

Agreement to Merge Constitution Convention Rules and Order of Business

of

**California Labor Council
on Political Education**

Submitted by

Joint Merger Committee

California Labor League for Political Education

and

California CIO Council on Political Education

San Francisco, California

December, 1958

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AGREEMENT TO MERGE

California Labor League for Political Education - California CIO Council on Political Education

The California Labor League for Political Education and the California CIO Council on Political Education agree to create a single political educational organization in California through the process of merger. They further agree upon the following principles, procedures and structure to accomplish this end.

I

Principles of Merger

(1) The California Labor League for Political Education (hereinafter referred to as "California LLPE") and the California CIO Council on Political Education (hereinafter referred to as "California CIO COPE") shall effectuate the merger through the organic consolidation of these two organizations into a single organization. Said merger shall be effectuated through agreement on the attached Constitution for the merged state political organization.

(2) The merged political organization shall be known as California Labor Council on Political Education, hereinafter referred to as "California Labor COPE."

(3) Said merger establishing California Labor COPE shall be completed and consummated concurrently with the merger of the California State Federation of Labor and the California Industrial Union Council.

(4) It is recognized and agreed that said merger is freely and voluntarily negotiated.

II

Government and Structure of California Labor COPE

Except as otherwise provided in this Agreement, the powers and duties of officers, selection of officers, the affiliation and structure of California Labor COPE shall be determined by the attached proposed Constitution of California Labor COPE.

III

Affiliations

Any organization presently affiliated with either California LLPE or California

CIO COPE shall be deemed an affiliate of the California Labor COPE, if currently affiliated with AFL-CIO.

IV

Finances and Obligations of California Labor COPE

(1) The merged California Labor COPE shall succeed to all the assets of the CLLPE and shall assume all of its liabilities and contractual obligations. The merged California Labor COPE shall succeed to all of the assets of the California CIO COPE and shall assume all of its liabilities and contractual obligations.

(2) On the effective date of the merger, all the property, real and personal and mixed, and all right, title and interest either legal or equitable in any monies, funds or property, tangible and intangible of the CLLPE and California CIO COPE and all debts due to each of them, and all rights, privileges and powers and every other interest of each of them, of whatever nature, shall, by virtue of the merger of the CLLPE and California CIO COPE, be transferred to and vested in the California Labor Council on Political Education, and all such rights and properties shall thereafter be as effectually the property of the California Labor Council on Political Education, as they were of the CLLPE and California CIO COPE. Title to any property, real, personal or mixed, legally vested in the CLLPE or California CIO COPE, shall not be in any way impaired by reasons of the combination but shall in all respects be vested in the merged organization by virtue of the combination.

(3) The respective organizations agree, by escrow instructions or otherwise, to execute the appropriate documents transferring the property into the name of the newly merged organization. The present executive officers, the present members of the Executive Council of the CLLPE and the present executive officers, the present members of the Executive Council or the General Board of California CIO COPE, shall be empowered and required to and shall from time to time after the effective date of the merger, execute and deliver or cause to be executed and de-

livered, upon request of the merged organization, all such authorizations or other instruments as the combined organization may deem necessary or desirable in order to confirm the right and title of the merged organization to the property, rights and privileges referred to in paragraph (2) of this Article, and shall take such further and other action as may be requested for such purpose.

(4) An audit of a reputable certified public accountant shall be transmitted covering a period from the end of the preceding fiscal year of each organization to the closest possible date feasible prior to the convening of the merger convention, indicating the condition of the respective organizations.

(5) Such audit shall be accompanied by a certificate indicating the absence of any unrevealed or undisclosed liabilities of any type insofar as either of these organizations are concerned, and shall be accompanied by an appropriate undertaking in an appropriate amount guaranteeing the correctness of the certificate.

(6) In the event that the merger convention should not agree upon a merger, then all of the above steps shall have been conditional and there shall not be any transfer of assets or properties to the merged organization until it is established as a matter of law.

V

Initial Convention of California Labor COPE

(1) The provisions of the proposed Constitution and Convention Rules and Order of Business of California Labor COPE shall govern the initial convention except as otherwise provided in this Agreement.

(2) The initial convention shall be called, and the time and place determined by the Joint California Labor COPE Merger Committee, subject to the approval of the executive bodies of the two state organizations.

(3) There shall be a Joint California Labor COPE Merger Committee consisting of ten (10) members each from the California LLPE and the California CIO COPE.

(4) The Joint California Labor COPE Merger Committee shall be empowered to designate a Credentials Committee which shall have authority to accredit as delegates to such convention, all of the delegates who have been duly accredited to the conventions of the two state organiza-

tions which approved the merged constitution. Where the total number of such delegates is less than the number of delegates the organization is entitled to under the merged constitution, the Credentials Committee shall be authorized to accredit additional delegates from such organization up to such number.

