

**RULES FOR THE  
2020-2021  
IBT INTERNATIONAL  
UNION DELEGATE  
AND OFFICER ELECTION**

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## PREAMBLE

These Rules for the 2020-2021 IBT International Union Delegate and Officer Election [“Rules”] are promulgated by the IBT General Executive Board (“GEB”) pursuant to the Constitution of the International Brotherhood of Teamsters, the 2021 IBT Election Agreement entered into between the IBT and the Office of the Election Supervisor (the “2021 Election Agreement”), and the Final Order.

The Rules assemble in one document all requirements and regulations affecting the nomination and election of delegates and alternate delegates to the 2021 IBT International Convention and the 2021 nomination and election of IBT International Officers, including Trustees. The basis for the Rules is the IBT Constitution, as amended in conformity with the Consent Order of March 14, 1989, the Final Order entered on February 17, 2015 by the Court in *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (LAP), the 2021 Election Agreement, and relevant law affecting union elections.

These Rules are designed to provide for fair, honest, open and informed elections so as to permit the Election Supervisor to certify the election results in the International Union Delegate and Officer Election.

The Election Supervisor's authority to supervise the electoral process and to certify the results of elections is limited to the nomination and election of International Convention delegates and alternate delegates and the nomination and election of International Officers. These Rules are not applicable to elections of IBT subordinate body officers.

## TIMETABLE OF EVENTS <sup>1</sup>

The following schedule shall apply to the 2020-2021 nominations and elections of Convention delegates and alternate delegates and International Officers:

- May 2020: Issuance of Rules for the 2020-2021 IBT International Union Delegate and Officer Election; publication of official forms, including preaccredited candidate petitions and financial disclosure and vendor disclosure forms.
- May 5, 2020: Announcement by Election Supervisor of which seasonal Local Unions shall nominate and elect delegates and alternate delegates in Summer 2020 and notification to each of these Local Unions of the provisional number of delegates to be nominated and elected.
- June 1, 2020: Deadline for submission to Election Supervisor of proposed Local Union Plan by each seasonal Local Union which Election Supervisor has determined should nominate and elect Convention delegates and alternate delegates during Summer 2020.
- June 1, 2020: Notification to each Local Union of the provisional number of delegates to be nominated and elected.

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<sup>1</sup> Where the Timetable sets a single date for an event and the date listed falls on a Saturday, Sunday or federal holiday, the obligation shall be effective on the first weekday following that date. Where the Timetable defines a time interval, the first and last dates of the period are the stated calendar dates, even if those dates are a Saturday, Sunday or federal holiday.

- June 1, 2020: Distribution by Election Supervisor of first list of tentative dates, times and places of Local Union delegate and alternate delegate nomination meetings and elections for those Local Unions holding delegate and alternate delegate elections in Summer 2020.
- June 1, 2020: Determination by Election Supervisor of number of petition signatures required for pre-convention accreditation of International Officer candidates.
- June 3, 2020: Deadline for filing of protests (a) alleging violation(s) of Rules incorporating provisions of Labor-Management Reporting & Disclosure Act of 1959, as amended, where alleged violation(s) occurred prior to May 4, 2020, or (b) alleging violations of any Rule(s) occurring within first twenty-eight (28) days after issuance of Rules.
- June 15, 2020: First deadline for required filings by candidates, slates, and independent committees of financial disclosure forms.
- June 30, 2020: Deadline for submission to Election Supervisor of proposed Local Union Plan by each Local Union seeking to nominate and elect Convention delegates and alternate delegates during Fall 2020 pursuant to Article II, Section 3 of Rules.
- July 1 - September 30, 2020: Period for nominations of candidates for delegate and alternate delegate nominated during Summer 2020.
- July 1 - December 15, 2020: Petitions to establish accredited candidate status may be submitted to Election Supervisor.
- July 15, 2020: Distribution by Election Supervisor of first list of tentative dates, times and places of Local Union delegate and alternate delegate nomination meetings and elections for those Local Unions holding delegate and alternate delegate elections in Fall 2020.
- August 20 - November 1, 2020: Period for elections of delegates and alternate delegates for candidates nominated in seasonal Local Unions during Summer 2020.
- September 1 - November 7, 2020: Period for nominations of candidates for delegate and alternate delegate nominated during Fall 2020 in Local Unions entitled to do so pursuant to Article II, Section 3(a)(1).
- September 30, 2020: Deadline for submission to Election Supervisor of proposed Local Union Plan by each Local Union nominating and electing Convention delegates and alternate delegates during 2021.
- October 2020: Publication in IBT Magazines of campaign material of International Officer candidates accredited by Election Supervisor based on petitions submitted on or before August 31, 2020.
- October 15, 2020: Distribution by Election Supervisor of first list of tentative dates, times and places of Local Union delegate and alternate delegate nomination meetings and elections for Local Unions holding delegate and alternate delegate elections in 2021.

- October 24, 2020 - December 31, 2020: Period for elections of delegates and alternate delegates for candidates nominated during Fall 2020 in Local Unions entitled to do so pursuant to Article II, Section 3(a)(1).
- December 15, 2020: Distribution by Election Supervisor of first list of certified Convention delegates and alternate delegates.
- January 4, 2021- March 7, 2021: Period for nominations of candidates for delegate and alternate delegate nominated during 2021.
- Mid-February, 2021: Issuance of Convention Call.
- February 27 – April 30, 2021: Period for elections of delegates and alternate delegates for candidates nominated during 2021.
- February 2021: Publication in IBT Magazines of campaign material of International Officer candidates accredited by Election Supervisor pursuant to Article X of the Rules.
- April 2021: Publication of Supplemental Rules for the 30th IBT International Convention.
- May 3, 2021: First day for challenging delegate credentials.
- June 21 – June 25, 2021: 30th IBT International Convention, Las Vegas, Nevada.
- July 2021: Publication by Election Supervisor of supplemental rules for election of International Officers.
- August 2021: Publication in IBT Magazines of campaign material of nominated International Officer candidates.
- Between August 15 – September 23, 2021: General President Candidate Forum.
- September 2021: Publication in IBT Magazines of campaign material of nominated International Officer candidates.
- October 2021: Mailing of campaign material of nominated International Officer candidates.
- October 2021: Mailing of ballots for International Officer election.
- November 2021: Deadline for receipt of ballots to be counted and counting of ballots in International Officer election.

## DEFINITIONS

1. The term "*accredited candidate*" means any candidate for International office who has obtained the signatures on petitions of at least two and one-half percent (2.5%) of the relevant membership pool, pursuant to Article X of these *Rules*.
2. The term "*alternate delegate*" means a member elected by secret ballot vote or by uncontested election to represent his/her Local Union at the International Convention in the event that one or more of the Local Union's duly elected delegates is unable or not permitted to attend any session of the Convention.
3. The term "*at-large Vice President*" means any one of the seven (7) International Vice Presidents elected by the membership on a union-wide basis.
4. The term "*ballot-qualified member*" means a person entitled to receive a ballot and shall include the following: active members (including those classified in the TITAN system under status codes 00, 01,02, 04, 09, 10, 11, 12, 15, 18 and 19, or their equivalents in Local Unions which do not participate in the TITAN system) and members who, by virtue of employment in the seasonal food industry and membership in a seasonal Local Union (as defined below), may be eligible to vote.
5. The term "*campaign contribution*" means any direct or indirect contribution of money or other thing of value where the purpose, object, or foreseeable effect of that contribution is to influence, positively or negatively, the election of a candidate for Convention delegate or alternate delegate or International Officer position. Campaign contributions include but are not limited to:
  - a. A contribution of money, securities, or any material thing of value;
  - b. A payment to or a subscription for a fund-raising event of any kind (e.g., raffle, dinner, beer or cocktail party, etc.);
  - c. A discount in the price or cost of goods or services, except to the extent that commercially established discounts are available to the customers of the supplier;
  - d. An extension of credit, except where obtained in the regular course of business of a commercial lending institution and on such terms and conditions as are regularly required by such institutions;
  - e. The payment for the personal services of another person, or for the use of building or office space, equipment or supplies, or advertisements through the media;
  - f. An endorsement or counter-endorsement by an individual, group of individuals, or entity;
  - g. A solicitation on behalf of a candidate or group of candidates; or
  - h. The performance of personal services or the making available for use of space, equipment, supplies or advertisements, except that the term "*campaign contribution*" does not include the performance of services by a volunteer who is

not an employer rendered on the volunteer's personal free time without compensation in any form by an employer and without accompanying contributions of supplies or services by an employer.

The term "*campaign contribution*" does not include payments or services received by the legal and accounting fund established by a candidate, slate or independent committee to provide legal or accounting services performed in assuring compliance with applicable election laws, these Rules or other requirements, or in securing, defending, or clarifying legal rights of candidates.

6. The term "*candidate*" means any member who is actively seeking nomination or election for any Convention delegate or alternate delegate position or international Officer position. The term includes any member who has accepted any campaign contribution as defined by the *Rules* or made any expenditure, where the purpose, object, or foreseeable effect of the contribution or expenditure is to influence the election of that member to any such position.
7. The term "*certified or registered mail*" means mail for which the sender receives evidence of delivery, and includes overnight mail services.
8. The term "*Consent Order*" means the March 14, 1989 agreement approved by the Court entered into between and among the United States Government, the International Union, and others in the case of United States of America v. International Brotherhood of Teamsters, et al., 88 Civ. 4486 (DNE) (S.D.N.Y.), as amended, and all subsequent opinions, rulings and orders interpreting it.
9. The term "*Convention*" or "*International Convention*" means the 30th International Convention of the International Brotherhood of Teamsters ("IBT), scheduled to be held in Las Vegas, Nevada on June 28 through July 2, 2021.
10. The term "*Court*" means the United States District Court for the Southern District of New York, the United States Court of Appeals for the Second Circuit, or the United States Supreme Court in the Administration of the Final Order.
11. The term "*day(s)*" means calendar day(s), unless otherwise specified.
12. The term "*delegate*" means a member elected by secret ballot vote or by uncontested election to represent his/her Local Union at the International Convention.
13. The term "*2021 Election Agreement*" means the Agreement signed by the International Brotherhood of Teamsters and the Office of the Election Supervisor on October 11, 2019.
14. The term "*election*" means the process by which a member is chosen by the membership to hold a Union office or position, whether or not contested.
15. The term "*Election Supervisor*" means the Election Supervisor appointed by the IBT General Executive Board pursuant to Article III, Section 5(a)(2) of the IBT Constitution and the 2021 Election Agreement, or the Election Supervisor's designee.
16. The term "*Election Supervisor's representative*" means any individual working at the direction of the Election Supervisor.

17. The term "*Election Appeals Master*" means the Election Appeals Master appointed by the IBT General Executive Board pursuant to the 2021 Election Agreement, or the Election Appeals Master's designee.
18. The term "*employer*" means any individual, corporation, trust, organization or other entity that employs another, paying monetary or other compensation in exchange for that individual's services, but does not include a candidate's campaign or campaign organization or a caucus or group of Union members, provided that such caucus or group is itself financed exclusively from contributions permitted under the Rules. The term "employer" includes not-for-profit employers, governmental and agricultural employers and all persons acting as agents of an employer in relation to an employee. Except where otherwise expressly limited, "employer" is not limited to an employer which has a collective bargaining agreement with the Union or which is the subject of an organizing campaign by the Union.
19. The term "*employer bulletin board*" means any bulletin board or similar space on the premises of an employer which is used for, among other purposes, the posting of general information and/or the posting of notices by employees.
20. The term "*Final Order*" means the order entered by the Court in *United States v. International Brotherhood of Teamsters*, No. 88 Civ. 4486 (S.D.N.Y.) (LAP), on February 17, 2015.
21. The term "*floor nomination*" means the placing into nomination, and the seconding, of a candidate for International office at the Convention.
22. The term "*General President*" means the IBT International Union president, elected by the membership on a union-wide basis.
23. The term "*General Secretary-Treasurer*" means the IBT International Union secretary-treasurer, elected by the membership on a union-wide basis.
24. The term "*independent committee*" means any person or entity not controlled by a candidate or slate who/which has accepted any campaign contribution, as defined by these Rules, or who/which has made any expenditure, where the purpose, object or foreseeable effect of the contribution or expenditure is to influence the election of International Officer candidate(s).
25. The term "*interested employer*" means any employer which is a party, or member of an association which is a party, to a collective bargaining agreement with the Union and any employer which is, or since January 1, 2017 has been, the subject of an organizing campaign by the Union.
26. The term "*IBT Magazines*" means The Teamster and Teamsters Canada, or any substitute for either, by whomever issued, as well as any other publications described in paragraph 4 of the 2021 Election Agreement, as designated by the Election Supervisor.
27. The term "*International Officer*" means either the General President of the International Union; the General Secretary-Treasurer of the International Union; any one of the Vice Presidents of the International Union, whether at-large or regional; or any one of the three (3) Trustees of the International Union.



28. The term "*International Officer election*" means the secret ballot vote of the membership to be held for the purpose of electing the General President, the General Secretary-Treasurer, the Vice Presidents and the Trustees of the International Union.
29. The term "*International Officer nomination*" means the secret ballot vote of the convention delegates for the purpose of nominating those candidates eligible to run in the International Officer election.
30. The term "*labor organization*" means any organization recognized or certified as a collective bargaining representative of employees with respect to wages, hours and/or working conditions or any organization seeking to be so recognized or certified. The term includes, but is not limited to, the Union, its subordinate bodies, organizations representing governmental and agricultural employees, all parent and subordinate bodies of a labor organization, all national, state or central bodies with which any labor organization is affiliated, and all city, state, provincial, regional and central bodies of Change to Win, the AFL-CIO and of the CLC.
31. The term "*Local Union Plan*" means a written document prepared by the Local Union and approved by the Election Supervisor, as described in Article II, Section 4 of the Rules.
32. The term "*mail ballot*" means a ballot mailed to each ballot-qualified member (as defined on page 6).
33. The term "*member*" means any person who has fulfilled the requirements of membership in any Local Union and who has neither voluntarily withdrawn from membership nor been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the IBT Constitution and the by-laws of the Local Union.
34. The term "*member in good standing*" means a member who has paid his/her dues through the month prior to the month in question.
35. The term "*nominated candidate*" means (1) a member who has been nominated to run for a Convention delegate or alternate delegate position; (2) a member who has been nominated by secret ballot vote at the Convention to run for any International Officer position.
36. The term "*preexisting rights*" means all rights as may exist (a) under national, state, provincial or local laws (including, but not limited to, outstanding orders of any court, or administrative agency), (b) under a collective bargaining agreement, and/or (c) under policies or practices of an employer during the 1990-1991 IBT International Union Delegate and Officer Election or thereafter.
37. The term "*regional area*" means each of the geographic areas of each of the four United States Area Conferences, as they existed at the time of the adoption of the 1991 Constitution, and of Teamsters Canada, with the following modifications:
  - (1) Delegates and alternate delegates elected from General Committees of Adjustment and from geographic areas as designated in paragraph 6.16 of the Merger Agreement between the International Brotherhood of Locomotive Engineers and the IBT shall vote in geographic region in which the entity from

which they are elected is headquartered. Members of each General Committee of Adjustment shall vote in the geographic region in which the General Committee is headquartered; however, with respect to any General Committee of Adjustment which is headquartered in a geographic region within which less than 1 % of the members assigned to that General Committee of Adjustment are employed, the delegates and alternate delegates shall vote in the geographic region in which the largest number of members of the General Committee of Adjustment are employed.

- (2) Delegates and alternate delegates elected from System Federations and Divisions and from geographic areas as designated in paragraph 4.18 of the Merger Agreement between the Brotherhood of Maintenance of Way Employees and the IBT shall vote in the geographic region in which the entity from which they are elected is headquartered. Members of each System Federation and Division shall vote in the geographic region in which the System Federation or Division is headquartered.
  - (3) Delegates and alternate delegates elected from Local Unions and geographic areas as designated in paragraph 3.4 of the Merger Agreement between the Graphic Communications International Union and the IBT shall vote in the geographic region in which their Local Union is headquartered. Members of Local Unions within the GCIU/IBT Conference shall vote in the geographic region in which the Local Union is headquartered.
38. The term "*regional Vice President*" means an International Vice President elected by the membership from a regional area.
  39. The term "*relevant delegate pool*" means those delegates deemed eligible to participate in the Convention as segregated, when necessary, by regional area (e.g., the relevant delegate pool for voting on the nomination of candidates for the International Vice President from Canada would be those, and only those, delegates deemed eligible to represent Local Unions within the jurisdiction of Teamsters Canada).
  40. The term "*relevant membership pool*" means those members as segregated, when necessary, by regional area (e.g., the relevant membership pool for voting for International Vice President from Canada would be those, and only those, members from Local Unions within the jurisdiction of Teamsters Canada).
  41. The term "*seasonal Local Union*" means a Local Union in which ten percent (10%) or more of the membership of the Local Union is employed by a seasonal food industry employer.
  42. The term "*slate*" means any grouping by mutual consent of two or more candidates.
  43. The term "*Social Security Number*" means the U.S. Social Security Number or the Canada Social Insurance Number used by the Union in a member's membership record.
  44. The term "*subordinate body*" means any organization affiliated with the International Union, and includes State Conferences, Joint Councils, Trade Divisions or Conferences, and Local Unions.

45. The term "*Union*" means the International Union, all Local Unions and all other subordinate bodies of the International Union, unless explicit distinction is made.
46. The term "*Union bulletin board*" means any bulletin board to which the International Union or Local Union has access for the purpose of posting information concerning the business and/or activities of the union and includes bulletin boards at the office of the Union as well as bulletin boards located on employer premises.

## ARTICLE I

### ROLE AND AUTHORITY OF ELECTION SUPERVISOR

Pursuant to Article III, Section 5(a)(2) of the IBT Constitution and the GEB's resolution of October 10, 2019 and the 2021 Election Agreement, the Election Supervisor has the authority to conduct and supervise the election of delegates to the International Convention, the nomination of candidates for International office at the Convention and the election of International officers. The authority of the Election Supervisor shall include the authority to supervise all phases of the International Union delegate and officer elections and to hear and determine, with the Election Appeals Master, any protests and appeals concerning the elections and, where necessary, conduct, overturn or rerun any phase of the elections. The Election Supervisor is authorized and obligated to certify election results.

