

OFFICE OF THE ELECTION SUPERVISOR  
*for the* INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
1801 K Street, NW, Suite 421 L  
Washington, DC 20006  
202-429-8683  
877-317-2011 Toll Free  
202-429-6809 Facsimile  
electionsupervisor@ibtvote.org  
[www.ibtvote.org](http://www.ibtvote.org)

RICHARD W. MARK  
*Election Supervisor*

## **ADVISORY REGARDING RELEASE OF MEMBER INFORMATION GATHERED DURING THE DELEGATE ELECTION PROCESS**

The Office of the Election Supervisor (“OES”) has received inquiries from a number of IBT members requesting the release of information and data accumulated during the delegate election process in their respective local unions.

It is clear that a growing number of the tasks involved in the conduct of elections at the local union level are being performed with the aid of electronic data processing. Third party vendors now use electronic data processing to increase their efficiency in conducting elections. Local union staff and election committees, required to interface with the TITAN dues collection recording system for membership rosters, mailing labels and eligibility information have chosen to perform an increasing number of election-related tasks electronically instead of using paper records. And nearly every process performed using a computer and an electronic database creates records that may be indexed and retrieved.

Most information accumulated during the steps of ballot preparation, mailing and counting is some form of a membership list. The *Rules for the 2010-2011 IBT International Union Delegate and Officer Election* (“*Rules*”) limit the membership information provided to candidates, not only to comply with the requirements of the Labor-Management Recording and Disclosure Act of 1959 but also to respect the privacy rights of the members of the union. Thus, although election procedures of mailing and remailing ballots, determining voter eligibility and certain other tasks may be observed by candidates (who may make their own notes and records), the *Rules* prohibit the release to candidates and local union officials of specific member information compiled as a by-product of election administration.<sup>1</sup>

At the end of any election, accepted practice is to pack and store all election-related materials in sealed boxes for a minimum period of one year, with the accumulated materials destroyed at the end of the year period. This practice, consistent with the requirements of the LMRDA and the *Rules*, is followed to preserve such records if necessary to investigate the conduct of the election. Election materials stored away include paper rosters, notes, lists, ballots, envelopes and used or generated during the election. Electronic versions of this same information should be treated the same way as

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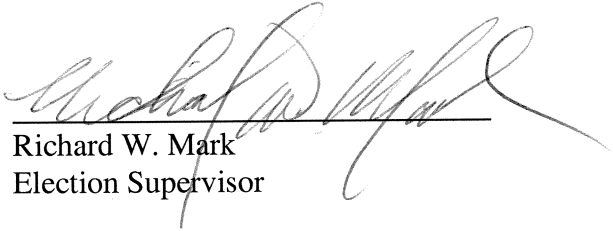
<sup>1</sup> Specifically exempted from this prohibition are statistical reports containing such data as the number of ballots printed, mailed, returned as undeliverable, requested as replacement or remailed, so long as such reports are numerical only and do not contain identifying member information.

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the paper records they may have replaced. Local unions and election vendors are directed to copy election administration data onto storage discs or other data storage media and store the discs and drives with all hard copy materials to be sealed, stored and, ultimately, destroyed after the end of the required retention period. Data is not to be retained on computers used to generate, collect and store it during the election process. In no case are such materials to be divulged to anyone, whether candidate, observer, local union official or attorneys or representatives for any of the foregoing.

Any candidate, observer or local union officer who has obtained or been provided any election-related data that includes any aspect of the identity of members (name, mailing address or email address, telephone number or employer, for example) whether voting or non-voting, is hereby advised that such material may not be used for any purpose other than oversight of the delegate election, and, in particular, may not be used for political purposes in any subsequent election.



Richard W. Mark  
Election Supervisor

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Washington, D.C.