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Advisory Regarding Fundraising for the 2020-2021 IBT International Officer Election

The Office of the Election Supervisory (“OES”) received an inquiry asking whether a candidate may conduct fundraising for the 2020-2021 IBT International Officer election before *Rules* have been issued for that election. This *Advisory* responds to the inquiry generally to provide guidance on the subject to potential candidates, independent committees, Union officers, and members of the International Brotherhood of Teamsters (“IBT”).

Consistent with past practice, there is no bar to raising funds now for use in the 2020-2021 IBT International Officer election. Any solicitation or spending of funds to influence the election of any Candidate in the 2020-2021 IBT International Officer election will, however, be subject to *Election Rules* and reporting requirements that will be adopted for that election.

The 2015-2016 Election Rules address fundraising for that election only and do not cover any future election. Accordingly, this guidance is based on past practice and terms of the Final Order that require the IBT’s General Executive Board (“GEB”) to issue Election Rules “which are substantially the same as those which governed the previous IBT elections,” and allow material modifications to the Rules only after an opportunity for membership notice and comment, and review by the Independent Election Supervisor. Final Order, ¶ 20. The *2020-2021 Election Rules* likely will not be issued until early in the year 2020. While those *Rules* may not be identical in every respect to *Rules* from past cycles, fundraising provisions will be substantially the same as those found in previous *Rules*.

It can be expected that any fundraising or expenditures for the 2020-2021 IBT International Officer election occurring before the election cycle will be reportable on the first Campaign Contribution and Expenditure Report (“CCER”) filing required of a candidate, slate, or independent committee in that election. Past *Election Rules* for the International Officer election have required the Period #1 CCER of an election cycle to include “all requested information retroactive to the first contribution and the first expenditure” for that election. *See 2015-2016 Election Rules*, Article XI, Section 2(d)(1)(i). The Period #1 report requires disclosure of all contributions and expenditures for that election that had been made ***at any time before the closing date of the first reporting period***. The *Election Rules* have not limited qualified contributions for an election to those solicited or received on or after a specified date. To prepare for the Period #1 report, ***a person or entity raising or spending funds must collect the information needed for CCERS and to show compliance with the campaign contribution rules in the upcoming election***. Non-compliance, or the inability to prove compliance with the *Election Rules* for funds raised and spent may be subject to sanctions.

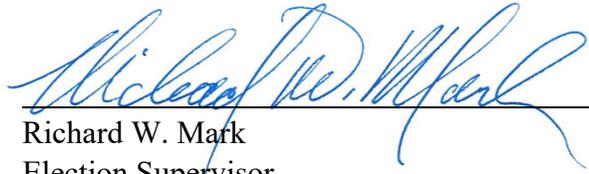
The following guidance should be considered in connection with any International Officer Election fundraising or expenditures:

- 1) Fundraising or expenditures subject to the *Election Rules* are activities that occur for a named IBT International Officer candidate (defined as “any member who is actively seeking nomination or election for any Convention delegate or alternate delegate position or international Officer position” (*2015-2016 Election Rules*, Definition 6), or an independent committee (defined as “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 the International Officer candidate(s),” *2015-2016 Election Rules*, Definition 24).
- 2) Fundraising or expenditures conducted for a specific International Officer and Delegate Election must be raised or incurred for that election alone. For example, only funds raised under (or in anticipation of) the *Election Rules* for the 2020-2021 International Officer and Delegate Election and verified may be used for campaign activity in connection with that election. *See, e.g., 2015-2016 Election Rules*, Article XI, Section 1(b)(1).
- 3) Funds raised in connection with the 2015-2016 International Officer and Delegate Election **cannot** be transferred to, or used, for any activity in connection with any other IBT International Officer and Delegate Election. *See 2015-2016 Election Rules*, Article XI, Section 1(b)(1) (only contributions raised under the *2015-2016 Election Rules* may be used to fund campaign activity in the 2015-2016 International Union Officer and Delegate Election) and 1(b)(14) (at the conclusion of the 2015-2016 International Union Officer and Delegate Election, excess funds in a campaign account or a legal and accounting fund account must be returned to contributors or donated to charity).
- 4) Detailed records of campaign contributions (including any in-kind contributions) and expenditures made between election cycles must be maintained. The candidate, slate or independent committee will need to report such contributions and expenditures on the Period #1 CCER report of the election cycle. The records should be sufficient to demonstrate compliance with fundraising restrictions in the *Election Rules*, including contribution limits and verification of the contributor’s status (e.g., membership in good standing).
- 5) If a person or entity engages in fundraising or spending for the 2020-2021 International Officer and Delegate Election, new bank accounts should be opened, including a general account, a legal and accounting account, and an escrow account. All such accounts must start with balances of zero, and may permissibly be funded only with contributions solicited and received specifically for the 2020-2021 International Officer and Delegate Election. Any funds remaining from the 2015-2016 election or any other election may not be transferred to these accounts or used for the 2020-2021 election.

6) No candidate or slate may mix money that has not been verified with verified money. It is the responsibility of the candidate, slate, or independent committee to insure the contributor is eligible to contribute to a campaign.

Please contact OES with any further questions you may have concerning fundraising for the International Union Officer and Delegate Election.

Dated: November 27, 2017
Washington, D.C.



Richard W. Mark
Election Supervisor