

1 this situation can only become worse."

2 Did I read that accurately?

3 A Yes, you did.

4 Q And based on your experience in Florida in
5 2004, is that statement accurate?

6 A Yes, I would say so.

7 Q Okay. The next sentence reads, "For the
8 precinct register to be accurate, it needs to be
9 prepared as close to the election as possible."

10 Do you agree with that statement?

11 A Yes.

12 Q And did I read that statement accurately?

13 A Yes, you did.

14 Q Okay.

15 Q Based on your experience, when were
16 precinct registers typically printed or generated in
17 2004 in Florida?

18 A I don't know exactly. Different -- every
19 county did their own thing. Some exported them; some
20 did them in-house anywhere from starting two weeks
21 out to the weekend before. But if they -- no matter
22 how far out they did them, typically what they did,
23 there was a function in the system to print add-on
24 pages which would include, you know, people who had
25 moved and either changed parties -- well, they can't

1 change parties during books closed. But if they had
2 moved in or out of the precinct, a list would be
3 prepared for the poll workers to update the precinct
4 registers. But typically they were printed -- I
5 think most of the counties did them right before the
6 election, like the Friday to that weekend before the
7 election. But it varied. And we weren't involved in
8 that generally.

9 Q And is it fair to say that the precincts'
10 registers, therefore, are constantly updated?

11 A I wouldn't say they're constantly updated.
12 Once they're printed --

13 Q Constantly supplemented?

14 A Well, I'd say they're printed and then
15 supplemented, because the supplement is printed at
16 the very last minute and delivered to the precinct --
17 assuming they do a supplement, depending on when they
18 printed their register, it would be printed right
19 before their election.

20 Q And does that happen more than once
21 typically?

22 A I wouldn't think so, but I don't know.

23 Q Okay. The MegaLink/Mega Profile system
24 also had early voting functionality in 2004 in
25 Florida, correct?

1 count it as a registration from before, if that were
2 their procedure, by simply putting the registration
3 date as a backdate. But what they did with those, I
4 don't know.

5 Q Okay. So from a Mega Profile/MegaLink
6 perspective, focusing on 2004 in Florida, there was
7 no technological obstacle to accepting corrections
8 after the close of books?

9 A No. I don't know that we would have even
10 seen it as a correction though.

11 Well, yeah -- no, there was no
12 technological obstacle.

13 Q And that would be true for corrections
14 received up to election day, correct?

15 A Correct.

16 Q All right. I'd like to just take a
17 one-minute break to see if I have any other
18 questions.

19 A Okay.

20 (Brief recess).

21 BY MR. ABT:

22 Q All right. Just a couple final questions
23 from the Plaintiffs.

24 To your knowledge, would allowing
25 corrections in the manner we've just discussed have

1 any impact on the orderly administration of elections?

2 MS. SCHWARTZ: Form.

3 THE WITNESS: Well --

4 BY MR. ABT:

5 Q Again, that question is to your knowledge.

6 A Right. The difficulty that I -- and it
7 depends -- I'm not sure how they process them. The
8 difficulty would be, I don't know that they
9 necessarily would know that there were corrections
10 coming in depending on what the process was if all
11 they're getting back is a voter registration
12 application and they don't have any way to tie it to
13 the original application that it's correcting. As
14 you say, you know, that would be sort of a flow
15 problem because they're not necessarily tied
16 together, if you see what I'm saying. Other than
17 that, no, there's no problem with it.

18 Q And again, with regard to allowing
19 corrections in this manner, would doing so to your
20 knowledge have any impact on fraudulent voting or
21 registration?

22 MS. SCHWARTZ: Form.

23 THE WITNESS: Not to my knowledge,
24 no.

25 MR. ABT: Those are my questions. Are

EXHIBIT 41

**CONSTITUTION
OF THE
AFL-CIO**

**AMENDED AT THE
TWENTY-FIFTH
AFL-CIO
CONSTITUTIONAL
CONVENTION
JULY 25-28, 2005**

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CONSTITUTION OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

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PREAMBLE

The American Federation of Labor and Congress of Industrial Organizations is an expression of the hopes and aspirations of the working people of America.

We resolve to fulfill the yearning of the human spirit for liberty, justice and community; to advance individual and associational freedom; to vanquish oppression, privation and cruelty in all their forms; and to join with all persons, of whatever nationality or faith, who cherish the cause of democracy and the call of solidarity, to grace the planet with these achievements.

We dedicate ourselves to improving the lives of working families, bringing fairness and dignity to the workplace and securing social equity in the Nation. We will prevail by building a strong, free and democratic labor movement.

We will organize workers into unions allied by common purposes and mutual reliance. We will recruit generations of organizers, amass resources to sustain their efforts and inspire workers to achieve dignity and security through organization and collective bargaining. We will generate broad understanding of the necessity of organizing among our members, our leaders and all unorganized workers.

We will give political voice to workers in the Nation. We will fight for an agenda for working families at all levels of government. We will assemble a broad progressive coalition for social and economic justice. We will create a political force within the labor

PREAMBLE

movement that will speak forcefully and persuasively on the public issues that affect our lives.

We will enable workers to shape a changing global economy. We will speak for working people in the international marketplace, in the industries in which we are employed, and in the firms where we work. We will expand the role of unions to securing worker influence in all the decisions that affect our working lives, from capital investment to the quality of products and services to how work itself is organized.

We will establish unions as active forces in our communities. We will make the voices of working families heard in our neighborhoods. We will create vibrant state, local and community labor councils. We will strengthen the ties of labor with our allies. We will speak out effectively and creatively on behalf of all working Americans.

With confidence and trust in the inherent power and goodness of our people and in the virtue and promise of unionism, we proclaim this Constitution.

**ARTICLE I
NAME**

This Federation shall be known as the American Federation of Labor and Congress of Industrial Organizations. It is established pursuant to and as a result of a merger agreement between the American Federation of Labor and the Congress of Industrial Organizations. It shall consist of such affiliates as shall

2

ARTICLE I—NAME

conform to its constitution and the rules and regulations adopted thereunder.

**ARTICLE II
OBJECTS AND PRINCIPLES**

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.
2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.
3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state, area and local central bodies composed of local unions of all affiliated organizations and directly affiliated

3

ARTICLE II—OBJECTS AND PRINCIPLES

- local unions; and to establish and assist trade departments composed of affiliated national and international unions and organizing committees.
4. To encourage all workers without regard to race, creed, color, sex, national origin, religion, age, disability or sexual orientation to share equally in the full benefits of union organization.
 5. To secure legislation that will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.
 6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.
 7. To give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist and cooperate with free and democratic labor movements throughout the world.
 8. To preserve and maintain the integrity of each affiliated union by fostering respect for the established bargaining and work relationships of every other affiliate and providing that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate.
 9. To encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appro-

ARTICLE II—OBJECTS AND PRINCIPLES

- appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.
10. To aid and encourage the sale and use of union-made products and union-supplied services through the union label and other symbols and by other means.
 11. To promote labor's print and broadcast media and other means of communications in order to foster worker education and public awareness and support of the labor movement.
 12. To protect the labor movement from any and all corrupt influences and from the undermining efforts of authoritarianism, totalitarianism, terrorism and all other forces that suppress individual liberties and freedom of association and oppose the basic principles of our democracy and of free and democratic unionism.
 13. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.
 14. While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state and national communities.

**ARTICLE III
AFFILIATES**

Section 1. The Federation shall be composed of:
(1) national and international unions that are affiliated with, but are not subordinate to, or subject to the general direction and control of, the Federation; and
(2) the following categories of organizations that are subordinate bodies of the AFL-CIO subject to the kind and degree of Federation direction and control provided for in this Constitution: (a) organizing committees; (b) directly affiliated local unions and national councils thereof; (c) state, area and local central bodies; and (d) trade and industrial departments.

Sec. 2. Every affiliate that operated at the time of the merger between the AFL and the CIO with a charter or certificate of affiliation issued by either federation has, by virtue of the merger, retained and enjoyed the same organizing jurisdiction in this Federation that it had and enjoyed prior to the merger. In cases of conflicting and duplicating jurisdictions the President and the Executive Council shall seek to eliminate such conflicts through the process of voluntary agreement or voluntary merger between the affiliates involved.

Sec. 3. Every affiliate that operated at the time of the merger between the AFL and the CIO with a charter or certificate of affiliation issued by either federation has, by virtue of the merger, been conferred with a charter or certificate of affiliation from the AFL-CIO and become subject to this Constitution and the AFL-CIO's rules and regulations.

ARTICLE III—AFFILIATES

Sec. 4.(a) The Executive Council may issue additional charters or certificates of affiliation to other organizations desiring to affiliate with this Federation. This power may be delegated to the President. Charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

(b) Where the Executive Council determines that it would be necessary or appropriate to subject the approval of a charter to one or more future conditions, the Executive Council may issue a provisional charter. In such cases, the provisional status of the charter shall be removed following a specified period of time not to exceed three years, and the affiliation shall thereupon be deemed permanent, absent a vote of the Executive Council to revoke the charter.

Sec. 5.(a) Except as otherwise provided in this Constitution, no national or international union chartered by or affiliated with this Federation may be suspended from the Federation except by a majority roll call vote at the convention. A suspension imposed by a convention may be terminated in accordance with Article X, Section 14.

ARTICLE III—AFFILIATES

(b) Except as provided in Section 4.(b) of this Article, no national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds roll call vote at the convention. A revoked charter or certificate of affiliation may be restored by either a two-thirds roll call vote of the convention or a two-thirds vote of the Executive Council if it is determined that the organization is conducting its affairs in a manner consistent with the obligations of an AFL-CIO affiliate.

Sec. 6. No organization that is unaffiliated with, or is suspended from, this Federation, and no affiliate or subordinate body of such an organization, shall, while unaffiliated or suspended, be allowed representation or recognition in the AFL-CIO, in any subordinate body of the AFL-CIO, or in any national or international union or organizing committee affiliated with the AFL-CIO. Any affiliate violating this section shall be subject to suspension from the AFL-CIO.

Sec. 7. No organization officered, controlled or dominated by persons whose policies and activities are consistently directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association shall be permitted as an affiliate of the Federation or any of its state or local central bodies.

Sec. 8. Affiliates of the Federation shall be encouraged to eliminate conflicts and duplications in organization and jurisdictions through the process of voluntary agreement or voluntary merger in consulta-

ARTICLE III—AFFILIATES

tion with the appropriate officials of the Federation. Accordingly the AFL-CIO shall implement a proactive, industry-based strategic merger policy as adopted by the AFL-CIO Convention delegates and is hereby authorized to take all necessary steps to effectuate its terms.

**ARTICLE IV
CONVENTION**

Section 1. The convention shall be the supreme governing body of the Federation and, except as otherwise provided in this Constitution, its decisions shall be by a majority vote.