(5) Delegations representing unions shall be entitled to a total number of per capita votes based upon the membership represented by such delegation at the conventions of the two state organizations approving the Constitution of California Labor COPE. Delegates from state and local central bodies shall be entitled to one (1) vote.

(6) The Joint California Labor COPE Merger Committee shall report to the convention, designate temporary officers for the convention, appoint all convention committees and take such other action as may be necessary by virtue of the fact that it is an initial convention.

VI

Method of Merger of California LLPE and California CIO COPE

(1) This Merger Agreement shall be submitted for approval to the Executive Council of the California LLPE and to the General Board of California CIO COPE.

(2) The proposed attached Constitution and Convention Rules and Order of Business for California Labor COPE shall be submitted for approval to the Executive Council of California LLPE and the General Board of California CIO COPE.

(3) Upon approval by the respective state executive bodies, the Merger Agreement, the proposed California Labor COPE Constitution and Rules and Order of Business and such other agreements as are necessary to accomplish the merger shall be submitted to separate conventions of the California LLPE and the California CIO COPE.

(4) Upon approval by the separate conventions of the California LLPE and the California CIO COPE, a joint convention shall be held immediately, providing that the Merger Agreement, Constitution and Rules and Order of Business establishing the California Labor Federation, AFL-

CIO, have been approved by the separate conventions of the CSFL and the CIUC.

(5) The initial convention shall be called for the City of San Francisco, commencing at 8 p.m. on the evening of the first day of the merger convention of the California Labor Federation, AFL-CIO.

(6) If the Merger Agreement, Constitution and Rules and Order of Business are approved by the respective conventions, all resolutions submitted to each convention shall be referred for disposition to the merged convention of the California Labor COPE.

This Merger Agreement is made this ninth day of September, 1958.

California Labor League for
Political Education
THOMAS L. PITTS
President
C. J. HAGGERTY
Secretary-Treasurer
California CIO Council on
Political Education
MANUEL DIAS
President
JOHN A. DESPOL
Secretary-Treasurer

CONSTITUTION

California Labor Council on Political Education

ARTICLE I

Name

Section 1. The name of this organization shall be the CALIFORNIA LABOR COUNCIL ON POLITICAL EDUCATION, herein referred to as California Labor COPE.

ARTICLE II

Purposes

Section 1. The purposes of this organization shall be to encourage workers, without regard to race, creed, color, national origin or ancestry, 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

Affiliations

Section 1. The following organizations located in California and the Territory of Hawaii shall be eligible to affiliate with the California Labor COPE.

(a) All local unions chartered directly by the AFL-CIO, or by National or International Unions affiliated with the AFL-CIO.

(b) All central labor bodies chartered by the AFL-CIO, and those bodies chartered by the Departments of the AFL-CIO.

(c) Councils and joint boards chartered by National or International Unions affiliated with the AFL-CIO.

(d) All political organizations duly established for specified areas by the various central labor bodies of the AFL-CIO, subject to the rules governing such po-

litical organizations adopted by the Executive Council of California Labor COPE.

(e) Such other subordinate bodies as the Executive Council of California Labor COPE may determine are eligible for affiliation in accordance with the Constitution and rules and regulations of California Labor COPE.

Section 2. No organization officered, controlled or dominated by Communists, Fascists or other totalitarians, or whose policies and activities are consistently directed toward the achievement of the program or purposes of the Communist Party, any Fascist organization, or other totalitarian movement shall be permitted as an affiliate of California Labor COPE.

Section 3. No organization chartered by a National or International Union affiliated with the AFL-CIO, which secedes, is suspended or expelled therefrom, or any organization chartered by a National or International Union that has seceded from or that has been suspended from or expelled by the AFL-CIO shall be allowed to affiliate or continue in affiliation with or be recognized by this California Labor COPE.

ARTICLE IV

Revenues

Section 1. The revenue of this California Labor COPE shall be derived as follows:

(a) From each affiliated organization (other than those mentioned under subsection (b) of this section) a per capita payment of 3 (three) cents per month upon the full paid up membership of the affiliated organization. The number of members upon which per capita payment shall be paid shall be the number of mem-

bers from whom regular monthly dues were received during the preceding month by the affiliated organization. Partial or token affiliation shall not be accepted.

(b) From each central labor body, joint board, and other similar bodies and councils affiliated under the provisions of subsections (b), (c) and (d) of Section 1, Article III, \$1.00 a month.

Section 2. These moneys shall be deposited in appropriate bank accounts maintained in the name of California Labor COPE.

ARTICLE V

Officers

Section 1. The officers of California Labor COPE shall consist of a President, a Secretary-Treasurer, two General Vice Presidents and 32 Vice Presidents.

