

ADVISORY ON THE USE OF LITERATURE TABLES OR BULLETIN BOARDS FOR THE DISTRIBUTION OF CAMPAIGN LITERATURE INSIDE UNION HALLS

INTRODUCTION

The *Rules for the 2015-2016 IBT International Union Delegate and Officer Election* ("*Rules*") recognize that candidates have the right to have their literature displayed and distributed by local unions at the candidates' expense on a non-discriminatory basis by the establishment and maintenance of literature tables or bulletin boards inside local union halls. *Rules*, Article VII, Section 7 (h).

This right is in addition to the right candidates enjoy to have their campaign literature mailed or emailed to members by the union at the candidates' expense. *Rules*, Article VII, Section 7 (a) through (g).

This Advisory addresses each local union's obligations to establish and maintain literature tables and bulletin boards inside the union hall and the rights of candidates and slates to utilize those literature tables and bulletin boards.

THE RULE ESTABLISHING LITERATURE TABLES AND BULLETIN BOARDS

Article VII, Section 7(h) provides the following:

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 2016 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.

THE PURPOSE OF LITERATURE TABLES AND BULLETIN BOARDS

The *Rules* establish literature tables and/or bulletin boards at union halls to permit candidates to communicate directly with members at the halls. To implement the rule, Article VII, Section 7(h) permits a candidate to send campaign literature to a local union hall by mail, fax, email, or hand delivery, following the procedures set forth below.

Article VII, Section 7(h) does *not* permit a candidate to send campaign material to a local union hall that is intended for any purpose other than display or distribution on a literature table or bulletin board.

This rule does *not* allow a candidate to send campaign communications directly to union officials or campaign loyalists at the union hall, where the communication is not intended for display or distribution on a literature table or bulletin board. Nor may a candidate use this rule to convert the union hall into a drop-off or storage point for literature, or to distribute material, such as accreditation petitions, that is intended for further circulation outside the union hall. *Schaffer*, [2000 EAD 8](#) (August 1, 2000), *aff'd as modified*, [00 EAM 2](#) (August 17, 2000); *Ostrach*, [2000 EAD 29](#) (October 2, 2000), *aff'd*, [00 EAM 7](#) (October 10, 2000). (These decisions are also available at www.ibtvote.org.)

THE LITERATURE TABLES / BULLETIN BOARDS

Each local union must set up either a literature table or a bulletin board in a public area at its hall. (Local unions may set up both.) For most local unions, this will be in the lobby or reception area. Local unions that do not maintain a business office must set up a literature table before and during any membership meeting scheduled between June 1, 2015 and November 30, 2016. The literature table should be set up adjacent to the entrance to the hall or room in which the meeting will be held.

Local unions must place a boldly-lettered sign in a prominent place above the literature table or on the bulletin board reading as follows (a printable version of this sign is attached to the end of this Advisory):

“This literature table/bulletin board is reserved exclusively for distribution/display of campaign literature for the 2015-2016 IBT International Union Delegates and Officers Election. This literature table/bulletin board should include campaign literature from all candidates. If it does not, please report this to the Election Supervisor at 1-844-428-8683.

The ideas expressed in these materials are solely those of the candidates and do not reflect the views of the International Brotherhood of Teamsters or any of its local unions. The messages contained in these materials come directly from the candidates to IBT members.

- Please take no more than one piece of campaign literature from each candidate or slate. Taking more than one piece of literature is prohibited. If you observe this being done, please report it to the Election Supervisor.
- Defacing or removing this literature is prohibited. If you observe this being done, please report it to the Election Supervisor.”

If a local union has more than one location open to the public, it must set up a literature table or bulletin board at each location. If a local union with no business office holds membership meetings at multiple locations, it must set up a literature table at each meeting location.

WHAT GOES ON THE LITERATURE TABLES / BULLETIN BOARDS

Local unions should restrict the use of the literature table or bulletin board to the distribution or posting of campaign literature for slates of candidates and independent candidates for International office as well as slates and independent candidates for delegate and alternate delegate to the 29th IBT Convention (assuming they are provided with literature by the slates and candidates).

Each slate and each independent candidate is entitled to have multiple copies of only one piece of literature of a size not larger than 8½" x 11" on the literature table or one copy of one piece of such literature on the bulletin board at any one time. When a local union receives a new piece of campaign literature from a particular slate or independent candidate, it should discard the old.

Local unions may not censor or alter the contents of this campaign literature. Local unions may not refuse to display, distribute or post any campaign literature on the basis of its contents. *Rules*, Article VII, Section 7(f).

WRITTEN PROCEDURES

Each local union must have a written procedure for complying with the requests of candidates for display or distribution of literature on literature tables and bulletin boards. Article VII, Section 7(g). Each local union may use OES Form 24 to comply with this requirement. In addition to establishing written procedures for display or distribution of campaign literature on literature tables and bulletin boards, OES Form 24 also establishes written procedures for mailing and emailing campaign material to local union members.

