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ELECTION SUPERVISOR'S SUMMARY REPORT NO. 3 TO THE IBT:
2020-2021 IBT INTERNATIONAL UNION OFFICER AND DELEGATE ELECTION

The October 11, 2019, Election Agreement appointing the Election Supervisor for the 2020-2021 IBT International Union Delegate and Officer Election (the “2021 Election Agreement”) provides that “The 2021 Election Supervisor shall submit reports to the IBT which, in turn, has the obligation to share these reports with the membership.” 2021 Election Agreement, ¶ 4. Each month during the election cycle, the Office of the Election Supervisor (“OES”) provides to the IBT an accountant’s compilation of the OES financial statements, including a chart that shows OES actual and budgeted expenses.

This Summary Report No. 3 provides additional narrative context for the monthly financial compilations and summarizes activities conducted from July 14, 2021 through December 20, 2021. During this period, OES presented three Candidates Forums, addressed the IBT’s distribution of candidate “battle pages” in the context of an industry-wide paper shortage, prepared and mailed out ballot packages to the IBT membership, and conducted the International Officer Election ballot count.

I Candidates Forums

OES advised Slate Representatives before the June Convention that, if the candidates agreed to hold a debate or debates in addition to the single candidates forum required by the *Rules*, OES would arrange and facilitate those events. In Mid-July, shortly after OES issued Summary Report No. 2, one campaign made a proposal to OES for additional candidates forums

which OES then communicated to the other campaign. The proposal resulted in an agreement to conduct three candidates forums—two for the General President candidates and one for the General Secretary-Treasurer candidates. OES published rules for the forums and, with the assistance of a media consultant with special expertise in labor journalism, produced the three events. The consultant assisted in recruiting panelists to serve as questioners at each forum (nine different journalists), and also assisted in identifying venues for each event and in arranging for the technical services needed to record and distribute the debates. The campaigns accepted the OES Rules framework for the debates, and also the OES recommendations for panel members. Panelists were recruited with the understanding that their role as questioners was to illuminate issues for the membership, and not to act, or appear to act, in a partisan way: OES was asked to remind each panel and panelist of that mission, and did so. Each of the candidates forums was conducted with a live audience. Admission to the event audience was conditioned on each individual showing proof of vaccination against COVID-19 and on agreement to wear a face mask for the duration of the event, and the audience complied with these requirements without exception or any objection at all.

The three candidates forums increased media attention to the International officer election. The events received contemporaneous coverage in some local media; the journalists involved in the panels wrote follow-up articles for their own publications, or produced internet-available video reports. Reports on the election included links to debate transcripts that were posted at www.ibtvote.org as source material. *See, e.g.,* <https://www.nytimes.com/2021/11/19/business/economy/teamsters-sean-obrien-hoffa.html?searchResultPosition=2> (article includes link to transcript of September 1 debate).

The debates were distributed by internet live stream. After each live event, a recording of each

forum remained available for viewing at the IBT's Facebook page. The videos could also be watched via the internet using a link at the OES website. OES also posted links to each question round, so a viewer could identify and watch particular portions of each debate.

2021 IBT Election Candidates Forums				
Date	Location	Candidates	Panelists	Views ¹
09/01/21	National Press Club Washington, D.C.	O'Brien Vairma	Lisa Wallace, NPC President Harold Meyerson, American Prospect Ian Kullgren, Bloomberg	29,800
09/14/21	Mirage Hotel Las Vegas, NV	O'Brien Vairma	Rebecca Rainey, POLITICO Caroline O'Donovan, BuzzFeed Sara Jones, New York Magazine	18,000
09/29/21	Cultural Center Chicago, IL	Herrera Zuckerman	Steve Franklin, Labor Reporter Joel Bleifuss, In These Times Sam Sanders, More Perfect Union	21,100

The debates each ran between 68 and 81 minutes, including opening and closing statements. Candidates were invited to (and did) supply materials for the panelists to review in advance. Having the panelists meet once or twice in advance of each forum improved the questions asked as well as the organization of the event, so that different subjects of interest to the members were covered. It was also important to have the panel moderator fully understand, in advance of each forum, the moderator's responsibility to adhere to the event rules and to control the proceedings.