ARTICLE VI

Powers and Duties of President

Section 1. The duties of the President shall be:

(a) To transact any such business as may of right appertain to the office.

(b) To preside at all conventions and meetings of the Executive Council.

(c) To call meetings of the Executive Council when necessary, or on request of the Secretary-Treasurer. Upon petition specifying the items to be considered, signed by ten of the members of the Executive Council, the President shall call a special meeting of the Executive Council which shall be restricted to the consideration of items in the petition.

(d) To exercise supervision over the affairs of California Labor COPE.

(e) To sign official documents when required.

(f) To be the custodian of the bond furnished by the Secretary-Treasurer.

(g) To make a report on the administration of his office to the first convention of California Labor COPE held in any calendar year.

(h) To represent the California Labor COPE.

(i) To appoint, subject to the approval of the Executive Council, and subject to the approval of the convention, such committees as are necessary to conduct the affairs of the convention, and after the convention has commenced, to change the composition of any committee, subject to the approval of the convention. Such committees may meet before the opening date of the convention and shall proceed to

consider all resolutions, appeals, reports, and constitutional amendments submitted to the convention, and shall report thereon to the convention.

(j) To appoint, subject to the approval of the Executive Council, from time to time, any and all committees herein provided or as may be necessary or desirable.

(k) To cast the deciding vote in the case of a tie vote other than a roll call vote at conventions.

(l) To conduct the correspondence pertaining to his office.

Section 2. He shall receive his legitimate expenses incurred in the performance of his duties, and shall submit to the Secretary-Treasurer at the end of each month an itemized account of all money, traveling and incidental expenses expended by him in the interest of the California Labor COPE.

ARTICLE VII

Powers and Duties of the Secretary-Treasurer

Section 1. The duties of the Secretary-Treasurer shall be:

(a) To act as the chief executive officer of and represent California Labor COPE and to have all other necessary powers to carry out his duties as chief executive officer.

(b) To act as Director of California Labor COPE.

(c) To take charge of all books, papers and effects of California Labor COPE.

(d) To conduct the correspondence pertaining to his office.

(e) To receive and collect all monies due California Labor COPE.

(f) To deposit all funds belonging to California Labor COPE in bank accounts in the name of California Labor Council on Political Education as Secretary-Treasurer of the California Labor Council on Political Education.

(g) To deposit such money only in such bank or banks as shall have been designated by the Executive Council.

(h) To withdraw none of said monies in any manner other than by check, signed by himself and countersigned by the President or Vice President designated by the President, with their official titles.

(i) To maintain suitable offices for California Labor COPE.

(j) To compile and keep up to date a list showing the name and the post office address of each of the principal officers of each affiliated organization.

(k) To make a complete and audited financial report to the pre-convention meetings of the Executive Council, and at such other times as the Executive Council may require.

(l) To furnish a surety bond in the sum of \$10,000, to be issued by a bona fide surety company designated by the Executive Council, the premium on which shall be paid by California Labor COPE; provided, that the Executive Council shall have the power to increase the amount of said bond.

(m) To deliver to his successor all money, securities, books, papers and other property of this California Labor COPE in his possession at the expiration of his term in office.

(n) To submit to the first convention of any calendar year a detailed report of the activities of California Labor COPE during the preceding calendar year.

(o) To appoint representatives in any part of the state deemed necessary, and to direct their activities, subject to the approval of the Executive Council.

(p) To employ such office and staff personnel as deemed necessary for the conduct of the business of the California Labor COPE and of conventions of California Labor COPE.

(q) To retain an attorney or attorneys to represent California Labor COPE in all matters when in his judgment the services of an attorney may be necessary, subject to the approval of the Executive Council.

(r) To act as Secretary of all conventions and of the Executive Council and to keep all letters, documents, accounts, etc., open at all times to the inspection of all officers of California Labor COPE.

(s) To print proceedings of California Labor COPE conventions as deemed necessary.

(t) To compile and keep up to date lists showing the names and addresses of the active political leadership in the state.

(u) He shall receive his legitimate expenses incurred in the performance of his duties and he shall maintain an accounting of all money, traveling and incidental expenses expended in the interest of California Labor COPE.

ARTICLE VIII

Vice Presidents and General Vice Presidents

Section 1. Each Vice President shall render all services requested of him by either the President or Secretary-Treasurer.

Section 2. The General Vice Presidents shall represent California Labor COPE. Their duties shall be assigned by the Secretary-Treasurer and they shall work under the direction and supervision of the Secretary-Treasurer.

Section 3. Each of the Vice Presidents shall receive his legitimate expenses and shall submit to the Secretary-Treasurer at the end of each month an itemized account of all money, traveling and incidental expenses expended by him in the interest of California Labor COPE.