Sec. 2. The regular conventions of the Federation shall be held every four years at a time during the last six months of the year. The time and the place for holding the regular conventions shall be designated by the Executive Council, which shall give at least 90 days' notice of the time and place designated.

Sec. 3.(a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of national and international unions representing a majority of the total membership of the Federation, as calculated for purposes of representation at the previous convention.

(b) In the event a special convention has been called all affiliated organizations shall be given at least 30 days' notice, together with a statement of the particular subjects to be considered at such convention.

ARTICLE IV—CONVENTION

(c) Representation at special conventions shall be on the same basis and subject to like qualifications and procedure governing regular conventions.

(d) A special convention shall be clothed with like authority and power conferred upon regular conventions, its decisions shall be equally binding and it shall be governed by the same procedure applicable to regular conventions; however, such special conventions shall be limited solely to the subjects specifically and definitely indicated in the call for such special convention.

Sec. 4.(a) Each national or international union and organizing committee shall be entitled to the number of delegates indicated in the following scale:

Zero to 4,000 members	1 delegate
Over 4,000 members	2 delegates
Over 8,000 members	3 delegates
Over 12,000 members	4 delegates
Over 25,000 members	5 delegates
Over 50,000 members	6 delegates
Over 75,000 members	7 delegates
Over 125,000 members	8 delegates
Over 175,000 members	9 delegates

plus one additional delegate for each 75,000 members over 175,000. Each national or international union and organizing committee delegation shall generally reflect the racial and gender diversity of its membership.

(b) Each directly affiliated local union and each trade and industrial department shall be entitled to one delegate. Each state, area or local central body shall

ARTICLE IV—CONVENTION

be entitled to one delegate. Directly affiliated local unions, with the approval of the President, may combine with other such unions within a reasonable distance to elect a single delegate to represent such unions.

Sec. 5. Each national or international union, organizing committee, directly affiliated local union, state, area or local central body and trade and industrial department shall be entitled to alternate delegates. Such alternate delegates shall meet the same eligibility requirements as apply to delegates, and they shall be elected or otherwise designated, and their names submitted to the Secretary-Treasurer, by the same dates as for delegates. An alternate delegate shall have no voice, vote or other standing at any convention unless and until he or she replaces a delegate.

Sec. 6. Delegates to a regular convention shall be elected or otherwise designated by the affiliate at least 30 days prior to the convention, except in cases in which the convention of the affiliate meets within this 30-day period. The names of the delegates shall be submitted to the Secretary-Treasurer immediately after their selection, and in no event later than 20 days prior to the convention.

Sec. 7. No affiliate that, at the opening date of the convention, is in arrears to the Federation for per capita tax or assessments for two months or more shall be entitled to recognition or representation in the convention.

Sec. 8. No organization shall be entitled to representation unless such organization has applied for and

ARTICLE IV—CONVENTION

obtained a certificate of affiliation at least 30 days prior to the convention, and no person shall be recognized as a delegate who is not a member in good standing of the organization he or she is selected to represent.

Sec. 9.(a) The number of members of each national and international union and organizing committee for the purpose of selecting delegates and for roll call votes, and the number of members of each directly affiliated local union for roll call votes, at the convention shall be the average monthly number on which per capita tax is paid for the 24-month period ending with the last calendar month occurring before the 90th day preceding the opening date of the convention.

(b) Where, during that 24-month period, two affiliates have merged, the per capita payments made by the two affiliates prior to the merger shall be used in making the calculation called for by the prior sentence.

(c) Except as otherwise provided herein, where affiliation has occurred during the 24-month period, the average shall be computed from the month of affiliation, and the number of members shall be deemed to be one twenty-fourth of such average multiplied by the number of months for which per capita tax has been paid.

(d) Where affiliation has occurred during the 24-month period, where, prior to affiliation, the newly chartered affiliate was a component part of another affiliate, and unless the affected affiliates agree to a different division, for the period prior to the division of the pre-existing affiliate each of the affiliates in

ARTICLE IV—CONVENTION

question shall be credited with the average monthly number of members on which the pre-existing affiliate paid per capita tax multiplied by a fraction whose numerator is the number of members on which the affiliate paid per capita tax during the first month after the pre-existing affiliate divided, and whose denominator is the total number of members on which both affiliates pay per capita tax during the first month after the division.

(e) The Secretary-Treasurer shall prepare for the use of the convention and submit to it a printed list showing the number of votes and the number of delegates to which each affiliate is entitled.

Sec. 10. The President shall appoint, in consultation with the Executive Council, prior to the convention and subject to the approval of the convention, such committees as are necessary to conduct the affairs of the convention. Such committees may meet before the convention and shall proceed to consider all resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted to the convention, and shall report on them to the convention.

Sec. 11.(a) All resolutions, constitutional amendments, appeals, petitions, reports and memorials must be received by the Secretary-Treasurer 30 days prior to the convention; except in instances where proposals have been approved at a regular convention of a national or international union, state central body or national trade and industrial department held during this 30-day period, or where the matters appealed

ARTICLE IV—CONVENTION

from have occurred during this 30-day period, in which event such proposals or appeals shall be received up to the day before the convention.

(b) All resolutions, constitutional amendments, appeals, petitions, reports and memorials received after the times stipulated in subsection (a) above or during the convention shall be referred to the Executive Council. The Executive Council shall refer all such proposals to the convention, which shall consider them only upon unanimous consent.

(c) All resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted by directly affiliated local unions shall be referred to the Executive Council. The Executive Council shall advise the convention of its disposition of such proposals.

(d) All resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted by a state central body must first be approved at its previous convention or at a meeting of its executive board.

(e) All resolutions, constitutional amendments, appeals, petitions, reports and memorials submitted by an area or local central body must first be approved at its regularly constituted delegate meeting.

(f) The President shall classify each timely received resolution, constitutional amendment, appeal, petition, report and memorial as to its nature, contents and subject matter, and he or she shall refer it to an appropriate committee. The committee shall report on the proposal to the convention prior to the convention's consideration of it.

ARTICLE IV—CONVENTION

(g) The President shall distribute copies of all timely received resolutions, constitutional amendments, appeals, petitions, reports and memorials to the delegates at the opening session of the convention or as soon afterward as is practical, but before the convention considers them.

(h) Notwithstanding subsections (a) and (b), the Executive Council may present resolutions, constitutional amendments, appeals, petitions, reports and memorials to the convention at any time without requiring unanimous consent.

Sec. 12. Not less than 60 days prior to each regular convention, the Secretary-Treasurer shall furnish each affiliate with credential blanks in duplicate, which must be attested as required on the blanks. The duplicate shall be retained by the delegate, and the original sent to the Secretary-Treasurer. Subject to Section 6 of this Article, no credentials shall be accepted later than 20 days prior to the convention except for good cause.

Sec. 13. Prior to the convention, the Executive Council shall meet and constitute itself or a sub-committee as the Credentials Committee for the convention. Appeals from its decisions may be made to the floor of the convention. The convention shall not be constituted for business until after the Credentials Committee shall have examined and reported on credentials of all delegates present at the scheduled time at the opening session of the convention.

Sec. 14. All members of the Executive Council who are not elected as delegates shall be ex-officio

ARTICLE IV—CONVENTION

delegates to the convention with all the rights and privileges of elected delegates, but without vote.

Sec. 15. Fraternal delegates shall be entitled to all the rights of delegates but shall not be entitled to vote.

Sec. 16. At the opening of the convention the President shall take the chair and call the convention to order, and preside during its sessions.

Sec. 17. One-fourth of the delegates seated at the convention shall constitute a quorum for the transaction of business.

Sec. 18. Questions may be decided by voice vote, show of hands or division, or, upon the request of 30 percent of the delegates present, by a roll call vote. Upon such roll call each delegate representing affiliated national or international unions, organizing committees and directly affiliated local unions shall be entitled to cast one vote for every member whom the delegate represents. Each state, area and local central body and trade and industrial department shall be entitled to one vote.

Sec. 19. The rules and order of business governing the preceding convention shall be enforced from the opening of the convention until new rules have been adopted by action of the convention.

Sec. 20. Unless otherwise specified, any action taken by the convention shall take effect immediately upon adoption.

**ARTICLE V
OFFICERS**

Section 1. The officers shall consist of a President, a Secretary-Treasurer and an Executive Vice President, who shall be the Executive Officers, and 43 Vice Presidents; provided that between conventions the Executive Council shall have the power in the event of either an affiliation with the AFL-CIO of a presently unaffiliated national or international union, or the arising of other circumstances that implicate the solidarity of the labor movement, to create one or more additional Vice Presidencies pending the next regular election of Vice Presidents and to select members to fill those positions until the next regular election; provided further that the number of such additional Vice Presidencies shall not exceed eight.

Sec. 2. Each officer shall be a member of an affiliated organization.

Sec. 3. The Executive Officers shall maintain the national headquarters of the Federation at Washington, D.C.

Sec. 4. The Executive Officers shall, by virtue of their office, hold title to the real estate of the Federation as trustees for the Federation.

Sec. 5.(a) The President, Secretary-Treasurer, and Executive Vice President, or any one of them, after having served five years as an Executive Officer of the Federation and either having reached age 65 or having served in any capacity a total of 20 years with any organization affiliated with the Federation, and/or with the Federation, shall, upon leaving office, have

ARTICLE V—OFFICERS

the title of President Emeritus or Emerita, Secretary-Treasurer Emeritus or Emerita and Executive Vice President Emeritus or Emerita and shall render such service to the Federation in an advisory and consultative status as is mutually agreed to by the Executive Council and the emeritus or emerita officer.

(b) The President Emeritus or Emerita, Secretary-Treasurer Emeritus or Emerita and Executive Vice President Emeritus or Emerita shall, in consideration of their active service prior to leaving office, be afforded for life a pension, payable weekly, in an annual amount equal to 60 percent of either the highest annual salary received as an Executive Officer or thereafter paid to the corresponding Executive Officer, whichever is greater. If, after attaining eligibility for this pension, such Executive Officer shall die, either before or after receiving such pension, the Officer's surviving spouse shall be paid an annual annuity for life, payable in weekly installments, of 30 percent of either the highest salary received by such Executive Officer, as an Executive Officer, or thereafter paid to the corresponding Executive Officer, whichever is greater. The Executive Council is authorized and directed to enter into a legal and binding agreement with the President, the Secretary-Treasurer, and the Executive Vice President to make these retirement compensation and annuity benefits payable by the Federation for their intended duration pursuant to the terms and conditions of this Section. The Executive Council is also authorized to provide, after such benefits become non-forfeitable, for (1) the cash-out of a

ARTICLE V—OFFICERS

portion of these retirement compensation and annuity benefits (through accelerated payment of the present value thereof) where the officer will be subject to taxes on the value of benefits not yet otherwise payable, and (2) appropriate arrangements, including payment by the Federation, for payment of employment taxes attributable to these retirement compensation and annuity benefits.