Subject to the 2021 Election Agreement, the Election Supervisor has the authority to interpret, to enforce, and, when necessary, to amend the Rules. The Election Supervisor has the authority to take all necessary actions, consistent with these Rules, to ensure fair, honest, open, and informed elections. In exercising these powers, the Election Supervisor shall consider and apply, where applicable, precedents and decisions issued during the 1990-91, 1995-96, 2000-2001, 2005-2006, 2010-2011, and 2015-2016 International Elections and the 1997-98 Rerun Election.

The Election Supervisor and the Election Appeals Master, and their designees and representatives, shall at all times discharge their duties and responsibilities faithfully and impartially.

## ARTICLE II

### NOMINATIONS AND ELECTIONS OF DELEGATES AND ALTERNATE DELEGATES

Elections for Convention delegate and alternate delegate positions shall be held by direct rank-and-file secret ballot voting. Eligibility to vote shall be determined as provided in Article V, Section 1 of these Rules. Voting shall be conducted consistent with all requirements of the Rules, including the following:

1. **Authority of Election Supervisor**

The Election Supervisor shall supervise each aspect of the nomination and election of delegates and alternate delegates from each Local Union to the 2021 International Convention. The Election Supervisor shall not conduct elections for delegates and alternate delegates, except as provided herein. In all cases, elections for delegates and alternate delegates shall be conducted at the expense of the Local

Unions or other affiliates from which delegates and alternate delegates are elected as provided in these Rules.

## **2. Conduct of Local Union Delegate and Alternate Delegate Elections by Mail Ballot**

All elections for Local Union delegates and alternate delegates to the Convention shall be by mail ballot unless an alternate method of balloting (for example: internet or other electronic voting) is both allowed by law and is specifically approved by the Election Supervisor for use in connection with a specific Local Union Plan. Any alternate method of balloting shall be approved only if the Election Supervisor determines that the method provides protection and security for the member's secret ballot at least equivalent to the mail ballot. Mail balloting shall be conducted as set forth in this Article.

## **3. Schedule of Delegate and Alternate Delegate Elections; Delegate and Alternate Delegate Strength**

(a) All Local Unions and other affiliates shall hold nominations and elections for delegates and alternate delegates in 2021, unless the Local Union falls within one of the two following exceptions:

(1) Local Unions with regularly scheduled local officer elections in Fall 2020: A Local Union which has a regularly scheduled Local Union officer election in Fall 2020 may file a Local Union Plan for a Fall 2020 Local Union delegate and alternate delegate election.

(2) Seasonal food industry Local Unions: if ten percent (10%) or more of the membership of a Local Union is employed by a seasonal food industry employer, the Local Union shall be considered a "seasonal Local Union." The Election Supervisor shall determine the appropriate schedule for the nomination and election of delegates and alternate delegates in each seasonal Local Union based on the following criteria: the time of the year at which seasonal employment is likely to be at a peak and, considering the schedule for the election process set forth in this Article, when it is most appropriate to conduct the election. The application of these criteria may require that the nominations and elections for delegates and alternate delegates in seasonal Local Unions be conducted in Summer 2020. The Election Supervisor will announce this schedule no later than May 5, 2020, for elections to be conducted in Summer 2020, and no later than June 1, 2020, for all other elections.

(b) Elections shall be held within the former Brotherhood of Locomotive Engineers, Brotherhood of Maintenance of Way Employees and Graphic Communications International Union as provided by the merger agreements between those Unions and the IBT. Only for the purpose of implementing these Rules and where otherwise appropriate, the term "Local Union" shall mean the appropriate General Committee of Adjustment (BLET), System Division or Federation (BMWE), Local Union (GCIU) or geographic grouping (BLET, BMWE and GCIU) as set forth in the merger agreements as the appropriate subdivision within those Unions from which delegates and alternate delegates are to be elected under those mergers agreements.

(c) On or about May 5, 2020, the Election Supervisor shall notify each seasonal Local Union which he/she has determined shall hold nominations and elections of delegates in Summer 2020 of the number of delegates to be elected by the membership of such Local Union. On or about June 1, 2020, the Election Supervisor shall notify each other Local Union of the number of delegates to be elected by the membership of such Local Union.

(d) Local Unions electing 1-4 delegates shall elect at least one (1) alternate delegate; Local Unions electing 5-8 delegates shall elect at least two (2) alternate delegates; Local Unions electing 9-12 delegates shall elect at least three (3) alternate delegates; and Local Unions electing 13 or more delegates shall elect at least four (4) alternate delegates. Nothing herein prohibits a Local Union from electing more alternate delegates than the minimum number specified above.

#### 4. Local Union Plan

(a) Each Local Union shall submit a proposed Local Union Plan for approval by the Election Supervisor. The Election Supervisor shall review each proposed Local Union Plan and approve it, with such modifications as the Election Supervisor may determine are necessary and appropriate.

Seasonal Local Unions which the Election Supervisor has determined shall hold Summer 2020 elections shall submit the proposed Local Union Plan to the Election Supervisor on or before June 1, 2020.

For Local Unions entitled and proposing to nominate and elect their Convention delegates during the Fall of 2020 (i.e. those Locals scheduled to hold their elections for Local Union officers in the Fall of 2020), the proposed Local Union Plan shall be submitted to the Election Supervisor on or before June 30, 2020. A Local Union that does not so submit a proposed Local Union Plan by the above date shall not be entitled to nominate or elect Convention delegates during the Fall of 2020 and shall be required to conduct such delegate nomination and election during the winter of 2020-2021.

All other Local Unions shall submit a proposed Local Union Plan to the Election Supervisor on or before September 30, 2020. A Local Union that does not timely submit a proposed Local Union Plan shall have its nominations and elections conducted by the Election Supervisor, but at the expense of the Local Union.

(b) The Local Union Plan shall set forth the following:

- (1) the proposed date(s) of issuance of the notice(s) for the nominations meeting(s) and the delegate election(s), including the proposed method to be used for issuing the notice for the nominations meeting(s);
- (2) the proposed date(s), time(s) and place(s) of the nominations meeting(s) (if the date proposed for any nomination meeting is other than the date for a regularly scheduled, periodic general membership meeting of the Local Union, the Plan must explain the basis for the choice of date);
- (3) the proposed date(s), time(s) and place(s) of the distribution of the ballots;
- (4) a description of the composition (e.g. rank and file members, Local Union staff, Local Union officers, etc.) of the Local Election Committee or any substitute therefor, the method of selection of such body and, if known, the names of the individuals selected to serve;
- (5) the name, address and telephone number of any outside election agency proposed to be used by the Local Union to conduct the nominations meeting(s) or delegates election(s), and a description of the duties the Local Union proposes such agency be assigned to perform;

- (6) the proposed method for conducting the mail ballot election, identifying the mailing house to be used and procedure for receiving mailed ballots or, for an alternate method of balloting, the proposed method for securely preparing and distributing ballots.
- (7) the proposed method, date(s), time(s) and place(s) for the counting of the ballots;
- (8) the number of alternate delegates that the Local Union will elect;
- (9) if the Local Union is unable to pay the expenses of all of its delegates to attend the 2021 IBT International Convention and the Local Union membership has voted to send less than a full complement of delegates (see Article III, Section 3 of these Rules), the number of delegates whose expenses will be paid;
- (10) the number of alternate delegates whose expenses to attend the 2021 IBT International Convention will be paid;
- (11) the addresses of all sites where one (1) or more members of the Local Union is then employed, with corresponding names of employers;
- (12) then-current Local Union Bylaws or Constitution;
- (13) an original of each issue of the Local Union newsletter, newspaper, magazine and any other periodical made available by the Local Union to the Local Union membership or subdivision thereof after January 1, 2019;
- (14) the percentage of Local Union membership whose primary language is other than English and a statement of reasons why election materials should or should not be published in language(s) in addition to English and, if so, what language(s);
- (15) any other information that the Local Union believes relevant; and
- (16) any other information or material the Election Supervisor deems appropriate.

(c) Once a Local Union Plan is submitted to the Election Supervisor, the Local Union shall make the complete Plan, including all appendices, available for inspection at its office by the International Union, any subordinate body, any member of the Local Union submitting the Plan and any candidate for International office. In addition, each of the foregoing shall have the right to obtain, upon request, a copy of the Plan from the Local Union at no cost.

(d) Any interested Union member or body shall have the right to submit written comments to the Election Supervisor, with a copy to the Local Union, concerning a proposed Local Union Plan, within fifteen (15) days of the submission of the Plan to the Election Supervisor.

(e) As soon as possible, but in no event later than five (5) days after the Local Union has submitted its Plan to the Election Supervisor, the Secretary-Treasurer of the Local Union shall post a notice (on a form promulgated by the Election Supervisor) on all Local Union bulletin boards advising that the Local Union Plan has been submitted to the Election Supervisor and further advising members of their rights under Subsections (c) and (d) above and shall maintain such posting until replaced by a posting of the Plan Summary. Within three (3) days of such posting, the Secretary-Treasurer shall provide to the Election Supervisor an affidavit attesting that the notice was posted as required, identifying the bulletin board sites at which it was posted and the name and title of the individual with responsibility for

posting the notice at each site. If the Local Union maintains a website and the website has the technical capacity to allow the Local Union to post notices to membership to the site, the notice shall be posted in a notice section of that website.

(f) Not later than five (5) days after the Local Union has submitted its Plan to the Election Supervisor, the Election Supervisor shall make the Plan available, without appendices, on the Election Supervisor's website.

(g) Except where otherwise provided by the Rules, every posting by the Union on Union bulletin boards required by this or any other provision of the Rules shall be on Union letterhead that has no names of Union officers, business agents, staff or the like.

(h) Once a Local Union Plan is approved, the Election Supervisor shall prepare a summary of the Plan, delineating all relevant information. As soon as possible, but in no event later than seven (7) days after the Local Union has received the Plan Summary, the Secretary-Treasurer of the Local Union shall post a copy of the Plan Summary on Election Supervisor letterhead on all Local Union bulletin boards and shall maintain such posting through the entire delegate nomination and election period. Within three (3) days of such posting, the Secretary-Treasurer shall provide to the Election Supervisor an affidavit attesting that the Plan Summary was posted as required, identifying the bulletin board sites at which it was posted and the name and title of the individual with responsibility for posting the Plan Summary at each site. If the Local Union maintains a website and the website has the technical capacity to allow the Local Union to post notices to membership to the site, the notice shall be posted in a notice section of that website.

(i) The Election Supervisor shall make the approved Local Union Plan Summary available on the Election Supervisor's website.

## **5. Delegate Nominations**

(a) For Local Unions entitled and choosing to nominate and elect their Convention delegates during the Fall of 2020, and who timely submit a proposed Local Union Plan to the Election Supervisor, the nomination of Convention delegates and alternate delegates shall take place from September 1, 2020 through November 7, 2020. For Seasonal Local Unions, the nominations for delegates and alternate delegates shall be held on the dates the Election Supervisor has set under Section 3 of this Article. For all other Local Unions, the nomination of Convention delegates and alternate delegates shall take place from January 4, 2021 to March 7, 2021.

(b) Local Unions entitled and choosing to nominate delegates and alternate delegates at the same time as Local Officer nominations shall nominate the delegate and alternate delegate candidates separately from Local Officer candidates.

(c) All Local Unions shall nominate delegate candidates separately from alternate delegate candidates. All nominations for delegates and alternate delegates shall be at large.

(d) Notice of nomination meeting(s) shall be given on a form promulgated by the Election Supervisor by mailing a copy of the notice to each member at his/her last known home address by first class mail at least twenty-one (21) days prior to the first nomination meeting. The notice shall be mailed by the Local Union and the cost of this mailing shall be borne by the Local Union. The notice shall include the date(s), time(s) and location(s) of the nomination meeting(s); the number of delegate and alternate delegate positions, a clear and complete explanation of the requirements and procedures for submitting and accepting a nomination (including a statement that the member shall have the right to be

nominated and seconded and to accept nomination by writing as set forth in this Article); information about slate formation and the deadline for submitting slate declaration forms; and a statement that retaliation for the exercise of rights under the Rules is prohibited. In addition, the Notice shall contain the statement:

"It is strongly recommended that, before being nominated, each prospective nominee request verification of his/her eligibility to run for delegate or alternate delegate. To maximize the opportunity for the Election Supervisor to verify eligibility before nomination, this request should be made in writing to the Election Supervisor as soon as possible, but in no event less than five (5) working days prior to the nomination meeting."

The notice of delegate nominations meeting(s) may be combined with the notice of election, if the notice of nomination is mailed to each member at his/her last known home address.

At least twenty -one (21) days prior to the first nomination meeting, the Secretary-Treasurer of the Local Union shall post a copy of this same notice on all Local Union bulletin boards and shall maintain such posting through the date of the final nomination meeting. Within three (3) days of such posting, the Secretary-Treasurer shall provide to the Election Supervisor an affidavit attesting that the notice of nomination meeting(s) was posted as required, identifying the bulletin board sites at which it was posted and the name and title of the individual with responsibility for posting the notice of nomination meeting(s) at each site. If the Local Union maintains a website and the website has the technical capacity to allow the Local Union to post notices to membership to the site, the notice shall be posted in a notice section of that website.

(e) Nominations shall take place at a general or special membership meeting or at a meeting of each separate division, craft or place of employment authorized by the Local Union Executive Board to hold a separate meeting and shall be made by a member in good standing other than the nominee, seconded by a member in good standing other than the nominee.

(f) Any member eligible to nominate or second a nomination may do so by a writing submitted to the Local Union Secretary-Treasurer. The writing shall state whether it is a nomination or a second, the name of the member being nominated or seconded, and whether the nomination or second is for delegate or alternate delegate. It shall be signed by the member submitting the nomination or second and shall provide his/her complete mailing address. The submitting individual may also choose to provide the last four digits of his/her Social Security number. At the nomination meeting, the presiding Local Union officer shall announce and treat a written nomination or second as if it had been made from the floor of such meeting. The Election Supervisor may separately request a nominator, seconder, or candidate to provide the last four digits of his/her Social Security number directly to the Office of the Election Supervisor to verify eligibility.

(g) A written nomination or second must be received by the Local Union Secretary-Treasurer no later than 5 p.m. of the day immediately prior to the day of the relevant nomination meeting (if the nomination meeting is scheduled to occur after 5 p.m., the written nomination or second must be received by the Local Union Secretary-Treasurer no later than 5 p.m. of the day of the meeting).

(h) Nothing shall prohibit any member in good standing from nominating or seconding more than one candidate. Nothing shall prohibit more than one member in good standing from nominating or seconding any candidate. A candidate may decline to be nominated or seconded by a particular person or persons.



(i) To be eligible for nomination, a member must be nominated and seconded by a member in good standing, each with his/her dues paid through the month prior to the nominations meeting; the member must be eligible to be nominated, pursuant to Article VI of these Rules; and the member must accept his/her nomination at the time made either in person, or, if absent, in writing. If acceptance is made in writing, the document must be presented to the presiding Local Union officer no later than the time the member is nominated.

(j) No member may accept nomination for both a delegate and an alternate delegate position.

(k) After a candidate has accepted nomination, he/she may not, under any circumstance, revoke acceptance once the ballots are printed, except where as a result of such revocation the remaining candidate(s) are left unopposed.

## **6. Posting the Nomination Results**

(a) As soon as possible but in no event later than five (5) days following the nomination meeting(s), the Local Union Secretary-Treasurer shall post on all Union bulletin boards a list of all nominated candidates, by name (and by slate affiliation, if known at the time). When the number of nominees for delegate or for alternate delegate does not exceed the number to be elected to that position, the list to be posted shall state that such nominees have been declared elected. A copy of this posting shall be sent immediately to the Election Supervisor.

(b) Within three (3) days of such posting, the Local Union Secretary-Treasurer shall provide to the Election Supervisor an affidavit attesting that the list of nominated candidates was posted as required, identifying the Union bulletin board sites at which the list was posted and the name and title of the individual with responsibility for posting the list at each site.

(c) Disputes concerning the eligibility of one or more nominated candidates to run for delegate or alternate delegate positions shall not stop, stay or delay the required posting, and the list shall not contain any indication that the eligibility of a candidate has been challenged, protested or questioned.

When an eligibility protest results in one or more candidates being found ineligible, and all appeal rights under Article XIII of the Rules have been exhausted, the Local Union shall post a revised list of candidates eliminating any found to be ineligible, in the same locations and in the same manner as the original list. The Local Union Secretary-Treasurer shall provide an affidavit regarding posting of this revised list as set forth in Subsection (b) above.

## **7. Delegate Elections**

(a) For Local Unions nominating delegates and alternate delegates in Fall 2020, the election of delegates and alternate delegates shall take place between October 24, 2020 and December 31, 2020. For seasonal Local Unions, the election of delegates and alternate delegates shall be held on the date(s) established pursuant to Section 3(a)(2) of this Article. For all other Local Unions, the election of delegates and alternate delegates shall take place between February 27, 2021 and April 30, 2021.

The mailing of ballots shall commence no sooner than thirty (30) days after the final nomination meeting.

(b) For those Local Unions electing delegates and alternate delegates at the same time as Local Union officer elections, the delegates and alternate delegates shall be elected in an election separate from the election of Local Union officers.

(c) For all Local Unions, delegate candidates shall be listed on the ballot separately from alternate delegate candidates. All elections for delegates and alternate delegates shall be at-large.

(d) The Notice of Election shall be included in the mail ballot package which shall be mailed no later than twenty-four (24) days prior to the deadline for return of ballots. The Notice of Election shall be provided to each member on a form promulgated by the Election Supervisor. The Notice shall contain the warnings in Article II, Section 15 of the Rules and, in addition, state the date(s) by which ballots must be returned; the procedure by which a member may receive a duplicate ballot; the number of delegates and alternate delegates to be elected; a clear and complete explanation of the requirements and procedures for voting.

In addition, each Local Union shall post the Notice of Election on all Union bulletin boards and shall publish the Notice of Election in all Union newspaper(s) or other periodical literature sent or otherwise made available to its members after publication of the list of nominees and prior to the counting of ballots. If the Local Union maintains a website and the website has the technical capacity to allow the Local Union to post notices to membership to the site, the notice shall be posted in a notice section of that website.

Within three (3) days of such posting, the Secretary-Treasurer shall provide to the Election Supervisor an affidavit attesting that the Notice of Election was posted as required, identifying the Union bulletin board sites at which it was posted and the name and title of the individual with responsibility for posting the Notice at each site.

#### **8. Uncontested Elections**

When the number of nominees for delegate does not exceed the number of delegates to be elected, there shall be no necessity for an election for delegates and such nominee(s) shall be declared duly elected. Similarly, when the number of nominees for alternate delegate does not exceed the number of alternate delegates to be elected, there shall be no necessity for an election for alternate delegates and such nominee(s) shall be declared duly elected. The election ballot shall not contain the name of any candidate for a position for which there is no contest, even if there is a contest for another position.