ARTICLE IX

Selection of Officers

Section 1. The President, the Secretary-Treasurer, the two General Vice Presidents and the thirty-two Vice Presidents shall be the President, Secretary-Treasurer, the two General Vice Presidents, and the thirty-two Vice Presidents elected by action of the last convention of the California Labor Federation, AFL-CIO, or any vacancy filled by action of the Executive Council of the California Labor Federation, AFL-CIO, since such last convention.

ARTICLE X

Executive Council

Section 1. The Executive Council shall consist of the President, the Secretary-Treasurer, two General Vice Presidents and the thirty-two Vice Presidents; provided, however, that no individual may sit as a member of the Executive Council unless he is a member of at least one local union which is affiliated with California Labor COPE.

Section 2. The Executive Council shall be authorized and empowered to take such action and render such decisions as will be necessary to carry out fully and adequately the decisions and instructions of the conventions between conventions and shall have the power to direct the affairs of California Labor COPE and its affiliated organizations for the purposes set forth in the Constitution and in the resolutions adopted by the conventions. The Executive Council shall meet at the request of the President, the Secretary-Treasurer or not less than ten members of the Executive Council who jointly make such a request. A majority of the members of the Executive Council shall constitute a quorum which shall be required to transact business.

Section 3. The Executive Council shall have the power to make rules governing matters not in conflict with the Constitution and shall report all such rules to the convention.

Section 4. From time to time, upon a recommendation from the Secretary-Treasurer, the Executive Council may budget major functions of California Labor COPE.

Section 5. The Executive Council shall meet prior to each convention for the purpose of making recommendations, including submission of resolutions, statements of policy and similar matters for the transaction of such other business as may be necessary to insure the proper organization and conduct of the convention. The appointment of convention committees by the President shall be subject to the approval of the Executive Council and the convention, qualified by the provisions of Article VI, Section 1 (i) herein.

Section 6. The appointment of any and all committees, other than convention committees, from time to time as herein provided or as may be necessary or desirable, shall be subject to the approval of the Executive Council.

Section 7. The Executive Council shall have power, by a majority vote of said Council, to suspend, expel, or otherwise discipline any officer or affiliate of the California Labor COPE for violation of this Constitution, or for any act or conduct detrimental to the California Labor COPE, or contrary to the established principles and policies of California Labor COPE; provided, that the Council shall first accord such officer or affiliate a fair and impartial trial, upon thirty days written notice having been first served upon such officer or affiliate, setting forth the time and place of such hearing and the nature of the charges filed against such officer or affiliate. Any such officer or affiliate who has been convicted of any offense upon such trial shall have the right to appeal to the next regular convention of the California Labor COPE.

(a) No elected or appointed officer of California Labor COPE shall endorse or support any candidate for political office who is running for office in opposition to a political candidate endorsed by California Labor COPE in convention or conference or by the Executive Council, except under the following condition: Any California Labor COPE officer who is opposed to the endorsement of a candidate

by California Labor COPE shall so inform the convention, conference, or Executive Council, at the time of California Labor COPE's endorsement. Any officer of California Labor COPE endorsing a candidate for political office contrary to California Labor COPE's endorsement shall not be permitted to use his official title as an officer of California Labor COPE in making such an endorsement. If his title as an officer of California Labor COPE is used without his consent, he will then issue a signed statement to the press, radio, political committee, or any other organization, denying the endorsement as an officer of California Labor COPE and shall furnish a notarized copy of his denial statement to the Secretary-Treasurer of California Labor COPE with his written permission for the use of such statement.

(b) In the event that any officer, member of the Executive or Advisory Council, takes a stand on any candidate, in opposition to the endorsement of the California Labor COPE, he shall automatically be disqualified from acting or serving as an officer or member of the Executive or Advisory Council until the conclusion of the campaign involved, at which time he shall be automatically reinstated.

ARTICLE XI

Recommendations and Endorsements

Section 1. It shall be the exclusive right of the Executive Council to recommend to each convention for endorsement candidates for all of the following offices:

United States President
United States Vice President
United States Senators
State Governor
State Lieutenant Governor
Secretary of State of California
State Controller
State Treasurer
State Attorney General
Superintendent of Public Instruction

Section 2. It shall be the exclusive right of the political organizations, duly established for specified areas by the various central labor bodies of the AFL-CIO in accordance with the rules governing such political organizations adopted by the Executive Council of California Labor COPE to recommend to the Executive Council for endorsement by the convention, candidates for the Congress of the United States, the State Board of Equalization, and for the State Senate and State

Assembly in such area; provided, however, if any such candidate is running for office from an area embracing at least in part an area covered by more than one political organization, it shall be the exclusive right of the area or district political organization in such area, as the case may be, to recommend to the Executive Council for endorsement by the convention, and no recommendation as to any such candidate may be made to the Executive Council in such case by any of the other political organizations involved.