- Part One requests general information, including: 1) local union number, 2) address, 3) phone number, 4) fax number, 5) e-mail address, if any, and 6) name of principal officer.
- Part Two asks each local union to describe its procedure for candidate mailings and e-mailings. If a local union already has a written procedure for mailings, it can attach it to the form.
- Part Three asks for information regarding a local union's procedure on literature tables or bulletin boards, including: 1) whether it has set up a literature table or bulletin board, 2) where it is located, 3) the date it was established, 4) the person responsible for responding to candidate requests, 5) the person responsible for policing the table or board and for maintaining the master copies of the literature (more about this below), and 6) a copy of the sign placed at the literature table or bulletin board site.

Local unions must submit these forms to the Office of the Election Supervisor no later than November 30, 2015 or the date they submit their Local Union Election Plan, whichever date is earlier. Local unions that have already submitted their Local Union Election Plans must submit the completed OES Form 24 to our office within 14 days of receipt of this Advisory.

CANDIDATE ACCESS TO LITERATURE TABLES AND BULLETIN BOARDS

Candidates and slates seeking to display material on literature tables or bulletin boards established under Article VII, Section 7(h) may deliver their literature to the local union by mail, fax, e-mail or hand delivery. Any literature delivered to local unions must include a cover sheet with the following information: 1) the name and the address of the candidate or slate, 2) the candidate or slate representative to contact for purposes of charging any costs of reproduction (as discussed below), 3) a statement that union resources are not to be used for reproducing the literature (except for the first 50 copies as described below), 4) specific instructions as to how the slate wants the literature to be

distributed, 5) where it should be placed (bulletin board or table), 6) how many copies should be reproduced, and 7) the following disclaimer:

“Campaign literature may only be distributed or made available by a local union in a non-discriminatory manner through mailing, emailing, or the use of a literature table or bulletin board open to all candidates. The candidate or slate responsible for this literature is responsible for paying copying and distribution costs as defined by the Election Supervisor.”

Candidates may use ES Form 40 as the cover sheet when sending material for display on local union literature tables and bulletin boards.

Local unions should ensure that the literature they receive is from the slate that purportedly sent it by contacting the candidate or slate representative named on the cover sheet to confirm the literature’s authenticity. If the literature is received by mail, it should be accompanied by a cover letter with the signature of the candidate or slate representative. If a local union receives campaign literature that does not contain a cover sheet or an identifying mark, it should immediately notify the Election Supervisor at 1-844-428-8683.

CHARGING FOR COPYING

Local unions may not charge for the first 50 copies of each piece of campaign literature. If local unions charged from the first copy, the administrative/clerical costs would likely exceed what they charged. Local unions should charge actual cost, not to exceed 10 cents per page, for copies in excess of the initial 50 copies, payable in advance. A slate or candidate requesting that more than 50 copies be made initially should send a check with the cover sheet and the campaign literature. In this way local unions will be compensated at fair market value for their assistance and candidates will be provided with equal access to the copying resource. *Rules*, Article XI, Section 1 (b)(6).

Local unions are under no obligation to notify candidates and slates as to how much literature has been picked up. (Local unions may do so on a non-discriminatory basis.) Candidates and slates are permitted to telephone local unions to determine if more literature is needed.

POLICING THE LITERATURE TABLES / BULLETIN BOARDS

Each local union must assign a staff member or union officer who is not a candidate to inspect the literature table or bulletin board at least twice weekly to assure that copies of campaign literature of all slates and independent candidates are available. Each inspection should be recorded in a log, as described below. Local unions should make sure that members take only one copy of any piece of literature. The local union must keep one copy of each piece of literature submitted so that any pieces improperly removed or defaced may be promptly replaced. Local unions should not charge candidates or slates for replacing literature in these circumstances.

Each local union must create and maintain a log with the following information: 1) date campaign literature was provided to the local union; 2) fax number of the "sending" fax machine, originating email address, other identifying mark or confirmation that the literature came from the candidate or authorized representative of the candidate or slate that it promotes; 3) name of person at the local union assigned to the job of table placement or posting; 4) date and time literature was placed on table or posted on board; 5) number of copies made; 6) date and amount charged to slate or candidate, if applicable; 7) dates and results of periodic inspections; and 8) any problems with the maintenance of the literature on the table or bulletin board. The responsible person should correct any problems as they occur.

If a local union experiences problems with campaign literature being improperly removed or defaced, it should advise the Election Supervisor immediately at 1-844-428-8683. We will investigate promptly. We reserve the right to take further steps as necessary to assure that candidates are being given a fair opportunity to communicate their message to the membership.

A handwritten signature in black ink, appearing to read "Richard W. Mark", written over a horizontal line.

Richard W. Mark
Election Supervisor
May 15, 2015

CAMPAIGN LITERATURE TABLE/ BULLETIN BOARD

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