Sec. 6. No individual shall be eligible to serve either as an Executive Officer or as a member of the Executive Council who consistently pursues policies and activities directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association.

Sec. 7. The Executive Officers shall be bonded for the faithful performance of their duties in such amounts as may be determined by the Executive Council.

**ARTICLE VI
ELECTIONS**

Section 1.(a) The officers shall be elected at every regular quadrennial convention.

(b) If there is only one nominee for any Executive Office the nominee shall be declared elected and there shall be no election conducted for that office. If the number of nominees for the offices of Vice President does not exceed the number of Vice Presidents to be elected, the nominees shall be declared elected and

ARTICLE VI—ELECTIONS

there shall be no election conducted for those offices.

(c) The election for any office as to which there are more nominees than positions to be elected shall be conducted by written ballot, with each affiliate having the number of votes to which it is entitled on a roll call vote, as provided in Article IV.

(d) Nominations shall take place on the third and election on the fourth day of the convention, provided that the time of the nominations and election may be altered by the delegates on the first day of the convention by majority vote.

(e) The Executive Officers shall be elected by majority vote. In the event that more than two candidates are nominated for President, Secretary-Treasurer or Executive Vice President, and no one candidate receives a majority of the votes cast, all except the two candidates receiving the highest votes shall be eliminated from the list of candidates and a second vote taken.

(f) The Vice Presidents shall be elected by plurality vote, and the 43 candidates receiving the highest number of votes shall be elected. In the event of a tie vote, a second vote shall be taken only among the candidates whose tie prevented the election of 43 Vice Presidents. The candidates for Vice President shall be listed on the ballot in the order in which nominated. Any slate for vice presidential candidates presented to the convention during the nomination process shall devote no fewer than 15 positions to carrying out the commitment to an Executive Council that is broadly representative of the diversity of the membership of

ARTICLE VI—ELECTIONS

the labor movement, including its women members and its members of color. Each ballot must, to be valid, be voted for 43 candidates for Vice President and must cast the full voting strength of the delegate or affiliate voting.

(g) The ballot shall be signed by the delegate voting and shall show the affiliate and the voting strength of the delegate. If an affiliate votes by bloc, the ballot shall be signed by the chair of the delegation and shall show the affiliate and its voting strength.

(h) Each candidate may designate an observer who may be present during the tabulation of the signed ballots.

(i) The results of the election, including each delegate's vote, shall become an official part of the convention record.

Sec. 2. Each officer elected at the convention shall take office immediately upon his or her election and shall serve until his or her successor is elected.

Sec. 3.(a) In the event of a vacancy in the office of either the President or the Secretary-Treasurer by reason of death, resignation, or otherwise, the remaining Executive Officer, other than the Executive Vice President, shall perform the duties of the vacant office until a successor is elected. Such Executive Officer shall issue, within 10 days of the date of the vacancy, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing a successor to fill the vacancy for the unexpired term.

(b) In the event of a vacancy in the office of Executive Vice President by reason of death, resignation,

ARTICLE VI—ELECTIONS

or otherwise, the Secretary-Treasurer shall perform the duties of the Executive Vice President until a successor is elected. The President shall issue, within 10 days of the date of the vacancy, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing a successor to fill the vacancy for the unexpired term.

(c) In the event of simultaneous vacancies in two of the three Executive Offices, the remaining Executive Officer shall perform the duties of the vacant offices until successors are elected. The remaining Executive Officer shall issue, within 10 days of the date of the vacancies, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing successors to fill the vacancies for the unexpired terms.

(d) In the event of simultaneous vacancies in all three Executive Offices, the senior Vice President shall perform the duties of the vacant offices until successors are elected. The senior Vice President shall issue, within 10 days of the date of the vacancies, a call for a meeting of the Executive Council, upon 10 days' notice, for the purpose of electing successors to fill the vacancies for the unexpired terms.

Sec. 4. In the event of a vacancy in the office of Vice President by reason of death, resignation, or otherwise, the Executive Council shall have the power to fill the vacancy by majority vote of all its members for the remainder of the unexpired term, consistent with the Federation's goal of achieving an Executive Council that is broadly representative of the diversity of the

ARTICLE VI—ELECTIONS

membership of the labor movement, including its women members and its members of color.

Sec. 5. In furtherance of the Federation's goal of achieving an Executive Council that is broadly representative of the diversity of the membership of the labor movement, including its women members and its members of color, the Executive Council may create up to three additional vice presidencies and fill these positions with individuals who will increase the racial and gender diversity of the Council. Such additional vice presidencies shall expire at the next regular Convention.

**ARTICLE VII
PRESIDENT**

Section 1. The President shall be the chief executive officer of the Federation. He or she shall supervise the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council and the General Board. He or she shall call meetings of the Executive Council at least twice each year.

Sec. 2. The President shall have authority to interpret the constitution between meetings of the Executive Committee, and his or her interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Committee, Executive Council or a convention.

ARTICLE VII—PRESIDENT

Sec. 3. The President shall have special responsibility and authority to oversee the organizing work of the Federation as set forth in Article X, Section 9, and to provide the direction, staff, and resources necessary to conduct such activities.

Sec. 4. The President shall receive a salary of \$192,500 per annum, payable weekly. The Executive Council is empowered between conventions to make such increases in the President's annual salary as the Council determines are warranted. Each report of the Executive Council to a regular convention shall specify any action taken since the preceding report pursuant to this provision and the President's annual salary as adjusted at the time of the report.

Sec. 5. The President shall direct the appointment, compensation, supervision, suspension and removal of organizers, representatives, agents and employees of the Federation.

Sec. 6. The President shall report on the administration of his or her office and the affairs of the Federation to the convention through the report of the Executive Council.

**ARTICLE VIII
SECRETARY-TREASURER**

Section 1. The Secretary-Treasurer shall be the chief financial officer of the Federation and shall receive and collect all moneys due the Federation,

ARTICLE VIII—SECRETARY-TREASURER

which moneys shall be paid out only on the approval of the President.

Sec. 2. The Secretary-Treasurer shall be in charge of and preserve all moneys, properties, securities and other evidences of investment, books, documents, files and effects of the Federation which shall at all times be subject to the inspection of the President and the Executive Council.

Sec. 3. The Secretary-Treasurer shall issue the call for and act as secretary at conventions, and shall cause the proceedings of all conventions and all sessions of the Executive Council and the General Board to be recorded.

Sec. 4. It shall be the duty of each national and international union, organizing committee, trade and industrial department, state, area and local central body and directly affiliated local union to furnish the Secretary-Treasurer a copy of all official reports issued by them with a statement of their membership in good standing, and to furnish such additional statistical data in their possession relating to the membership as may be called for by the Secretary-Treasurer.

Sec. 5. The Secretary-Treasurer shall report to the convention through the report of the Executive Council.

Sec. 6. The Secretary-Treasurer shall receive a salary of \$165,000 per annum, payable weekly. The Executive Council is empowered between conventions to make such increases in the Secretary-Treasurer's annual salary as the Council determines are appropriate. Each report of the Executive Council to a regular convention shall

ARTICLE VIII—SECRETARY-TREASURER

specify any action taken since the preceding report pursuant to this provision and the Secretary-Treasurer's annual salary as adjusted at the time of the report.

Sec. 7. The Secretary-Treasurer shall provide annually a financial statement of the Federation to all affiliated national and international unions, organizing committees, directly affiliated local unions and state, area and local central bodies.

Sec. 8. The Secretary-Treasurer shall provide for an annual audit of all books, accounts, records and financial transactions of the Federation by an independent public accountant. Such audits shall be furnished to the Executive Council and a biennial audit shall be furnished to the convention.

Sec. 9. The Secretary-Treasurer shall, under the direction and instructions of the Executive Council, invest the surplus funds of the Federation in sound securities or deposit the same in a bank or banks.

**ARTICLE IX
EXECUTIVE VICE PRESIDENT**

Section 1. The Executive Vice President shall aid the President in performing the duties of chief executive officer of the Federation and shall act on behalf of the President when requested to do so. The Executive Vice President shall administer those departments, functions, and responsibilities assigned by the President.

Sec. 2. The Executive Vice President shall receive the same compensation and benefits as the Secretary-

ARTICLE IX—EXECUTIVE VICE PRESIDENT

Treasurer, including any increases that may be granted to the Secretary-Treasurer by the Executive Council between conventions. Each report of the Executive Council to a regular convention shall specify any action taken since the preceding report pursuant to this provision and the Executive Vice President's annual salary as adjusted at the time of the report.

Sec. 3. The Executive Vice President shall report on the administration of the office to the convention through the report of the Executive Council.

**ARTICLE X
EXECUTIVE COUNCIL**

Section 1. The Executive Council shall consist of the President, the Secretary-Treasurer, the Executive Vice President and the Vice Presidents.

Sec. 2. The Executive Council shall be the governing body of this Federation between conventions. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the conventions and to enforce the provisions contained in this Constitution. Between conventions it shall have the power to direct the affairs of the Federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the Federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for

ARTICLE X—EXECUTIVE COUNCIL

that purpose.

Sec. 3. The Executive Council shall meet upon the call of the President at least twice each year at a time and place designated by the President.

Sec. 4. A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

Sec. 5. The Executive Council shall monitor legislative measures directly affecting the interests of working people, and shall initiate legislative action as appropriate.

Sec. 6. The Executive Council shall prepare and present to each regular convention a report of all matters of interest to the convention and of the activities of the Federation between conventions.

Sec. 7. The Executive Council shall have power to make rules to govern matters consistent with this Constitution.

Sec. 8.(a) It is a basic principle of this Federation that it must be and remain free from any and all corrupt influences and from the undermining efforts of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association and oppose the basic principles of our democracy and of free and democratic trade unionism.

(b) The Executive Council, when requested to do so by the President or by any other member of the Executive Council, shall have the power to conduct an investigation, directly or through an appropriate standing or special committee appointed by the President, of any situation in which there is reason to

ARTICLE X—EXECUTIVE COUNCIL

believe that any affiliate is dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that the policies or activities of any affiliate are consistently directed toward the achievement of the program or purposes of authoritarianism, totalitarianism, terrorism and other forces that suppress individual liberties and freedom of association and oppose the basic principles of free and democratic trade unionism.

(c) Upon the completion of such an investigation, including a hearing if requested, the Executive Council shall have the authority to make recommendations or give directions to the affiliate involved and shall have further authority, upon a two-thirds vote, to suspend any affiliate found guilty of a violation of this section.

(d) Any action of the Executive Council under this section may be appealed to the convention; provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 9.(a) Subject to the provisions of Article III, Section 4, the Executive Council shall use every possible means to assist affiliated unions in the organization of the unorganized and to organize new national and international unions, organizing committees, and directly affiliated local unions.

