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ELECTION SUPERVISOR'S SUMMARY REPORT NO. 2 TO THE IBT

The February 26, 2015 Stipulated Agreement and Order appointing the Election Supervisor for the 2015-2016 IBT International Union Delegate and Officer Election (the "2016 Election Agreement") provides that "The 2016 Election Supervisor shall have the right and obligation to submit reports to the IBT which, in turn, has the obligation to share these reports with the membership and the Government." Election Agreement, ¶ 2. Each month during the election cycle, the Office of the Election Supervisor ("OES") provides to the IBT and the Government an accountant's compilation of the OES financial statements, including a chart that shows OES actual and budgeted expense. This report provides additional narrative context for the monthly financial compilations and summarizes activities conducted from the September 1, 2015 through January 14, 2016.

**I      Delegate Elections**

The Winter-Spring nomination and election period for delegates to the IBT's 29<sup>th</sup> International Convention opened on January 4 and ends on April 30, 2016. Most of the convention delegates are elected during this time period.

Every local union, system federation, and general committee of adjustment was required to submit delegate election plan and to obtain OES approval for the schedule and procedures to be followed. This step in the election was largely carried out in the fall of 2015. The electing units were required to submit their plans using a

template available on the OES website, [www.ibtvote.org](http://www.ibtvote.org). A password-protected account was established for the plan submission and each electing entity (with one exception), working with its assigned OES Regional Director, prepared and submitted a plan. The plan approval process was completed by December 23, 2015, and review was prioritized so that local unions had approved plans in place in time to start their elections (because many local unions schedule nomination meetings for January 2016, notices of election for those meetings had to be approved and mailed in December). Only one local union, GCC S-713, did not prepare its own plan, even after repeated contacts from OES.

Consequently, OES prepared an election plan for that local union and will conduct its delegate election. The total number of approved plans for the groups of electing units in the IBT are as follows:

	Number of Delegate Election Plans Submitted
IBT Locals	376
GCC Locals	47
BMWED SFs	15
BLET GCAs	29
<b>TOTALS</b>	<b>467</b>

The date and location for each nomination meeting is posted on tables available at [www.ibtvote.org](http://www.ibtvote.org).

The delegate elections at most local unions are conducted by the executive board (excluding any board members who are delegate candidates) or by an election committee. A substantial number of local unions – nearly 200 – engage a third party service provider to conduct the nominations, the balloting, or both. In this cycle, 20 different service providers have been engaged. Although OES works with these entities

to have an election conducted in accordance with the *2016 Election Rules*, ultimate responsibility for the election rests with the union.

The separate agreements under which the GCC, BLET and BMWED merged with the IBT provide that units of a specific size are entitled to elect at least one delegate to the IBT convention,<sup>1</sup> and that members in units below the threshold nominate and elect delegates by regional grouping. Under this rule, there are four regional groups in the GCC (Eastern, Southern, Central, Western), three in the BLET (Eastern, Central, Western), and one in the BMWED (Western). OES conducts the elections for these regional groups.

Members may request OES to determine, in advance of nomination meetings, whether they meet the eligibility criteria for delegate, nominator or seconder. We encourage members to make these requests in order to facilitate the nomination process and to eliminate post-nomination protests. Through January 13, 2016, OES has received 1,059 eligibility requests and processed 1,029 of them. Those who requested an eligibility check in advance of a scheduled nomination meeting received a written response indicating eligibility or the reason for an ineligibility determination.<sup>2</sup> Thirty requestors were found not to meet the 24-month continuous good standing requirement for candidate eligibility, although two ineligibility determinations were reversed after the

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<sup>1</sup> Each GCC Local Union with at least 125 active members is entitled to one delegate to the convention. Each BMWED System Federation and each BLET GCA with at least 100 active members is entitled to one delegate to the convention. Delegate strength for voting units in the GCC, BLET, and BMWED with more than 125 active members is calculated according to the formula in Article III, Section 2 of the IBT Constitution.

