

OFFICE OF THE ELECTION SUPERVISOR
for the INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1750 K STREET, N.W., SUITE 200
WASHINGTON, D.C. 20006
844-428-8683 TOLL FREE
202-807-1074 Facsimile
electionsupervisor@ibtvote.org
www.ibtvote.org

Hon. Timothy S. Hillman
Election Supervisor

***Election Supervisor's Response to Comments Received
On Published Rules for 2025-2026 IBT International Officer and Delegate Election***

On April 9, 2025, we published for comment the proposed rules ("Proposed Rules") for the 2025-2026 IBT International Union Delegate and Officer Election (the "2026 Election"). The published Proposed Rules included non-material changes permitted by the Final Order in *United States v. United States v. IBT*, No. 88-cv-4486 (LAP) (S.D.N.Y. 1988) to tailor the election rules used in the 2020-2021 election cycle to the current one.¹ In addition, the published Proposed Rules included several material changes adopted by the Election Supervisor, each material change fully consistent with federal law, the IBT Constitution, and the Final Order. A summary of the proposed material changes is set forth below:

- The Honorable Timothy S. Hillman (Ret.) has been appointed to serve as Election Supervisor. The new address for the Office of the Election Supervisor is:

Office of the Election Supervisor for the International Brotherhood of Teamsters
1750 K Street, NW, Suite 200
Washington, D.C. 20006.

- Definitions, Section 1, Art. X, Section 1, 3, 4(b) Proposed Change: Seeks to clarify that all signatures required for accreditation of a candidate must be written and electronic signatures on not permitted where written signatures are required.
- Definitions, Section 5, "Campaign Contribution": Adds one additional example to the definition of "campaign contribution" for clarity. Under the existing rule, "campaign contribution" is defined as "any direct or indirect contribution of money or other thing of value where the purpose, object, or foreseeable effect of that contribution is to influence, positively or negatively, the election of a candidate for Convention delegate or alternate delegate or International Officer position." The definition goes on to provide a non-exhaustive list of examples of campaign contributions. Due to the substantial increase in the use of digital advertisement including, but not limited to, social media, adds "The payment for digital advertising, information or any expenditure for social media intended to support or oppose a candidate, slate or group of candidates" as another example of a campaign contribution.
- Art. VII, Section 12(e), Article XVI Proposed Changes: Provides the Election Supervisor with the express authority to seek injunctive relief in the Southern District of New York to enforce the

¹ The Final Order requires the International Union Delegate and Officer Election to be conducted using Rules that are "substantially the same as those which governed the previous IBT elections."

rights guaranteed by the Election Rules. In addition to providing the Election Supervisor with the general authority to seek injunctive relief (under proposed change Article XVI) to enforce any rights under the Election Rules, the published Proposed Rules also specifically permit the Election Supervisor to seek injunctive relief if he determines that an employer's denial of access to a parking lot undermines the meaningful exercise of democratic rights in the course of the 2025-2026 election. (Art. VII, Section 12(e)). This change does not amend or take away the presumptive right to campaign in an employee parking lot as set forth in Section 12 or the ability to rebut that presumption upon demonstrating to the Election Supervisor that such access to Union members is neither necessary nor appropriate to meaningful exercise of democratic rights in the course of the 2025-2026 election. Instead, upon determination that an employer's denial of access undermines the meaningful exercise of democratic rights, the proposed change adds language to expressly permit the Election Supervisor to seek injunctive relief whereby the existing rules are silent on the Election Supervisor's relief to enforce the rights set forth in this Section.

- Art. VII, Section 12(f) Proposed Change: Clarifies that a candidate, group of candidates or "credentialed representatives" of an International Officer candidate are not prohibited from temporarily posting campaign literature or signs on employer fences while campaigning on an employer's premises, including its parking lots, so long as it does not cover the employer's insignia/sign, and is not placed in a manner to cause an employee to reasonably conclude that the employer is endorsing or opposing a candidate.
- Art. VIII, Section 1(c) Proposed Change: Seeks to push the deadline to submit slate declarations for International Officer nominations and elections from August 31, 2026 to August 15, 2026 to provide the OES with sufficient time to print the ballots.
- Art. XIII, Section 2(f)(2) Proposed Change: Adds a requirement that when the Election Supervisor or his representative defers making a determination of a preelection protest until after the election, the Election Supervisor or his representative will timely communicate that the protest is being deferred to all interested parties.
- Art. XVII: Adds a placeholder pending the adoption of the Election Rules.

We invited comments on the published Proposed Rules and the material and non-material changes made to them. The request for comments was published on our website, www.ibtvote.org, the IBT's website, <https://teamster.org/>, and in the Teamster magazine mailed to rank-and-file members to be received April 21, 2025, followed shortly thereafter by a direct mailing to members in Canada. The deadline for submitting comments was Friday, June 27, 2025.

We received submissions about the published Proposed Rules from two commenters, Maralin Falik, CEO of Global Election Services, and Robert Bonsall, an attorney representing IBT Local 2010 and other Joint Council 7 Locals.² This memorandum summarizes the comments received and their disposition.

