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**SUPPLEMENT TO THE ADVISORY ON RIGHTS OF CANDIDATES  
TO DISTRIBUTE CAMPAIGN LITERATURE TO MEMBERS USING  
IBT INTERNATIONAL UNION AND LOCAL UNION EMAIL LISTS**

**July 8, 2016**

This *Supplemental Advisory* addresses two questions that have been presented to the Office of the Election Supervisor (“OES”) regarding International Officer candidate access, to email lists for distribution of campaign literature, under the *Election Rules* and the March 8, 2016 *Advisory* regarding such lists. The first concerns which union entities are subject to the applicable *Election Rules* and *Advisory*; the second concerns details of the procedure candidates invoke to get access to email lists.

**I. The Election Rules and Advisory Apply to All IBT Entities**

A component of the IBT, noting that the *Advisory* expressly referenced “the availability and use of email address lists of the International Union and local unions to distribute campaign material to members in the 2016 election cycle” questioned whether the *Advisory* applied to all components of the IBT.

The *Advisory* does apply to all subordinate entities. The *Election Rules* define “Union” as “the International Union, all Local Unions and all other subordinate bodies of the International Union, unless explicit distinction is made.” *Election Rules*, Definition 45. The rule on candidate access to email lists for distribution of campaign literature incorporates that defined term when it states “The Union shall honor reasonable requests by candidates for distribution of literature through electronic mail.” *Election Rules*, Article VII, Section 7(a)(4). Thus all subordinate entities of the IBT must comply with the rules regarding candidate access to email lists.

Regarding local unions, The *Advisory* itself stated that term “refers to local unions, system federations, and general committees of adjustment – the three types of subordinate bodies that elected delegates to the IBT International Convention.” *Advisory* at n.1. To eliminate any confusion, however, the second sentence of the *Advisory* should be deemed amended to include the *Election Rules* defined term “Union,” as follows:

This *Advisory* addresses the availability and use of email address lists of the Union to distribute campaign material to members in the 2016 election cycle.

**II. Procedure to Obtain Access to Union Email Lists**

OES was asked whether it was appropriate for candidates to approach Unions directly to request certain information about the availability and nature of Union email lists for distributing candidate campaign literature. Such requests are appropriate under the *Election Rules* and the *Advisory*, and Unions should comply with the requests.

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**Background** The *Election Rules* provisions on publication and distribution of candidate literature and mailings are rooted in the LMRDA, which imposes a duty on all labor organizations to comply with all reasonable requests of any candidate to distribute “by mail **or otherwise** at the candidate’s expense” campaign literature. 29 U.S.C. § 481(c) (emphasis added). The IBT itself incorporates this law in its *Guidelines for Conducting Local Union Elections* (June 18, 2015) which adds, “Essentially, the same rules apply to email lists containing members’ contact information the Local has created if they are used to communicate with members about the Union’s business.” *Id.*, ¶ 10 (emphasis in original) (available at Tab 1 of the OES Local Union Election Guidelines). In connection with the conduct of officer elections, the USDOL further suggests that election officials should advise candidates in advance of conditions and other rules pertaining to mailout or distribution of campaign literature to a union list. OLMS, *Conducting Local Union Officer Elections, A Guide for Election Officials* at 22.

**The Election Rules and the Advisory** The *Election Rules* and the *Advisory* relating to email lists implement the requirement that Unions have in place a clear procedure for candidates to use if they seek to distribute campaign literature to union members by mail “or otherwise” using a Union list. Article VII, Section 7(a)(4) provides, in part:

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 . . . . 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.

The March 8, 2016 *Advisory* implements this election rule by stating the minimum requirements for the procedure a union must have in place for responding to requests for email. These minimum requirements relate to characterizing the list so that a requesting candidate can decide whether to use the list for literature distribution. Specifically, the *Terms of Access* section of the *Advisory* identifies five items of information to be supplied, on candidate request:<sup>1</sup>

- a. Whether the union has a covered list [within the Advisory’s definition].
- b. The number of addresses on the covered list and the approximate number of current active members in the union.
- c. A brief description of how the list was created.
- d. Any information correlating email addresses on the list to IBT members (for example, relating the email address to a member’s name and known postal address).

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<sup>1</sup> Regarding the information to be supplied, if available: item (a) is a yes/no question; item (b) is a number; item (c) should be a short narrative description (e.g., “emails solicited on Union’s web page”); item (d) should be a short narrative description about the foundation for the list, and could be combined with (b) (e.g., “the Union believes that the list reflects [n] IBT members because it has correlated the email addresses with member home addresses and telephone numbers”); item (e) should be a short narrative description (e.g., “the list was created for [business agent] to communicate with members at [employer]”).

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- e. Whether the list reflects a specific characterization or purpose (for example, a list of union stewards or agents; a list of members at a particular employer or work site).

The *Advisory* (and a similar one issued in 2011) identifies these items so that Unions will be ready to supply the information in response to queries. This facilitates Unions' compliance with their obligation under the *Election Rules* and the LMRDA to honor requests for distribution of candidate campaign literature. When this *Advisory* (and its 2011 predecessor) was issued, it was specifically contemplated that Unions would respond to candidate requests for information of the type Teamsters United has requested.

Questions concerning access to email lists for distribution of campaign literature should be directed to OES.

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Washington, D.C.



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