

## CAMPAIGNING AND ACCESS

The *Rules* contain detailed information regarding the rights of candidates and members to campaign and express political opinions. The general theme is one of fairness and equality of treatment.

### **A. Collective Bargaining Agreements**

Each delegate and alternate candidate has a right to inspect and make notes from all collective bargaining agreements covering local union members. Requests for access to these agreements should be made in writing to the local's Secretary-Treasurer or principal officer. The local must honor them within five days. Delegate and alternate candidates may only request these inspections from the local in which they are candidates. A candidate need not have been formally nominated to have the right to inspect collective bargaining agreements. All candidates must be treated equally.

### **B. Work Site Lists**

Candidates also have a right to a list of all sites where local union members work. Again, these requests should be made in writing. Locals must honor them within five days. Locals must arrange worksite lists by employer name.

### **C. Membership Lists**

Every candidate has the right to inspect, once within 30 days before the mailing of ballots, a list of the names and addresses of all local members. Candidates may only inspect, not copy, this information. A candidate can compare the membership lists with his/her personal list. If any candidate is accorded copying rights, all candidates must be accorded copying rights.

### **D. Membership Meetings**

There is no requirement that a local permit any candidate access to address membership meetings. However, if that right is afforded to any candidate, it must be afforded to all.

**E. Candidate Literature and Mailings**

- Each candidate has the right to have literature distributed by the local, at the candidate's expense.
- Each candidate has the right to a reasonable number of mailings.
- To exercise the right to a literature mailing, the candidate must be able and willing to pay reasonable costs.
- The local has the obligation to treat all candidates the same with regard to conditions and costs.
- The local must honor requests for distribution to a portion of the membership if practical.
- The candidate requesting a mailing must be permitted to use the least expensive method available to the local.
- The candidates' request for distribution of literature should be in writing to the Secretary-Treasurer of the local and specify what portion of the membership is to receive the mailing and what type of mail or postage is desired.
- There is no time limit on a candidate's right to request literature distribution.
- A candidate need not have been formally nominated to have literature distributed.
- The local may not censor, regulate, alter, inspect, or refuse to process or distribute the candidates' literature.
- The local must adopt a procedure for complying with candidates' requests for distribution and so advise the candidates. (This is mandatory under the *Rules*.)
- The local should arrange for a mailing service to process and distribute candidates' literature.

**F. Union-Financed Publications**

- Should not be used for campaigning. However, if at any time after July 1, 2014, the local union accepted paid advertising in the publication, candidates must be permitted similar access at similar advertising rates.
- On or before September 30, 2020, unions must provide an original of each publication produced between January 1 and September 30, 2020 to OES.
- From October 1, 2020 through July 31, 2021, unions must send a copy of the publication to OES after publication.
- From August 1, 2021 through November 30, 2021, unions must send a copy of the publication to OES for review and approval before publication.

## **G. Financial Disclosure**

- All candidates for delegate or alternate delegate must keep accurate records of their campaign contributions and expenses.
- Candidates for delegate and alternate delegate are not required to file financial reports with the OES, as are candidates for International Office.
- However, delegate campaign finance records are subject to OES review and audit.

## **H. Political Rights<sup>1</sup>**

- Members have the right to participate in campaign activities.
- Members have the right to make campaign contributions with certain limits set forth in the *Rules*.
- Candidates have a right to have observers observe the delegate and alternate delegate election process.
- Candidates and members may distribute or receive literature or otherwise solicit support in any parking lot used in connection with their employment, regardless of any employer rule or policy to the contrary.
- No member may campaign during his/her working hours.
- Campaigning incidental to work or on paid break or vacation time is permitted.
- The right to campaign does not extend to activity involving any member on working time or to campaign activity that would materially interfere with the normal business operations of the employer.
- On the job access to members may be had only in parking lots, only for the purpose of campaigning, and only during hours when the parking lot is normally open to IBT members.
- An employer may require reasonable identification by a member seeking access.
- No employer funds may be used in campaigning.
- No union funds may be used in campaigning.

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<sup>1</sup> Rights usually exercised in public gatherings may be affected by government laws, regulations, or guidelines responding to the COVID-19 pandemic.

## **I. Literature Table/Bulletin Board**

OES has published an *Advisory on the Use of Literature Tables or Bulletin Boards for the Distribution of Campaign Literature inside Union Hall*, available at [www.ibtvote.org](http://www.ibtvote.org). Consult the Advisory for details on the requirements of maintaining a literature table. In brief:

- Each union must establish a literature table and/or a bulletin board in a public area of your offices that is open to members.
- Any candidate or slate may distribute or display campaign literature for the 2021 IBT International Union Officer Election at these locations.
- If space limitations are necessary to fit candidates' material on the literature table or bulletin board, each candidate and slate must be afforded the same space, in a position of similar visibility to the members.
- The candidate or slate responsible for the literature distributed or displayed under this subsection is responsible for paying any copying and distribution costs relating to the distribution or display of campaign materials.