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***Advisory Regarding Fundraising for the 2020-2021 IBT International Officer Election***  
[Proposed – July 7, 2017 Draft]

The Office of the Election Supervisory (“OES”) received an inquiry asking whether a candidate may conduct fundraising for the 2020-2021 election between the election cycles. This *Advisory* responds to the inquiry generally to provide guidance on the subject to potential candidates, independent committees, Union officers, and members of the International Brotherhood of Teamsters (“IBT”).

The 2015-2016 Election Rules address fundraising for that election only and do not cover any future election. Nevertheless, we have formulated this guidance based on past practice, and terms of the Final Order that require the IBT’s General Executive Board (“GEB”) to issue Election Rules “which are substantially the same as those which governed the previous IBT elections,” and allow material modifications to the Rules only after an opportunity for membership notice and comment, and review by the Independent Election Supervisor. Final Order, ¶ 20.

The *2020-2021 Election Rules* have not yet been established (and likely will not be established until early in the year 2020). If, however, the *2020-2021 Election Rules* adopt fundraising provisions similar to those in the *2015-2016 Election Rules*, activity can be undertaken between cycles to raise funds for use in the upcoming International Officer Election ***so long as the person or entity raising funds collects and maintains information sufficient to show compliance with all campaign contribution rules in the upcoming election.*** Fundraising between election cycles was addressed by the *Election Rules* governing past International Officer Elections. Article XI, Section 2(d)1(1) of the *2015-2016 Election Rules* explicitly required that the first Campaign Contribution and Expenditure Report (“CCER”) filed by a candidate “include all requested information retroactive to the first contribution and the first expenditure” for that election. Thus:

- (i) On or before June 15, 2015, each such member, independent committee, and slate shall file a Report and Supplement No. 1 for the period through May 31, 2015. This first CCER must include all requested information ***retroactive to the first contribution and the first expenditure for the 2015-2016 International Union Delegate and Officer Election.*** Each succeeding CCER must include all requested information not included in prior CCERs.

(Emphasis added.) This provision does not state a starting date for fundraising. Instead, it required that the Period #1 report for the 2015-2016 International Officer election include all contributions and expenditures for that election that had been made *at any time before the closing date of that period*. A similar provision has appeared in the *Election Rules* without material change for several election cycles, and the basic structure of the campaign contribution rules (including contribution limits) have also not changed over the last several election cycles. As noted, paragraph 20 of the Final Order limits the ability to make material changes to the *Election Rules* for the 2020-2021 election cycle.

Mindful that the GEB could seek to change provisions of the *Election Rules*, and that there is no guarantee that the *2020-2021 Election Rules* will be identical to those from past cycles, if fundraising is undertaken now for the 2020-2021 election cycle, it should be conducted so that compliance with the upcoming rules can be demonstrated. The following requirements should be observed in connection with any International Officer Election fundraising or expenditures:

- 1) Fundraising or expenditures subject to the *Election Rules* are activities that occur for a named candidate (defined as “any member who is actively seeking nomination or election for any Convention delegate or alternate delegate position or international Officer position,” *2015-2016 Election Rules*, Definition 6) or an independent committee (defined as “any person or entity not controlled by a candidate or slate who/which has accepted any campaign contribution, as defined by these Rules, or who/which has made any expenditures, where the purpose, object or foreseeable effect of the contribution or expenditure is to influence the election of the International Officer candidate(s),” *2015-2016 Election Rules*, Definition 24).
- 2) Fundraising or expenditures conducted for the 2020-2021 International Officer and Delegate Election must be raised or incurred for that election alone. Only funds raised under (or in anticipation of) the *Election Rules* for the 2020-2021 International Officer and Delegate Election and verified may be used for campaign activity in connection with that election. *See, e.g., 2015-2016 Election Rules*, Article XI, Section 1(b)(1).
- 3) Funds raised in connection with the 2015-2016 International Officer and Delegate Election **cannot** be transferred to, or used, for any activity in connection with the 2020-2021 International Officer and Delegate Election. *See 2015-2016 Election Rules*, Article XI, Section 1(b)(1) (only contributions raised under the *2015-2016 Election Rules* may be used to fund campaign activity in the 2015-2016 International Union Officer and Delegate Election) and 1(b)(14) (at the conclusion of the 2015-2016 International Union Officer and Delegate Election, excess funds in campaign account or legal and accounting fund account must be returned to contributors or donated to charity).

4) Detailed records of contributions and expenditures must be maintained, including any in-kind contributions the campaign may receive, that will permit the candidate or slate to report the contributions and expenditures on the Period #1 CCER report of the 2020-2021 election cycle. The records should be sufficient to demonstrate compliance with fundraising restrictions in the Election Rules, including contribution limits and verification of the contributor's status.

5) New bank accounts must be opened, including a general account, a legal and accounting account, and an escrow account. All such accounts must start with balances of zero, and may permissibly be funded only with contributions solicited and received specifically for the 2020-2021 International Officer and Delegate Election. Any funds remaining from the 2015-2016 election or any other election may not be transferred to these accounts or used for the 2020-2021 election.

6) To facilitate current verification and eventual reporting of campaign contributions, the Office of the Election Supervisor has established the Campaign Contributions and Expense Report System (CCERS) for the 2020-2021 International Officer and Delegate Election. Candidates and independent committees engaged in fundraising for the 2020-2021 International Union Officer and Delegate Election must verify the eligibility of contributors to make campaign contributions, both as to their membership in good standing status and their compliance with applicable contribution limits, before using the contributions for a campaign purpose related to that election. To access the verification function of CCERS for the 2020-2021 election, candidates and independent committees must establish *new accounts* in the CCERS that will be dedicated to tracking fundraising and expenditures for the 2020-2021 International Officer Election. Contributions should be entered into CCERS contemporaneously with their receipt so they may be verified. Monthly reconciliations of all bank accounts must be performed with the reconciliations submitted to the Office of the Election Supervisor. The first CCERS reporting period for the 2020-2021 International Union Officer and Delegate Election will be established by the *Election Rules* for that election: all fundraising and expenditures occurring from after the 2015-2016 election to the end of the first reporting period will be included on that first period report. ***Contributions entered in CCERS and verified will count against any contribution limits contained in the 2020-2021 Election Rules.*** Candidates and independent committees that fail to verify contributed funds may later be subject to remedies including disgorgement, fines, and/or other remedial actions to preserve the integrity of the election.

7) No candidate or slate may mix money that has not been verified with verified money. It is the responsibility of the candidate, slate, or independent committee to insure the contributor is eligible to contribute to a campaign. Funds raised will count against any contribution limits imposed in the *2020-2021 Election Rules*.

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Instructions for establishing 2020-2021 CCERs accounts will be posted to [www.ibtvote.org](http://www.ibtvote.org), and distributed, shortly. Please contact OES with any further questions you may have concerning fundraising for the International Union Officer and Delegate Election.

Dated: July \_\_, 2017

Washington, D.C.

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Richard W. Mark  
Election Supervisor