Any recommendation as to any such candidate shall be concurred in by the Executive Council and recommended to the convention for endorsement, unless two-thirds of the membership of said Executive Council reject such recommendation. In the event of such rejection, the Executive Council shall have the exclusive right to recommend a candidate for endorsement for such office to the convention.

Section 3. No affiliated organization may endorse any candidate for any of the offices mentioned in Section 1 of this Article prior to the convention of the California Labor COPE. If any such organization violates this section, it shall be subject to discipline by the Executive Council, including possible expulsion from the California Labor COPE. Any of the organizations mentioned above may, however, recommend to the Executive Council any candidate for endorsement for any of the offices mentioned in Section 1 of this Article; provided, such recommendation is not publicized or capable of use as campaign material prior to favorable endorsement by the convention; and provided, each of the above-mentioned organizations pledges itself to be bound by and to support all endorsements made by the convention of the California Labor COPE.

Section 4. No recommendation may be presented from the floor of the convention for the endorsement of any candidate unless the recommended candidate for such office has already been rejected by convention action.

Section 5. With respect to convention action, all endorsements shall be by at least a 60 per cent majority vote of the delegates present and voting, in accordance with the per capita formula specified in this Constitution.

Section 6. The President and the Secretary-Treasurer jointly shall designate an advisory group, composed of not more than eighteen individuals, to sit with the Executive Council as an interviewing com-

mittee for the purpose of recommending to the Executive Council.

ARTICLE XII

Conventions

A. GENERAL

Section 1. The convention shall be the supreme governing body of the California Labor COPE.

Section 2. The California Labor COPE shall meet in convention in advance of each primary statewide election (the time and place of which shall be determined by the Executive Council), and at such other times as the Executive Council of California Labor COPE deems it necessary or desirable.

Section 3. (a) Notice of the convention shall be issued by the Secretary-Treasurer in the form of a "convention call" to all affiliates at least 60 days prior to the opening date of the pre-primary convention and within the time fixed by the Executive Council for any other convention. If after the issuance of the convention call the site and/or date of the convention is changed, a mere notice of such change to all affiliates shall be deemed sufficient to meet the requirement of this Section.

(b) At the time the convention call is issued by the Secretary-Treasurer, he shall also send to each affiliated organization which is in good standing with California Labor COPE a supply of official delegates' credentials. The number of such credentials furnished to each organization shall be equal to the number of delegates which the organization is entitled to send to the convention, as shown by the membership records of the Secretary-Treasurer's office at the time the credentials are issued.

Section 4. The conventions of the California Labor COPE shall be composed of duly accredited delegates from affiliated organizations, together with the incumbent officers of California Labor COPE.

Section 5. None other than accredited delegates shall be permitted to address the convention unless accorded the privilege by a two-thirds vote; provided, that the Secretary-Treasurer shall have the authority to permit guest speakers to address the convention, subject to the supervision and control of the number of guest speakers by the Executive Council.

Section 6. Local committees on arrangements for the convention shall not use the name of California Labor COPE in the public solicitation of any funds, the sale of tickets, or the sale of advertising

space in souvenir programs, etc., nor shall such committee be permitted to solicit funds, the sale of tickets, or the sale of advertising space in souvenir programs, etc., in the territory of the labor movement in any other city. Upon infraction of this rule, it shall be mandatory upon the Executive Council to select another convention city.

Section 7. The rules and order of business governing the preceding convention shall be in force from the opening of any convention until new rules have been adopted.

Section 8. A quorum shall consist of delegates from twenty-five affiliated local unions.

Section 9. All votes shall be voice votes or by a division, unless a roll call is requested by at least seventy-five delegates.

Section 10. Any action taken by the convention, except an amendment to the Constitution other than one specified in Article XVI, Section 2, shall be effective immediately unless timely notice of reconsideration or other effective action to rescind is taken pursuant to the rules of parliamentary procedure applicable to the convention.

Section 11. The Secretary-Treasurer shall prepare and submit to the convention:

(a) A list of average per capita paid membership for the fiscal year of each affiliated local union.

(b) A list of the estimated average dues paying membership of each affiliated local union, based upon whatever information, if any, which is made available to the Secretary-Treasurer in this respect.

B. REPRESENTATION

Section 1. Only organizations in good standing with California Labor COPE, whose per capita tax (including approved exonerations) is paid in full up to the third month prior to the month in which the convention is held shall be entitled to representation by delegates to the convention.

Section 2. No organization shall be entitled to representation unless such organization has applied for affiliation at least three months prior to the first day of the month of the opening date of the convention and no person shall be recognized as a delegate who is not a member in good standing of at least one of the organizations issuing the credentials to him at the time he receives credentials from the secretary of the affiliate; provided, that or-

ganizations chartered within three months of the opening date of the convention shall be eligible to representation.

