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Election Supervisor

PUBLICATION REVIEW ADVISORY

I. INTRODUCTION

Union-financed publications distributed between August and November 2016 must be submitted to the Office of the Election Supervisor (“OES”) for review before publication. *Rules for the 2015-2016 IBT International Union Delegate and Officer Election (“Election Rules”)*, Article VII, § 8(e).¹ The *Election Rules* prohibit union-financed publications from supporting or attacking candidates. *Election Rules*, Article VII, §§ 8(a), 12 (b)-(c); Article XI, §§ 1(b)(2), (3), (6). OES will review union publications solely for the purpose of enforcing this ban. Publication review does not concern any other content of union publications.

This advisory is to inform the IBT and all of its affiliated and subordinate bodies that produce union-financed publications of their responsibility to submit union publications to OES for pre-publication review, and the procedures OES will follow in carrying out the review.

II. WHAT PUBLICATIONS DOES THE RULE COVER?

Magazines, newsletters, newspapers, web sites, and social media posts are examples of union-financed publications that must be submitted for review. Such publications are covered regardless of how they are distributed to IBT members or any segment of the membership (for example, shop stewards), and whether they are mailed, faxed or distributed electronically (for example, e-mail, web posting, or social media).

Every communication produced by the Union or an affiliated or subordinate body is prohibited from containing campaign material. There are no exceptions. Union-financed communications cannot support or oppose any candidates. Some material however, need not be submitted for review. As a general rule, if a union publication proposes to print the name or a photograph of any candidate for International Office **whether or not the publication references the campaign or offices sought**, or prints the name of any slate or campaign committee the publication should be submitted for pre-publication review. Routine letters, notices, or like

¹ “In order to ensure compliance with Article VII, Sections 8(a) and 12(b)-(c) and Article XI, Sections 1(b)(2), (3) and (6) of the *Rules*, every Union financed publication to be mailed or otherwise distributed to the membership between August 2016 and November 2016 shall be submitted to the Election Supervisor by the publishing body for review and approval prior to publication.”

materials distributed to the membership concerning contracts, membership meetings, or membership events need not be submitted to OES.

While it is expected that most submitted publications will not reflect campaign or candidate advocacy, some materials will present closer questions under the *Election Rules*. For some materials, there will not be a bright line to separate improper union publications from what the law and *Election Rules* permit. Thus, the principles in the preceding paragraph will not resolve every question that may arise. For example, it is possible for an article discussing certain issues or using certain phrases or images, to constitute support or criticism of a candidate even if a candidate is not mentioned by name or depicted. Such an article could be considered campaigning under the *Rules*.

If you have any questions about whether a publication is subject to review, contact the Election Supervisor at 1-844-428-8683 or 1-202-429-8683.

III. WHEN IS THE PRE-PUBLICATION REVIEW IN EFFECT?

Pre-publication review covers union-financed publications targeted to reach members at any time during the months of August, September, October and November 2016. For example, if a local union mails newsletters to members in late July, and it is reasonably likely that some members will receive the newsletter on or after August 1, the newsletter should be submitted to OES for review. What matters is that members will receive the publication during August, September, October or November.

IV. WHAT IS THE REVIEW PROCEDURE?

The publication review is intended to assist unions in complying with the prohibition on using union resources to support or oppose candidates in the IBT International Officer Election. While any publication, reviewed or not, may be the subject of an election protest when published it is the objective of OES to avoid violations through the review process. Understanding the different types of publications that unions issue, OES will work with each union to accommodate publication schedules and deadlines.

For print publications, the union body must send the copy (including graphics and pictures) to OES at least seven (7) business days before the material is needed to meet the production deadline. The materials need not be production-ready and may be submitted by fax or as an email attachment.

If material to be posted on a website or distributed on social media does not have editorial content, it need not be submitted for pre-publication review. For example, a union body does not need to obtain pre-publication review of a posting that announces a local union membership meeting date. Any posting with editorial content or that references an International

Officer Candidate or campaign, however, must be submitted just like a print publication.² OES will work with each union body to accommodate shorter time deadlines that may be required for review of web or social media posts. If you have a regular program of posting, contact OES in July to discuss your social media program, anticipated activity, and scheduling constraints.

To submit materials for pre-publication review by email, send your email and attachment to kmarvin@ibtvote.org and put "Pre-Publication Review Materials – [NAME OF UNION BODY]" in the "Re" line. If you do not receive an email response confirming receipt, please call Kate Marvin at the Election Office to verify that your email and attachment has been received for review.

To submit materials for pre-publication review by mail or overnight delivery address the package to:

Office of the Election Supervisor
1050 17th Street, N.W. – Suite 375
Washington, D.C. 20036

ATTN: Publications Approval

To submit materials for pre-publication review by fax, the cover sheet and materials should be sent to the fax machine at 202-774-5526. Note on the fax cover sheet that the material is submitted for pre-publication review and direct the fax to "ATTN: Publications Approval."

In addition, the email message, transmittal letter, or fax cover sheet accompanying the materials should note:

- The name of the entity submitting the material for review.
- The type of the publication (print, web posting, social media).
- The intended recipients of the publication.
- The deadline for production or posting.

OES will review the materials and determine whether any portion constitutes prohibited campaigning. If no evidence of campaigning is found, the Election Supervisor will

² A union body could not avoid publication review by treating a calendar listing for a candidate or campaign event as equivalent to announcing a "membership meeting" with no editorial content. Candidate access to membership meetings and related requirements of notice of access and affording equal treatment to all candidates are stated at *Election Rules*, Article VII, § 5.

notify the union body by return email or fax within (7) seven business days or other deadline as discussed for electronic postings.

If OES determines that material submitted constitutes prohibited campaigning, a determination will be issued as expeditiously as possible, and before the production deadline. A determination will be appealable to the Election Appeals Master in the time and manner described in Article XIII, Section 2(i) of the *Rules*. Production of the material shall not go forward until any rejection by OES, including any appeal, is finally resolved.

A pre-publication review does not preclude any post-publication protest under Article XIII of the *Rules*.

V. Post-Publication Submissions

When the final publication is produced, a copy of the item as published and distributed must be sent to OES. Send the final document to:

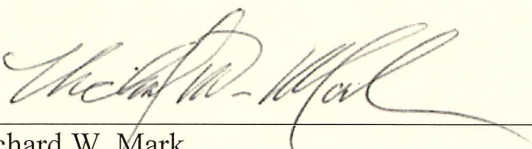
Office of the Election Supervisor
1050 17th Street, N.W. – Suite 375
Washington, D.C. 20036

ATTN: Publications Approval

Include a transmittal letter stating that the submission is the final publication, and provide the date the item was distributed.

If you have any questions about any of the above, contact the Election Supervisor at 1-844-428-8683 or ElectionSupervisor@IBTvote.org.

Dated: July 8, 2016
Washington, D.C.



Richard W. Mark
Election Supervisor