(b) Until such time as it is feasible to form a new national or international union composed of directly affiliated local unions or to affiliate such unions with an existing affiliated national or international union

ARTICLE X—EXECUTIVE COUNCIL

within whose jurisdiction they might properly come, the Executive Council may group such directly affiliated local unions, in a particular craft or industry, into national councils or organizing committees that shall be under the direct supervision and control of the Executive Council and the President.

Sec. 10. In carrying out this Article the Executive Council shall recognize that both craft and industrial unions are appropriate, equal and necessary as methods of trade union organization and that all workers, whatever their race, color, creed, sex, national origin, religion, age, disability or sexual orientation, are entitled to share in the full benefits of trade union organization.

Sec. 11. The Executive Council, at the request of and in consultation with affiliated unions, shall have the authority to establish Industry Coordinating Committees in industries (or geographic, employer-based, occupational or other appropriate subdivisions thereof) strategically important to labor movement growth, for such term and in accordance with principles, rules and procedures as established by the Executive Council.

Sec. 12. The Executive Council shall have the power to file charges and conduct hearings on such charges against any Executive Officer of the Federation or other member of the Executive Council on the ground that such person is guilty of malfeasance or maladministration, and to make a report to the convention recommending appropriate action. The Executive Council must serve such officer with a

ARTICLE X—EXECUTIVE COUNCIL

copy of the written charges within a reasonable time before the hearing.

Sec. 13. The Executive Council shall have the further power to refuse to seat or to remove from office any member of the Executive Council, or to remove from office any officer, who is found by the Council, by a two-thirds vote after notice and hearing, to be ineligible to serve under the provisions of Article V, Section 6. Any action of the Executive Council under this section may be appealed to the convention, provided, however, that such action shall be effective when taken and shall remain in full force and effect pending any appeal.

Sec. 14. In any case in which an affiliate has been suspended by the convention, or by a two-thirds vote of the Executive Council in the cases set forth in Section 8 of this Article, and in which it is shown that the cause for such suspension no longer exists, the Executive Council shall have the power, upon a two-thirds vote, to terminate such suspension.

Sec. 15. No affiliated national or international union or organizing committee shall be permitted to change its title or name without first having obtained the consent and approval of the Executive Council or the convention.

Sec. 16. The Executive Council shall be authorized to reimburse members of the Council for necessary expenses in performing their duties for the Federation.

Sec. 17. The Executive Council shall be authorized by a two-thirds vote to: (i) adopt an ethical practices code that covers the executive officers and employees

ARTICLE X—EXECUTIVE COUNCIL

of the AFL-CIO and the state, area and local central bodies and to establish an appropriate enforcement system and appropriate sanctions for violations of such code; and (ii) require trade and industrial departments and national and international unions affiliated with the AFL-CIO to adopt and enforce within their own organizations ethical practices codes that are consistent with the AFL-CIO code and to establish appropriate sanctions for non-compliance with this requirement. In the event the sanctions provided for by the Executive Council include suspension from the AFL-CIO or from AFL-CIO office, that sanction may be imposed only by a two-thirds vote of the Council after an appropriate hearing.

Sec. 18 (a) There shall be an Executive Committee of the Executive Council, chaired by the President.

(b) The Executive Committee shall be comprised of a Vice President from each of the ten largest affiliates (as determined on February 1 of each year based on the average monthly number of members on which per capita tax was paid for the prior calendar year), the three Executive Officers (who, except for the President, shall be ex-officio and non-voting members), and up to nine additional Vice Presidents from affiliates not otherwise represented on the Committee, who shall be appointed each year by the President, in consultation with the Executive Committee and with the approval of the Executive Council, to ensure that the Committee reflects the diversity of the labor movement, including its women members and members of color, as well as its sectoral breadth.

ARTICLE X—EXECUTIVE COUNCIL

(c) The Executive Committee shall be the governing body of this Federation between meetings of the Executive Council. It is authorized to establish the annual budget for the Federation, upon the Finance Committee's recommendation. The Executive Committee shall make recommendations to the Executive Council regarding proposed voluntary mergers of national and international unions, and shall consider and recommend new charters for approval by the Executive Council in accordance with Article III, Section 4.

(d) The Executive Committee shall meet upon the call of the President at least four times each year at a time and place designated by the President.

(e) A majority of the members of the Executive Committee shall constitute a quorum for the transaction of the business of the Committee.

(f) The Executive Committee shall report to the Executive Council on its activities and recommendations.

Sec. 19. There shall be an Appeals Committee of the Executive Council, composed of five Vice Presidents appointed by the President with the approval of the Executive Council. The Appeals Committee shall hear and decide such matters as are designated in this Constitution and as the Executive Council directs.

**ARTICLE XI
GENERAL BOARD**

Section 1. The General Board shall consist of all of the members of the Executive Council and the principal officer of each affiliated national or international union, the principal officer of each trade and industrial department, a representative of each national constituency organization and allied retiree organization recognized by the Federation and regional representatives of the state, area and local central bodies selected by the Executive Council pursuant to a system promulgated by the Council.

Sec. 2. The General Board shall meet at least once during each four-year convention cycle, upon the call of the President or the Executive Council.

Sec. 3. The General Board shall decide all policy questions referred to it by the Executive Officers or the Executive Council.

Sec. 4. Questions shall be decided in accordance with the applicable provision of Article IV, Section 18 with the principal officer of each affiliated national or international union casting votes in the number of its members, the principal officer of each department casting one vote, the representative of each constituency organization and allied retiree organization casting one vote and the regional representatives of the state, area and local central bodies casting one vote each. The number of members of each national or international union on a roll call vote shall be deemed to be the number of members represented at the last preceding convention except in the case

ARTICLE XI—GENERAL BOARD

where affiliation has occurred subsequent to such convention or within a 24-month period prior to and including the second month preceding such convention. In such cases the number of members of such affiliate shall be deemed to be one twenty-fourth of the average membership for which per capita tax was paid multiplied by the number of months, prior to the meeting of the General Board, for which such tax was paid.

**ARTICLE XII
TRADE AND INDUSTRIAL
DEPARTMENTS**

Section 1. The Trade and Industrial Departments shall be subordinate to the Federation and shall consist of the following: Building and Construction Trades Department; Food and Allied Service Trades Department; Maritime Trades Department; Metal Trades Department; Department for Professional Employees; Transportation Trades Department; Union Label and Service Trades Department; and such other departments as may be established by the Executive Council or the convention. Each department is to manage and finance its own affairs and may establish local councils of departments. Affiliation to the departments in the Federation shall be open to all appropriate affiliated national and international unions and organizing committees.

Sec. 2. To be entitled to representation in any

ARTICLE XII—TRADE AND INDUSTRIAL DEPARTMENTS

department, national and international unions and organizing committees eligible to join it must first be and remain in affiliation to the Federation.

Sec. 3. To be entitled to representation in local councils of departments, local unions are required to be part of affiliated national and international unions and organizing committees affiliated to departments or to be directly affiliated to the Federation.

Sec. 4. The fundamental laws and procedure of each department are to conform to and be administered in the same manner as the laws and procedure governing the Federation. No department or local council of the same shall enact laws, rules or regulations in conflict with the laws and procedure governing the Federation, and in the event of change of laws, rules, regulations and procedures of the latter, departments and local councils are to change their laws, rules and regulations to conform to them.

Sec. 5. Each department is to be considered an official method of the Federation for transacting the portion of its business indicated by the name of the department, in consequence of which affiliated and eligible organizations should be part of their respective departments and should comply with the actions and decisions of such departments, subject to appeal to the Executive Council and the convention. An organization affiliated with one or more departments shall pay per capita tax to each such department upon the number of members whose occupation comes under such department.

ARTICLE XII—TRADE AND INDUSTRIAL DEPARTMENTS

Sec. 6. The officers of the various departments shall, during years in which an AFL-CIO convention is held, submit a report of the work done by their department and its general condition to the President for inclusion in the Executive Council report to the convention, and shall, during years in which a convention is not held, submit such a report to the President for presentation to an Executive Council meeting designated by the President.

Sec. 7. The chief executive officer of each department shall be present at all regular meetings of the Executive Council.

Sec. 8. Departments of the Federation shall have their headquarters in Washington, D.C., and in the headquarters of the Federation unless permitted to locate elsewhere.

**ARTICLE XIII
COMMITTEES AND STAFF
DEPARTMENTS**

Section 1. The President, with the approval of the Executive Council, shall create such committees as may be necessary or advisable in order to pursue the objects of the Federation and develop and implement policies of the Executive Council. Committees shall be composed of Executive Council members and such other persons as the President appoints.

Sec. 2. Staff departments shall be established where appropriate under the direction of the President

ARTICLE XIII—COMMITTEES AND STAFF DEPARTMENTS

to function in the fields of activity described above and in such other fields as may be determined by the President, the Executive Council or the convention.

Sec. 3. The Committees and staff departments shall have adequate staff, which shall be under the general direction of the President.

**ARTICLE XIV
STATE, AREA AND LOCAL
CENTRAL BODIES**

Section 1. Central bodies subordinate to the Federation may be chartered upon a city, state or other regional basis as may be deemed advisable by the Executive Council and shall be composed exclusively of locals of national and International unions and organizing committees, affiliated with the Federation, directly affiliated local unions, local central bodies within the geographical limits of state and regional bodies, and such other subordinate bodies, constituent entities and allied retiree organizations as the Executive Council may determine are eligible for affiliation or other participation. The Executive Council shall issue rules governing the creation and merger of central labor bodies.

Sec. 2.(a) It shall be the duty of all national and international unions and organizing committees to instruct their local unions to join affiliated central labor bodies in their vicinity where such exist. Similar instructions shall be given by the Federation to all local

ARTICLE XIV—STATE, AREA AND LOCAL CENTRAL BODIES
unions affiliated directly to it.

(b) A national or international union may affiliate its entire membership with the appropriate state central bodies by paying to the AFL-CIO monthly a state central body national affiliation fee equal to 75 percent of the per capita tax charged by the various state bodies weighted to reflect the distribution of the union's membership among the states. If a union elects to pay this national affiliation fee, each local of that union (or other eligible subordinate body as determined by the Executive Council) will be entitled to membership in the appropriate state central body, and each of those locals will be entitled to full voting strength in its state central body. The national affiliation fees received by the AFL-CIO will be rebated to the state central bodies on the basis of their membership, per capita tax rates, and needs. The Executive Council shall establish procedures for calculating the amount of the fee due from any union electing to pay the national affiliation fee, for determining the voting strength of the union's locals within the various state central bodies, and shall take such other steps as are necessary to implement this section.

