

ADVISORY ON THE USE OF LITERATURE TABLES OR BULLETIN BOARDS FOR THE DISTRIBUTION OF CAMPAIGN LITERATURE INSIDE UNION HALLS

INTRODUCTION

The Rules for the 2010-2011 IBT International Union Delegate and Officer Election ("*Rules*") recognize that candidates have the right to have their literature distributed by locals at the candidates' expense on a non-discriminatory basis not only by mailings to members' addresses [*Rules*, Article VII, Section 7 (a) through (g)], but also by the establishment and maintenance of literature tables or bulletin boards inside local union halls [*Rules*, Article VII, Section 7 (h)]. This Advisory addresses the local union's obligations to establish and maintain literature tables and bulletin boards inside union halls.

THE PURPOSE OF THE LITERATURE TABLES / BULLETIN BOARDS

Having literature tables or bulletin boards at union halls allows candidates to communicate directly with members who make use of the halls. It is not to allow candidates to communicate with union officials in the guise of providing campaign literature for literature tables or bulletin boards. Candidates cannot use literature tables to convert locals into drop-off points for their literature. It is a violation of the *Rules* for a candidate to use literature tables or bulletin boards: 1) to communicate directly with campaign loyalists as opposed to the general membership; or 2) to distribute material, like accreditation petitions, that is only intended for further circulation outside the union hall. *Schaffer*, [2000 EAD 8](#) (August 1, 2000), *aff'd as modified*, [00 EAM 2](#) (August 17, 2000); *Ostrach*, [2000 EAD 29](#) (October 2, 2000), *aff'd*, [00 EAM 7](#) (October 10, 2000). (These decisions are also available at www.ibtvote.org.)

THE LITERATURE TABLES / BULLETIN BOARDS

Each local must set up either a literature table or a bulletin board in a public area at its hall. (Locals may also set up both.) For most locals this will be in the lobby or reception area. Locals that do not maintain a business office must set up a literature table before and during any membership meeting scheduled between June 1, 2010 and November 30, 2011. The literature table should be set up adjacent to the entrance to the hall or room in which the meeting will be held.

Locals must place a boldly-lettered sign in a prominent place above the literature table or on the bulletin board reading as follows:

“This literature table/bulletin board is reserved exclusively for distribution/display of campaign literature for the 2011 IBT International Union Officer Election. This literature table/bulletin board should include campaign literature from all candidates. If it does not, please report this to the Election Supervisor at 1-877-317-2011.

The ideas expressed in these materials are solely those of the candidates and do not reflect the views of the International Brotherhood of Teamsters or any of its locals. The messages contained in these materials come directly from the candidates to IBT members.

- Please take no more than one piece of campaign literature from each candidate or slate. Taking more than one piece of literature is prohibited. If you observe this being done, please report it to the Election Supervisor.
- Defacing or removing this literature is prohibited. If you observe this being done, please report it to the Election Supervisor.”

If a local union has more than one location open to the public, it must set up a literature table or bulletin board at each location. If a local union with no business office holds membership meetings at multiple locations, it must set up a literature table at each meeting location.

WHAT GOES ON THE LITERATURE TABLES / BULLETIN BOARDS

Locals should restrict the use of the literature table or bulletin board to the distribution or posting of campaign literature for slates of candidates and independent candidates for International office as well as slates and candidates for delegate and alternate delegate to the 28th IBT Convention (assuming they are provided with literature by the slates and candidates).

Each slate and each independent candidate is entitled to have multiple copies of only one piece of literature of a size not larger than 8½" x 11" on the literature table or one copy of one piece of such literature on the bulletin board at any one time.

Locals may not censor or alter the contents of this campaign literature. Locals may not refuse to distribute or post any campaign literature on the basis of its contents. *Rules*, Article VII, Section 7(f).

As described above each slate or independent candidate is entitled to have multiple copies of only one piece of literature on the literature table or one copy of one piece of literature on the bulletin board at any one time. When a local receives a new piece from a particular slate or independent candidate, it should discard the old.