In terms of production values, OES developed a clear understanding of technical video production issues (particularly those unique to each debate venue) and who bore responsibility to perform particular functions (for example: in-room lighting and audio, and digital transmission).

¹ The IBT made each debate available live on the Union's Facebook page, and made the videos available on the page for later viewing. The "views" number is Facebook's count for views of each forum. OES posted the recordings to www.ibtvote.org and hundreds of additional views were logged there.

The schedule allowed sufficient time to assess, test, and correct aspects of the production before any debate went live. Technical issues that arose during transmission were promptly resolved.

The IBT did not (or, perhaps, could not) disable the Facebook “comments” function during the livestream of each debate, and lively exchanges among thousands of watchers (self-identified as members) occurred as each debate unfolded. Thousands of comments were posted during each of the forums, most with a decidedly partisan tone. Although viewers were warned by the IBT that the IBT’s Facebook page “do[es] not allow the promotion of candidates or slates” for union office, there was no practical constraint on postings and OES and the IBT ultimately treated the “comment” function as an unmoderated forum, where members posted freely without editing or pre-posting review (the posted comments were clearly statements by individuals; none of them purported to state the Union’s view about a candidate and none could be so construed). Ultimately for candidates forums conducted in future election cycles, an open comment function may be an acceptable (or even the best) approach, but control of that feature (appurtenant to any live stream) should be considered more fully in advance of any future candidates forums.

In future election cycles, the schedule for candidates forums should be set as soon as possible after the International Convention to allow OES time to make production arrangements *and* to allow dissemination of advance publicity to encourage members to watch—either as the debate happens, or as recorded.

Expense associated with the single candidates forum in 2016 totaled \$33,985. Only one candidates forum was conducted in each of the past election cycles that had such an event. Accordingly, anticipating only one candidates forum in the current cycle, the 2021 budget allocated \$37,000 to this activity. The actual expense of the three forums totaled \$67,328—more

than the amount budgeted for a single event. That increase was not significant to the overall budget, however, because of reduced expenditures in connection with other expense categories (largely reflecting impacts of COVID-19).

II. Communication with IBT Members

After the International Convention, the IBT distributed to all members two issues of *Teamster* and one mailing consisting principally of candidate “Battle Pages.” The first post-convention magazine included the IBT’s own reports on Convention activity, an OES report on election-related activity at the convention, an OES formal announcement of nominated candidates, and candidate battle pages. The second issue, prepared immediately after the first Candidates Forum, published the formal Notice of Election, an OES report on activities, and candidate battle pages. The third publication, mailed one week before the October 4 ballot mailout, published the notice of election a second time (as the *Rules* require) and candidate battle pages.

Both the publication and mailing schedule, and the length of each of these post-convention publications required extensive discussion between OES and the IBT, on the one hand, and OES and the candidates on the other. In the summer and fall of 2021, demand for paper used in web printing processes exceeded the supply available in the United States. OES worked with the IBT and slate representatives to assess the extent of the problem, and to identify alternatives—from using a different printer or printers, to changing the usual printing format, to adjusting the schedule. Ultimately, the Union sacrificed editorial space in its publications to allow room for publication of the candidate battle pages and the notice of election. The late-September “battle page” publication was prepared as a folded, 12-page “newsletter,” not a magazine format, because of the paper shortage and the battle-page space for candidates was,

accordingly, cut down (with the space reduction shared equally by the two slates). Presented with the paper shortage facts, both slates cooperated with OES in analyzing the issues, and ultimately agreed to the schedule adjustment and page limitations.

OES approved “Get Out the Vote” materials for the Union to use with the membership. The Union disseminated the message by mail postcard, text messages, and emails. A condition on which approval was granted was that the GOTV messages be distributed to all for whom contact information was available in the various communication platforms, with no targeting of specific populations based on the perceived partisan orientation of those populations. These contacts, made in September and October 2021 encompassed:

A form of text messaging (known as “Hustle messages”) to 650,000 Union members, on four different days.

Four text messages, each to 150,000 Union members.