(c) The Executive Council is authorized to establish such programs, rules and procedures as it deems necessary or advisable to implement the Federation's policy of full participation and fair affiliation of local unions to central labor bodies and to achieve broad support for these organizations from local unions within their jurisdiction. The Executive Council is further authorized to establish such programs, rules and

ARTICLE XIV—STATE, AREA AND LOCAL CENTRAL BODIES

procedures as it deems necessary or advisable to ensure effective performance by central labor bodies and coordination and integration of central labor body activities with each other and with the programs and priorities of the AFL-CIO and affiliated national and international unions. The Executive Council is further authorized to modify or phase out the program contained in Section 2.(b) of this Article as part of any program, rule or procedure adopted under this Section.

Sec. 3. The Executive Council shall issue rules governing the conduct, activities, affairs, finances and property of state, area and local central labor bodies and providing procedures for the discipline, including suspension, trusteeship and expulsion of such bodies or suspension or expulsion of their officers. Such rules shall define the powers of the President, or his or her designee, with respect to disciplinary action against state, area and local central labor bodies and their officers. They shall provide for notice and hearing in all cases in which such action is taken, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such central labor bodies and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Appeals Committee of the Executive Council, and shall also provide that decisions appealed from shall remain in full force and effect pending such appeal.

ARTICLE XIV—STATE, AREA AND LOCAL CENTRAL BODIES

Sec. 4. Upon the dissolution, suspension or revocation of the charter or trusteeship over any state, area or local central body, all funds and property of any character shall revert to the Federation, which to the extent appropriate shall hold such funds and property in trust until such time that the organization may be reorganized and conform with the Constitution and laws of the Federation. It shall be the duty of the officers of a state, area or local central body that has been dissolved or whose charter has been suspended or revoked, or that has been placed under trusteeship, to deliver all funds and property to the President or his or her designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be reimbursed to the Federation from the funds and property recovered.

Sec. 5. The President shall establish an advisory committee comprised of representatives of state central bodies and an advisory committee comprised of representatives of area and local central bodies, which shall meet upon the call of the President at least twice each year at a time and place designated by the President.

**ARTICLE XV
DIRECTLY AFFILIATED LOCAL
UNIONS, ORGANIZING COMMIT-
TEES AND NATIONAL COUNCILS**

Section 1. Subject to the provisions of Article III, Section 4, the Federation is authorized to issue charters and certificates of affiliation to organizing committees and directly affiliated local unions.

Sec. 2. The Executive Council shall issue rules governing the conduct, activities, affairs, finances and property of organizing committees, national councils, and directly affiliated local unions, and governing the suspension, trusteeship or expulsion of such organizations. Such rules shall define the powers of the President, or his or her designee, with respect to disciplinary action against such organizations and their officers. They shall provide for notice and hearing in all cases in which such action is taken with respect to directly affiliated local unions, but shall permit emergency action (including the authority to suspend officers and establish a trusteeship over such local unions and their property) prior to hearing where in the opinion of the President the interests of the Federation so require. The rules shall further provide for appeals to the Appeals Committee of the Executive Council and shall also provide that decisions appealed from shall remain in full force and effect pending such appeals.

Sec. 3. Upon the dissolution, suspension or revocation of the charter or trusteeship of any such organizations, all funds and property of any character shall revert to the Federation, which to the extent

**ARTICLE XV—DIRECTLY AFFILIATED LOCAL UNIONS,
ORGANIZING COMMITTEES AND NATIONAL COUNCILS**
appropriate shall hold such funds and property in trust until such time that the organization may be reorganized and conform with the Constitution and laws of the Federation. It shall be the duty of the officers of any such organization that has been dissolved or whose charter has been suspended or revoked, or that has been placed under trusteeship, to deliver all funds and property to the President or his or her designated representative. In the event of a failure or refusal to so deliver such funds and property, all expenses incurred by the Federation in recovering such funds and property shall be reimbursed to the Federation from the funds and property recovered.

Sec. 4.(a) The Executive Council shall combine directly affiliated local unions in related fields into national or international unions, organizing committees or national councils when such action is appropriate. Any directly affiliated local union or a group of such local unions may request the Executive Council to authorize such combination.

(b) When directly affiliated local unions are grouped into an organizing committee, they shall become locals of the organizing committee. The organizing committee shall have the same status as a national or international union under this Constitution except that it shall be under the direct supervision and control of the Federation.

(c) When directly affiliated local unions are grouped into a national council, they shall remain local unions directly affiliated with the Federation.

**ARTICLE XVI
PER CAPITA TAXES
AND ASSESSMENTS**

Section 1. A per capita tax shall be paid upon the full paid-up membership of each affiliated national or international union, organizing committee and directly affiliated local union.

Sec. 2. Beginning with per capita payments for the month of January 2001, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 53 cents per member per month. Beginning with per capita payments for the month of July 2005, each national or international union and organizing committee shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax of 65 cents per member per month.

Sec. 3. The per capita payments with respect to categories of associate and retired membership a national or international union maintains for individuals who are not treated as regular members of the union with the full range of international union political rights accorded regular members, pay lesser dues than do individuals in the most comparable regular membership category, and receive less than the full range of the union's representation services shall be established by the Executive Council.

Sec. 4. Directly affiliated local unions shall pay on or before the fifteenth day of each month, for the preceding month, a per capita tax established by the

ARTICLE XVI—PER CAPITA TAXES AND ASSESSMENTS

Executive Council of not less than \$5.00 per member per month. Each directly affiliated local union shall also pay a portion, established by the Executive Council, of the initiation fee received by such union from its members, but such payment in no case shall be less than \$5.00 per member.

Sec. 5. Revenue may also be derived from assessments when and as ordered by a majority vote of a convention. The Executive Council may also declare an assessment not to exceed four cents per member per month on all affiliated unions for a period not to exceed six months in any one year when the interests of the Federation require and when funds available from per capita tax are insufficient to meet the needs of the Federation, except that by a two-thirds vote the Council, or by a two-thirds vote pursuant to Article XI, Section 4 the General Board upon request of the Executive Officers or the Executive Council, may declare an assessment that exceeds four cents per member per month on all affiliated unions for a period to expire no later than the next regular convention when extraordinary circumstances require and when funds available from per capita tax are insufficient to meet those circumstances. In addition, the General Board, by a two-thirds vote pursuant to Article XI, Section 4, may increase the per capita tax.

Sec. 6. Any affiliated organization that does not pay its per capita tax on or before the fifteenth of the month, and assessments when due and payable, shall be notified in writing of that fact by the Secretary-Treasurer. Any affiliated organization that is three

ARTICLE XVI—PER CAPITA TAXES AND ASSESSMENTS

months in arrears in payment of per capita tax or assessments, and is so notified in writing, shall, unless it has returned to good standing within 20 days of such notification, be suspended automatically from the Federation and can be reinstated only after such arrearages are paid in full.

Sec. 7. Each affiliate, upon the issuance of a certificate of affiliation, shall pay to the Federation the sum of \$15.00.

Sec. 8. The Executive Council may exonerate any national or international union, organizing committee and directly affiliated local union from the payment of per capita tax or assessments due for any month upon a proper showing that, in the opinion of the Executive Council, good cause exists. Exonerated affiliates shall be regarded, for the purposes of this Constitution, as paid-up affiliates for the period of exoneration.

**ARTICLE XVII
AMENDMENTS**

This Constitution can be amended or altered only by the convention, by a two-thirds vote of those present and voting, either by a voice vote, show of hands, division, or roll call if properly demanded as provided in Article IV, Section 18.

**ARTICLE NUMBERS
XVIII AND XIX**

Reserved for future action.

**ARTICLE XX
SETTLEMENT OF
INTERNAL DISPUTES**

Section 1. The principles set forth in this Article shall be applicable to all affiliates of this Federation, and to their local unions and other subordinate bodies.

Sec. 2. Each affiliate shall respect the established collective bargaining relationship of every other affiliate. No affiliate shall organize or attempt to represent employees as to whom an established collective bargaining relationship exists with any other affiliate. For purposes of this Article, the term "established collective bargaining relationship" means any situation in which an affiliate, or any local or other subordinate body thereof, has either (a) been recognized by the employer (including any governmental agency) as the collective bargaining representative for the employees involved for a period of one year or more, or (b) been certified by the National Labor Relations Board or other federal or state agency as the collective bargaining representative for the employees.

Sec. 3. (a) Each affiliate shall respect the established work relationship of every other affiliate. For purposes of this Article, an "established work relationship" shall be deemed to exist as to any work of the kind that the members of an organization have customarily performed at a particular plant or worksite, whether their employer is the plant operator, a contractor, or other employer. No affiliate shall by agreement or collusion with any employer or by the exercise of economic pressure seek to obtain work for its

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

members as to which an established work relationship exists with any other affiliate, except with the consent of such affiliate.

(b) This section shall not be applicable to work in the railroad industry.

Sec. 4.(a) In the event that any affiliate believes that such special and unusual circumstances exist that it would be violative of its basic jurisdiction or contrary to basic concepts of trade union morality or to the constitutional objectives of the AFL-CIO or injurious to accepted trade union work standards to enforce the principles that would apply in the absence of such circumstances, such organization shall nevertheless observe such principles unless and until its claim of such justification is upheld.

(b) Any affiliate that claims such justification shall inform the President of the basis upon which the claim is made and the action the affiliate proposes to take.

(c) An Impartial Umpire, selected in accordance with Section 9 of this Article, shall conduct a hearing and shall find the facts, determine whether the proposed action would violate this Article in the absence of justification, and submit a report on these matters and a recommendation to the Executive Council as to whether or not the proposed action should be determined to be justified.

(d) The Executive Council, at either a regular meeting or a special meeting (which may be conducted by conference call), shall determine, in consideration of the report and recommendation of the Impartial Umpire and a presentation at such meeting by the

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

affiliates involved concerning that report and recommendation, by a majority vote whether the proposed action would violate this Article in the absence of justification, and, in the event of its determination that it would, the Council shall determine by a two-thirds vote whether the proposed action is justified.

Sec. 5. No affiliate shall, in connection with any organizational campaign, circulate or cause to be circulated any charge or report that is designed to bring or has the effect of bringing another affiliate into public disrepute or of otherwise adversely affecting the reputation of such affiliate or the Federation.

Sec. 6. Dispute settlements and determinations under this Article shall not determine the general work or trade jurisdiction of any affiliate but shall be limited to the settlement or determination of the specific dispute on the basis of the facts and considerations involved in that dispute.

Sec. 7. The President shall establish procedural rules for the handling of complaints under this Article so that all affiliates involved in or affected by a dispute will have notice of them, will have an opportunity for the voluntary settlement of the dispute, and, in the event of a failure to reach a voluntary settlement, will have a full and fair hearing before an Impartial Umpire. The rules shall be such as to ensure a speedy and early disposition of all complaints arising under this Article.