<sup>2</sup> The notice of nomination sent to each member “strongly recommend[s]” that prospective nominees request an eligibility check at least five days before a nomination meeting. OES was not able to provide a timely response to 24 requests received in the current cycle because the requestors submitted them late in the day on the same day as the nomination meeting or after the meeting.



requester submitted additional evidence. All those who requested a check on eligibility to nominate met the good standing criteria for that function.

Almost all of the local unions followed the OES template and adopted standard procedures for their elections. Notices of plan submission were posted by local unions and members could view submitted plans at [www.ibtvote.org](http://www.ibtvote.org) and submit comments on any aspect of the plan. Significant comments were received on only four of the submitted plans, and all were addressed in written responses that were appended to the approved plan.

The delegate election plan submitted by Local Union 2785 (San Bruno, CA) generated the most extensive comments and response. That local union proposed to conduct balloting for delegates by a walk-up election instead of by mail ballot sent to the membership (the proposal allowed any member to request a mail ballot for any reason and provided for integrating a count of mail ballots with the walk-up poll). The local invoked the *2016 Election Rules*, Article II, Section 2, which authorizes the Election Supervisor to approve an alternate method of balloting if it is determined that the method “provides protection and security for the member’s secret ballot at least equivalent to the mail ballot.” Local Union 2785 contended that it (and predecessor local unions) had successfully conducted walk-up officer elections and that a similar procedure would be appropriate for the delegate election.

Commentators opposed using a walk-up election based on generalized arguments regarding the possibility of coercion or retaliation in a walk-up setting (nothing specific to Local Union 2785 was cited), and the geographic spread of worksites. The OES Regional Director visited several worksites of the local union and discussed the question with the members, and that informal survey found mail ballot to be the much-

preferred option on the basis of convenience. Ultimately, the Election Supervisor declined to approve the walk-up election plan and directed Local Union 2785 to conduct a mail ballot election.<sup>3</sup>

Most of the electing units will hold nomination meetings in January.

Including the few local unions that held delegate elections in 2015 (because of seasonal membership or a concurrent, fall officer election), as of January 8, 2016 105 electing units had held nomination meetings. The overall results are summarized below:

<b>Nomination Meetings as of Jan 8, 2016:</b>	Contested Election	Unopposed	Awaiting Report	No Delegate Nominated	Totals
Local Unions	No. of contested elections -- 17	No. of white ballot meetings – 77	10	1 (BLET 670)	105
Delegates	No. of delegate slots in contested elections -- 88	No. of delegate slots filled by white ballot – 314	22	1	425
Alternates	No. of alternate slots in contested elections -- 64	# of alternate slots filled by white ballot – 205	17	1	287

OES published the first certified delegate list on December 15, 2015, certifying 77 delegates and 48 alternate delegates. The list will be updated monthly during delegate election season. OES will review the status of each certified delegate and alternate delegate before the International Convention and will determine whether each is eligible

<sup>3</sup> Local Union 2785 held its nomination meeting on January 4, 2016, and the delegate election is contested. Ballots are scheduled to be mailed on February 3 and counted on March 1, 2016. In 2001, the delegate election at Local Union 85 (a predecessor local) was contested, but the other delegate elections in 2001, 2006, and 2011 for Local Union 2785 and its predecessors were not contested.

Local Union 577 (Amarillo, TX) submitted a plan providing for a walk-up election site convenient to one job location where approximately 3,000 members are employed, with mail ballots distributed to other members. This local has had such a plan approved in every one of the IBT local union delegate elections since 1991. The large number of workers (many of whom would need language assistance) at the single worksite is the prime consideration in approving this local's unique plan. Local Union 577 held its nomination meeting on January 9, 2016 and the delegate election is not contested.



status. Credentials will be issued only to those who meet the eligibility criteria of the IBT Constitution and the *2016 Election Rules*.

## II. Candidate Accreditation

The *2016 Election Rules* provide that a candidate for International Union office may be “accredited” by obtaining signatures of support from 2.5% of the membership eligible to vote for the office sought. Accredited candidates receive space for the publication of campaign material in the *Teamster* magazine and may request access to an IBT membership list and delegate list (with addresses) for campaign use. An *Advisory* issued on June 1, 2015 announced the number of signatures required to achieve pre-convention accreditation, and a July 14, 2015 *Advisory* set August 31, 2015 as the deadline to submit petitions in order to qualify for campaign literature space in the October 2015 issue of *Teamster*.