Section 3. Representation at the convention shall be governed as follows:

(a) Each regularly affiliated union shall be entitled to representation as follows: two delegates for the first 500 members or less; one delegate for the next succeeding 250 members or major fraction thereof; and one delegate for each succeeding 500 members or major fraction thereof. In no event, however, shall any union be entitled to more than ten delegates.

On all questions where a roll call vote is taken, each delegate shall vote an equal percentage of the membership of the union he or she represents; provided, that all fractional votes shall be eliminated. For the purpose of selecting delegates and for roll call votes of the convention, the number of members of each union shall be the average monthly number on which per capita tax is paid into the California Labor COPE during the twenty-four month period ending on the last day of the third month immediately preceding the month of the opening date of the convention, as determined by dividing the total amount paid during each period by seventy-two cents.

However, an organization exonerated from payment pursuant to the provisions of Article XIV, Section 1 or Section 2, hereof, shall be entitled to representation and vote as determined by the Executive Council as therein provided.

(b) Central bodies and other similar bodies and councils eligible for affiliation under subsections (b), (c) and (d) of Section 1, Article III, shall be entitled to two delegates. Each delegate shall be entitled to one vote.

Section 4. Each incumbent officer of the California Labor COPE may participate in the convention with voice and one vote even though he is not a delegate.

Section 5. No proxies shall be allowed, but on roll call or per capita vote, one delegate, upon prior written approval of all co-delegates, may vote for the entire delegation.

Section 6. No delegate shall be permitted to represent more than one organization, but a delegate from a central labor body or other similar body or council eligible for affiliation under subsections (b), (c) and (d) of Section 1, Article III, may also represent the affiliated local union

in which he holds membership in good standing, if he has credentials from such local union; provided, further, a delegate may represent up to three affiliated local unions, affiliated with the same National or International Union, with a combined vote of not more than 1200, if the delegate is a member in good standing in at least one of such locals from which he has received credentials.

C. CERTIFICATION OF DELEGATES

Section 1. Delegates and alternates to the convention of the California Labor COPE shall be elected or otherwise designated by the affiliate and shall receive credentials from the secretary of such affiliate. A duplicate of same shall be forwarded by such secretary to the Secretary-Treasurer of California Labor COPE at least two weeks prior to the convention.

Section 2. If any alternate presents credentials and is seated in place of the delegate-elect, he or she shall be the recognized representative throughout the remaining sessions of the convention.

Section 3. The Secretary-Treasurer shall prepare a preliminary roll of delegates where no contest is filed, from duplicates in his possession, and such delegates so returned by the Secretary-Treasurer shall have the power to transact business until a report of the Committee on Credentials is received and adopted.

Section 4. Delegates from central labor bodies and other similar bodies and councils eligible for affiliation under subsections (b), (c) and (d) of Section 1, Article III, shall not be seated in the convention unless the local union in which they hold membership in good standing is affiliated with the California Labor COPE.

Section 5. In the event credentials are properly presented by any eligible organization for any person who, after a hearing by the Credentials Committee,

(a) is shown to be a member of any organization which is dual to the AFL-CIO, or

(b) is shown to be a member of any Communist, Fascist or other totalitarian group, organization or movement, or is shown to have been a member of any such group, organization or movement, or to have consistently aligned himself with such group, organization or movement in the course of his conduct and has not previously dissociated himself from such group, organization or movement, the Credentials Committee shall reject the credentials of such person in its report to

the convention, and upon the adoption of the Credentials Committee's report, such person shall not be seated in the conventions of the California Labor COPE.

D. RESOLUTIONS

Section 1. All resolutions to be considered by the convention shall be forwarded in triplicate to the Secretary-Treasurer on or before the fifteenth day immediately preceding the opening day of the convention, except in instances where such resolutions have been acted upon and approved by regularly constituted and affiliated statewide organizations at conventions or conferences held during the 15-day period immediately preceding the opening day of the convention, in which event such resolutions shall be received by the Secretary-Treasurer not later than 9 p.m. on the day immediately preceding the opening day of the convention. The Secretary-Treasurer shall number the resolutions in the order received, and shall refer them to the proper committee.

Section 2. No resolution shall be received unless signed by an Executive Officer of an affiliate of the California Labor COPE or bearing the seal of such affiliate.

Section 3. Nothing which properly can be the subject matter for action by a convention of the California Labor Federation, AFL-CIO may be included within any resolution or proposed constitutional amendment submitted to a convention of the California Labor COPE, nor made the subject matter of discussion or motion from the floor of the convention.