Sec. 8. The President shall appoint a permanent mediator or mediators knowledgeable about the labor movement and with an ability to assist parties to

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

disputes to resolve their differences amicably. Any affiliate that claims that another affiliate has violated this Article may, by its principal officer, file a complaint with the President. Upon receipt of such complaint the President shall designate the mediator and direct that all affiliates involved or affected meet with such mediator in an effort to effect a settlement. The mediator's terms of employment shall be established by the President with the approval of the Executive Council.

Sec. 9. A panel of Impartial Umpires composed of prominent and respected persons shall be established. The members of the panel shall be selected by the President with the approval of the Executive Council. If voluntary settlement of a dispute is not reached within 14 days after the appointment of a mediator or mediators, a hearing shall be held before an Impartial Umpire selected from such panel. Impartial Umpires shall be assigned on a rotating basis, subject to their availability to conduct hearings. The terms of employment of the members of the panel shall be established by the President, with the approval of the Executive Council.

Sec. 10. The Impartial Umpire shall make a determination, after hearings, based upon the principles set forth in this Article. He or she shall make such determination within a time specified by the President, unless an extension of time is agreed to by the parties. The President shall transmit copies of the determination to all affiliates involved. He or she shall, at the same time, request any affiliate that the Impartial Umpire has found to be in violation of this Article to

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

inform him or her as to what steps it intends to take to comply with such determination. Any response received, or the fact that no response has been received within a time fixed by the President, shall be communicated to the other parties to the dispute.

Sec. 11. The President may extend any time limit if, in his or her judgment, such extension will more readily effectuate an early settlement or determination of a dispute. Whenever, in the judgment of the President, pressing reasons require an accelerated settlement or determination, he or she may shorten or eliminate the mediation process or refer the dispute directly to an Impartial Umpire.

Sec. 12. If no appeal is filed from a determination of the Umpire within five days as provided below, the determination shall automatically go into full force and effect. Any affiliate that is adversely affected by a determination of the Umpire, and that contends that the determination is not compatible with this Constitution, or is not supported by facts, or is otherwise arbitrary or capricious, may file an appeal with the President within five days after it receives the Umpire's determination. Any such appeal shall be referred by the President to a subcommittee of the Executive Council.

Sec. 13.(a) The subcommittee of the Executive Council may disallow the appeal, in which event the determination of the Umpire shall be final, and subject to no further appeal and shall go into full force and effect; remand the case to the Impartial Umpire for further proceedings; or refer the appeal to the

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

Executive Council Article XX Appeals Committee consisting of the President, the Secretary-Treasurer, the Executive Vice President and 12 Vice Presidents drawn from various sectors of the labor movement, in which event the determination of the Umpire shall be automatically stayed pending disposition of the appeal by the Committee.

(b) The 12 Vice Presidents on the Appeals Committee shall be nominated by the President and approved by the Executive Council and shall serve two-year terms. The President shall not nominate a Vice President to serve for more than two consecutive terms. A quorum shall consist of seven members of the Committee, at least one of whom is an Executive Officer.

(c) The Appeals Committee shall have full and final authority to establish its procedures, to issue preliminary orders and to affirm, reverse, amend or remand the Umpire's decision under appeal.

Sec. 14. The Executive Council shall have full and final authority on its own motion or at the request of any affiliate to consider policy questions under Article XX and to issue from time to time policy statements having prospective effect on the implementation of Article XX, which statements shall, from the date issued, supersede inconsistent prior policy statements and case decisions.

Sec. 15.(a) Any affected affiliate may file a complaint with the President that another affiliate has not complied with an effective determination of the Impartial Umpire or of the Executive Council on appeal.

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

Upon receipt of such a complaint the President shall immediately convene a meeting of the subcommittee of the Executive Council referred to above.

(b) If non-compliance with the determination is found at such meeting, the President shall inform the non-complying affiliate of the action it must take in order to be in compliance and the date by which it must be in compliance. If the affiliate fails to come into compliance as so directed, the President shall notify each affiliated national or international union and trade and industrial department, and each affected state and local central body, of such non-compliance.

Sec. 16. Immediately upon the issuance of such notification, the following shall apply:

(1) The non-complying affiliate shall not be entitled to file any complaint or appear in a complaining capacity in any proceeding under this Article;

(2) The Federation shall, upon request, supply every appropriate assistance and aid to any organization resisting the action determined to be in violation of this Article;

(3) The Federation shall appropriately publicize the fact that the affiliate is not in compliance with the Constitution;

(4) No affiliate shall support or render assistance to the action determined to be in violation of this Article.

In addition, the Executive Council is authorized, in its discretion, to:

(1) Deny to such an affiliate the use of any or all of the services or facilities of the Federation;

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

(2) Deny to such an affiliate any protection under any of the provisions or policy determinations of the Federation;

(3) Apply any other authority vested in the Executive Council under this Constitution.

Sec. 17. Any affiliate that has been found to be in non-compliance and that has been deprived of its rights under this Article may apply for restoration of such rights. Notice of such application shall be given to all of the affiliates involved in the determinations as to which there is non-compliance. If such affiliates consent, the President shall be authorized to restore the rights of the non-complying affiliate after it states its intention in writing to comply with the provisions of this Article. If any affiliate involved in the cases of non-compliance opposes the application, the rights of the non-complying affiliate shall be restored only under the following conditions:

(1) The non-complying affiliate states its intention, in writing, to comply with the provisions of this Article;

(2) The non-complying affiliate has undertaken whatever measures may be necessary and practicable to remedy the situation;

(3) The application for restoration of rights is approved by a two-thirds vote of the Executive Council, or by a majority vote of the convention.

Sec. 18. The President shall be authorized to delegate to such person or persons as he or she may designate any of his or her powers or functions under

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES
this Article except the authority granted by Sections 12, 15, and 17.

Sec. 19. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between all of the affiliates involved in or affected by the dispute, the provisions of such agreement shall be complied with prior to the invocation of the procedures provided in this Article. If such agreement provides for final and binding arbitration, and an affiliate party to such agreement claims that another such affiliate has not complied with a decision under that agreement, it may file a complaint under Section 15 of this Article and the procedures provided in this Article in the case of non-compliance shall be applicable. Where a dispute between affiliates subject to resolution under this Article is also covered by a written agreement between affiliates but involves or affects an affiliate not a party to such an agreement, the affiliate not a party to such agreement may invoke the procedures provided in this Article for the settlement and determination of such dispute.

Sec. 20. The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle

ARTICLE XX—SETTLEMENT OF INTERNAL DISPUTES

or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached under this Article, except that an affiliate, upon written authorization by the President, may take legal action to remedy non-compliance against an affiliate that has been found to be in non-compliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce a determination or remedy non-compliance against a former affiliate that has withdrawn or been suspended from the Federation.

Sec. 21. Notwithstanding any other provision of this Constitution, this Article shall be subject to amendment by the convention by a majority vote of those present and voting either by a voice vote, show of hands, division, or roll call if properly demanded as provided in Article IV, Section 18.

**ARTICLE XXI
ORGANIZING RESPONSIBILITY
PROCEDURES**

Section 1. In order to resolve organizing competition in those situations in which the competition may be detrimental to the best interest of the workers involved and the trade union movement, the Federation shall maintain a procedure for determining organizing responsibilities. This procedure shall not apply with respect to the organizing of employees

**ARTICLE XXI—ORGANIZING RESPONSIBILITY
PROCEDURES**

doing building and construction industry work for an employer that is engaged primarily in that industry and that is covered by the National Labor Relations Act, as amended.

Sec. 2. Any AFL-CIO affiliate that is actively engaged in organizing a group of employees and seeking to become their exclusive representative may invoke this Procedure to seek a determination affirming its ability to do so without being subject to ongoing competition by any other AFL-CIO affiliate. All affiliates that have taken steps or that there is a reason to believe are about to take steps to organize the same group of employees shall be notified of the commencement of the proceeding.

Sec. 3. Each case initiated under this Article shall be referred to mediation unless all parties to the case waive mediation or unless the President determines that pressing reasons require elimination of the mediation process in a particular case. Any case not resolved through mediation shall be referred to an Umpire for a final and binding decision. The President shall appoint one or more permanent mediators and permanent Umpires to mediate and arbitrate cases arising under this procedure, subject to the approval of the Executive Council; and the President shall establish the mediators' and arbitrators' terms of employment. Where circumstances require, the President may appoint ad hoc mediators and ad hoc umpires to mediate and arbitrate cases and establish their terms of employment.

ARTICLE XXI—ORGANIZING RESPONSIBILITY PROCEDURES

Sec. 4. The Executive Council shall establish rules of procedure for the mediation and arbitration processes, including time limits (which the President may shorten or extend in a particular case where justified) for the commencement and conclusion of mediation and for the commencement and conclusion of arbitration. The Executive Council also shall establish guidelines stating the criteria the Umpire is to follow in deciding organizing responsibility proceedings. Where an affiliate proves that the criteria established by the Executive Council are satisfied, the Umpire shall issue an award in favor of that affiliate running for a period of one year or such shorter or longer period as the Umpire for good reason establishes. Where the criteria established by the Executive Council are not satisfied, the Umpire shall enter an award affirming that all interested affiliates are free to seek to become the exclusive representative of the employee group in question.

Sec. 5. (a) An affiliate in whose favor an award has been entered that believes that some other affiliate is not in compliance with that award may notify the President of the asserted non-compliance. The President shall immediately convene a meeting of a subcommittee of the Executive Council.

(b) If non-compliance is found by the subcommittee, the President shall inform the non-complying affiliate of the action it must take in order to be in compliance and the date by which it must be in compliance. If the affiliate fails to come into compliance as

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ARTICLE XXI—ORGANIZING RESPONSIBILITY PROCEDURES

so directed, the President shall notify each affiliated national or international union and trade and industrial department, and each affected state and local central body, of such non-compliance.

Sec. 6. Immediately upon the issuance of such notification, the non-complying affiliate shall not be entitled to invoke the Procedure for Determining Organizing Responsibilities until the non-compliance is remedied to the satisfaction of the President or a subcommittee of the Executive Council or until it is excused by the Executive Council by a two-thirds vote. The Federation shall, upon request, supply every appropriate assistance and aid to the affiliate in whose favor the Umpire issued the award. No affiliate shall support or render assistance to the action determined to be in violation of this Article. In addition, the Executive Council may, in its discretion, deny to the non-complying affiliate the use of any of the services or facilities of the Federation and apply any other authority vested in the Executive Council under the Constitution.

Sec. 7. Where all the affiliates that are organizing or taking steps to organize a particular employee group are parties to a written agreement providing for the resolution of organizing responsibilities, the provisions of such agreement shall be complied with prior to invoking this Procedure. If such agreement provides for final and binding arbitration and an affiliate that is a party to such agreement claims that another such affiliate has not complied with a decision under that

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ARTICLE XXI—ORGANIZING RESPONSIBILITY PROCEDURES

agreement, the aggrieved affiliate may file a complaint under Section 5 of this Article.