Four email messages, each to 336,000 Union members.

Three postcard mailings to 1,389,000 members.

Facebook and digital advertising.

III. Content review of Union-Financed Publications

Article 7, Section 8(e) of the *Rules* requires an OES pre-publication review of every Union-financed publication to be mailed or otherwise distributed to membership between August 2021 and November 2021. The purpose of the review is to ensure that union publications do not contain campaign messages of official support for candidates.

A *Publication Review Advisory* was distributed union-wide on July 14, 2021, and posted to www.ibtvote.org. 617 publications were submitted for review—nearly twice as many items as submitted in the 2016 election cycle. Reflecting a shift in communication channels, more than 400 of the items submitted in the 2021 election cycle (more than the total number of submissions

in 2016) were forms of social media postings. Publications originated from a relatively small number of subordinate union entities—47 local unions and a dozen joint councils—and from the International Union.

The IBT prepared form “Get Out the Vote” material for subordinate bodies to print and use. OES approved these materials before dissemination to the subordinate bodies, which were then free to use them without further review.

No protests were filed regarding any of the reviewed publications.²

IV. The Count Site

OES identified warehouse space at 4000 Wheeler Avenue, Alexandria, Virginia, as a suitable, secure location to process and count returned mail ballots. Alexandria, Virginia has become the preferred location for the IBT International Union Officer Election ballot count because the managers and staff at the local post office have become very familiar with receiving and sorting the incoming ballot envelopes, and they provide excellent service to OES.

The count site itself was a large, well-ventilated room that OES configured to suit the ballot counting process. With the ample space available, the layout allowed plenty of room for OES staff and candidate observers to perform their functions while maintaining appropriate personal distance. Some processes were reconfigured in light of COVID-19—for example, to separate eligibility observers from eligibility checkers, OES set up remote computer monitors showing the observers the output of each envelope barcode scan performed using the computer

² *Halstead*, 2021 ESD 135 (August 4, 2021), *aff'd* 2021 EAM 19 (August 12, 2021), concluded that a Joint Council violated the rule prohibiting use of Union resources to campaign when it published a statement explicitly attacking candidates for International Union Office. That publication was distributed in July 2021, before publication review had started.

database. This arrangement differed from past ballot counts, where the observer sat near, or stood over, the checker to observe the checker's computer screen. The remote-screen configuration allowed for social distancing at eligibility-check stations. Observers generally stayed in designated areas at the ballot processing lines, the re-mark/re-make tables, and at the tabulation machines. Observers were able to perform their oversight function and get information while keeping an appropriate distance from others.

Entry to the count floor required the individual to prove he or she had been vaccinated against the COVID-19 virus. OES required applicants for employment on the ballot count to provide proof of vaccination in order to be hired; candidate observers had to show proof of vaccination when entering the facility. OES required all persons on the count floor to wear masks. No one objected to the vaccination or mask requirements, and OES is aware of only one incident regarding an observer declining to remain masked on the Count Site floor (when asked to resume wearing a mask, the observer indicated he was leaving the facility and immediately did so).

Hiring the temporary staff of approximately 250 took somewhat longer than in past election cycles, due to COVID-19, as the process of interviewing and testing had to spread out over more time. About 35% of the ballot count workers had worked one or more IBT International Officer Elections; the workers understood that they were part of a closely scrutinized and important process.

One significant change in this election cycle was the use of a temporary employment agency to administer the count staff payroll. OES has performed that function directly in the past. Because the agency is in the business of managing employees, it is prepared to deal with regulatory matters relating to employment (*e.g.*, employee tax withholding, compliance with new

mandates for certain benefits relating to COVID-19). In the past, OES staff managed those functions directly: using the agency (particularly where the staffing surge lasts for only one week of the ballot count) saved significant time and administrative cost for OES.

V. Ballot Mailout and Return

Ballots were mailed in the United States and Canada on October 4, 2021, with the count to commence 42 calendar days later. OES set that schedule in light of published reports regarding the overall state of postal mail service in the United States and Canada. This cycle's ballot return period is the longest period allotted in any of the International Officer elections. OES sent ballot packages to 1,391,225 ballot-eligible IBT members.