Before the August deadline, 27 candidates submitted petitions as members of a slate designated “Hoffa-Hall 2016,” and 11 candidates submitted petitions as members of a slate designated “Teamsters United.” The petitions were analyzed and checked using a statistical sample to determine whether the candidates had achieved the accreditation threshold, and each of the candidates was accredited.

Although there were some protests relating to accreditation, the process was not hindered or delayed. One pending protest challenged the validity of accreditation petitions gathered at Local Union 938 (P-034-081315-CN), and submitted in support of Canadian candidates on the Hoffa-Hall slate. The Canadian candidates had ample signature support to achieve accreditation (more than 3.5 times the minimum required number) even without the questioned petitions, so the dispute had no effect on the determination. Another protest challenged the eligibility of Jakwan Rivers, a member of the Teamsters United slate. OES determined that Rivers was ineligible to be a candidate and was not entitled to the benefits

accorded to accredited candidates. *Eligibility of Rivers*, 2015 ESD 32 (September 21, 2015) (Rivers, ineligible, not entitled to membership list or to publish material in *Teamster* magazine). Rivers's ineligibility did not otherwise affect the determination that other individuals on the Teamsters United slate had achieved accredited status.

On January 9, 2016, a protest was filed stating that members of the Teamsters United Slate had changed the offices to which they were seeking election, and challenging the accreditation status of individuals on that slate (P-083-010916-NA). This protest has yet to be finally resolved.

### **III. Parking Lots**

A unique feature of the IBT International Officer Election is the rule that allows candidates and their supporters to campaign in employer parking lots used by IBT members to park their vehicles in connection with employment. *2016 Election Rules*, Article VII, Section 12(e). Many employers have grown familiar with this requirement, which dates back to the *1996 Election Rules*, but issues arise in each election cycle either with employers where the issue has not arisen before or with some that need to be refreshed on the requirement. OES assigns a senior staff person to deal with any issues arising from candidates seeking to campaign in parking lots. Thus far, compliance issues with eight different employers have been resolved and candidates (or their representatives) have been able to campaign as the *2016 Election Rules* allow.

### **IV. Campaign Finance Reporting and Auditing**

Known candidates (with one exception), slates and independent committees have all filed Campaign Contribution and Expense Reports ("CCERS") for the two reporting

periods in 2015; the deadline for the next submission is February 15, 2016.<sup>4</sup> OES provides assistance to candidates when questions or problems arise with using the CCERS software.

A forensic audit team from Duff & Phelps has scheduled audits for several of the campaigns starting in January 2016, and will also conduct independent verification of a sample of reported contributions and expenditures.

#### **V. Protests**

Through January 13, 2016, OES has received 102 protests (including 16 relating to eligibility) and disposed of 66 of them in 63 written decisions. Relief has been granted, or the issues have been resolved, in 24 of the protests, with the rest being denied (64) or withdrawn (4). Seven rulings have been appealed to Election Appeals Master Roberts. Five of the decisions appealed were affirmed, one appeal was withdrawn, and one is pending.

#### **VI. Budget and Expenses**

OES proposed to the parties a budget of \$12,885,700 based on certain assumptions about the level of election activity. Actual activity is compared to the budget and reported to the parties each month. OES has expended \$2,250,128.74.00 through December 31, 2015.

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<sup>4</sup> One individual, not affiliated with a slate, who had declared candidacy for International Office, has not filed. OES has not been able to determine whether that individual continues to be a candidate.



As the election progresses, actual experience during the election cycle may call for budget revisions. OES will continue to share its monthly expense information with the government and the IBT so that the parties have complete information about the costs incurred, and will also keep the parties informed about the activities necessary to complete this election in a manner that is fair, open, and honest for all members of the IBT.

Dated: January 15, 2016  
New York, New York

Respectfully submitted,



Richard W. Mark  
Election Supervisor