Sec. 8. The provisions of this Article with respect to the settlement and determination of disputes of the nature described in this Article shall constitute the sole and exclusive method for settlement and determination of such dispute, and the provisions of this Article with respect to the enforcement of such settlements and determinations shall constitute the sole and exclusive method for such enforcement. No affiliate shall resort to court or other legal proceedings to settle or determine any disputes of the nature described in this Article or to enforce any settlement or determination reached under this Article, except that an affiliate, upon written authorization by the President, may take legal action to remedy non-compliance against an affiliate that has been found to be in non-compliance by the subcommittee and that has failed to come into compliance as directed by the President. An affiliate may also take legal action to enforce an award or remedy non-compliance against a former affiliate that has withdrawn or been suspended from the Federation.

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AFL-CIO

815 16TH ST., N.W. • WASHINGTON, DC 20006

JOHN J. SWEENEY, President

RICHARD L. TRUMKA, Secretary-Treasurer

LINDA CHAVEZ-THOMPSON, Executive Vice President



EXHIBIT 42

SEARCH-HOLD LISTS

	BROWARD County received 10/1/04		DADE County received 9/29/04	
	count	% of Total	count	% of Total
C only (citizen)	74	1.5%	96	1.8%
F only (felon)	846	13.1%	244	2.9%
I only (incompetent)	719	11.2%	713	8.3%
D only (drivers #)	1,231	19.1%	1,414	16.5%
combination of C,F,D,I	2,211	34.4%	2,847	33.3%
	-----		-----	
sub-total	5,081	79.0%	5,314	62.1%
s or s+ others			110	1.3%
m -only	233	3.6%	260	3.0%
no code	1,120	17.4%	2,868	33.5%
	-----		-----	
	6,434	100.0%	8,552	100.0%

Count of name rej_reason	Total	Count of name code4	Total
C	74	C	96
CD	6	CD	4
CF	7	CF	11
CFD	1		
CFI	854	CFI	1,108
CFID	50	CFID	66
		CFIS	8
CI	2	CI	8
		CID	2
D	1,231	D	1,414
F	846	F	244
FD	10	FD	11
FI	1,097	FI	1,499
FID	120	FID	96
		FIS	7
I	719	I	713
ID	64	ID	42
		IS	1
M	233	M	260
		S	94
no_code	1,120	(blank)	2,868
Grand Total	6,434	Grand Total	8,552

EXHIBIT 43

Redacted for Responsiveness

598	1	VOICES	20,763.00	RENT-PART. AM. WRKG	2003-08-01	3	APV0004313	AFL-CIO SECRETARY TREASURER
598	1	VOICES	1,798.31	K. MERCER SALARY	2003-11-24	3	APV0004557	AFL-CIO SECRETARY TREASURER
598	1	VOICES	1,798.31	K.MERCER SALARY	2003-11-24	1	APV0004557	AFL-CIO SECRETARY TREASURER
506	1	VOICES	148,447.34	IN KIND RENT PE033104	2004-03-31	1	APV0004799	AFL-CIO SECRETARY TREASURER
598	1	VOICES	50,383.59	IN KIND RENT PE043004	2004-04-30	1	APV0004857	AFL-CIO SECRETARY TREASURER
598	1	VOICES	46,594.65	IN KIND RENT 5/04	2004-05-24	1	APV0004907	AFL-CIO SECRETARY TREASURER
598	1	VOICES	89,863.10	IN KIND RENT 6/04&7/04	2004-07-30	1	APV0005046	AFL-CIO SECRETARY TREASURER
506	1	VOICES	50,539.72	8/04 IN KIND RENT	2004-08-31	1	APV0005102	AFL-CIO SECRETARY TREASURER
500	1	VOICES	50,539.72	9/04 IN-KIND RENT	2004-09-30	1	APV0005176	AFL-CIO SECRETARY TREASURER
505	1	VOICES	50,539.72	10/04 IN-KIND RENTS	2004-10-29	15	APV0005276	AFL-CIO SECRETARY TREASURER
505	1	VOICES	75,809.58	IN-KIND RENTS	2005-02-28	1	APV0005490	AFL-CIO SECRETARY TREASURER
598	1	VOICES	20,000.00	VFWF CONSULTING	2004-01-08	1	APV0004635	SOSNICK, DOUG
598	1	VOICES	8,000.00	CONTRIBUTION	2003-06-21	1	APV0004357	VOICES FOR WORKING FAMILIES
598	1	VOICES	10,000.00	CONTRIBUTION	2003-09-05	1	APV0004373	VOICES FOR WORKING FAMILIES
598	1	VOICES	15,000.00	CONTRIBUTION	2003-09-24	1	APV0004408	VOICES FOR WORKING FAMILIES
598	1	VOICES	135,000.00	CONTRIBUTION	2003-09-25	3	APV0004412	VOICES FOR WORKING FAMILIES

598	1	VOICES	110,000.00	FUNDING	2003-11-25	1	APV0004563	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	12/03 CONTRIBUTION	2003-12-18	1	APV0004605	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	1/04 CONTRIB	2004-01-05	1	APV0004625	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	2/04 CONTRIBUTION	2004-02-02	1	APV0004681	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	3/04 CONTRIBUTION	2004-03-02	1	APV0004739	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	4/04 CONTRIBUTION	2004-04-05	1	APV0004809	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	5/04 CONTRIBUTION	2004-05-03	1	APV0004862	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	6/04 CONTRIBUTION	2004-06-01	3	APV0004919	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	7/04 CONTRIBUTION	2004-07-19	1	APV0005007	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	8/04 CONTRIBUTION	2004-08-19	1	APV0005080	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	CONTRIBUTION	2004-09-01	1	APV0005106	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	10/04 CONTRIBUTION	2004-10-01	1	APV0005181	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	11/04 CONTRIBUTION	2004-10-19	18	APV0005227	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	12/04 CONTRIBUTION	2004-10-19	21	APV0005227	VOICES FOR WORKING FAMILIES
598	1	VOICES	200,000.00	ADDNL CONTRIBUTION	2004-10-19	23	APV0005227	VOICES FOR WORKING FAMILIES
			3,685,077.04					

EXHIBIT 44

International Constitution

AFSCME
in the 21st century

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**American Federation
of State, County and Municipal Employees**

Affiliated with the American Federation of Labor
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**CONSTITUTION
of the
American Federation of State, County
and
Municipal Employees, AFL-CIO**

Preamble

Workers organize labor unions primarily to secure better wages and better working conditions.

We hold that they also organize in order to participate in the decisions which affect them at work. One of the fundamental tenets of democratic government is the consent of the governed. Unions are an extension of that idea.

Union members are both workers and citizens.

Collective bargaining is the expression of citizenship in employment. Participation in the political life of the nation is but another aspect of that citizenship.

In the same way that unions are dedicated to improvement of the terms and conditions of employment, we are equally dedicated to exert ourselves, individually and collectively, to fulfill the promise of American life. Amidst unparalleled abundance, there should be no want. Surrounded by agricultural surpluses of all descriptions, there should be no hunger. With advanced science and medical research, sickness should not go untreated. A country that voyages into outer space can provide adequate education, protection and family preservation for all its children.

For unions, the work place and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship is equally required at both.

Unions are under a solemn obligation: to represent members forcefully and effectively in negotiations with management and to conduct internal union affairs according to democratic standards.

Therefore, we the members of the American Federation of State, County and Municipal Employees, in convention assembled, adopt this Constitution and this

Bill of Rights for Union Members

1. No person otherwise eligible for membership in this union shall be denied membership, on a basis of unqualified equality, because of race, creed, color, national origin, sex, age, sexual orientation, disability, or political belief.

2. Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this organization.

3. Members shall have the right to conduct the internal affairs of the union free from employer domination.

4. Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedures which shall be constitutionally specified.

5. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications, uniformly applied.

6. Members shall have the right to a full and clear accounting of all union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by the appropriate fiscal officers and periodic audits by officers

ARTICLE I

elected for that purpose or by independent auditors not otherwise connected with the union.

7. Members shall have the right to full participation, through discussion and vote, in the decision-making processes of the union, and to pertinent information needed for the exercise of this right. This right shall specifically include decisions concerning the acceptance or rejection of collective bargaining contracts, memoranda of understanding, or any other agreements affecting their wages, hours, or other terms and conditions of employment. All members shall have an equal right to vote and each vote cast shall be of equal weight.

8. Charges against a member or officer shall be specific and shall be only on grounds provided in this Constitution. Accused members or officers shall have the right to a fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty.

ARTICLE I

Name, Affiliation, and Headquarters

Section 1. This International Union shall be known as the American Federation of State, County and Municipal Employees, and shall be affiliated with the American Federation of Labor and Congress of Industrial Organizations.

Section 2. The headquarters of this International Union shall be in the Washington, D.C., metropolitan area.

ARTICLE II

ARTICLE II

Objectives

The objectives of this Federation are:

A. To promote the organization of workers in general and public employees in particular.

B. To promote the welfare of the membership and to provide a voice in the determination of the terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this. Both as union members and as citizens, we shall also employ available legislative and political action.

C. To promote civil service legislation and career service in government.

D. To provide research and educational services and activities designed to assist members and affiliates.

E. To foster cooperation among affiliates.

F. To cooperate with other labor organizations in particular and other segments of our society in general towards the end that the material riches of American society be more justly distributed and the moral promise of American life be realized.

G. To work with our brothers and sisters in other lands towards the improvement of the conditions of life and work in all countries, towards the diminution of international tensions and a reduction in the use of armed force to resolve disputes, and towards genuine fraternity of all workers.

ARTICLE III

ARTICLE III

Membership

Section 1. Except as otherwise provided in this Constitution, any person, without regard to race, creed, color, national origin, sex, age, sexual orientation, disability, or political belief, who meets one or more of the requirements hereafter listed shall be eligible for membership in a local union duly chartered by and regularly affiliated with this Federation.

A. An employee of any state, territory, commonwealth, county, district, school board, city, town, village, township, or other public authority or of any governmental subdivision of any such government or authority, except elected officials who are not otherwise eligible under this Article, or of any quasi-public agency or any non-profit or tax-exempt agency of a public, charitable, educational, or civic nature.

B. A full-time staff employee of any subordinate body of the Federation. If employed by a local union, such employee shall be eligible for membership in the local union by which such employee is employed. If employed by any other subordinate body, such employee shall be eligible for membership in any local union which is affiliated with such subordinate body and which is willing to accept such employee into membership.