#### **9. Slate Voting**

Candidates for delegate and alternate delegate are permitted to seek nomination, be nominated, campaign and appear on the ballot as members of a slate of candidates, regardless of whether the slate is a full or partial slate. The rules governing slate formation are found in Article VIII of these Rules. All Local Unions shall permit slate voting.

#### **10. Printing and Pre-election Handling of the Ballots**

(a) All ballots shall be identified as the "Official Ballot for the Election of Convention Delegates and Alternate Delegates" and shall be printed in a legible manner, with headings printed in bold face.

The ballot shall state the number of delegate and alternate delegate candidates to be elected and shall instruct the voter to vote for no more than that number of delegates and alternate delegates. If there are slates, the ballot shall state that the voter may vote for a partial slate plus additional candidates, whether or not on a slate, so long as the total number of delegate and alternate delegate candidates voted for does not exceed the number to be elected. The ballot shall state that instead of voting for a slate or partial slate, the voter may vote for individual candidates, whether or not on a slate,

so long as the total number of delegate and alternate delegate candidates voted for does not exceed the number to be elected. The ballot shall state that by placing a mark in the slate box or circle, the voter will have voted for all the individual candidates on that slate.

If the total number of delegate candidate votes exceeds the number of delegates to be elected, that portion of the ballot shall be void, except where a voter has voted for a slate or a partial slate, in which case the slate or partial slate vote only shall be counted. Similarly, if the total number of alternate delegate candidate votes exceeds the number of alternate delegates to be elected, that portion of the ballot shall be void, except where a voter has voted for a slate or a partial slate, in which case the slate or partial slate vote only shall be counted. Where a voter has voted for both a slate and some or all the candidates listed under that slate heading, the markings for the individual slate members shall be disregarded and the slate vote shall be counted.

(b) The names of all candidates for delegates and alternates shall be printed on the ballot. The names of all candidates of any slate shall be placed under the heading of the slate name or title as designated by the slate declaration form previously submitted to the Local Secretary-Treasurer. The names of all other delegate and alternate delegate candidates shall be printed on the ballot in a column or columns under the heading "Independent Candidates." Delegate candidates and alternate delegate candidates shall be listed separately.

All full and partial slates shall be listed on the ballots before the column(s) headed "Independent Candidates." The order of placement of the slates on the ballot shall be determined by lot. The members of each slate shall determine the order of each candidate's name within the slate listing. Among the independent candidates, the order of placement on the ballot shall be determined by lot.

A square or circle shall be printed before each slate name. A smaller square or circle shall be printed before the name of each delegate and alternate delegate candidate, whether or not a member of a slate. No such square or circle shall be printed before the column heading "Independent Candidates."

(c) Each ballot shall contain the following instructions:

**INSTRUCTIONS TO VOTER:**

1. Vote for no more than \_\_ delegate candidates and no more than \_\_ alternate delegate candidates
2. You may vote for a full slate.
3. You may vote for a partial slate plus additional candidates, whether or not on a slate, so long as the total number of delegate and alternate delegate candidate votes does not exceed the total to be elected.
4. Instead of voting for any slate or partial slate, you may vote for individual candidates, whether or not on a slate, so long as the total number of delegate and alternate delegate candidate votes does not exceed the total to be elected.
5. By placing a mark in the slate box (or circle), you will have voted for all the individual candidates on that slate. If you mark a slate box (or circle) and also vote for other candidates so that the total of your votes is more than the total number of positions to be elected, only your slate vote will be counted. If you vote for two or more slates so that the total of your votes for slate members is

more than the total number of positions to be elected your vote will not be counted for any candidate running for that position.

(d) As near as practicable, the ballot shall be in the form of the sample ballots published by the Election Supervisor.

(e) Candidates shall be identified on the ballot only by name and, if affiliated, by slate. Where a similarity in names may cause confusion, appropriate additional identification shall be added. No asterisks or similar marking distinguishing incumbency shall be placed on the ballot.

(f) No sticker, write-in, or proxy votes shall be permitted.

(g) The Local Union shall prepare and maintain the ballots prior to the election. No ballot shall be printed sooner than forty-eight (48) hours after the final nominations meeting. Where there is a challenge with respect to the eligibility of any candidate, no ballot shall be printed sooner than fifteen (15) days after the final nominations meeting. Ballots shall be printed in sufficient number to insure that each member who so desires has the right to vote. The person or entity printing the ballots shall certify the number printed. Ballot security shall be maintained throughout the pre-election process.

## 11. **Counting of Ballots**

(a) Ballots shall be counted in accord with the approved Local Union Plan either by the Local Union or, if the Election Supervisor so directs, by the Election Supervisor or his/her designee or representative.

(b) The ballots shall be transported from the post office to a suitable location for counting.

(c) All ballots shall be counted by a mechanical device, except that the Election Supervisor shall have the discretion to waive this requirement when appropriate.

(d) The vote count shall be kept on an official election tally sheet stating the number of ballots printed, the number of mail ballots cast, the number of challenged, void, spoiled and unused ballots, and the number of votes received by each candidate. The tally sheet shall be signed by the officer, agent, or Election Supervisor representative in charge of the count, and by any candidate and/or observer choosing to sign.

(e) All unchallenged ballots shall be counted first. Challenged ballots shall be treated as provided in Article IV, Section 9 of the Rules.

(f) Where more than one (1) mail ballot is received from a member, the ballot that is received nearest to the date for counting ballots in the election shall be counted and the other(s) voided. If the order of receipt cannot be determined by postmark on the ballot return envelope, the ballot returned in the envelope last mailed to the member shall be deemed the ballot to be counted and other(s) voided. Where it is not possible to determine an order of receipt date, such ballots shall be voided.

(g) If on any ballot the total number of candidate votes exceeds the number of persons to be elected to that position, that portion of the ballot shall be void, except where a voter has marked the ballot for a full or partial slate of candidates, the slate vote only shall be counted. The remaining portion of the ballot shall be counted. Where a voter has marked a ballot for both a full or partial slate and for some or all of the candidates listed under that slate heading, the markings for the individual slate members shall be disregarded, and the slate marking shall be counted as a vote for every member of that slate.

(h) In the event of a tie vote, such tie shall be resolved by lot.

(i) All ballots, including those that are challenged, voided, spoiled and unused, all ballot envelopes, and copies of all tally sheets shall be preserved for one (1) year after the count.

## 12. **Announcement of Election Results**

(a) Upon completion of the vote count, the officer, agent or Election Supervisor representative in charge of the count shall immediately announce to all candidates and observers present the results of the count, including the number of ballots cast, the number of challenged and void ballots, and the number of votes received by each candidate.

(b) As soon as possible but in no event later than seven (7) days after completion of the vote count, the Secretary-Treasurer of the Local Union shall post a copy of the official election tally sheet on all Local Union bulletin boards and shall maintain such posting for a period of not less than thirty (30) days. The original tally sheet shall be maintained by the officer, agent, or Election Supervisor representative in charge of the count. If the Local Union maintains a website and the website has the technical capacity to allow the Local Union to post notices to membership to the site, the tally sheet shall be posted in a notice section of that website.

Within three (3) days of such posting, the Secretary-Treasurer shall provide to the Election Supervisor an affidavit attesting that the official election tally sheet was posted as required, identifying the bulletin board sites at which it was posted and the name and title of the individual with responsibility for posting the official election tally sheet at each site.

## 13. **Ranking of Delegates and Alternates**

(a) Elected delegates shall be ranked as first delegate, second delegate, third delegate, etc. in accordance with the number of votes received. Similarly, elected alternate delegates shall be ranked as first alternate delegate, second alternate delegate, third alternate delegate, etc. in accordance with the number of votes received. In the event of a tie vote, the ranking of delegates and alternate delegates shall be resolved by lottery, or by agreement among the elected delegates who are tied or the elected alternate delegates who are tied.

Where there is no contest for the position of delegate or alternate delegate, the ranking of delegates and alternate delegates shall be resolved by lottery, or by agreement separately among the elected delegates and among the elected alternate delegates, immediately after the final nomination meeting has been concluded.

(b) In all situations where an elected delegate is replaced, the replacement shall be effected by moving the elected delegate with the next higher-ranking into the position of the delegate to be replaced. Delegates shall maintain rank order according to the ranking established pursuant to subsection (a) of this section.

(c) In all situations where alternate delegates replace or substitute for delegates, the alternate delegate(s) selected shall be by rank.

## 14. **Observers**

Each candidate and each slate of candidates may observe the nomination and election process in accordance with Article IX of the Rules.

**15. Prohibition on Interference with Voting**

No person or entity shall limit or interfere with the right of any IBT member to vote, including, but not necessarily limited to, the right to independently determine how to cast his/her vote, the right to mark his/her vote in secret and the right to mail the ballot himself/herself. No person or entity may encourage or require an IBT member to mark his/her ballot in the presence of another person or to give his/her ballot to any person or entity for marking or mailing.

Any violation of this rule may result in disqualification of a candidate who benefits from the violation, referral of the matter to the Government for appropriate action under law (including the Final Order) or such other remedy as the Election Supervisor deems appropriate.

The instructions for balloting included in ballot packages shall contain these prohibitions and shall urge members to promptly vote and return their ballots.

**16. Certification of Election Results**

(a) After completion of the election process conducted in accordance with the Rules, where no timely protest of the election is filed, or upon completion of the protest and appeal procedure, the Election Supervisor shall certify the results of the election.

(b) Upon its issuance, the Election Supervisor shall mail to the Local Union's Secretary-Treasurer, by certified or registered mail, a copy of such certification.

(c) Should the Election Supervisor decline to certify the results of any election, such election shall be set aside and rerun pursuant to the terms of Article XIII, Section 5 of the Rules.

**ARTICLE III**

**THE INTERNATIONAL CONVENTION AND NOMINATIONS OF CANDIDATES FOR INTERNATIONAL OFFICE**

Pursuant to Article IV of the IBT Constitution, candidates for International office shall be nominated at the 2021 IBT Convention by delegates to that Convention and, thereafter, shall be elected by the general membership of the Union in secret ballot voting.

**1. The Convention Call**

(a) The General Secretary-Treasurer shall issue a Call for the Convention not less than ninety (90) days prior to the date of the opening of the Convention, which shall be in June of 2021.

(b) In addition to all other information, the Convention Call shall contain the following:

(1) A statement of the date, time, and place of the opening of the Convention.

(2) A statement explaining: (a) that no Local Union shall be entitled to representation in the Convention that has not been chartered, affiliated or in good standing for a total of six (6) months prior to the opening of the Convention; (b) that no Local Union shall be entitled to representation in the Convention which, at the time of the Convention Call, is

six (6) months or more in arrears in monies due to the International Union or any subordinate body thereof with which such Local Union is affiliated, or which, if less than six (6) months in arrears, has not paid all such arrearages in full at least three (3) days prior to the opening of the Convention, excepting those monies due for the last month, which amounts must be paid by the beginning of the Convention; and (c) that either the General Executive Board or the Election Supervisor may waive any of the foregoing requirements on a non-discriminatory basis.

(3) A statement that only delegates certified by the Election Supervisor shall be permitted to vote for the nomination of International Officers.

(4) A statement that each Local Union shall pay the expenses of its delegates and alternate delegates consistent with the Rules or shall make arrangements for such payment by agreement with other subordinate bodies.

(5) A statement that the failure of any Local Union to send to the Convention all delegates to which it is entitled shall not constitute a basis for challenging the credentials or seating of those delegates sent or otherwise attending the Convention so long as the Local Union has complied with Article II, Section (4)(b)(8) and Article III, Section 3(a) of the Rules.

(6) A statement that in order to be seated, each delegate at the time of the Convention must be a member in good standing from a Local Union entitled to representation.

(c) The General Secretary-Treasurer shall provide a copy of the Convention Call to the Election Supervisor no later than thirty (30) days prior to the date of its scheduled issuance. The Election Supervisor shall review, and reserves the authority to amend, the contents of the Call prior to its issuance.

(d) Any challenge to the portion(s) of the Convention Call dealing with delegates must be filed in writing with the Election Supervisor within fifteen (15) days of issuance of the Call.

## **2. Increases or Decreases in Delegate Strength**

On or before May 3, 2021, the Election Supervisor shall determine whether the membership of each Local Union has increased or decreased such that the Local Union is entitled to representation by a greater or lesser number of delegates at the Convention than the number of delegates elected in such Local Union's delegate election. If the Local Union is entitled to a greater number of delegates, the additional delegates shall be selected from the alternate delegates by rank. If the Local Union is entitled to a lesser number of delegates, the lowest ranked delegate(s) shall become the first ranked alternate delegate(s).

## **3. Attendance at Convention and Payment of Expenses**

(a) Each Local Union shall send to the Convention and pay the expenses, or make arrangements for such payment by agreement with other subordinate bodies, of all delegates to which it is entitled, unless the Local Union is financially unable to do so and the Local Union membership has voted prior to the time of submitting its Local Union Plan to send less than a full complement of delegates. A Local Union claiming financial inability shall demonstrate actual financial inability to the General Secretary-Treasurer, subject to review by the Election Supervisor who retains the authority to amend or overrule any such decision. If the Local Union is permitted and has voted to send to the Convention and

pay the expenses of less than a full complement of delegates, the highest -ranking delegate(s) shall be those sent and for whom expenses are paid. Nothing herein shall prohibit any delegate(s) not so sent from attending and being seated at the Convention. Such delegate(s) may seek contributions to defray any or all of their expenses, provided that such contributions conform to the requirements of Article XI of the Rules.

(b) No Local Union shall be required to send to the Convention or pay the expenses of any alternate delegate unless the Local Union has indicated its intention to do so in the Local Union Plan. If the Local Union sends or pays the expenses of any alternate delegate(s), the highest-ranking alternate delegate(s), shall be those sent and for whom expenses are paid. Nothing herein shall prohibit any alternate delegate(s) not so sent from attending the Convention. Such alternate delegate(s) may seek contributions to defray any or all of their expenses, provided that such contributions conform to the requirements of Article XI of the Rules. No Local Union may pay the expenses of any alternate delegate unless it sends and pays the expenses of its full complement of delegates.

(c) A Local Union may not send to the Convention or pay the expenses of any member or guest unless it pays the expenses of all its alternate delegates, regardless of the terms of the Local Union Plan.

(d) Local Unions shall pay the actual, reasonable expenses of the elected delegates, including expenses for travel, hotel, and per diem expenses. A Local Union may not discriminate between its treatment of delegates and its treatment of alternate delegates, except that a Local Union may differentiate between its delegates and its alternate delegates with respect to expenses provided the Local Union acts in accordance with its approved Local Union Plan. No Local Union may discriminate among or between its delegates. No Local Union may discriminate among or between its alternate delegates. No Local Union shall treat a delegate or alternate delegate less generously than a member or guest who is not a delegate or alternate delegate.

#### **4. Delegate Credentials and Seating**

(a) No later than thirty (30) days prior to the opening of the Convention, the General Secretary Treasurer shall review with the Election Supervisor the records of dues payments of all certified delegates and alternate delegates.

(b) No later than thirty (30) days prior to the opening of the Convention, the General Secretary Treasurer shall review with the Election Supervisor the records of all Local Unions showing the monies paid, or all arrearages and monies due, to the International Union or to any subordinate body thereof with which such Local Union is affiliated.

(c) On or about June 1, 2021, the Election Supervisor shall issue an initial report on delegate and alternate delegate credentials to the General Secretary Treasurer, the Credentials Committee, the Local Union Secretary-Treasurers and all certified delegates and alternate delegates, indicating which certified delegates and alternate delegates are eligible to be seated. For those certified delegates whom the Election Supervisor initially determines are not eligible to be seated the report shall state the reason(s) for such initial determination.

(d) Challenges to this initial report may be filed with the Credentials Committee at any time after its issuance. Any such challenger shall provide a copy of the challenge to the Election Supervisor and to the delegate(s) or alternate delegate(s) being challenged, simultaneously with the filing with the Credentials Committee. No such challenge may be filed over issues or events covered by the protest procedures of Article XIII of the Rules. Each credentials challenge shall contain a clear and concise



written statement of the basis of the challenge and shall include the name(s), address(es), telephone number(s) and Local Union number(s) of the challenger(s).

(e) The Credentials Committee shall make the initial decision on challenges subject to review by the Election Supervisor, who retains the authority to amend or overrule any such initial decision. Refusal by a Local Union to pay arrearages or monies due to the International Union or to any subordinate body thereof with which such Local Union is affiliated shall not necessarily constitute a basis for refusing to seat the delegates of such Local Union. Certified delegates from a Local Union that has been restructured or reorganized after the Local Union's delegate and alternate delegate election shall be seated where to do otherwise would have the effect of disenfranchising all or a portion of the electorate.

(f) Immediately prior to the opening of the Convention, the Election Supervisor shall issue a final report on credentials, which report shall resolve all challenges and shall list, by Local Union number, all delegates and alternate delegates eligible to be seated at the Convention.

(g) The failure of any Local Union to send to the Convention all delegates to whom it is entitled shall not constitute a basis for challenging the credentials or seating of those delegates sent or otherwise attending the Convention so long as the Local Union has complied with Article II, Section 4(b)(8) and Article III, Section 3(a) of the Rules.

## 5. **Nominations**

(a) At the Convention, delegates shall nominate candidates for General President, General Secretary-Treasurer, regional Vice Presidents as determined by Article IV, Section 1(b) of the Constitution, seven (7) at-large Vice Presidents, and three (3) Trustees. The geographical boundaries of the four United States Area Conferences, as they existed at the time of adoption of the 1991 IBT Constitution, and of Teamsters Canada shall be used to determine the number of regional Vice Presidents to be elected under Article IV, Section 1(b) of the Constitution and the number of delegate votes needed to qualify for the ballot as a candidate for regional Vice President, for the purpose of satisfying the requirements of Article IV, Section 2(a) of the IBT Constitution.

(b) The Election Supervisor shall supervise the floor nomination process and the secret ballot nomination vote. The Election Supervisor shall determine the schedule and procedures for such nominations in consultation with the International Union with the purpose of completing the nominations efficiently and cost effectively consistent with the preservation of the rights guaranteed to the candidates, delegates, and membership by the Rules and applicable law. The schedule and procedures shall be embodied in supplemental rules subject to the approval of the General Executive Board pursuant to the 2021 Election Agreement, and those supplemental rules shall be published to all declared candidates, IBT affiliates, delegates and alternate delegates at least sixty (60) days prior to the opening of the Convention. The procedures established for the nomination of International Union officers shall, in any event, be consistent with the provisions of this Article.