Section 4. Upon submission to him, the Secretary-Treasurer shall determine in each case whether the resolution or proposed constitutional amendment is in conformity with Section 3 of this Article, number such resolutions which are found in conformity in the order received, and, with the consent of the chairman of the convention, shall refer them to the proper committee. In cases where the Secretary-Treasurer makes an adverse determination, he shall notify in writing the Executive Council and the sponsor of the resolution or proposed constitutional amendment. The determination of the Secretary-Treasurer as to the question of conformity shall be conclusive, unless reversed by a vote of at least two-thirds of the Executive Council, if an appeal is taken by the sponsor from the determination of the Secretary-Treasurer within five days after mailing of such notice. If such appeal is sustained by the Executive Council the

resolution shall be referred to the appropriate committee.

Section 5. No resolution or constitutional amendment may be submitted after the time specified in Section 1 of this Article, except upon unanimous consent of the delegates in convention assembled.

E. COMMITTEES

Section 1. Subject to the provisions of Article VI, Section 1 (i) herein, five days prior to the assembling of a convention, the President shall appoint committees on Credentials, Constitution, Resolutions, and Rules and Order of Business and such other committees as may be required to dispose of the business of the convention, the members of which shall be reimbursed for expenses in an amount determined by the Executive Council. The committees appointed under this section shall consider all resolutions and other matters referred to them by the Secretary-Treasurer and shall report thereon to the convention.

Section 2. The minimum number of members on any committee shall be fifteen.

F. TELLER BOARD

Section 1. Voting shall be in charge of a Teller Board of twelve delegates.

Section 2. There shall not be more than one member of the Teller Board from any one organization.

ARTICLE XIII

Expenses

Section 1. When attending meetings of the Executive Council, members of the Executive Council shall be paid for necessary traveling expenses (if travel is by automobile, payment shall be computed at not less than 10 cents per mile), and not to exceed \$35.00 per diem expenses and \$15.00 a day for hotel accommodations.

Section 2. When members of the Executive Council are officially authorized to devote their time to the business of the California Labor COPE, they shall be paid the sum of \$35.00 per day compensation in addition to necessary traveling expenses (if travel is by automobile, payment shall be computed at not less than 10 cents per mile), and expenses for meals and hotel accommodations.

ARTICLE XIV

Good Standing

Section 1. In the event any organization fails to pay its per capita tax for a period of three months, it shall be notified by the Secretary-Treasurer in writing, not later than the fifteenth day of the fourth month, that it will be suspended at the end of said fourth month, unless all delinquent per capita tax is paid. Any organization so suspended can only be reinstated by a vote of the Executive Council, and upon the tender of payment of the four months' per capita tax owed as herein provided; provided, however, that if a union three months in arrears upon receipt of its notice from the Secretary-Treasurer during the fourth month that it is about to be suspended, shall notify the Executive Council in writing that it is temporarily unable to pay its per capita tax because all of its funds have been expended in a strike, or because of other good cause, then the Executive Council, when such union makes application for reinstatement, and upon proof of the claim that its funds have been expended in a strike or upon demonstration of the existence of good cause to the satisfaction of the Executive Council, may reinstate the union and waive the reinstatement fee. In extreme cases, because of exhaustion of funds in a strike or other good cause, the Executive Council shall have discretionary authority to waive suspension requirements altogether.

In order to be entitled to vote for officers during the conventions, suspended organizations must have been reinstated at least three months prior to the month in which the convention takes place.

However, an organization exonerated from payment pursuant to the provisions of Article XIV, Section 1 or Section 2 hereof, shall be entitled to representation and vote as determined by the Executive Council as therein provided.

Section 2. The Executive Council may, if it is convinced that the request of an affiliated local union involved in a strike or lockout is justified, exonerate the affiliated local union from per capita payment for a specified period, and may also specify the number of delegates and roll call votes which such union will be permitted at the convention following such action.

Section 3. Whenever any affiliated organization is delinquent four months in its per capita payment, the Secretary-

Treasurer shall notify the delinquent organization that its affiliation has been suspended. A copy of this notice of loss of affiliation shall be sent the principal officers of the National or International Union to which the delinquent organization is affiliated, if any.

ARTICLE XV

Refund of Revenue

Section 1. Any member who disagrees with California Labor COPE endorsements of state candidates, may make a written request to the Secretary-Treasurer, prior to October 30th of the given election year, to refund to his union his per capita tax, not to exceed the prior 24 months. Upon

receipt of such written request, the Secretary-Treasurer shall make such refund.

ARTICLE XVI

Amendment of Constitution

Section 1. This Constitution may be amended or altered by resolution only at a convention of the California Labor COPE, and shall require a two-thirds vote.

Section 2. Those sections of the Constitution pertaining to officers and their duties shall go into effect immediately after their adoption.

Section 3. The Constitution, as amended at each convention, shall be in full force and effect, as a whole, immediately upon the adjournment of the convention.

