

OFFICE OF THE ELECTION SUPERVISOR
for the INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1725 K Street, N.W., Suite 1400
Washington, D.C. 20006
202-429-8683
888-IBT-2006 Toll Free
202-429-0030 Facsimile
www.ibtvote.org

RICHARD W. MARK
Election Supervisor

TO: Principal Officers of IBT local unions and joint councils, GCC local unions and regional councils, BMWED System Federations and BLET General Committees of Adjustment

FROM: Richard W. Mark, Election Supervisor

DATE: July 18, 2006

RE: Subordinate body publications

In order to have a fair, honest, and open election, we must endeavor to have a fair campaign season. The *Rules* have a specific provision that requires pre-publication review of all union-financed publications. Thus, "...every Union-financed publication to be mailed or otherwise distributed to the membership between August 2006 and November 2006 shall be submitted to the Election Supervisor by the publishing body for review and approval prior to publication."¹ As explained in the enclosed Advisory, the review is related to compliance by all union bodies with the ban on using union resources to support or oppose candidates in the election.

Each publication must be sent to, and approved by, the Election Supervisor *before* its distribution. Pre-publication copies may be submitted as described in the Advisory. Additionally, to provide a frame of reference for review, each body that produces a publication must also provide the Election Supervisor with a copy of every publication it has distributed between October 2005 and August 2006. The copies must be received by August 1, 2006. The local shall bear the cost of shipment.

Shipments should be addressed to:

Publications Approval
ATTN: Nat Wallach
Office of the Election Supervisor
1725 K St., NW Suite 1400
Washington, DC 2006

Please check Article VII, "Campaigning and Access" of the *Rules* to ensure your local is in compliance and to reduce the risk of protests during this period. If you have any questions or problems, please contact Nat Wallach at the Election Office at ncwallach@ibtvote.org, 202-429-8683 or toll-free at 888-IBT-2006.

Thank you and please remember to vote.

¹ *Rules*, Article VII, Section 8(e)

OFFICE OF THE ELECTION SUPERVISOR
for the INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1725 K Street, N.W., Suite 1400
Washington, D.C. 20006
202-429-8683
888-IBT-2006 Toll Free
202-429-0030 Facsimile
www.ibtvote.org

RICHARD W. MARK
Election Supervisor

PUBLICATION REVIEW ADVISORY

I. INTRODUCTION

Union-financed publications distributed between August and November 2006 must be submitted to the Office of the Election Supervisor ("OES") for review before publication. *Rules for the 2005-2006 IBT International Union Delegate and Officer Election ("Rules")*, Article VII, § 8(e).¹ The *Rules* prohibit union-financed publications from supporting or attacking candidates. *Rules*, Article VII, §§ 8(a), 12 (b)-(c); Article XI, §§ 1(b)(2), (3), (6). This is one aspect of the ban on using union resources to support or oppose any candidate. The publication review authority will not be used to otherwise censor union publications. OES will review union publications solely for the purpose of enforcing the ban on using union resources to support any candidates.

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 TYPES OF PUBLICATIONS DOES THIS RULE COVER?

International, national divisions, conference, local union, joint council and any other subordinate body magazines, newsletters and newspapers are examples of union-financed publications that must be submitted for review. Such publications are covered regardless of the method of publication and distribution, whether they are mailed, faxed or distributed electronically (for example, e-mail, or web posting) to IBT members or any segment of the membership (for example, shop stewards).

The review procedure does not cover every union-produced communication. Letters, leaflets, notices or like materials are not covered. Even though such communications are not subject to pre-publication review, **every communication produced by the Union or an affiliated**

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 2006 and November 2006 shall be submitted to the Election Supervisor by the publishing body for review and approval prior to publication." The printed text refers to Article VII, § 11(b)-(c).

When new section 11 (relating to the IBT website) was added to the *Rules* in 2006, the former section 11 was renumbered as section 12, but the cross-reference in section 8(e) was inadvertently not updated.

or subordinate body is prohibited from containing campaign material. There are no exceptions to this ban. Union-financed communications cannot support or oppose any candidates.

If you have any questions about whether a publication is subject to review, contact the Election Supervisor at 1-888-IBT-2006.

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 2006. 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 copy of the newsletter should be submitted to OES for review. The controlling factor is the likelihood that at least some of the members will receive the publication during August, September, October or November.

IV. WHAT IS THE REVIEW PROCEDURE?

The union body producing the publication must send the copy (including graphics and pictures) to OES at least seven (7) working days before the material is needed to meet the union body's production deadline. The materials need not be production-ready and may be submitted by fax or email.

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

Publications Approval
Office of the Election Supervisor
1725 K Street, N.W. – Suite 1400
Washington, D.C. 20006

ATTN: NAT WALLACH

To submit materials for pre-publication review by fax, the cover sheet and materials should be sent to the fax machine at 202-429-0030. Note on the fax cover sheet that the material is submitted for pre-publication review and direct the fax to "ATTN: NAT WALLACH."

To submit materials for pre-publication review by email, send your email and attachment to newallach@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 Mr. Wallach at the Election Office to verify that your email and attachment has been received for review.

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

- The name of the entity submitting the material for review.
- The name of the publication.
- The intended recipients of the publication.
- The deadline for production.

OES will review the materials and determine whether any portion constitutes prohibited campaigning. If no evidence of campaigning is found, the Election Supervisor will notify the union body by fax within the seven (7) working days.

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

This 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:

Publications Approval
Office of the Election Supervisor
1725 K Street, N.W. – Suite 1400
Washington, D.C. 20006

ATTN: NAT WALLACH

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

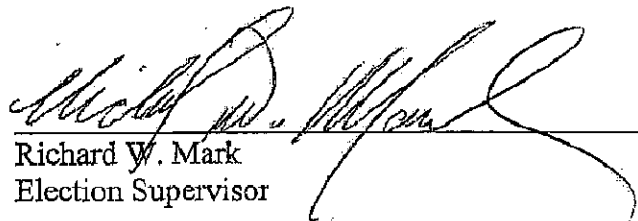
PUBLICATION REVIEW ADVISORY

JULY 14, 2006

PAGE 4

If you have any questions about any of the above, contact the Election Supervisor at 1-888-IBT-2006 or ElectionSupervisor@IBVote.org.

Dated: July 14, 2006
Washington, D.C.



Richard W. Mark
Election Supervisor