(c) The order of floor nomination of candidates for the same position shall be determined by a lot drawing conducted by the Election Supervisor. No candidate shall make or second his/her own nomination. Candidates shall be limited to a single nominator and a single seconder. The Election Supervisor shall determine the amount of time to be allocated for nominating and seconding speeches for candidates for each position. A member nominating a candidate for International office, or seconding the nomination of a candidate for International office, may state that the candidate is being nominated, or the

candidate's nomination is being seconded, as a member of a slate and further may identify such slate by name.

(d) Eligibility of a candidate nominated from the floor for any International Officer position shall be determined in accordance with Article VI of the Rules.

(e) The placement of candidates on the ballot shall be determined by lot drawing conducted by the Election Supervisor.

(f) A candidate must accept floor nomination in person at the time made, unless he/she is absent and has previously submitted a written acceptance of nomination to the Election Supervisor. A candidate must accept nomination resulting from the secret ballot nomination vote in person prior to the start of the regular business of the morning session of the fifth day of the Convention, unless he/she has previously submitted a written acceptance of nomination to the Election Supervisor. Should all candidates nominated by the secret ballot nomination vote for a particular office decline nomination, or an insufficient number accept nomination, a new nomination for that office shall be conducted.

(g) In order to be nominated to run in the direct secret ballot rank-and-file election for General President, for General Secretary-Treasurer, for any of the seven (7) at-large Vice President positions or for any of the three (3) Trustee positions, candidates nominated from the floor must receive at least five percent (5%) of the delegate votes cast in the secret ballot nomination vote. In order to be nominated to run in the direct secret ballot rank-and-file election for the position of regional Vice President, candidates nominated from the floor must receive at least five percent (5%) of the delegate votes cast from the relevant delegate pool. In calculating the number of votes necessary in the secret ballot nomination vote, any fraction shall be rounded to the next larger whole number.

(h) No member may accept a floor nomination or appear on the nomination ballot as a candidate for both General President and General Secretary-Treasurer.

(i) No member may accept a floor nomination or appear on the nomination ballot as a candidate for more than one (1) Vice President position.

(j) No member may accept nomination to run in the secret ballot direct rank-and-file election for more than one (1) International Officer position.

(k) Where the number of floor nominations does not exceed the number of positions open for election, there shall be no necessity for any further nomination or election with respect for such floor nominee(s), and such nominee(s) shall be declared duly elected. Where the number of nominations resulting from the secret ballot nomination vote does not exceed the number of positions open for election, there shall be no necessity for the election of such nominee(s) and such nominee(s) shall be declared duly elected.

(l) Following International Officer nominations, the Election Supervisor shall immediately verify the nomination results. All results shall be announced to the Convention by the Convention Chair.

(m) Candidates duly nominated for General President and General Secretary-Treasurer by virtue of receiving five percent (5%) of the ballots cast in the secret ballot nomination vote may address the Convention with an acceptance speech, the length and time of which shall be determined by the Election Supervisor. Aligned candidates for the position of General President and General Secretary-Treasurer may pool their acceptance speech times.

(n) Any protest with respect to the eligibility of a person nominated from the floor as a candidate for International office must be filed within one (1) hour of the close of floor nominations for that office. Any other protest with respect to the nomination or election at the Convention of a candidate for International office where the remedy sought is disqualification of the candidate must be filed no later than one (1) hour after announcement of the results of the secret ballot nomination vote for that office. These time limitations shall not be construed so as to extend the time for filing a protest which would otherwise be governed by Article XIII of the Rules.

Any appeal from the decision of the Election Supervisor on a protest within the preceding paragraph must be filed with the Election Appeals Master within two (2) hours of the receipt of the decision. Such an appeal shall be heard and decided by the Election Appeals Master prior to the conclusion of the Convention.

(o) The Convention shall not adjourn prior to verification of the nomination of at least one (1) candidate for each and every International Officer position.

(p) If any member who has accepted nomination to International office at the International Convention should die before the election, his or her name shall nevertheless appear on the ballot. In the event the name of the deceased nominee shall receive the requisite number of votes to be elected, the position shall then be filled in the same manner as vacancies are filled when they occur during a term of office.

(q) After a candidate has accepted nomination, he/she may not, under any circumstance, revoke acceptance once the ballots are printed.

## **ARTICLE IV**

### **ELECTION OF INTERNATIONAL OFFICERS**

#### **1. Method of Voting and Date of International Officer Election**

Following completion of the nominations process at the International Convention, as provided in the IBT Constitution, the International Officer election shall be conducted by mail balloting by and under the supervision of the Election Supervisor. Ballots shall be mailed in October 2021, and counted in November 2021, on particular dates to be specified by the Election Supervisor. In no event shall the deadline for receipt of ballots to be counted be less than twenty-eight (28) days from the date of mailing of ballots.

#### **2. Notice of International Officer Election**

The Notice of Election shall be prepared by the Election Supervisor. The Notice shall state: the date by which ballots must be received in order to be counted; the International offices subject to the election and the number of candidates to be elected to each office, including the number of regional Vice President candidates to be elected by the membership of each regional area. The Notice shall provide a clear and complete explanation of the requirements and procedures for voting. The Notice shall also state the requirements for eligibility to vote, including the date by which dues arrearages and/or initiation fees

must be paid to the Local Union in order for members to be eligible to vote. The Notice shall specify the method for members who do not receive a ballot to obtain a ballot or a duplicate ballot.

The Notice of Election will contain the following statements concerning potential sanctions:

No person or entity shall limit or interfere with the right of each IBT member to independently determine how to cast his/her vote and to cast and mail the ballot himself/herself. The Election Supervisor shall not hesitate to impose the most severe sanctions for violation of the prohibition against solicitation of a member's ballot by any other Union member, officer, business agent, steward or other person, including, but not limited to, recommending appropriate disciplinary proceedings against members involved, referring the matter to the Government for appropriate action under law (including the Final Order), and, when appropriate, disqualifying the candidate on whose behalf ballots were solicited.

The Notice of Election shall be published in English and French in and distributed in Canada in the Fall 2021, and in English and Spanish in the September 2021 and October 2021 issues of *Teamster*, which shall be mailed to the appropriate Union members at their respective last known home addresses. These mailings may be done by second class mail, except that they shall be done by first class mail to each Union member whose listed address may be incorrect, according to Union records. The Notice shall also be included in the mail ballot package mailed by the Election Supervisor to each member at his/her last known address. The Notice shall be posted by the International Union and all subordinate bodies, including Local Unions, on all Union bulletin boards on or before sixty days prior to the deadline for receipt of ballots to be counted and shall remain posted through such deadline. The Notice shall inform IBT members who have recently had a change in address of the method for reporting the change in time to receive a ballot at his/her new address.

Within three (3) days of such posting, the General Secretary-Treasurer of the IBT, the principal officer of each subordinate Union body (except Local Unions), and the Secretary-Treasurer of each Local Union shall provide to the Election Supervisor an affidavit attesting that the Notice of Election was posted as required, identifying the bulletin board sites at which it was posted and the name and title of the individual with responsibility for posting the Notice at each site.

The Election Supervisor may provide, or require the International Union or any subordinate body to provide, such further or additional notice of election as may be deemed appropriate to fully inform all Union members of the election.

### **3. Eligibility to Vote**

Eligibility to vote shall be determined as provided in Article V of these Rules.

### **4. Printing and Handling of Ballots**

(a) The Election Supervisor shall have the authority to designate a standard type of mechanical ballot counting device and to print ballots for the election of International Officers which can be counted using this device.

(b) All ballots shall be identified as the "Official Ballot for Election of International Officers" and shall be printed in a legible manner, with headings printed in bold face. Separate ballots shall be printed for Teamsters Canada and for each of the four regional areas in the United States and shall be identified by regional area. Ballots and return ballot envelopes shall contain encodings or other markings to prevent forged or otherwise fraudulent ballots from being used, voted or counted in the International Officer election.

(c) Ballots shall state the offices open for election and the number of candidates to be elected for each office, and shall instruct the voter to vote for no more than that number of International Officer candidates. If there is one or more slates, the ballot shall state that slate voting is permitted. The ballot shall state that by placing a mark in a slate box, the voter will have voted for all the individual candidates on that slate. The ballot shall state that the voter may vote for a partial slate plus additional candidates, whether or not on a slate, so long as the total number of votes cast for candidates for that position does not exceed the number to be elected to that position. The ballot shall state that instead of voting for a full or partial slate, the voter may vote for individual candidates, whether or not on a slate, so long as the total number of votes cast for candidates for that position does not exceed the number to be elected to that position.

(i) The names of all candidates for International Officer positions other than regional Vice President shall be printed on all ballots. The names of all candidates for regional Vice President from a particular regional area shall be printed on the ballot for that regional area.

(ii) Candidates shall be identified on the ballot only by name and, if affiliated, by slate. Where a similarity in names may cause confusion, appropriate additional identification shall be added. No asterisks or similar markings distinguishing incumbency shall be placed on the ballot. The listing of candidates who are affiliated with slates and those who are independent shall be determined in the manner set forth in Article VIII of these Rules.

(d) The ballots shall be printed under the direct supervision and control of the Election Supervisor at one site in the United States and at one site in Canada. Ballots for members of Local Unions in Canada shall be printed in French and in English. Where the primary language of a significant number of a Local Union's members is other than English, ballots for members of that Local Union shall be printed in that language in addition to English.

(e) The person or entity printing the ballots shall certify the number printed. The Election Supervisor shall maintain custody of the ballots prior to the election. Ballot security shall be maintained throughout the election process.

## **5. Mailing of Ballots**

(a) The Election Supervisor shall directly supervise and control all aspects of the assembly and mailing of the mail ballot package. The mail ballot package shall be mailed by the Election Supervisor from a single location in the United States to all ballot-qualified members residing in the United States and its territories and possessions and from a separate, single location in Canada to all ballot qualified members residing in Canada. Each mail ballot package shall contain the Notice of Election, a ballot, a secret ballot envelope, a self-addressed and stamped return envelope pre-labeled by the Election Supervisor with the member's name and address and other data sufficient to identify and distinguish the member, and instructions regarding the procedure for mail ballot voting.

(b) The geographical boundaries of the four United States Area Conferences, as they existed at the time of adoption of the 1991 IBT Constitution, shall be used to determine the voting district of an IBT member for the purpose of satisfying the requirement of Article IV, Section 3(b) of the IBT Constitution pertaining to nomination and election of regional Vice Presidents.

(c) Observers shall be permitted to inspect the list of members to whom ballots are being sent. Should any observer claim that a member eligible to receive a ballot has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be treated as a challenged ballot.

**6. Casting of Votes**

(a) Once mail ballot materials are received, the member shall cast his/her vote(s), place the ballot in the secret ballot sleeve\_(without making any mark on that sleeve) and place the secret ballot sleeve in the postage-paid\_return envelope and then place the return envelope in the mail.

(b) Any ballot cast without proper identification on the return envelope or received after the deadline for receipt of ballots shall be void.

(c) No sticker, write-in, or proxy votes shall be permitted.

**7. Receipt of Ballots**

(a) The Election Supervisor shall obtain secure sites for the return of the ballots: one site for ballots returned from regional areas in the United States and a separate site for ballots returned from Teamsters Canada. Ballots shall be transported from the receiving post offices to the secure sites, by postal authorities acting by arrangement with the Election Supervisor or under the direct supervision and control of the Election Supervisor. The Election Supervisor shall also obtain secure sites for receipt of mail ballot packages returned by postal authorities as undeliverable: one site for mail returned as undeliverable from regional areas in the United States and a separate site for mail returned as undeliverable from Teamsters Canada. The Election Supervisor will review the ballot packages returned by postal authorities as undeliverable and shall make all reasonable efforts to verify and correct addresses and remail the ballot packages.

(b) Any member not receiving a ballot should contact the Election Supervisor or a representative of the Election Supervisor immediately if he/she wishes a ballot. Any member who spoils or loses a ballot should contact the Election Supervisor or a representative of the Election Supervisor immediately if he/she wishes to obtain a replacement ballot. The Election Supervisor or a representative of the Election Supervisor shall immediately send such person a mail ballot package, regardless of any question(s) concerning the individual's eligibility to vote. Any such ballot cast shall be treated as a challenged ballot.

**8. Verification of Voter Eligibility**

Prior to commencement of the ballot count, and under the direct supervision and control of the Election Supervisor, the eligibility to vote of each person casting a ballot shall be verified in accordance with Article V of the Rules.

**9. Counting of Ballots**

(a) All ballots shall be counted under the direct supervision and control of the Election Supervisor. All challenged ballots shall be segregated. Meritless challenges shall not be entertained by the Election Supervisor or by representatives of the Election Supervisor. The Election Supervisor shall have the authority to declare meritless any challenge not supported by documentary evidence.

(b) Where more than one (1) mail ballot is received from a member, the ballot that is received nearest to the date for counting ballots in the election shall be counted and the other(s) voided. If the order of receipt cannot be determined by postmark on the ballot return envelope, the ballot returned in the envelope last mailed to the member shall be deemed the ballot to be counted and other(s) voided. Where it is not possible to determine an order of receipt date, such ballots shall be voided.

(c) All unchallenged ballots shall be counted first. If the challenged ballots may not affect the outcome of the election, such ballots shall not be counted. If the challenged ballots may affect the outcome of an election, challenges shall be resolved in the following manner. All challenged ballots shall be divided into groups as determined by the Election Supervisor in a manner such that the secrecy of ballots shall not be undermined. Challenges to ballots so divided shall be resolved by groups in succession. Challenged ballots from each group resolved in favor of eligibility shall be counted until such time as the challenged ballots remaining no longer may affect the outcome of the election. When the remaining groups of challenged ballots may no longer affect the outcome of an election, the count shall cease and remaining challenges shall not be resolved.

(d) Votes cast by members of each Local Union shall be separately counted and posted. After the count is completed, the Election Supervisor shall determine the total votes cast for each candidate and announce such election results.

(e) Prior to the International Officer Election, the Election Supervisor may issue supplemental guidelines or advisories with respect to counting of ballots and other matters relating to these Rules. Any such supplemental guidelines or advisories shall be subject to approval by the General Executive Board, pursuant to the 2021 Election Agreement.

#### **10. Observers**

Each candidate for International Office and each full or partial slate of candidates for International Office may observe the process for nomination and election of International Officers in accordance with Article IX of the Rules.

#### **11. Retention of Ballots**

All ballots, including those that are challenged, voided, spoiled, or unused; all ballot envelopes, and copies of all tally sheets shall be preserved for one (1) year after the count.

#### **12. Prohibition on Interference with Voting**

No person or entity shall limit or interfere with the right of any IBT member to vote, including, but not necessarily limited to, the right independently to determine how to cast his/her vote, the right to mark his/her vote in secret and the right to mail the ballot himself/herself. No person or entity may encourage or require an IBT member to mark his/her ballot in the presence of another person or to give his/her ballot to any person or entity for marking or mailing.

Any violation of this rule may result in disqualification of a candidate who benefits from the violation, referral of the matter to the Government for appropriate action under law (including the Final Order), or such other remedy as the Election Supervisor deems appropriate.

The instructions for balloting included in ballot packages shall contain these prohibitions and shall urge members to vote and return their ballots promptly.

## ARTICLE V

### ELIGIBILITY TO VOTE IN DELEGATE AND INTERNATIONAL OFFICER ELECTION

#### 1. Rules for Determining Voter Eligibility

To be eligible to vote in the election for delegate, alternate delegate, or International Officers, a member must have his/her dues paid up through the month prior to the month in which the election is held. No member whose dues have been withheld by his/her employer for payment to the Local Union pursuant to his/her voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote by reason of a delay or default in the payment of dues by the employer to the Local Union. Persons eligible to vote under this rule shall include, but not necessarily be limited to, the following:

(a) Each person who is otherwise a member in good standing and whose dues are paid through the month prior to the month in which ballots are counted;

(b) Under and in accordance with Article X, Section 5(c), of the IBT Constitution, each member otherwise in good standing whose dues record does not reflect that his/her dues have been paid through the month prior to the month in which ballots are counted, who pays his/her dues by checkoff, and whose employer has remitted dues for him/her in the last remittance made by such employer, provided that such remittance was received within ninety (90) days of the date on which the ballots are counted;

(c) Each newly initiated member who is not in good standing solely because he/she has not fully paid his/her initiation fees, who pays his/her dues and initiation fees by check-off, and who has been employed in excess of six (6) calendar months; and

(d) Each member (1) whose employment is seasonal, (2) who works in the seasonal food industry, (3) who is a member of a Local Union where ten percent (10%) or more of the membership is employed by a seasonal food industry employer, (4) who worked during some period in the twelve months prior to the election, and (5) who paid his/her dues through the last month of their employment.

#### 2. Verification of Voter Eligibility

The Election Supervisor will supervise and direct the preparation of Election Control Rosters for all ballot counts. Prior to the commencement of any count of ballots, the eligibility to vote of each member who cast a ballot shall be verified. An Election Control Roster notation that a member's ballot should be challenged is binding until resolved by the Election Supervisor. The Local Union official or designated agent in charge of the ballot count, Election Supervisor, representative of the Election Supervisor, or any candidate or observer present may challenge the eligibility of any member to vote. The ballot of the member whose eligibility to vote is challenged shall be so marked by noting on the outside of the return ballot envelope the reason(s) for the challenge. The Election Supervisor or a representative of the Election Supervisor shall resolve all outcome determinative challenges.



## ARTICLE VI

### ELIGIBILITY REQUIREMENTS FOR CONVENTION DELEGATES, ALTERNATE DELEGATES, AND INTERNATIONAL OFFICERS

#### 1. Eligibility to Run

(a) To be eligible to run for any Convention delegate, alternate delegate, or International Officer position, one must:

(1) Be a member in continuous good standing of the Local Union, with one's dues paid to the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments;

(2) Be employed at the craft within the jurisdiction of the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination; and

(3) Be eligible to hold office if elected.

(b) Candidates for regional Vice President must meet the above requirements and be a member in continuous good standing of a Local Union within the jurisdiction of the regional area for which the Vice President position is sought.

#### 2. Modifications of Eligibility Requirements

The requirements of Section 1 may be met in the following manner:

(a) The continuous good standing requirement may be met by compliance with the withdrawal or transfer card provisions of the International Constitution and the Local Union Bylaws.