C. A full-time staff employee of the International Union. If such employee was, at the time of becoming an employee of the International Union, a member of a local union, such employee may maintain membership in such local or may transfer such membership to any other local union which is willing to accept such employee into membership and

ARTICLE III

which is encompassed by such employee's job assignment. If such employee was not a member of a local union at the time of becoming an employee of the International Union, such employee may establish membership in any local union which is willing to accept such employee into membership and which is encompassed by such employee's job assignments.

D. Any full-time employee of the International Union or of a subordinate body who was, prior to the acceptance of such employment, or at the time of the adoption of this Constitution, a member of a local union, may continue such membership.

E. A full-time elected or appointed officer or representative of any labor body or labor organization with which the Federation is affiliated or with which subordinate bodies of the Federation are constitutionally affiliated or are constitutionally authorized to affiliate, who, at the time of such election or appointment, was a member of a local union of this Federation.

F. A person appointed or elected to serve, on a full-time basis, as an official representative of organized labor, on or for a governmental or civic board, commission, or agency, who, at the time of such appointment or election, was a member of a local union of this Federation, unless the acceptance of such appointment or election results in placing the person in a position as an employer of other members of this Federation or creates a clear conflict of interest between the person's official duties and the person's fealty to the union.

G. Individuals not within a local union jurisdiction but otherwise eligible for membership may become members-at-large of this Federation. Dues for members-at-large shall be an amount equal to the minimum International Union per capita tax

ARTICLE III

plus one dollar per month, payable directly to the International Secretary-Treasurer.

II. Any person who is retired and who, prior to such retirement, was eligible for membership in AFSCME and the spouse of any such person may become a member of an appropriate retired employee chapter chartered by AFSCME or may become a retired member-at-large if there is no retired employee chapter or sub-chapter to which such person can appropriately belong. Retired members-at-large shall pay dues on an annual or monthly basis in such amounts as are established by the International Executive Board. These dues shall be payable directly to the International Secretary-Treasurer who shall deduct the amount which represents per capita tax payable to the International Union and place any remaining amounts in escrow. Upon the chartering of any retired employee chapter or sub-chapter, all amounts held in such escrow account attributable to members-at-large within the jurisdiction of such chapter or sub-chapter shall be paid over to the newly chartered chapter or sub-chapter.

Section 2. Any member who retires may continue membership in AFSCME in the following manner:

A. If the retiring member is an incumbent officer of a local, council or the International Union, such retiring member may, by the payment of the full amount of dues, retain full membership status until the end of the term of such office, except as provided below. At the end of said term, the retiring member shall be eligible to become and to remain a retired member with the rights specified below, and shall lose eligibility for full membership status. If the retiring member is an International Vice

ARTICLE III

President, and such retirement occurs prior to a regular International Union convention at which elections are not scheduled, such member shall lose eligibility for full membership status at the conclusion of that convention, and an election shall be held at that convention to fill the vacancy for the remainder of the unexpired term of office, unless the vacancy shall have been filled earlier pursuant to Article VIII, Section 11 of this Constitution. Notwithstanding the contrary provisions of this Section, a subordinate body may provide in its constitution that retiring incumbent officers of such subordinate body are not eligible to continue as full members or officers of such subordinate body following their retirement.

B. If the retiring member is not an incumbent officer of a local, council, or the International Union, said retiring member shall be eligible to become and to remain a retired member with the rights specified below, and shall lose eligibility for full membership status.

C. A retired member shall have the right to membership in the appropriate AFSCME retired employee chapter or sub-chapter. No retired member or member of a retired employee chapter or sub-chapter shall be a candidate for any elected office in a local, council or the International Union.

Section 3. The International Executive Board, or the International President, subject to the approval of the International Executive Board, may issue local union charters or authorize the enlargement of the jurisdiction of existing local unions to include other appropriate groups of workers not specifically enumerated in this Article, and such workers shall be eligible for membership.

ARTICLE III

Section 4. No local union shall accept dues payments from any individual who does not meet the eligibility requirements set forth in this Article. Should dues payments be offered by such an individual and accepted by a local union, the individual shall, nevertheless, not be a member of this Federation. Any challenge regarding eligibility for membership shall be decided by the International President; provided, however, that decisions of the International President may be appealed to the International Executive Board. Any individual who is determined by the International President to have ceased to meet the eligibility requirements set forth in this Article shall thereby automatically cease to occupy any office in the International Union or any council or local union; provided, however, that the decision of the International President may be stayed by the International Executive Board upon appeal being filed to such body, and during the period of such stay, the individual involved shall be entitled to remain in office.

Section 5. A member in good standing shall, at said member's request, receive a withdrawal card from the local union under the following circumstances:

A. If the member is separated from service with the employing agency.

B. If the member becomes ineligible for membership in the local union as a result of a promotion, demotion, or transfer.

C. If the member retires.

D. If the member enters military service.

Section 6. No person may, at any one time, be a member of more than one local of this Federation unless such person is actually employed within the

ARTICLE III

jurisdiction of each local union to which such person belongs. A member in good standing who transfers to the jurisdiction of another local union of this Federation shall be issued a transfer card by the local from which said member is transferring which shall, for a period of thirty days, entitle the member to join the local union in the jurisdiction in which said member is newly employed without payment of an initiation fee. Transfer cards shall also be issued to members who, as a result of their employment by the International Union or a subordinate body, request such transfer cards.

Section 7. No person who has been expelled from membership in accordance with the provisions of this Constitution may be admitted to membership in or employed by the Federation or any of its subordinate bodies for one year following such expulsion, and may thereafter be admitted to membership or offered such employment only with the prior approval of the International Executive Board.

Section 8. When a member is unemployed for more than twenty days in any calendar month and does not receive unemployment compensation or sick leave pay or other remuneration, such unemployed member may be entitled to credit for membership dues for the period of unemployment but not to exceed six months in any calendar year.

Section 9. Each new member shall subscribe to the Membership Obligation contained in Appendix A of this Constitution.

APPENDIX A

APPENDIX A

Membership Obligation

I, _____, promise to abide by the Constitution of the American Federation of State, County and Municipal Employees and Local Union _____. I further promise to carry out all duties assigned to me and to do my best to uphold and promote the principles of trade union democracy.

APPENDIX B

Obligation of an Officer

I, _____, promise and pledge that I will perform faithfully and with honor the duties of the office which I now assume in the American Federation of State, County and Municipal Employees, and I will deliver to my successor in office all books, papers and other property of this union which are in my possession at the close of my official term.

APPENDIX C

Constitution for Local Unions

(This Constitution shall be binding on any local union which has not adopted a local constitution of its own which is in conformity with the provisions of the International Constitution and which has been approved in writing by the International President.)

ARTICLE I

Name

The name of this organization shall be _____, Local Number _____ of the American Federation of State, County and Municipal Employees, AFL-CIO.

APPENDIX C

ARTICLE II

Affiliations

This local union shall be affiliated with _____ Council(s) Number _____ of the American Federation of State, County and Municipal Employees [omit where inapplicable]; the _____ state organization of the AFL-CIO; and the _____ central body of the AFL-CIO.

ARTICLE III

Objectives

The objectives of this local union shall be to carry out on a local basis the objectives of the American Federation of State, County and Municipal Employees.

ARTICLE IV

Membership and Dues

Section 1. All persons regularly employed by or in _____ are eligible for membership in this local union, subject to the requirements of the Constitution of the International Union.

Section 2. Application for membership shall be made on a standard application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.

Section 3. The monthly membership dues of the local shall be _____ per member.

Section 4. Membership dues shall be payable monthly in advance to the local secretary-treasurer and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for

APPENDIX C

two consecutive months shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall, for so long as such person continues to pay through such deduction method, be considered in good standing.

Section 5. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages or upon payment of a reinstatement fee of _____ plus the current month's dues.

ARTICLE V Meetings

Section 1. Regular meetings of this local shall be held once each month, at a time and place to be fixed by the membership or the local executive board.

Section 2. Special meetings may be called by the local president, the local executive board, or by petition filed with the president and signed by _____ members of the local. Special meetings may also be called by the International President or by an authorized representative of the International President.

Section 3. The quorum for meetings of this local shall be _____.

ARTICLE VI Officers, Nominations, and Elections

Section 1. The officers of this local shall be a president, a vice president, a recording secretary, a secretary-treasurer, and three executive board members, and these seven shall constitute the local union executive board. In addition, there shall be

APPENDIX C

elected three members who shall serve as trustees. The trustees shall be elected to three-year terms of office, except that in the initial election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term. All other officers shall be elected for a term of one year.

Section 2. Nominations shall be made at a regular or special meeting of the local. At least fifteen days' advance notice shall be given the membership prior to the nomination meeting. A nominating committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nomination meeting. All regular elections shall be held in the month of _____.

Section 3. To be eligible for office, a member must be in good standing for one year immediately preceding the election, except in the initial election held in this local; provided, however, that no retired member shall be a candidate for office. For a member who is transferred or promoted into this local from another AFSCME local, this requirement shall be satisfied if such member's combined membership in good standing in both locals is one year at the time of the election.

Section 4. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as to afford to all members a reasonable opportunity to vote. At least fifteen days' advance notice shall be given the membership prior to the holding of the election.

Section 5. All matters concerning nominations and elections in this local union shall be subject to

APPENDIX C

the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 6. Vacancies in office shall be filled for the remainder of the unexpired term by vote of the executive board.

Section 7. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

ARTICLE VII

Duties of Officers and Executive Board

Section 1. The President shall:

A. Preside at all meetings of the local union and of the Executive Board.

B. Be a member of all committees except election committees.

C. Countersign all checks drawn against the funds of the local.

D. Appoint all standing committees and all special committees of the local, subject to the approval of the Executive Board.

E. Report periodically to the membership regarding the progress and standing of the local and regarding the President's official acts.

Section 2. The Vice President shall:

A. Assist the President in the work of the President's office.

B. In the absence of the President or in the President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.

C. Upon approval by the local executive board, be authorized to act as co-signer of checks drawn on the local funds in place of either the President or the Secretary-Treasurer.

APPENDIX C

Section 3. The Recording Secretary shall:

- A. Keep a record of the proceedings of all membership meetings and of all Executive Board meetings.
- B. Carry on the official correspondence of the local, except as the Executive Board may direct otherwise.
- C. Perform such other duties as the Executive Board may require.

Section 4. The Secretary-Treasurer shall:

- A. Receive and receipt for all monies of the local union.
- B. Deposit all money so received in the name of the local union in a bank or banks selected by the Executive Board, and money so deposited shall be withdrawn only by check signed by the President and the Secretary-Treasurer.
- C. Prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the Executive Board.
- D. Prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer.
- E. Keep an accurate record of receipts and disbursements and shall, once each month, submit to the membership a monthly operating statement of the financial transactions of the local for the previous month.
- F. Act as custodian of all properties of the local union.
- G. Give a surety bond for an amount to be fixed by the Executive Board of the local union, at the expense of the local union and through the International Union.