² Mr. Bonsall's correspondence requests clarification of Article II, Section 7(d) of the Proposed Election Rules set forth in prior elections and does not comment on any of the proposed material or non-material changes set forth in the Proposed Rules. However, because of the importance of ensuring that the Election Rules are clear and interpreted correctly, we provide this response.

Proposed Change to Article VII, Section 12(f):

Ms. Falik opposes the proposed language in Article VII, Section 12(f) allowing a candidate, group of candidates or “credentialed representatives” of an International Officer candidate to temporarily post campaign literature or signs on employer fences while campaigning on an employer’s premises, including its parking lots, so long as it does not cover the employer’s insignia/sign and is not placed in a manner to cause an employee to reasonably conclude that the employer is endorsing or opposing a candidate. Ms. Falik opposes permitting the placement of signage or banners on employer property for campaigning out of a concern that it may give rise to discord and vandalism on employer property. In support of her opposition, Ms. Falik relies on her experience as an election vendor for 44 years. Specifically, the basis of Ms. Falik’s concerns arises from her analogy of vandalism against campaigner’s automobiles decorated with posters and other campaign materials while parked in conspicuous areas of an employee parking lot to the new permissible campaign activities in this section.

Historically, incidents of vandalism are not uncommon during elections, and we recognize the importance of taking reasonable steps to prevent property damage in connection with campaigning for the 2026 Election. We note, however, an important distinction between the activity permitted by Article VII, Section 12(f) and the vandalism of a parked and vacant vehicle decorated for campaigning. The Proposed Rules permit only *temporary* campaign displays on employer fences *during the time that members are campaigning*. This means that posters on employer fences are only permitted during the limited time that members are physically present and campaigning in the same location where the signs are located. The physical presence of campaigners is a definite deterrent to mischief that does not exist in the case of an unwatched parked vehicle. Additionally, a review of randomly selected prior protests related to the placement of signs or banners on non-vacant employer property does not demonstrate an increase of destruction of property or vandalism on employer property. Instead, the protests relate to improper campaign contributions by employers.

Article VII, Section 12(e) provides a limited exception to the broad prohibition on the use of employer resources to campaign by permitting candidates and members to campaign on employer parking lots where employees park their vehicles during the hours the parking lot is normally open to employees. Parking lot campaigning is unavoidably a use of an employer resources but, the express inclusion of such activity in the Election Rules negates any contention that such activity violates the rules barring use of employer resources to campaign. In the past, this campaigning activity did not extend to fences bordering parking lots. The Proposed Rules expand the permissible campaign activities slightly by permitting *temporary* campaign displays *on employer fences during the time that members are campaigning* provided the signs do not cover the employer’s insignia or sign and are not displayed in a manner to cause an employee to reasonably conclude that the employer was endorsing or opposing a candidate.

We do not agree with the commenter’s concerns related to Article VII, Section 12(f) particularly when weighed against the importance of campaigning and freedom to exercise political rights. However, we believe that Article VII, Section 12(f) should be revised to clarify that the permissible use of signs or banners on employer fences while campaigning is limited to those employer fences located next to or in the immediate area where the campaigning activity occurs. Accordingly, we revise Article VII, Section 12(f) of the Proposed Rules as set forth below:

An employer's discrimination between candidates in permitting access to its property shall constitute an improper contribution to the candidate(s) who benefit from such discrimination. This provision shall not prohibit a candidate, group of candidates or "credentialed representatives" of an International Officer candidate to temporarily post campaign literature or signs on employer fences while campaigning on an employer's premises, including its parking lots, ~~wherever located~~, provided that ~~the fence is located next to or in the immediate area where the campaigning activity is occurring~~, such posting is not superimposed over the employer's insignia/sign, and provided further, that such posting is not placed in a manner to cause an employee reasonably to conclude that the employer is endorsing or opposing a candidate.

We believe that this is consistent with the intent of the proposed amendment. For example, limiting the posting of signs on employer's fences to be permissible only in the immediate vicinity of a campaign's activities signals to member employees that the banner is associated with and posted on behalf of a campaign, it is not an endorsement or opposition to a candidate by the employer. Additionally, it addresses the commenter's concerns as it requires that the signage only be placed where campaigners are physically present.

Article II, Section 7(d):

Mr. Bonsall asks for clarification regarding the interpretation of Article II, Section 7(d), which states in relevant part, "The Notice of Election shall be included in the mail ballot package which shall be mailed no later than twenty-four (24) days prior to the deadline for return of ballots." This means that the Notice of Election including the ballot must be mailed at least 24 days before the deadline for return of the ballots. The election rules governing IBT International Union Delegate and Officer Elections since at least 1991, have used this language, which has repeatedly and consistently interpreted as set forth above.

We thank you for your attention to this matter. If you have any questions, please contact the Office of the Election Supervisor.

Dated: September 10, 2025

A handwritten signature in blue ink, appearing to read "T. Hillman", written over a horizontal line.

Timothy S. Hillman
Election Supervisor