(b) The active employment at the craft requirement may be excused by unemployment if, for the period of unemployment, the member was actively seeking and available for employment in the craft and not working outside the craft during such period of unemployment, or by active pursuit of an unresolved grievance or other legal action challenging suspension or discharge.

(c) The requirements of working in the jurisdiction may be excused or modified in the case of seasonal workers within the seasonal food industry.

(d) The requirements of continuous good standing and working in the jurisdiction may be excused or modified in the case of any officer, employee or member on leave of absence granted with the approval of the Local Union Executive Board on a nondiscriminatory basis.

(e) In any newly chartered Local Union that has been in existence for less than twenty-four (24) months, the member must be in continuous good standing over that period and must have worked under the Local Union's jurisdiction for at least half the period of time since the Local Union was chartered.

(f) In a newly chartered Local Union that resulted from a split-off or merger, the member must belong to the new Local Union, must have worked in the jurisdiction for a total period of two years,

and must be in continuous good standing for a period of twenty-four (24) consecutive months prior to the month of nomination, based on a cumulative total of months in the original and the new Local Union.

(g) In the case of a member who has been involuntarily transferred from one Local Union to another, such member must have worked at the craft under the jurisdiction of the original Local Union and must have been so employed and in continuous good standing on a cumulative basis in both Local Unions for a total of twenty-four (24) consecutive months prior to the month of nomination.

(h) All officers and full-time employees of the International Union and of any affiliate (excepting licensed professional personnel employed as such) shall be considered as meeting the requirement of working at the craft within the jurisdiction for the purpose of retaining active membership and of being ruled eligible for election to office. However, officers who are not full-time employees of an affiliate and who are not otherwise employed at the craft shall not be considered to satisfy the working at the craft requirement by virtue of being an officer for longer than the term of office being served at the time fulltime employment at the craft has been terminated.

(i) In the case of a trusted Local Union, the General Executive Board or the Election Supervisor, with the right of appeal to the Election Appeals Master, may, upon good cause shown, waive any or all of the eligibility requirements.

### **3. Meeting Attendance Requirements**

Neither the International nor the Local Union may enforce any meeting attendance requirement as a condition for establishing one's eligibility to run for any Convention delegate, alternate delegate, or International Officer position.

### **4. Review of Eligibility**

(a) It is strongly recommended that each candidate for any Convention delegate, alternate delegate or International Officer position request that the Election Supervisor verify his/her eligibility for the position in question sufficiently in advance of nomination so as to permit verification prior to the date of nomination. Such request shall be made to the Election Supervisor and shall not be sent to the Union. The Election Supervisor shall issue a report on eligibility, in writing, within five (5) days of such request.

(b) It is strongly recommended that each member who intends to nominate or second the nomination of a candidate for any delegate or alternate delegate position follow the procedures outlined in Subsection (a) above. Any such request shall be made and treated pursuant to the procedures in Subsection (a).

## **ARTICLE VII**

### **CAMPAIGNING AND ACCESS**

#### **1. Collective Bargaining Agreements and Worksite Lists**

(a) Each delegate candidate, each alternate delegate candidate and each nominated or accredited International Officer candidate has the right under this Section to inspect and make notes from all collective bargaining agreements (including all modifications, supplements, riders, stipulations and appendices) covering any member of the Union. This right includes the right to inspect and make notes

from the documents identifying members of employer associations which are signatories to collective bargaining agreements covering any member of the Union. Requests to inspect or make notes from such agreements shall be made to the Local Union's Secretary-Treasurer or principal officer in writing and shall be honored within five (5) days. The right provided herein is independent of the right to inspect or receive a copy of a collective bargaining agreement under Section 104 of the Labor-Management Reporting & Disclosure Act of 1959, which is incorporated into these Rules by Article XII.

(b) Each delegate candidate, each alternate delegate candidate and each nominated or accredited International Officer candidate shall have the right to a current list of all sites, with corresponding addresses, where any and all Union members work. Requests for such worksite lists shall be made to the pertinent Local Union's Secretary-Treasurer or principal officer in writing and shall be honored within five (5) days. Such worksite lists shall be arranged by employer name.

(c) Under this Section, a nominated or accredited International Officer candidate may inspect and take notes from only those collective bargaining agreements and may only obtain worksite lists covering members of those Local Unions within the jurisdiction of the regional area in which he/she is a candidate.

(d) Such collective bargaining agreements and worksite lists are not to be inspected or used for the benefit of any employer or of any other labor organization or for any purpose other than campaigning for a delegate, alternate delegate or International Officer position.

(e) The right to inspect collective bargaining agreements and the right to obtain worksite lists are independent of each other. Each of these rights may be exercised whether or not the other right is exercised.

## **2. Inspection of Membership Lists**

Each candidate has the right, once within thirty (30) days prior to the casting of ballots in any election in which he/she is a candidate, to inspect a list containing the last known names and addresses of all members of the Union who are to participate in such election. The right of inspection does not include the right to copy the list but does include the right to compare it with a personal list of members. However, if the Union permits any candidate to copy the list, all candidates must be notified of this and provided the same opportunity. The Union shall not, in any way, discriminate in favor of or against any candidate with respect to access or use of the membership list.

## **3. Access and Use of Membership List by International Officer Candidates**

(a) The International Union shall prepare a membership list current as of August 31, 2020 and shall transfer that list to the Election Supervisor on or before September 10, 2020. The International Union shall prepare a membership list current as of August 3, 2021 and shall transfer that list to the Election Supervisor on or before August 10, 2021. The Election Supervisor is authorized to release a copy of the appropriate membership list to an accredited or nominated candidate for International office forty-five (45) days before the date for mailing of ballots for an election for Convention delegates and/or alternate delegates or for the election of International Officers. No membership list may be used for any purpose other than advancing the accredited or nominated candidate's campaign for nomination and/or election. Use of a membership list in support of the election of delegate and/or alternate delegate candidates shall not constitute misuse of the list, provided that the list is used solely to advance the accredited or nominated candidate's campaign for nomination and/or election. In order to obtain a copy of the membership list, the accredited or nominated candidate must submit to the Election Supervisor an affidavit in a form approved by the Election Supervisor attesting that he/she will not use or permit use of

the membership list for any purpose other than advancing that candidate's campaign for nomination and/or election and that he/she will not provide the list to nor permit inspection or copying of the list by any third parties.

(b) An opinion polling entity working for any accredited or nominated International Officer candidate has the right to obtain from the International Union a random sampling of the names, addresses and telephone numbers of members of the Union or any portion or segment thereof for the purpose of conducting opinion polling. The opinion polling entity shall not reveal the list or any portion thereof to any candidate or candidate's campaign organization or any person not conducting the opinion poll. Such list shall not be disclosed or used for any purpose other than conducting the opinion poll.

The request for such list shall be made to the Election Supervisor, who shall obtain the list from the International Union. The Election Supervisor shall not reveal the name(s) of the candidates on whose behalf the list is requested. The International Union shall comply with any request of the Election Supervisor within five (5) days. No such list shall be released by the Election Supervisor prior to obtaining adequate assurance from the opinion polling entity that it will comply with all non-disclosure and non-use provisions of this section.

#### 4. **Certified Delegate List**

Each accredited candidate for International office has the right to request and receive from the Election Supervisor a list of all certified delegates with corresponding addresses. The first such list of the delegates then certified shall be made available by the Election Supervisor on December 15, 2020, with an updated list made available each month thereafter on the second Friday of the month through June 2021. The list shall be arranged by Local Union number.

#### 5. **Membership Meetings**

(a) The following rules shall govern candidate access to membership meetings:

(1) No candidate may be denied access to any meeting of the Local Union to which he/she belongs as a member; however, the Local Union need not grant such candidate the opportunity to address the meeting for the purpose of campaigning unless a similar opportunity is granted to another candidate.

(2) Those candidates who are not members of the Local Union need not be granted access to any of the Local Union's meetings unless another nonmember candidate is granted such access. If any candidate, whether a member or not, is permitted to address the Local Union meeting for the purpose of campaigning, any nonmember candidate or a credentialed representative of such candidate must be granted equal access and must be permitted to hear the other candidate(s) speak. However, said candidate may be denied access to the meeting during all other times, except where another nonmember candidate is permitted to remain.

(3) The Local Union need not allot time for campaigning during any of its meetings. However, if campaigning during such meetings is permitted, the Local Union shall notify all candidates for the positions for which such campaigning will be permitted of the opportunity to speak at least five (5) days prior to the meeting and shall divide the time equally between those candidates (or candidates' credentialed representatives) who request an opportunity to speak. The order of appearance shall be determined by lot.

(4) A Local Union shall not discriminate or permit discrimination in favor of or against any candidate in conjunction with its meetings or otherwise. This requirement shall apply not only to formal presentations by or on behalf of candidates but also to informal campaign activities, such as, for example, comments on candidates during meetings, literature distribution at meetings, literature distribution tables, etc.

(b) Each candidate for International office has the right to request from the Local Union a list of the dates, times and places of its regularly scheduled general or special membership meeting(s), excepting meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc. Such request shall be made in writing to the Local Union's Secretary-Treasurer or principal officer and shall be honored within five (5) days.

(c) Beginning on June 1, 2020, the Election Supervisor shall prepare a list of tentative and, later, finalized dates, times and places of Local Union delegate and alternate delegate nomination meetings and elections for those Local Unions entitled and proposing to hold their delegate and alternate delegate elections in Summer 2020. Beginning on July 15, 2020, the Election Supervisor shall prepare a list of tentative and, later, finalized dates, times and places of Local Union delegate and alternate delegate nomination meetings and elections for those Local Unions entitled and proposing to hold their delegate and alternate delegate elections in Fall 2020. Beginning on October 15, 2020, the Election Supervisor shall prepare a list of tentative and, later, finalized dates, times and places of Local Union delegate and alternate delegate nomination meetings and elections for all other Local Unions. The Election Supervisor shall make these lists available to any member who so requests.

## **6. International Officer Candidate Forums**

(a) The Election Supervisor shall have the authority to conduct International Officer candidate forums. The forums shall be conducted to promote the fair, honest, open, and informed participation of the IBT membership in the election of the IBT International Officers.

(b) The Election Supervisor shall conduct at least one candidate forum for all nominated candidates for the office of General President. The Election Supervisor may conduct other candidate forums for candidates nominated for any of the IBT International Officer positions.

(c) The forum for candidates nominated for the office of General President shall be held no earlier than August 15 and no later than September 23, 2021. The date, time, location, and format of the forum shall be determined by the Election Supervisor, after consultation with the nominated Candidates or their representatives. The Election Supervisor shall ensure that the forum is recorded.

(d) Only candidates nominated for the office of General President may participate in the required General President candidate forum; provided, however, that a candidate nominated for the office of General President who belongs to a slate that includes a candidate nominated for the office of General Secretary-Treasurer may designate the candidate nominated for the office of General Secretary-Treasurer to appear as the candidate's representative at the forum. The designation shall be made in writing and submitted to the Election Supervisor's office no later than the thirtieth day after the adjournment of the International Convention.

(e) The Election Supervisor shall broadly publicize notice of the forum to the IBT membership in advance of the forum, and shall effectively distribute information about the forum and the recording of the forum to the IBT membership. The manner of distribution shall be determined by the Election Supervisor, after consultation with the IBT and the nominated candidates or their representatives.

In making this determination, the Election Supervisor shall consider how best to use available resources and technology to reach the broadest possible audience of the IBT electorate at a reasonable cost.

## 7. **Candidate Literature and Mailings**

(a) The following rules shall govern the publication and distribution of candidate literature:

(1) Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense. This means: (a) each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s); (b) when the Union authorizes distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions and costs shall be made for any other candidate, if requested; and (c) the Union need not distribute any candidate's campaign literature if that candidate is not able and willing to pay for the reasonable costs of such distribution.

(2) The Union shall honor requests for distribution of literature to only a portion or segment of the membership, as determined by the candidate, unless the Union can show such distribution is impracticable.

(3) The Union shall honor requests for distribution of literature by any lawful class or type of mail or postage, including, to the extent permitted by postal regulations, utilization of any nonprofit organization bulk-rate permit of the International or Local Union or any other subordinate body of the Union utilized by the Local Union. All literature distributed through use of the nonprofit organization bulk-rate permit shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union.

(4) The Union shall honor reasonable requests by candidates for distribution of literature through electronic mail. Requests for the distribution of literature by electronic mail shall be governed by the same rules applicable to the distribution of literature by mail under this Section. If any list or other compilation of electronic mail addresses maintained by the Union is under-inclusive (in that it does not include electronic mail addresses for every member of the Union), the Union shall advise the requesting candidate of the total number of electronic mail addresses on the list and let the candidate decide if he or she still wants to use the list. If the list or other compilation of electronic mail addresses maintained by the Union is or may be over-inclusive (in that it includes or may include addresses of non-members), the Union shall distribute the literature to every address on the list unless the Union can demonstrate that non-member addresses can be readily and accurately identified and segregated from member addresses. Campaign literature distributed through electronic mail shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union. The manner of distribution of candidate literature by electronic mail shall be subject to such Advisory or further guidelines as may be established by the Election Supervisor for the purposes of facilitating distribution of literature by electronic mail, protecting the confidentiality of electronic mail addresses, and protecting the privacy of electronic mail recipients.

(b) Any request for distribution of literature shall be made by the candidate to the Secretary-Treasurer of the Union in writing. The request shall specify the portion of the membership that is to

receive the mailing and an instruction as to the class or type of mail or postage desired. The request shall be accompanied by at least one (1) copy of the literature (if the candidate wishes it to be duplicated by the Union) or by a number of copies sufficient for distribution (if the candidate duplicates the literature him/herself), or by a number of sealed envelopes, containing the literature, sufficient for distribution (if the candidate duplicates the literature and stuffs the envelopes him/herself).

(c) Each candidate shall pay, on a reasonable basis, for the actual cost of distribution, including stationery, duplication, time required to do the work and postage for mailing,

(d) In complying with requests to mail literature, the Union shall use the current names and addresses that are on file for all ballot-qualified members the candidate requests. Mailing labels shall be prepared through the least expensive system available to the Union.

(e) The Union shall exercise all reasonable efforts to ensure that each candidate's campaign literature is processed and distributed in a complete and prompt manner.

(f) The Union may not censor, regulate, alter, or inspect the contents of any candidate's campaign literature. The Union may not refuse to process or distribute any candidate's literature on the basis of its contents.

(g) The Union shall adopt procedures for complying with candidates' requests for distribution of literature and shall specifically advise all candidates of those procedures. The Union shall arrange for a mailing service to process and distribute candidates' literature, and for such mailing service to receive the literature directly from the candidate. The mailing service shall not discriminate for or against any candidate.

(h) Subject to such Advisory or further guidelines as may be established and published by the Election Supervisor, each Local Union must establish a literature table and/or bulletin board in a public area of each Local Union facility which is open to members for the nondiscriminatory distribution/display of campaign literature for the 2021 IBT International Union Officer Election. The candidate or slate responsible for literature distributed or displayed under this subsection shall at all times be responsible for paying copying and distribution costs relating to the distribution or display.

## **8. Union-Financed Publications**

(a) No publication or communication financed, sponsored or used, directly or indirectly, by a Union (including any social media site) may be used to support or attack any candidate or the candidacy of any person, except as authorized by Sections 8 and 9 of this Article. A Union-financed newspaper or other publication or communication shall not:

(1) contain pictures or articles stating or indicating support of the candidacy of a particular candidate;

(2) use a larger or more attractive picture of someone than had previously been used if that person is a candidate, unless there is a valid journalistic reason for it;

(3) print uncomplimentary pictures of any candidate;

(4) print features and accompanying photographs about insignificant or un-newsworthy events in which the accomplishments or qualities of any candidate are heralded;

(5) contain pictures or articles reporting on the activities of a particular candidate where the same or similar activities of other similarly situated candidates for the same office(s) have not been similarly reported; or

(6) carry a substantial number of articles and/or multiple pictures featuring a particular candidate, unless all candidates for the same position are given equal treatment, equal space, and equal prominence.

To the extent candidates are aligned, published materials shall be reviewed with respect to all such candidates as a whole.

(b) Pursuant to Article XIII of the Rules, any protest regarding the use of a Union-financed newspaper or other publication or communication shall be directed to the Election Supervisor, in writing, with a copy of the publication enclosed, within two (2) working days after the publication is received by the protesting party.

(c) In addition to the above provisions, the use and content of Union-financed publications and communications is specifically regulated by Sections 9 and 10 of this Article.

(d) On or before September 30, 2020, the International Union and each subordinate or affiliated body of the IBT shall submit to the Election Supervisor an original of each newsletter, newspaper, magazine and any other periodical published by the submitting body and made available to the general membership of that submitting body or any subdivision thereof, or to Union bodies subordinate to the submitting body, after January 1, 2020, and on or before September 30, 2020. Except as provided in Subsection (e), commencing on October 1, 2020, an original of each such periodical published on or after October 1, 2020, shall be submitted to the Election Supervisor by the publishing body upon its publication.

(e) In order to ensure compliance with Article VII, Sections 8(a) and 12 (b)-(c) and Article XI, Section 1 (b)(2), (3) and (6) of the Rules, every Union-financed publication to be mailed or otherwise distributed to the membership between August 2021 and November 2021 shall be submitted to the Election Supervisor by the publishing body for review and approval prior to publication. Review and approval of union publications is solely for the purpose of enforcing Article VII, Sections 8(a) and 12 (b)-(c) and Article XI, Section 1 (b)(2), (3) and (6) of the Rules.

## **9. Subordinate Body Publications**

No subordinate body need reserve any space in any of its newspapers or publications for the purpose of campaigning, except:

(a) If any candidate is permitted to have his/her campaign material published, all other candidates must be so advised in writing and provided the same opportunity on an equal basis; or

(b) If the subordinate body has, within the year prior to the date of issuance of these Rules, accepted paid advertising, any candidate shall be permitted the opportunity to have his/her paid political advertisement(s) placed in the publication at the same cost and under the same guidelines available to other advertisers; this right must be granted to all candidates on a non-discriminatory basis. Paid political advertising which is included in such a subordinate body publication shall be clearly identified as such.



## 10. **IBT Magazine: Rights of Accredited and Nominated Candidates for International Office**

(a) Pursuant to the authority of the Election Supervisor to distribute materials about the election, each accredited candidate has the right to have campaign literature published in the October 2020 and February 2021 issues of the IBT Magazine and each nominated candidate for International office has the same right to publication in the August 2021 and September 2021 issues of the IBT Magazine. In addition, there will be a mailing funded by the Union of a single package of campaign materials from all nominated candidates to the current names and addresses that are on file for all ballot-qualified members. This mailing will occur not later than one week prior to the date scheduled by the Election Office for the mailing of ballots.

