemic, and because the IBEW has provided a date certain by which elections for International Officers will be held – no later than May 13, 2022 – DOL will not pursue any legal action based on the postponement of the elections for the International Officers, provided such elections are held by May 13, 2022.

IBEW local unions are required to elect delegates and alternates to the IC. The nomination and election of delegates and alternates to the IC must be conducted in accordance with the requirements set forth in Article II of the *IBEW Constitution* and must also comply with any provisions which may be listed in a local union's bylaws.

Furthermore, the procedures set forth in the Landrum-Griffin Act require that delegates to the IC be elected by secret ballot. The Act states, "...a reasonable opportunity shall be given for the nomination of candidates..." and that "Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address." Please note all IBEW Local Union Bylaws provide for a 20 day notice.

The main relevant provisions of the *IBEW Constitution*, as amended by the IEC's resolution, as well as other issues to note, are detailed below.

IBEW Constitution

- **Date of the Convention:** Article II, Section 1 of the *IBEW Constitution* states: "The I.B.E.W. shall meet in regular convention every five (5) years on the third Monday in September, at such place as shall be decided upon by the I.E.C., except that, due to the COVID-19 pandemic, the 40th IBEW Convention shall meet in regular convention on the second Monday in May of 2022."





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- **Local Union Representation:** Article II, Section 7, of the *IBEW Constitution* provides, “to be entitled to representation at the 40th IBEW Convention, a L.U. may not have an indebtedness to the International Union for per capita tax payments and must be paid on its membership through the month of January 2022.”
- **Number of Delegates:** Article II, Section 8, of the *IBEW Constitution* states, “Each L.U. shall be entitled to a per capita vote on “A” and “BA” members based upon the average monthly number of members in good standing on which per capita tax is paid to the International Union during the twelve (12) month period ending on March 31 in the year in which the I.C. is held, except for the 40th IBEW Convention for which the average monthly number of members in good standing shall be based upon per capita tax that is paid to the International Union during the twelve (12) month period ending on November 30, 2021. Where the L.U. has been affiliated with the International Union for less than twelve (12) months, the average shall be computed from the month of affiliation.”

- (a) One (1) delegate for the first 250 members, one (1) delegate for each additional 250 members or majority fraction thereof:

Membership	Number of Delegates
Up to 375	1
376 to 625	2
626 to 875	3
876 to 1,125	4
1,126 to 1,375	5
1,376 to 1,625	6

- (b) One more delegate for each additional 500 members:

Membership	Number of Delegates
1,626 to 2,125	7
2,126 to 2,625	8
2,626 to 3,100	9

- (c) One more delegate for each additional 3,000 members – maximum 15 delegates:

Membership	Number of Delegates
3,101 to 6,000	10
6,001 to 9,000	11
9,001 to 12,000	12
12,001 to 15,000	13
15,001 to 18,000	14
18,001 and over	15





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Delegates representing only 'BA' membership shall not be entitled to discuss, or vote on, matters affecting Article XI."

- **Continuous Good Standing:** To be elected a delegate or alternate, Article II, Section 10 of the *IBEW Constitution* states that a member must be "...in continuous good standing in his LU at least twenty four (24) months immediately prior to nomination, provided his local union has been in existence that long." However, a member will not be disqualified as a result of his/her local union merging or amalgamating with another local union.

Further, to qualify as a delegate of a local union in existence and good standing for at least six months but less than 24 months, a member must have continuous good standing in his/her local union since the date of the local union's charter. In addition, the member must have joined on or before the date the charter period was closed. According to Article XII, Section 1, of the *IBEW Constitution*, the charter period is closed 60 days after permanent organization.

- **Delegate Eligibility:** Each local union must review its bylaws to determine if they contain eligibility requirements for the nomination and election of delegates and alternates to the IC. Some local union bylaws may have additional requirements that may be applicable to delegate eligibility for that local union.
- **Notice:** Reasonable notice of at least 20 days must be given regarding the time, place, and manner of making nominations for the election of delegates and alternates to the IC. This notice must be mailed to the last known address of all members in good standing.
- **Local Union Officer as Delegate to the IC:** If the local union bylaws state that a particular elected officer (for example, the business manager) shall also be a delegate to the IC, the ballot should read, "BM – Delegate to IC," thus indicating that a vote for the business manager is also a vote for the delegate to the IC.
- **Vacancy in Elected Office/Delegate:** Article II, Section 10 of the *IBEW Constitution* states that where the local union bylaws specify, prior to election to a particular elective office, that one of the functions of said elective office shall include service as a delegate to the IC or other body, a special election of the officer holding such office to be a delegate is not necessary. In the event a vacancy should occur in the said elective office and it is filled prior to January 2022, the local union shall elect a replacement delegate. The person appointed to fill the particular elective office shall be a candidate for election as a delegate. If, however, the vacancy is filled between January 2022 and the holding of the 40th IBEW Convention, the person appointed to the vacancy in the elective office shall serve as a delegate, except that, as provided by law, such delegate may not vote in any election for International Officers.
- **Previously Elected Delegates:** Delegates who have already been elected as delegates to the 40th IBEW Convention will serve as delegates to the Convention, notwithstanding its postponement to May 2022. If, however, a delegate who serves by virtue of holding an elected office were to cease holding





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that office between now and the 40th IBEW Convention, that delegate would no longer serve as a delegate by virtue of holding that elected office. If a local union has already held elections for delegates to the 40th IBEW Convention, then with the exception of an election held under Article II, Section 10 noted above to fill a vacancy that occurs prior to January 2022, the local is prohibited from conducting new delegate elections.

- **International Officer Terms, Nominations and Elections:** Article III, Section 1 of the *IBEW Constitution* provides that the officers of the IBEW are the International President, International Secretary-Treasurer, eleven (11) International Vice Presidents, International Executive Council Chairman and eight (8) International Executive Council members. The officers shall be nominated and elected, by duly elected delegates, at the IC. They shall assume office thirty (30) days after their election, and shall serve for five (5) years or until their successors are elected and qualified. Due to the COVID-19 pandemic, and the inability to hold the 40th IBEW Convention as originally scheduled, for clarity purposes, officers elected at the 39th IBEW Convention, or who have since filled vacancies in such office(s), even though such term may exceed five (5) years, shall continue to serve in office until their successors are elected and qualified at the 40th IBEW Convention and assume office thirty (30) days after such election. Likewise, officers elected at the 40th IBEW Convention shall serve until their successors are elected and qualified at the 41st IBEW Convention and assume office thirty (30) days after such election, even though such term may be less than five (5) years.

When nominating and electing delegates and alternates to the IC, all local unions are urged to carefully follow the procedures set forth in both the *IBEW Constitution* and their respective local union bylaws. A delegate may be denied seating by the Credentials Committee because he/she lacks the necessary qualifications or because proper election procedures were not followed by the local union.

With best wishes, I am

Fraternally yours,

Lonnie R. Stephenson
International President

LRS:jl
Copy to All International Vice Presidents