While there were scattered, anecdotal reports of slow mail service, OES found that, in general, both outgoing and return mail appeared to be delivered reasonably promptly. The initial OES mailing was delivered to the mailhouse pre-sorted down to carrier routes, facilitating the initial distribution of ballots. Business reply envelopes did not routinely receive postmarks, but some did get stamped, and OES noted ballots arriving at the OES post office box in as little as three days after postmarking (even from the west coast). As the deadline for ballot receipt approached, some members—on their own initiative—incurred the expense of returning ballots via U.S. Postal Service Express Mail.³ OES received 189,335 business reply envelopes as of the ballot return deadline. That figure reflects a decline from 2016 in the number of total envelopes returned (although one IBT region, the West Region, recorded more ballot envelopes returned than five years ago). Total ballot return figures for the last four elections are shown in the following table:

³ On the last mail pickup day, at least 40 ballots were received via express mail.

Year	Number of Ballot Envelopes Returned
2021	189,335
2016	211,635
2011	248,933
2006	293,785

VI. The Election Results

The ballot count began on the morning of Monday, November 15, 2021 and was completed during the evening shift on Thursday, November 18, 2021. The tabulation, by local union is posted at www.ibtvote.org. For the office of IBT General President, Sean O'Brien received more votes than Steven Vairma. For the office of IBT General Secretary Treasurer, Fred Zuckerman received more votes than Ron Herrera. Each candidate affiliated with the O'Brien-Zuckerman slate received more votes than the candidates for the same offices on the Vairma-Herrera slate.

The results were announced on November 18, 2021, and the period for post-election protests expired on Friday, December 3, 2021. No post-election protests were filed and OES certified the election results on December 7, 2021. The certification included three vice-presidents of Teamsters Canada who were nominated at the 30th International Convention and did not face ballot competition.

VI. Campaign Finance Reporting and Auditing

Candidates continue to file reports of campaign contributions and expenditures using the OES CCERS system ("CCERS"). Filings are overseen at OES by Teresa Flick, CPA, and generally have been submitted more timely than in past election cycles. A forensic audit team from the Bethesda, Maryland-based GRF, CPAs and Advisors, has conducted independent

reviews, test procedures, and verifications of the filed reports. Observations from GRF have been communicated to the candidates, and have been addressed.

At this time, candidates are winding up their campaign finance activity. OES published a Memorandum on the Conclusion of Campaign Finance Reporting on December 10, 2021, and it is expected that campaign finance activity and reporting should conclude in the first quarter of 2022.

Certain fundraising activities (raffles, for examples) presented similar oversight issues across the campaigns. Using the information and perspective from the 2021 election cycle, GRF will be preparing “best practices” guidance regarding certain aspects of fundraising and recordkeeping that OES will be able to provide to campaigns in future elections.

VII. Protests

Through December 20, 2021, OES has received 206 protests—significantly fewer than in past election cycles. OES has issued 184 decisions to date; Election Supervisor decisions appealed to the Election Appeals Master have resulted in 23 appellate decisions. The Election Supervisor granted and imposed remedies on 65 protests; the balance were either deemed resolved, withdrawn, or denied on the merits or because they were moot. Eleven protests, all alleging retaliation for Rules-protected activity, remain pending. All written decisions of OES and the Election Appeals Master are published at www.ibtvote.org.

VI. Budget and Expenses

OES proposed to the parties a budget of \$12,508,250 based on certain assumptions about the level of election activity. Actual activity is compared to the budget and reported to the parties each month. OES has expended \$8,600,456.01 through November 30, 2021.

Most of the expense associated with the 2021 election cycle has been incurred, although some invoices for count-related activity may be received and/or will be processed and paid in the first quarter of 2022. OES will continue to share its monthly expense information with the IBT so that the parties have complete information about the costs incurred, and will also keep the parties informed about the activities necessary to complete this election in a manner that is fair, open, and honest for all members of the IBT.

Dated: December 20, 2021

New York, New York

Respectfully submitted,



Richard W. Mark
Election Supervisor