(1) Each accredited or nominated candidate for the following offices shall be limited to the following number of pages of material per Magazine issue and for the campaign literature mailing described above: General President one (1) page; General Secretary-Treasurer, three-fourths (3/4) of a page; at-large or regional Vice President, one-half (1/2) of a page; Trustee, one-fourth (1/4) of a page.

(2) Accredited or nominated candidates who are members of a slate may pool their space in any Magazine issue and for the campaign literature mailing.

(3) Each accredited or nominated candidate and each slate of accredited or nominated candidates may use any portion of the space allotted pursuant to Art. VII, § 10(a)(1) of these *Election Rules* in any Magazine or mailing to solicit contributions from eligible contributors.

(4) Candidates shall submit their material for publication or mailing to the Election Supervisor prior to the first day of the month preceding scheduled publication or mailing; all submissions must be camera-ready; photographs may be submitted.

(b) The order of presentation in the IBT magazines and in the campaign literature mailing of each candidate's or each slate's material shall be determined by lot conducted by the Election Supervisor in September 2020 and again in July 2021, with the order so determined rotated in the Magazine issue(s) and for the candidate literature mailing thereafter. Slate material shall be published before the material submitted by individual candidates.

(c) The Election Supervisor and the Union may not regulate or alter the content of any candidate's or slate's material, or disclose such content, prior to its publication.

(d) The Election Supervisor shall have discretion to have copies of The Teamster magazine, or a printed package of campaign literature, distributed in Canada as an alternative to publishing campaign literature in Teamsters Canada magazine.

## 11. **IBT Website**

Pursuant to the authority of the Election Supervisor to distribute materials about the election, each accredited or nominated candidate has the right to have the same campaign literature that is published in the IBT Magazine pursuant to Article VII, Section 10 of these Rules published on the IBT website. The campaign literature shall be accessible through a prominent link that reads "2021 Election Campaign Literature" and appears on the IBT website homepage (i.e., the opening or main page of the IBT website). The campaign literature shall be published to the IBT website simultaneously with the publication of the issue of the IBT Magazine in which the campaign literature appears and shall remain on the IBT website

for a period of time to be determined by the Election Supervisor but, in any event, for no fewer than 30 days.

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

(a) All Union members retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. This includes, but is not limited to, the right to distribute campaign literature (and otherwise to solicit support for a member's candidacy) outside a meeting hall before, during and after a Union meeting, regardless of Union policy, rule or practice.

Where any candidate or other member of the Union exercises or attempts to exercise any right under the Rules to campaign for or against the candidacy of any person for the position of delegate, alternate delegate or International Officer, members of the Union shall have the reciprocal right to hear or otherwise receive such campaign advocacy.

No candidate or member may campaign during his/her working hours. Campaigning incidental to work is not, however, violative of this section. Further, campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off is also not a violation of this section.

(b) All Union officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office, openly to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. Accordingly, officers and employees (and other members) of the Union may not campaign on time that is paid for by the Union. Campaigning incidental to regular Union business is not, however, a violation of this section. Further, campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off is also not a violation of this section. An endorsement of a candidate may be made by a Union officer or employee, but solely in his/her individual capacity. The Union or a Local Union as such or the General Executive Board or an Executive Board of a Local Union as such may not endorse or otherwise advance a candidacy, even if all members agree on the endorsement or candidacy.

(c) Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigning unless the Union is reimbursed at fair market value for such assistance, and unless all candidates are provided equal access to such assistance and are notified in advance, in writing, of the availability of such assistance. Union officers and employees provided with Union-owned or leased cars, if otherwise afforded the right to utilize those cars for personal activities, may use the cars for campaign activities, provided no costs, or expenses incurred as a consequence of such use are paid out of Union funds or other prohibited sources.

(d) No restrictions shall be placed upon candidates' or members' preexisting rights to use employer or Union bulletin boards for campaign publicity. Similarly, no restrictions shall be placed upon candidates' or members' preexisting rights to solicit support, distribute leaflets or literature, conduct campaign rallies, hold fund-raising events, or engage in similar activities on employer or Union premises. Such facilities and opportunities shall be made available to all candidates and members on a non-discriminatory basis.

(e) Subject to the limitations in this Subsection, (i) a candidate for delegate or alternate delegate and any member of the candidate's Local Union may distribute literature and/or otherwise solicit support in connection with such candidacy in any parking lot used by that Local Union's members to park their vehicles in connection with their employment; (ii) each member of a candidate's Local Union has the

reciprocal right to receive such literature and/or solicitation of support from such candidate or candidate's advocate; (iii) a candidate for International office and any Union member within the regional area(s) in which said candidate is seeking office may distribute literature and/or otherwise solicit support in connection with such candidacy in any parking lot used by Union members to park their vehicles in connection with their employment in said regional area(s); (iv) each member of the International Union who is employed within the regional area(s) in which said candidate is seeking office has the reciprocal right to receive such literature and/or solicitation of support from such candidate for International office or candidate's advocate.

The foregoing rights are available only in connection with campaigning during the 2020-2021 IBT International Union Delegate and Officer Election conducted pursuant to the Final Order and only during hours when the parking lot is normally open to employees. The rights guaranteed in this Subsection are not available to an employee on working time, may not be exercised among employees who are on working time and do not extend to campaigning which would materially interfere with the normal business activities of the employer. An employer may require reasonable identification to assure that a person seeking access to an employee parking lot pursuant to this rule is a candidate or other member entitled to such access. Nothing in this Subsection shall entitle any candidate or other Union member to access to any other part of premises owned, leased, operated, or used by an employer or to access to a parking lot for purposes or under circumstances other than as set forth herein.

The foregoing rights are presumptively available, notwithstanding any employer rule or policy to the contrary, based upon the Election Supervisor's finding that an absence of such rights would subvert the Final Order's objectives of ensuring free, honest, fair, and informed elections and opening the Union and its membership to democratic processes. Such presumption may be rebutted, however, by demonstrating to the Election Supervisor that access to Union members in an employee parking lot is neither necessary nor appropriate to meaningful exercise of democratic rights in the course of the 2020-2021 election. An employer seeking to deny access to Union members in an employee parking lot may seek relief from the Election Supervisor at any time.

(f) An employer's discrimination between candidates in permitting access to its property shall constitute an improper contribution to the candidate(s) who benefit from such discrimination.

(g) Retaliation or threat of retaliation by the International Union, any subordinate body, any member of the IBT, any employer or other person or entity against a Union member, officer or employee for exercising any right guaranteed by this or any other Article of the Rules is prohibited.

### **13. Credentialed Representatives**

Each delegate candidate may authorize any member(s) of his/her Local Union to serve as his/her credentialed representative, and each International Officer candidate may authorize any member(s) of the Union to serve as his/her credentialed representative. Authorization shall be given on a form issued by the Election Supervisor. The credentialed representative(s) shall, in that candidate's absence, have the same rights as are permitted the candidate in this Article.

## ARTICLE VIII

### SLATES

#### 1. Formation

(a) Each candidate shall have the right in conformity with this Article to seek nomination, be nominated, campaign and appear on the ballot for any delegate, alternate delegate, or International Officer position as a member of a slate of candidates, regardless of whether the slate is full or partial. No candidate shall be compelled to run as a member of a slate, nor shall any candidate be permitted to run on more than one slate.

(b) To form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate, giving the position that each candidate seeks and the name, if any, of the slate to be formed. Slate declaration forms for delegate and alternate delegate nominations and elections shall be submitted to the Local Union's Secretary-Treasurer (with a copy to the Election Supervisor) and slate declaration forms for International Officer nominations and elections shall be submitted to the Election Supervisor. Amended declarations may be submitted adding additional candidates, provided that the deadlines specified in Subsection (c) below are met.

(c) In the case of delegate and alternate delegate nominations and elections, such slate declaration shall be filed at the earliest possible date but in no event later than three (3) days after the Local Union's final delegate nominations meeting. In the case of International Officer nominations and elections, such slate declarations shall be filed at the earliest possible date but in no event later than August 31, 2021. In the case of International Officer candidates, the slate declaration shall include the designation of a treasurer for the slate. The slate treasurer must be a member of the Union, but need not be a candidate.

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

#### 2. Limitations

(a) Once a candidate declares his/her intent to run as a member of a slate, he/she may not retract such declaration.

(b) The number of slate members shall not exceed the number of positions open for election.

## ARTICLE IX

### OBSERVERS

#### 1. General Rules

(a) Each candidate for the position of Convention delegate or alternate delegate and each slate of candidates for such position (s) shall have the right, at his/her/its expense, to have at least one (1) observer present at each and every phase of the process for nominating candidates for such position. Each candidate nominated for such position and each slate of candidates nominated for such position(s) shall

have the right, at his/her/its expense, to have at least one (1) observer present at each and every phase of the election process. Such observer shall be a candidate or a member of good standing of the Local Union. For the purpose of observing the printing of ballots, preparation of ballot packages and/or mailing of ballots from a centralized location, a nominated candidate or slate of such candidates may authorize in writing any member of the Union in good standing to serve as his/her/its observer, whether or not the person is a member of the Local Union.

Each candidate for an International Officer position and each slate of candidates for such position(s) shall have the right, at his/her/its expense, to have at least one (1) observer present at each and every phase of the process for nominating candidates for such position, consistent with other provisions of these Rules. Each candidate nominated for such position and each slate of candidates nominated for such position(s) shall have the right, at his/her/its expense, to have at least one (1) observer present at each and every phase of the election process. Such observer shall be a candidate or other member in good standing of the Union.

(b) Each candidate on a slate shall be deemed to be represented by each and every other candidate on that slate and by all observers designated by that slate or by any candidate on that slate.

(c) The Election Supervisor or any representative of the Election Supervisor may limit the number of observers otherwise permitted for each candidate or slate of candidates where security, space limitations or other considerations so require. All candidates shall be treated without discrimination, and all slates of candidates shall be treated without discrimination.

(d) A candidate may not serve as an observer at a polling place where his/her name appears on the ballot at that polling place.

(e) The Election Supervisor or a representative of the Election Supervisor shall provide reasonable notice to all candidates and slates of candidates of the dates, times and places of all events or activities which candidates or slates of candidates may have the right to observe.

(f) Time spent observing shall be considered as time spent on Union business. Therefore, upon written request of any observer, the appropriate Union officer, business agent, steward, etc., shall so certify to such observer's employer or to any other person or entity to whom the observer reasonably requests such certification be given. No observer shall use this privilege for the purpose of campaigning. To the extent that the privilege of being given time away from work (i.e., unpaid leave) for Union business is limited, the observers for each candidate, as a group, must be treated equally.

## **2. Processing and Distribution of Candidate Literature**

Observers shall be permitted to observe the processing and distribution of campaign literature for his/her candidate. This shall include the opportunity to observe the duplication of the literature, the stuffing of the envelopes, and the placement of the mailing labels, or the members' names and addresses, and the postage on the envelopes. Should an observer claim that a member's address is incorrect or that a member eligible to receive a ballot has been omitted from the mailing, such address shall be corrected and/or the member included in the mailing. Observers shall be permitted to accompany and observe any delivery of the literature to a mailing service and/or the delivery of the literature to the post office.

3. **Selecting by Lot**

Observers shall be permitted to be present at any drawing by lot conducted in connection with any phase of the nomination and election process (e.g., determining the placement of slates and individual candidates on the ballot for election of delegate and alternate delegate candidates, the breaking of ties, etc.). Notice shall be given to all affected candidates of the time and place for the conduct of such lotteries.

4. **Printing and Pre-election Handling of Ballots**

Observers shall be permitted to inspect the ballot prototype prior to printing and the printer's certification of the number of ballots printed.

5. **Mail Ballots**

Observers shall be permitted to observe the entire mailing process. Observers shall be permitted to accompany the ballots to the post office and to observe their mailing.

Observers shall be permitted to be present at the time(s) when those ballots returned as undelivered are picked up from the prescribed post office box and when the envelopes containing those ballots are inspected and counted. Observers shall further be permitted to be present when the cast ballots are picked up from the post office box and to accompany the transfer of such ballots to the location where they are to be counted. Notice shall be given to all affected candidates of the times of such mail ballot pick-ups.

6. **The Counting of Ballots**

Observers shall be permitted to observe the election count. Observers shall be permitted to be present at the vote counting locations. Observers may challenge the eligibility of any voter to vote. Observers shall not interfere with the Election Supervisor or the Election Supervisor's representatives in the performance of their duties.

The right to observe includes the right to inspect the opening and set up of the counting machine(s) before the count of the ballots commences and to observe the verification of the eligibility of members who have cast ballots, the determination of eligibility of those members whose right to vote is challenged, the opening of the return ballot envelopes; the count of the votes; and the recording of the final vote count and the counting of the unused, voided and spoiled ballots. Observers shall be permitted to remain with the ballots from the time the count commences until the ballots are counted, including overnight if necessary.

**ARTICLE X**

**PRECONVENTION ACCREDITATION OF  
CANDIDATES FOR INTERNATIONAL  
OFFICER POSITIONS**

A candidate for any International Officer position may be certified by the Election Supervisor as an accredited candidate, and thereby obtain access to membership lists pursuant to Article VII, Sections 2 and 3 of the Rules and have his/her campaign literature published in the IBT Magazines pursuant to Article VII, Section 10 of the Rules, if the following requirements are met:

**1. Number of Signatures Required**

Each candidate seeking to become an accredited candidate must obtain signatures on petitions of at least two and a half percent (2.5%) of the membership of the relevant membership pool (i.e., candidates running for union-wide office must obtain signatures on petitions of two and a half percent (2.5%) of the union-wide membership, while candidates running for any regional office must obtain signatures on petitions of two and a half percent (2.5%) of the membership of the particular region in which they are a candidate). The number of petition signatures required for each candidate position shall be available from the Election Supervisor on or about June 1, 2020.

**2. The Petition**

(a) Such petitions may only be circulated by a member in good standing and after the effective date of the Rules. The petition shall include the following:

- (1) Identification of the candidate(s) by name, Local Union number(s), and title of office(s) sought;
- (2) Space for each signatory to sign his/her name, to print his/her name, mailing address, including zip code or postal code, list his/her Local Union number, and, if the member chooses, the last four digits of his/her Social Security number; and
- (3) Space at the bottom for each circulator to state his/her name, mailing address, including zip code or postal code, Local Union number, and if the member chooses, the last four digits of his/her Social Security number and to certify the validity and accuracy of the petition's contents.

(b) Members of a slate of candidates formed in accordance with Article VIII of the Rules may circulate a single petition for some or all of the members of the slate. Such petitions may identify the slate by name or title. However, no slate petition shall include regional Vice President candidates from more than one (1) region.

**3. Submission of Petition**

Once the requisite number of petition signatures has been obtained, the candidate may, after July 1, 2020, and through December 15, 2020, submit these petitions to the Election Supervisor for counting and verification.

**4. Checking the Petition**

(a) Immediately after petitions are received, the Election Supervisor shall:

- (1) Check petitions and void any signature or group of signatures where:
  - (i) the signatory or circulator failed to sign and print his/her full name or to state his/her mailing address, including zip code or postal code, Local Union number or last four digits of his/her Social Security number;
  - (ii) there are multiple signatures by the same signatory;
  - (iii) there are forged signatures; or

(iv) the circulator failed to list the name(s) of the candidate(s), Local Union number(s), and office(s) sought at the top of each form and to certify the accuracy and validity of the petition's contents at the bottom of each form.

(v) Provided, however, that a signature shall not be invalidated under the foregoing criteria solely because the signatory provided one but not the other of his/her mailing address or the last four digits of his/her Social Security number, if the Election Supervisor, exercising discretion, finds from the information the signatory provided that the signature may be validated.

(2) Take whatever other action is necessary to verify the accuracy or validity of petition signatures and information.

(3) Count the valid signatures to insure that the requisite number has been obtained and submitted from the relevant membership pool. Signing petitions for opposing candidates shall not invalidate the member's signature on any of the petitions signed.

(b) If the Election Supervisor finds a candidate has submitted the requisite number of valid signatures on valid petitions, the Election Supervisor shall certify the candidate as an accredited candidate. No candidate shall be certified as an accredited candidate, entitled to the benefits of accreditation set forth in Article VII, Sections 2, 3 and 10 of these Rules, until his/her petitions have been checked and verified by the Election Supervisor.

(c) Each candidate for International office shall have the right to inspect, but not copy, any other candidate's accreditation petitions at the office of the Election Supervisor in Washington, D.C., by appointment made with the Election Supervisor.

## ARTICLE XI

### CAMPAIGN CONTRIBUTIONS AND DISCLOSURE

#### 1. Campaign Contributions

(a) Article IV, Section 5 of the IBT Constitution, provides:

"No candidate for election shall accept or use any contributions or other things of value received from any employers, representative of an employer, foundation, trust, or any similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this International Union. Violation of this provision shall be grounds for removal from office."

The above provision is hereby made a part of these Rules. However, the foregoing provision does not relieve candidates and contributors of any obligations or prohibitions under the Labor-Management Reporting & Disclosure Act of 1959, as amended.