WRITTEN PROCEDURES

Each local must have a procedure for complying with the requests of candidates for distribution of literature and must advise all candidates of these procedures. Article VII, Section 7(g). Attached is [EA Form 24](#) that each local can use to comply with this requirement. Part One requests general information, including: 1) local number, 2) address, 3) phone number, 4) fax number, 5) e-mail address, if any, and 6) name of principal officer. Part Two asks each local to describe its procedure for candidate mailings. If a local already has a written procedure for mailings, it can attach it to the form. Part Three asks for information regarding a local's procedure on literature tables or bulletin boards, including: 1) whether it has set up a literature table or bulletin board,

2) where it is located, 3) the date it was established, 4) the person responsible for responding to candidate requests, 5) the person responsible for policing the table or board and for maintaining the master copies of the literature (more about this below), and 6) a copy of the sign placed at the literature table or bulletin board site.

Locals must submit these forms to our office no later than November 30, 2010 or the date they submit their Local Union Election Plan, whichever date is earlier. Locals that have already submitted their Local Union Election Plans must submit the completed EA Form 24 to our office within 14 days of receipt of this Advisory.

COMMUNICATING WITH THE CAMPAIGNS

Candidates and slates can distribute their literature to the local by mail, fax, e-mail or hand delivery. Any literature distributed to locals must include a cover sheet with the following information: 1) the name and the address of the candidate or slate, 2) the candidate or slate representative to contact for purposes of charging any costs of reproduction (as discussed below), 3) a statement that union resources are not to be used for reproducing the literature (except for the first 50 copies as described below), 4) specific instructions as to how the slate wants the literature to be distributed, 5) where it should be placed (bulletin board or table), 6) how many copies should be reproduced, and 7) the following disclaimer:

“Campaign literature may only be distributed or made available by a local union in a non-discriminatory manner through mailing or the use of a literature table or bulletin board open to all candidates. The candidate or slate responsible for this literature is responsible for paying copying and distribution costs as defined by the Election Supervisor.”

Locals should ensure that the literature they receive is from the slate that purportedly sent it by contacting the candidate or slate representative named on the cover sheet to confirm the literature’s authenticity. If the literature is received by mail, it should be accompanied by a cover letter with the signature of the candidate or slate representative. If a local receives campaign literature that does not contain a cover sheet or an identifying mark, it should immediately notify the Election Supervisor at 1-877-317-2011.

CHARGING FOR COPYING

Locals should not charge for the first 50 copies of each piece of campaign literature. If locals charged from the first copy, the administrative/clerical costs would likely exceed what they charged. Locals should charge for copies in excess of the initial 50 copies at 12 cents per page, payable in advance. A slate or candidate requesting that more than 50 copies be made initially should send a check with the cover sheet and the campaign literature. In this way locals will be compensated at fair market value for their assistance and candidates will be provided with equal access to the copying resource. *Rules*, Article XI, Section 1 (b)(6).

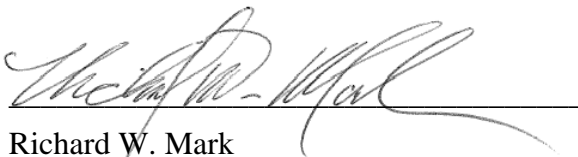
Locals are under no obligation to notify candidates and slates as to how much literature has been picked up. (Locals may do so on a non-discriminatory basis.) Candidates and slates will be allowed to telephone locals to determine if more literature is needed.

POLICING THE LITERATURE TABLES / BULLETIN BOARDS

Each local must assign a staff member or union officer (who is not a candidate) to inspect the literature table or bulletin board at least twice weekly to assure that copies of campaign literature of all slates and independent candidates are available. Each inspection should be recorded in a log, as described below. Locals should make sure that members take only one copy of any piece of literature. The local must keep one copy of each piece of literature submitted so that any pieces improperly removed or defaced can be promptly replaced. Locals should not charge candidates or slates for replacing literature in these circumstances.

Each local must create and maintain a log with the following information: 1) date campaign literature was provided to local; 2) fax number of the "sending" fax machine, originating email address, or other identifying mark to verify that it was legitimately sent or other confirmation that the literature came from the candidate or authorized representative of the candidate or slate; 3) name of person at the local assigned to the job of table placement or posting; 4) date and time literature was placed on table or posted on board; 5) number of copies made; 6) date and amount charged to slate or candidate, if applicable; 7) dates and results of periodic inspections; and 8) any problems with the maintenance of the literature on the table or bulletin board. The responsible person should correct any problems as they occur.

If a local has problems with campaign literature being improperly removed or defaced, it should advise us immediately at 1-877-317-2011. We will investigate promptly. We reserve the right to take further steps as necessary to assure that candidates are being given a fair opportunity to communicate their message to the membership.



Richard W. Mark
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