CONVENTION RULES AND ORDER OF BUSINESS

California Labor Council on Political Education

1. **Roberts Rules of Order.** The convention shall be governed by Roberts Rules of Order on all matters not provided by the Constitution or specified in these rules.

2. **Rules—Adoption of Standing Rules.** The adoption of the standing rules shall require an affirmative vote of a majority of the duly qualified delegates to the convention, present and voting. When once adopted, such standing rules shall remain in effect, unless suspended or amended as provided in these rules.

3. **Amendment of Standing Rules.** No standing rule of the convention shall be amended except by an affirmative vote of a majority of the duly qualified delegates to the convention, present and voting. No such amendment shall be considered until it shall have been referred to and reported by the Committee on Rules.

4. **Convening the Convention.** The convention shall convene at 8:00 p.m.

5. **Resolutions Defined.** Whenever the word "resolution" is used in these rules, it shall include constitutional amendments.

6. **Committee Reports.** All committees shall report on all resolutions submitted to them. Whenever there is majority and minority division on any committee, both the majority and minority shall be entitled to report to the convention. The discussion and vote of concurrence or non-concurrence shall be first on the minority report.

7. **Committee Quorum.** A majority of any committee shall constitute a quorum

for the transaction of its business. At least a majority of all members present and voting shall be required to adopt a recommendation on a resolution.

8. **Passage of Resolutions and Committee Reports by Convention.** (a) A majority of the delegates present and voting shall be required to act on a committee report or a resolution, except a constitutional amendment, which shall require a two-thirds vote of the delegates present and voting.

(b) No motion or resolution shall be finally acted upon until an opportunity to speak has been given the delegate making or introducing same, if he so desires.

9. **Roll Call Vote.** At the request of seventy-five (75) delegates present and voting, any motion shall be voted on by roll call per capita vote of the delegates. When a roll call has been ordered no adjournment shall take place until the result has been announced.

10. **Precedence of Motions During Debate.** When a question is under debate or before the convention, no motions shall be received but the following, which shall take precedence in the order named:

First—To adjourn;

Second—To recess to a time certain;

Third—For the previous question;

Fourth—To set as a special order of business;

Fifth—To postpone to a stated time;

Sixth—To postpone indefinitely;

Seventh—To refer to, or re-refer to committee;

Eighth—To divide or amend;

Ninth—To lay on the table.

11. Motions in Writing. Upon request of the Chairman, a motion shall be reduced to writing and shall be read to the convention by the Chairman before the same is acted upon.

12. Contents of Motions. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the convention by the Chairman.

13. Motion to Reconsider. A motion to reconsider shall not be entertained unless made by a delegate who voted with the prevailing side; such motion shall require a two-thirds vote to carry.

14. Motion to Table. A motion to lay on the table shall be put without debate.

15. Recognition and Decorum of Delegates. (a) Delegates when arising to speak shall respectfully address the Chair and announce their full name and the identity of the organization which they represent.

(b) In the event two or more delegates arise to speak at the same time, the Chair shall decide which delegate is entitled to the floor.

(c) No delegate shall interrupt any other delegate who is speaking, except for the purpose of raising a point of order or appealing from a ruling of the Chair.

(d) Any delegate may appeal from a decision of the Chairman, without waiting for recognition by the Chairman, even though another delegate has the floor. No appeal is in order when another is pending, or when other business has been transacted by the convention prior to the appeal being taken.

(e) Any delegate who is called to order while speaking shall, at the request of the Chair, be seated while the point of order is decided, after which, if in order, the delegate shall be permitted to proceed.

The same shall apply while an appeal from the Chair is being decided.

(f) No delegate shall speak more than once on the same subject until all who desire to speak shall have had an opportunity to do so; nor more than twice on the same subject without permission by a majority vote of the delegates present and voting; nor longer than five minutes at a time without permission by a majority vote of the delegates present and voting.

(g) Any delegate may rise to explain a matter personal to himself, and shall forthwith be recognized by the Chairman, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

16. Microphones on Convention Floor. There shall be placed in convenient locations on the convention floor an equal number of microphones designated "FOR" and "AGAINST." A delegate wishing to speak on a matter before the convention, shall use the appropriate microphone which designates his position on the subject then pending, but appropriate motions, appeals and inquiries may be made from either. The Chair shall rotate speakers so that speakers on each side of the question shall have equal opportunity to present their views. Should two or more delegates rise to speak on the same side of a question, the Chair shall decide who is entitled to the floor.

17. Voting Not to Be Interrupted. When once begun, voting shall not be interrupted. No delegate shall be allowed to change his vote, or have his vote recorded after the vote is announced.

18. Attendance of Delegates. Each delegate shall report to the Sergeant-at-Arms at the beginning of the session and shall sign the card presented to him; except, if unavoidably absent, he shall have the privilege of reporting to the Secretary.

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