(b) The following rules shall apply to all campaigns for nomination or election to the positions of Convention delegate or alternate delegate and of International Officer positions:



- (1) Only contributions which are properly solicited, made, accepted, and reported under these Rules may be expended or used by candidates, slates, or independent committees for the 2020-2021 International Union Delegate and Officer Election.
- (2) No employer may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object, or foreseeable effect of the contribution is influence, positively or negatively, the election of a candidate. No candidate may accept or use any such contribution. These prohibitions are not limited to employers that have contracts with the Union; they extend to every employer, regardless of the nature of the business and include, but are not limited to, any political action organization that employs any staff; any nonprofit organization, such as a church or civic group that employs any staff; and any law firm or professional organization that employs any staff. These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer stationery, equipment, facilities, and personnel.
- (3) No labor organization, including but not limited to the International Union, Local Unions and all other subordinate Union bodies, whether or not an employer, may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate, except as permitted by subparagraphs (5) and (6) below. No candidate may accept or use any such contribution. These prohibitions extend beyond strictly monetary contributions made by a labor organization and include contributions and use of the organization's stationery, equipment, facilities, and personnel.
- (4) No candidate, slate or independent committee, nor anyone acting on their behalf, may solicit or accept financial support, or any other direct or indirect support of any kind, from any nonmember, except as permitted in subparagraphs (5) and (9) below. Nonmember includes any former member of the IBT (including a retiree). Nonmember does not include a member's immediate family, which is defined as a member's spouse, parents, children, or siblings, unless such family member is otherwise ineligible to contribute under these Rules.
- (5) Except as provided herein, the rules in subparagraphs (2), (3) and (4) above, do not prohibit a candidate's solicitation or use of financial support or services from nonmembers, disinterested employers, foundations or labor organizations to pay fees for legal or accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending or clarifying the legal rights of candidates, if and only to the extent such contributions are received in response to solicitations specifically requesting such funds or services or are contributions so earmarked by the contributor at the time the contribution is made. No nonmember, disinterested employer, foundation or labor organization may contribute more than \$10,000, in total, to the 2020-2021 International Union Delegate and International Officer Election to pay for such legal and accounting services. A candidate may not accept or use any such contribution where the contributing nonmember, disinterested employer, foundation or labor organization has contributed more than \$10,000, in total, to the election to pay for legal and accounting services. A candidate may not accept or use financial support or services from the Union, from any interested employer (or association of employers of which an interested employer is a member), or from any vendor that has performed work for the International Union or any one of its subordinate

bodies within the past 12 months to pay fees for legal and accounting services or for any other purpose. Neither the Union, any interested employer (or association of employers of which an interested employer is a member), nor any such Union vendor may contribute financial support or services to the candidacy of any member. Nothing herein shall prevent or limit legal or accounting professionals (whether or not Union vendors) from making, or a candidate from accepting or using, an in-kind contribution of legal or accounting services, so long as such services are performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending or clarifying the legal rights of candidates. In the event that a candidate demonstrates to the Election Supervisor that the \$10,000 limit on contributions to pay for legal and accounting services set forth in this subparagraph (5) and in subparagraph (12)(E), below, prevents the candidate from instituting an action in any Court, or in a proceeding before any administrative agency or the Election Supervisor or the Election Appeals Master, the Election Supervisor has the authority to waive or increase the \$10,000 limitation, or to take other appropriate action.

(6) No Union funds or other things of value shall be used, directly or indirectly, to promote the candidacy of any individual. Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigns unless the Union is compensated at fair market value for such assistance, and unless all candidates are provided with equal access to such assistance and are advised in advance, in writing, of the availability of such assistance. The use of the Union's official stationery with the Union's name, insignia, or other mark identifying the Union is prohibited, irrespective of compensation or access. Other use of the Union's name, insignia, or mark by Union members, in connection with the exercise of rights under these Rules, is permitted.

(7) No member may campaign for him/herself or for any other candidate during time that is paid for by the Union or by any employer. However, campaigning incidental to work or regular Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off is not violative of the campaign contribution rules.

(8) Nothing herein shall prohibit any candidate from accepting contributions made by any member, provided that the contribution comes solely from the member as an individual, and not from a person or entity that is prohibited from making campaign contributions under these Rules, and provided further that the member has not reached the contribution limits set forth in these Rules.

(9) Contributions by caucuses or groups of Union members, independent committees, or campaign organizations

(A) Except as set forth in Subsection 1 (b)(9)(B) below, nothing in these Rules shall prohibit any candidate from accepting contributions made by any caucus or group of Union members, independent committee or campaign organization of any candidate or slate, or prohibit such caucus or group of Union members, independent committee or campaign organization of any candidate or slate from making contributions, provided that such caucus, group of Union members, independent committee or campaign organization is itself financed exclusively from contributions which are permitted and properly reported under these Rules. If a caucus or group of Union members (including an independent committee under the Rules) receives contributions or funding from sources prohibited under the Rules, such as foundations or labor organizations, the caucus

or group can still make campaign contributions if it: (1) properly allocates and segregates resources obtained from prohibited sources from those received from permissible sources under the Rules (using the allocation system previously approved by the Election Officer or such other allocation system approved by the Election Supervisor); and (2) uses only the resources obtained from permissible sources under the Rules for campaign activities.

(B) Notwithstanding Subsection 1(b)(9)(A) above, contributions made to a candidate, slate or independent committee for use in a delegate election may be used only in the particular delegate election for which the contribution or solicitation was made. Contributions made to a candidate, slate or independent committee for use in the International election may be transferred to other candidates, slates, or independent committees, for use in the International election. Candidates or slates in the International election, or independent committees, may use contributions received and properly reported under the Rules to support candidates for delegate or alternate delegate positions, but may not transfer funds to candidates or slates in the delegate elections.

(10) Nothing herein shall prohibit the donation of services by an individual, who is not an employer, to a candidate rendered on the individual's personal free time without compensation in any form by an employer or labor organization and without accompanying contributions of supplies or of services of others who are compensated by an employer or labor organization for such services.

(11) If a candidate or a candidate's campaign incurs a debt by loan, extension of credit, deferred payment terms, contingency fee arrangement or the like and fails to pay the debt, the debt shall be deemed a contribution made by the creditor to the candidate or candidate's campaign, unless the creditor has made a commercially reasonable attempt to collect the debt. Whether or not a debt is settled, the candidate or the candidate's campaign, as the case may be, shall file a debt statement with the Election Supervisor in his/her/its final Campaign Contribution and Expenditure Report, described in Section 2 of this Article. The statement must indicate the amount initially owed, the date the debt was incurred, the amount paid, the terms of the debt settlement, if any, and the basis for any reduction. The candidate or the candidate's campaign shall attach to the statement copies of all contracts or written agreements concerning the debt and all such documents concerning the provision of goods or services for which the debt was incurred, all bills therefore, all checks for payment of the bill and/or debt and all receipts evidencing payment of any and all parts of the debt.

(12) Limitations on member contributions.

(A) No candidate for delegate or alternate delegate shall contribute more than \$2,000, in total, to his or her campaign or to the slate of candidates of which he or she is a member (not including legal and accounting contributions). A candidate for delegate or alternate delegate may elect to contribute up to \$1,000 to other candidates, slates, or independent committees for use in the International Union delegate elections, but in no case shall he or she contribute more than \$2,000, in total, for use in the International Union delegate elections (not including legal and accounting contributions). Unused delegate election contributions shall, after the certification of the particular delegate election, be returned to contributors or donated to charity.

(B) No candidate for International Office shall contribute more than \$10,000, in total, to his or her campaign, or to the slate of candidates of which he or she is a member (not including legal and accounting contributions). A candidate for International Office may contribute up to \$2,000 to other candidates, slates, or independent committees for use in the International Officer election, but in no case shall he or she contribute more than \$10,000, in total, for use in the International Officer election (not including legal and accounting contributions).

(C) No member who is not a candidate for delegate or alternate delegate shall contribute more than \$1,000, in total, for use in the International Union delegate elections (not including legal and accounting contributions).

(D) No member who is not a candidate for International Office shall contribute more than \$2,000, in total, for use in the International Officer election (not including legal and accounting contributions).

(E) No candidate, or member who is not a candidate, shall contribute more than \$10,000, in total, for use in the 2020-2021 International Union Delegate and Officer Election to pay fees for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal rights of candidates.

(F) Any contributions which are received from a member's immediate family (spouse, parents, children, or siblings) shall count toward the candidate's or member's contribution limits unless the family member is also a member of the IBT.

(G) A member or candidate may make separate campaign contributions to different candidates, slates or independent committees, provided that the total amount given by any one candidate or member does not exceed the limits stated herein. The contribution limits applicable to campaign contributions for use in the International Union delegate elections and campaign contributions for use in the International Officer election are separate, so that a member or candidate's campaign contribution for use in the delegate elections does not reduce the amount that the member or candidate can contribute for use in the International Officer election.

(13) Candidates are strictly liable to insure that each contribution received is, permitted under these Rules. Prohibited contributions must be returned promptly. Within three days of the return of any contribution, the candidate or candidate's campaign returning the contribution shall provide to the Election Supervisor an affidavit identifying the original source and date of the contribution being returned, the amount of the returned contribution, the person to whom or entity to which the contribution was returned and the date on which the contribution was returned.

(14) Funds remaining in a candidate's or independent committee's campaign fund or legal and accounting fund shall, after the certification of the election, be returned to contributors, or donated to charity. For convention delegate or alternate delegate candidates, remaining funds shall be returned to contributors or donated to charity not later than sixty (60) days after certification of the particular delegate election. For International Officer candidates, remaining funds shall be returned to contributors or donated to charity not later than one-hundred twenty (120) days after certification of the results for the candidate's office. A candidate or independent committee may apply for

an extension of the date for disposal of remaining funds upon a showing of good cause for the extension. The Election Supervisor may deny the application, or may grant it subject to reporting or other requirements.

(15) Ignorance by a candidate, by a union and/or by an employer that union or employer funds or other resources were used to promote a candidacy shall not constitute a defense to an allegation of a violation of these Rules.

(c) It is strongly recommended that each candidate notify all prospective contributors of the limitations on campaign contributions prescribed by these Rules. It is thus strongly recommended that all candidate campaign literature soliciting contributions specifically provide that no contributions by employers, labor organizations, or nonmembers may be made or accepted. It is also strongly recommended that such campaign literature specify the applicable contribution dollar limits. It is strongly recommended that similar disclaimers be issued at all fund-raising events.

(d) The remedy that may be imposed by the Election Supervisor in resolving any protest concerning a candidate's or campaign's receipt or use of improper contributions will be influenced by the manner in which the contribution was solicited and/or accepted and by whether an appropriate disclaimer was contained in, or issued at the time of, the solicitation.

## 2. **Financial Disclosure**

(a) Who must file

A Campaign Contribution and Expenditure Report ("CCER" or "Report") and a Supplemental Form No. 1: Permitted Employer and Labor Organization Contributions and Associated Expenditures for Legal and Accounting Services ("Supplement No. 1") shall be filed with the Election Supervisor by each of the following, using the secure, electronic means provided by the Election Supervisor's web-based CCER system, on the schedule set forth in this Article, by each of the following:

(1) Every Union member who is a candidate for International office, including any member who has received or solicited any contributions, whether of money or of any other thing of value, or made any expenditures, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of that member as an International Officer, whether or not such member is as yet declared, accredited or nominated as a candidate.

(2) Every slate of candidates for International office, whether full or partial, including any slate which has received or solicited any contributions, whether of money or of any other thing of value, or made any expenditures, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of one or more International Officer candidates, whether or not the slate is as yet declared as such; and

(3) Every independent committee which has received or solicited contributions in excess of \$1,000, whether of money or of any other thing of value, or made expenditures in excess of \$1,000, whether of money or of any other thing of value, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of one or more International Officer candidates, whether or not any such candidate is as yet declared, accredited or nominated.

Each Union member who is required to file a Report and Supplement No. 1 shall also cause to be filed and shall be responsible for filing of the corresponding Report and Supplement No. 1 by any slate of which that member is a part. A slate need file only one Report and Supplement No. 1 on behalf of all candidates on that slate. Members' individual Reports and Supplement No. 1 and slates' Reports and Supplement No. 1 s may be submitted to the Election Supervisor together.

To the extent a committee is controlled by a candidate or slate, the person or entity is not an independent committee and shall be deemed part of the candidate's or slate's campaign. Receipts and expenditures of such a non-independent committee shall be reported by the candidate or slate in each Report and Supplement No. 1 filed by the candidate or slate.

(b) Required Record Keeping

(1) International Union delegate and alternate delegate elections

(A) It is the responsibility of each candidate, slate and independent committee participating in the International Union delegate and alternate delegate elections to keep records sufficient to demonstrate compliance with these Rules. Each candidate, slate and independent committee is subject to audit by the Election Supervisor upon notice.

(B) It is the responsibility of each candidate, slate and independent committee to make certain that all campaign contributions accepted, whether in cash or by check, are made only by members. All candidates for Convention delegate or alternate delegate are required to maintain records of the names of every contributor and the amount of each contribution, including sales of campaign paraphernalia.

(C) In addition, each candidate, slate, and independent committee must maintain records of all invoices and bills documenting all expenditures exceeding \$50 made in connection with the International Union delegate and alternate delegate elections.

(2) International Union Officer Election

(A) It is the responsibility of each candidate, slate and independent committee to keep records sufficient to demonstrate compliance with these Rules, including but not limited to records of each reportable transaction. Such record keeping must include the name and Local Union number of every contributor and the amount of each contribution, including sales of campaign paraphernalia. Records of all invoices and bills must also be maintained. Each candidate, slate and independent committee is subject to audit by the Election Supervisor upon notice.

(B) It is the responsibility of each candidate, slate and independent committee to make certain that all contributions, whether in cash or by check, are made only by members. Prior to confirmation of membership status, contributions shall not be deposited or used. The IBT General Secretary Treasurer's office shall, upon request, provide prompt advice as to membership based on Titan records (or non-Titan records in the case of non-Titan locals).

(C) Contributions from persons whose eligibility has not been verified may be deposited into an escrow account established for this purpose.

(c) How to File

Each candidate, slate, or independent committee shall contact the Office of the Election Supervisor to establish a password-protected CCER account. The information required for reporting shall be entered using the web-based CCER system, and all reports shall be filed electronically using that system.

Each candidate, slate, and independent committee listed in Subsection (a)(1), (2) or (3) above must file both the Report and Supplement Form No. 1. Even if such candidate, slate or independent committee does not solicit or receive any campaign contributions or earmarked legal and accounting contributions from nonmembers, employers and labor organizations, both the Report and Supplement No. 1 must still be filed (that is, if a reporting candidate, slate or independent committee has no contributions to report, a report certifying \$00.00 received must be filed). Even if such candidate, slate or independent committee solicits or receives only contributions from nonmembers, employers or labor organizations earmarked for legal and accounting services, or, with respect to an independent committee, where the committee itself, because it is an employer, labor organization, trust, foundation or similar entity, can solicit, receive or expend funds solely in connection with legal and accounting services, that candidate, slate or independent committee must file a Report.

Each Report and Supplement No. 1 electronically filed by an individual member of the Union will be deemed signed and certified as true and accurate by that member. Each Report and Supplement No. 1 electronically filed by a slate will be deemed signed and certified as true and accurate by the formally designated treasurer of the slate. Each Report and Supplement No. 1 electronically filed by an independent committee will be deemed signed and certified as true and accurate by a representative formally designated by the committee.

A candidate, slate or independent committee that pays or contracts for goods or services for the 2020-2021 IBT International Union Delegate and Officer Election in an aggregate amount of \$5,000 or more from a vendor that has performed work for the IBT or any of its subordinate bodies within the past 12 months, shall file a disclosure ("vendor report"), on a form provided by the Election Supervisor, which shall set forth the terms of the agreement or payment and the identity of the IBT bodies for which the vendor has worked. Such disclosure does not apply to banks, telephone companies, utility companies, or the United States or Canadian postal services. Candidates, slates, or independent committees shall file these vendor reports with the Election Supervisor, who shall make them available to independent candidates or slate representatives under the same terms and conditions that apply to campaign financing and expenditure reports.<sup>2</sup>

Independent committees should file the schedules which accompany the summary reports in two forms - filled out in full and redacted. In redacting the schedules, independent committees should delete references to the identity of contributors or their local unions and the amount of each contribution. Each independent committee should also redact from the expenditure schedules any reference to the identity of members of the independent committee or their local unions.

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<sup>2</sup> Attorney vendors that do legal work for campaigns must file and send to all other slate representatives and independent candidates a "Statement of Vendor Disclosure," completed with the exception of IBT client information. The identity of IBT bodies for which the attorney has worked in the last twelve (12) months shall be provided solely to the Election Supervisor.

(d) When Filings Must Be Made

(1) Every member who, and every independent committee and slate which, is required to file a Report and Supplement No. 1 shall do so on the following schedule:

(i) On or before June 15, 2020, each such member, independent committee, and slate shall file a Report and Supplement No. 1 for the period through May 31, 2020. This first CCER must include all requested information retroactive to the first contribution and the first expenditure for the 2020-2021 International Union Delegate and Officer Election. Each succeeding CCER must include all requested information not included in prior CCERs;

(ii) On or before October 15, 2020, each such member, independent committee, and slate shall file a Report and Supplement No. 1 for the period June 1, 2020, through September 30, 2020;

(iii) On or before February 15, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1 for the period October 1, 2020, through January 31, 2021;

(iv) On or before June 15, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1 for the period February 1, 2021, through May 31, 2021;

(v) On or before September 15, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1 for the period June 1, 2021, through August 31, 2021;

(vi) On or before October 1, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1, for the period September 1, 2021 through September 15, 2021;

(vii) On or before October 15, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1, for the period September 16, 2021, through September 30, 2021.

(viii) On or before November 1, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1, for the period October 1, 2021, through October 15, 2021.

(ix) On or before November 15, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1, for the period October 16, 2021, through October 31, 2021.

(x) On or before December 1, 2021, each such member, independent committee, and slate shall file a Report and Supplement No. 1, for the period November 1, 2021, through November 15, 2021.

(xi) On or before January 18, 2022, each such member, independent committee, and slate shall file a Report and Supplement No. 1, for the period November 16, 2021, through December 31, 2021.



(xii) On such subsequent date(s) as the Election Supervisor may determine, each such member and slate shall file a Report and Supplement No. 1 for such subsequent period(s) as the Election Supervisor may determine.

(xiii) The Election Supervisor may adjust the above schedule for filing campaign financing and expenditure reports if he/she deems it appropriate to do so.

(2) In the First Report and Supplement No. 1 filed by every member, each slate and each independent committee, the person or entity making the filing shall include all information requested for all contributions received for the 2020-2021 International Office Election after April 1, 2017, through ten (10) days prior to the filing.

(3) Four weeks prior to the date on which the ballots are to be mailed to members (such date to be announced by the Election Supervisor), each candidate, slate and independent committee shall submit a budget of fund raising and expenditures anticipated through the end of the campaign on a form to be promulgated by the Election Supervisor. Thereafter and until the deadline established by the Election Supervisor for the receipt of ballots, each candidate, slate and independent committee shall report deviations from the submitted budget of more than \$1,000 with respect to any budgeted item within 48 hours of learning of such deviation by submitting an amended budget of fund raising and expenditures to the Election Supervisor, who shall promptly notify every other candidate, slate and independent committee of the filing of such amended budget.

(e) Inspection of Filed Disclosure Reports

Upon written request, the Election Supervisor shall advise any member whether any candidate (whether or not declared, accredited or nominated), slate or independent committee identified by the member has made a filing under this Article.

Each nominated or accredited candidate for International Office shall have the right to inspect and obtain copies, subject to a reasonable charge determined by the Election Supervisor, of any campaign financing and expenditure reports and/or vendor reports filed by other candidates or slates upon reasonable request at the Office of the Election Supervisor in Washington, D.C., upon such reasonable terms and conditions as the Election Supervisor may establish for processing such requests. The Election Supervisor, in her/his discretion, may require independent candidates and slates to transmit copies of their campaign financing and expenditure reports and vendor reports to independent candidates or slate representatives.

No candidate may inspect or copy any campaign financing and expenditure report filed by an independent committee, without the express prior written consent of the independent committee by its authorized representative; provided, however, that it is recommended that the Election Supervisor shall provide at a candidate's request limited disclosure of the following portions of an independent committee's Campaign Contribution and Expenditure Reports:

- Redacted schedules which reflect the total amount of contributions and total number of contributors, but which do not reflect the identity of individual contributors or their local unions.
- Redacted schedules of expenditures which do not reflect the identity of members of the independent committee or their local unions.

The Election Supervisor may impose the same conditions as set forth in the preceding paragraph for this limited disclosure (e.g., a reasonable charge for copies, direct transmission, and electronic filing and distribution).

## ARTICLE XII

### RIGHTS AND DUTIES UNDER LABOR MANAGEMENT REPORTING & DISCLOSURE ACT OF 1959

The following sections of the Labor-Management Reporting & Disclosure Act of 1959, as amended ("LMRDA"), 29 U.S.C. Sections 401-531 (1988) are incorporated into and made a part of these Rules:

- LMRDA Section 101 (a)(1) (equal rights and privileges);
- LMRDA Section 101 (a)(2) (freedom of expression and assembly);
- LMRDA Section 104 (right to inspect or receive copy of collective bargaining agreement)
- LMRDA Section 401 (a) (election of international union officers by secret ballot);
- LMRDA Section 401(c) (distribution of campaign literature; prohibition against discrimination in use of union membership list; inspection of membership list; safeguards to insure fair election);
- LMRDA Section 401 (e) (reasonable opportunity to nominate; eligibility to hold office; voting and campaigning without interference or reprisal; notice of election; right to vote: preservation of election records; following union constitution and bylaws where consistent with LMRDA);
- LMRDA Section 401 (g) (prohibition on use of union or employer assistance in campaigning); and;
- LMRDA Section 609 (prohibition on union discipline for exercising rights under LMRDA).

Insofar as the foregoing sections of the LMRDA may regulate conduct unrelated to nominations or elections of Convention delegates and alternate delegates or International Officers, they are not incorporated into the Rules and shall not be enforced by the Election Supervisor.

## **ARTICLE XIII**

### **PROTEST AND APPEAL PROCEDURES; REMEDIES; RERUN ELECTIONS**

#### **1. Right to File Protests**

Any member, Local Union or other subordinate body of the International Union or the International Union may file a protest with the Election Supervisor alleging noncompliance with these Rules, or appeal to the Election Appeals Master from any decision of the Election Supervisor concerning a protest, free from any direct or indirect retaliation or threat of retaliation by any Union officer, member, candidate or independent committee, or by any other person or entity for such filing. With respect to any protest, it shall be the burden of the protestor to present evidence that a violation has occurred. No protest of any person or entity shall be considered if such person or entity, or anyone acting under their direction or control or on their behalf, caused or significantly contributed to the situation giving rise to such protest.

#### **2. Pre-election Protests**

Except as provided in Subsection (c), pre-election protests shall be processed in the following manner:

(a) Protests regarding violations of the LMRDA (including violations of the IBT Constitution) allegedly occurring prior to the date of issuance of these Rules and protests regarding any conduct allegedly occurring within the first twenty-eight (28) days after issuance of these Rules must be filed within thirty (30) days of the date of issuance, or such protests shall be waived.

(b) Except as otherwise provided in Article III, Section 5(n) of the Rules, all other pre-election protests, including, by way of example only, the following, must be filed within two (2) working days of the day when the protestor becomes aware or reasonably should have become aware of the action protested or such protests shall be waived:

- (1) Protests regarding eligibility of candidates, nominators and persons seconding nominations;
- (2) Protests regarding alleged failures to provide proper access to the membership, including, e.g., alleged violations of these Rules regarding access to collective bargaining agreements or worksite lists, to Union meetings and publications, or to employer premises;
- (3) Protests regarding alleged improper or inequitable treatment of the candidate or his/her supporters by the Union, by any other labor organization or by an employer, including improper handling of the candidate's request for mailings by the Union, improper or inequitable denial of access to the membership or to relevant information by the Union, by any other labor organization or by an employer, and improper or inequitable aid or support, financial or otherwise, given or denied, a candidate or his/her supporters by the Union, by any other labor organization or by an employer;
- (4) Protests regarding alleged improper contributions, application or use of nonmember, or employer or labor organization funds or other resources; and

(5) Protests regarding alleged improper pre-election threats, coercion, intimidation, acts of violence or retaliation for the exercise of rights protected by these Rules.

(c) The deadline for the filing of protests concerning the nomination of a candidate for International office shall be the earlier of the deadlines imposed by this Section and by Article III, Section 5(n) of the Rules.

(d) All protests concerning pre-election conduct shall be filed by sending the Election Supervisor and the Union(s) involved a clear and concise written statement of the alleged improper conduct. The Election Supervisor shall post a model protest form to use as a guide. The protest should identify by name, address and telephone number each person who or entity which is or may be a subject of the protest. The protest shall be delivered to the Office of the Election Supervisor by personal delivery, first class mail, overnight mail, email or facsimile transmission, within the time limits prescribed by these Rules and shall include the name(s), address(es), telephone number(s), email address(es), and Local Union number(s) of the protestor(s). For all protests submitted by email or facsimile transmission, the filing party should telephone the Election Supervisor's office and request the protest clerk to confirm receipt of the protest. The protest should identify by name, address, telephone number or other available contact information, each person who or entity which may be a subject of the protest.

(e) The Election Supervisor shall provide a copy of the protest to any person who or entity which the Election Supervisor determines may be a subject of the protest, decision or remedy. Each such person or entity shall have the opportunity to present evidence and/or legal argument to the Election Supervisor.

(f) The Election Supervisor or an Election Supervisor representative shall evaluate the protest and shall:

(1) determine the merits of the protest and, if found meritorious, determine the appropriate remedy; or

(2) defer making a determination until after the election and thereby treat the matter as a post-election protest pursuant to Section 3 of this Article, as if such protest was filed on election day;

The Election Supervisor or a representative of the Election Supervisor shall determine the protest within seven (7) days of receipt, except that, for a protest filed pursuant to Section 2(a) above, the Election Supervisor shall determine the protest within twenty-one (21) days of docketing.

(g) The Election Supervisor shall have the authority to obtain, or to have the International Union obtain and provide, information necessary to assist in resolving any protest. The Union (including subordinate entities) and all members, candidates, slates and independent committees are required to cooperate with the Election Supervisor. Failure to cooperate with the Election Supervisor or Election Appeals Master (including making false statements to the Election Supervisor or Election Appeals Master) may result in referral of the matter to the Government for appropriate action under law (including the Final Order), or such other remedy as the Election Supervisor or the Election Appeals Master deems appropriate.

(h) The Election Supervisor and/or her/his representative shall notify the protestor(s), the Union(s) involved, any candidate(s) adversely affected, any person who or entity which is the subject of the protest and the Election Appeals Master of the decision or remedy within the time limit prescribed by this Section.

(i) The protestor(s), the Union(s) involved, any adversely affected candidate(s), or any other person who or entity which is aggrieved by the determination of the protest may, within two (2) working days of receipt of the decision, appeal the decision to the Election Appeals Master. The appeal shall be made in writing and shall specify the basis for the appeal. The appeal shall be delivered to the Election Appeals Master or her/his designee, the Election Supervisor and to all other parties to the dispute by personal delivery, by overnight mail, by email, or by facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limit prescribed above, with a copy of the original protest attached.

(j) If no timely appeal is taken from the determination of the Election Supervisor or her/his representative, that determination shall become final and binding.

(k) The Election Appeals Master shall have the authority to conduct a hearing concerning any matter appealed to her/him or to decide the matter based on written materials submitted within a reasonable deadline established by her/him. In deciding whether to conduct a hearing, the Election Appeals Master shall consider the seriousness of the violations alleged in the protest. If the Election Appeals Master decides to conduct a hearing concerning a matter appealed to her/him, she/he shall commence and conclude the hearing within five (5) calendar days after receiving the appeal at a location and in a manner that she/he determines most appropriate to elicit fully all relevant facts and information necessary to determine the appeal. The following individuals may participate in the hearing: the protestor(s) and/or her/his representative(s); any representative(s) of the Union(s) involved; any person who or entity which is the subject of the decision or remedy involved and/or her/his/its representative(s); the Election Supervisor and/or her/his representative; the person(s) filing the appeal, if other than the protestor, and/or her/his representative; and any other person who obtains permission from the Election Appeals Master or her/his designee.

At each such hearing, the Election Supervisor or her/his representative shall present to the Election Appeals Master or her/his designee a summary of the original determination, including a statement of the facts found, the resolution reached and the basis for that resolution.

(l) Within ten (10) calendar days from the Election Appeals Master's receipt of the appeal or from the conclusion of the hearing, whichever occurs later, the Election Appeals Master or her/his designee shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. The decision shall be effective upon issuance. In issuing a decision concerning matters appealed under these Rules, the Election Appeals Master shall give due consideration to any time exigencies that may be brought to her/his attention by the parties. The Election Appeals Master's decision shall be sent to the protestor(s), the Union(s) involved, the Election Supervisor, any candidate(s) adversely affected by the decision, any person who or entity which is the subject of the appeal decision or remedy and any other person who or entity which, with permission of the Election Appeals Master, participated in the appeal.

### **3. Post-election Protests**

Protests concerning election day or post election day conduct ("post-election protests") shall be processed in the following manner:

(a) Protests regarding any alleged improper election day or post-election conduct or event must be filed:

(1) within three (3) working days of the posting of the official election tally sheet, when involving any delegate election,

- (2) within fifteen (15) days of the announcement of the election results, when involving the International Officer election; or
- (3) within two (2) working days of the date when the protestor becomes aware or reasonably should have become aware of the action protested, when involving alleged improper post-election threats, coercion, intimidation, acts of violence or retaliation or the exercise of rights protected by these Rules.

If the above time limits are not met, the protest shall be waived.

(b) Post-election protests shall only be considered and remedied if the alleged violation may have affected the outcome of the election, except that any timely protest alleging improper threats, coercion, intimidation, acts of violence or retaliation for exercising any right protected by these Rules shall be considered and remedied without regard to whether the alleged violation affected the outcome of an election.

(c) All post-election protests shall be filed by sending the Election Supervisor and the Union(s) involved a clear and concise written statement of the alleged improper conduct, including a statement explaining how such conduct may have affected the outcome of the election. Such statement shall be delivered to the Office of the Election Supervisor and the Union(s) involved by personal delivery, first class mail, overnight mail, email or facsimile transmission, within the time limits prescribed by Subsection 3(a) above and shall include the name(s), address(es), email address(es), telephone number(s), and Local Union number(s) of the protestor(s). For all protests submitted by email or facsimile transmission, the filing party should telephone the Election Supervisor's office and request the protest clerk to confirm receipt of the protest. The protest should identify by name, address and telephone number or other available contact information, each person who or entity which may be a subject of the protest.

(d) The Election Supervisor shall provide a copy of the protest to any person who or entity which the Election Supervisor determines may be a subject of the protest, decision or remedy. Each such person or entity shall have the opportunity to present evidence and/or legal argument to the Election Supervisor.

(e) The Election Supervisor or a representative of the Election Supervisor shall evaluate the protest and, within ten (10) days of the filing of a protest under Subsection 3(a)(1) above (concerning a delegate election), within seven (7) days of the filing of a protest under Subsection 3(a)(3) above (concerning retaliation) or within fifteen (15) days of the filing of a protest under Subsection 3(a)(2) above (concerning the International Election), shall determine the merits of the protest and, if found meritorious, determine the appropriate remedy.

The Election Supervisor or a representative of the Election Supervisor shall notify the protestor(s), the Union(s) involved, any candidate(s) adversely affected, any person who or entity which is the subject of the decision or remedy and the Election Appeals Master of her/his decision within the time limits prescribed above.

(f) The protestor(s), the Union(s) involved, any adversely affected candidate(s), or any other person who or entity which is aggrieved of the determination of the protest may, within three (3) working days after receipt of the decision, appeal the decision to the Election Appeals Master. The appeal shall be made in writing and shall specify the basis for the appeal. The appeal shall be delivered to the Election Appeals Master or her/his designee, the Election Supervisor and to all other parties to the dispute by personal delivery, by overnight mail, electronic mail, or by facsimile transmission with a copy sent by

regular mail immediately thereafter, within the time limit prescribed above, with a copy of the original protest attached.

(g) If no timely appeal is taken from the determination of the Election Supervisor or her/his representative, that determination shall become final and binding.

(h) The Election Appeals Master shall have the authority to conduct a hearing concerning any postelection matter appealed to her/him or to decide the matter based on written materials submitted within a reasonable deadline established by her/him. In deciding whether to conduct a hearing, the Election Appeals Master shall consider the seriousness of the violations alleged in the protest. If the Election Appeals Master decides to conduct a hearing concerning any post-election matter appealed to her/him, she/he shall commence and conclude the hearing within five (5) calendar days of receipt of the appeal on a protest filed under Subsection 3(a)(1) above (concerning a delegate election) or under Subsection 3(a)(3) above (concerning retaliation) or within fifteen (15) days after receipt of an appeal on a protest filed under Subsection 3(a)(2) above (concerning the International election) at a location and in a manner that she/he determines most appropriate to elicit fully all relevant facts and information necessary to determine the appeal within the prescribed time period. The following individuals may participate in the hearing: the protestor(s) and/or her/his representative(s); any representative(s) of the Union(s) involved; any person who or entity which is the subject of the decision or remedy involved and/or her/his/its representative(s); the Election Supervisor and/or her/his representative; the person(s) filing the appeal, if other than the protestor and/or her/his representative; and any other person who obtains permission from the Election Appeals Master or her/his designee.

At each such hearing, the Election Supervisor or her/his representative shall present to the Election Appeals Master or her/his designee a summary of the original determination, including a statement of facts found, the resolution reached and the basis for that resolution.

(i) Within ten (10) calendar days from the Election Appeal Master's receipt of the appeal from a decision or from the conclusion of a hearing concerning a protest filed under Subsection 3(a)(1) above (concerning a delegate election) or under Subsection 3(a)(3) above (concerning retaliation), whichever occurs later, or within fifteen (15) calendar days after the Election Appeals Master's receipt of an appeal from or from the conclusion of a hearing concerning a protest filed under Subsection 3(a)(2) above (concerning the International election), whichever occurs later, the Election Appeals Master or her/his designee shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. The decision shall be effective upon issuance. In issuing a decision concerning matters appealed under these Rules, the Election Appeals Master shall give due consideration to any time exigencies that may be brought to her/his attention by the parties. The Election Appeals Master's decision shall be sent to the protestor(s), the Union(s) involved, the Election Supervisor, any candidate(s) adversely affected by the decision, any person who or entity which is the subject of the appeal decision or remedy and any other person who or entity which, with permission of the Election Appeals Master, participated in the appeal.

#### **4. Remedies**

If as a result of any protest filed or any investigation undertaken by the Election Supervisor with or without a protest, the Election Supervisor determines that the Rules have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest, open and informed election, the Election Supervisor may take whatever remedial action is appropriate. Such remedial action may include, without limitation:

(a) placing, replacing, or removing the name of any nominee from the ballot;

- (b) adding or removing any candidate from a slate;
- (c) qualifying or disqualifying any member from seeking any delegate, alternate delegate or International Officer position;
- (d) qualifying or disqualifying any member from voting;
- (e) altering or rescinding internal union discipline;
- (f) reinstating or removing a member's good standing status;
- (g) requiring or limiting access;
- (h) requiring the Union to mail or otherwise distribute, at its own expense, candidate campaign materials;
- (i) mailing or otherwise distributing candidate campaign materials;
- (j) requiring the Union to hold meeting(s) and prescribing the content of such meetings);
- (k) requiring the return of campaign contributions;
- (l) requiring reimbursement for goods or services;
- (m) requiring the Union to provide candidate(s) with specific goods or services;
- (n) designating or altering the method(s) for nomination or voting;
- (o) establishing or altering the time method(s) or location(s) for ballot counting;
- (p) qualifying persons other than her/his representatives, and whether or not Union members, to serve as observers;
- (q) disqualifying observers;
- (r) ordering entry for observers and regulating the number and conduct of observers;
- (s) permitting or barring any delegate from participating in the Convention nomination process;
- (t) certifying or refusing to certify the results of any election;
- (u) ordering the rerun of any nomination or election, or any portion thereof, and requiring the Union or a Union member to pay for distribution of election materials;
- (v) conducting any nomination or election, or any portion thereof;
- (w) requiring immediate compliance with these Rules, or any portion thereof; and
- (x) requiring reinstatement of an employee or rescission of other disciplinary penalties.



5. **Publication of Decisions**

Decisions of the Election Supervisor on protests, and decisions of the Election Appeals Master, shall be made available on the Election Supervisor's website.

6. **Rerun Elections**

Should the Election Supervisor refuse to certify any election, he/she shall then immediately order that a rerun election be held, including, if necessary, the rerunning of the nomination process.

**ARTICLE XIV**

**FORMS**

The Election Supervisor shall promulgate forms for use in connection with the 2020-2021 IBT International Union Officer Election. The Election Supervisor reserves the authority to promulgate such additional forms as may be necessary or desirable. Unless the form states on its face that its use is mandatory, the form serves only as a model.

For mandatory forms, a duplicate or an exact replica shall be used. For model forms, either the form itself or any reasonable facsimile may be used.

**ARTICLE XV**

**EXTRATERRITORIAL APPLICATION**

The Rules apply to all delegate, alternate delegate and International Officer nominations and elections, both inside and outside the territorial jurisdiction of the United States. No distinction shall be made between nominations and elections conducted within the United States and those conducted outside the United States.

**ARTICLE XVI**

**EFFECTIVE DATE**

The Rules shall be effective as of their date of issuance, except that provisions of the IBT Constitution and of the Labor-Management Reporting & Disclosure Act of 1959, as amended, which are incorporated into the Rules by Article XII, shall be effective as of the date of their adoption.

These Rules have been issued as of May 4, 2020.

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