

**ELECTION APPEALS MASTER  
FOR THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

**IN RE: BATTISTE, MARIANNA**

**2026 EAM 6  
ISSUED: February 27, 2026  
APPEAL OF ELECTION SUPERVISOR  
PROTEST DECISION 2025 ESD 23  
OES CASE NO. P-032-111425-WE**

Protest Decision 2025 ESD 23 (“ESD 23”) was issued on December 29, 2025 (OES Case No. P-032-111425-WE) by the Office of the Election Supervisor (“Election Supervisor” or “OES”). ESD 23 addresses a pre-election protest filed by Marianna Battiste against Jason Rabinowitz, Secretary-Treasurer of Local Union 2010, and other members of Local Union 2010’s leadership. The protest alleged that Mr. Rabinowitz and other local union leadership staff improperly campaigned during a local union membership meeting on behalf of the Team Unity 2010 slate in violation of Article VII, Section 5(a)(3) of the Rules for the 2025-2026 IBT International Union Delegate and Officer Election (the “Rules”).

In his December 29, 2025 decision, the Election Supervisor denied Ms. Battiste’s protest. On December 31, 2025, Ms. Battiste appealed the decision. On January 2, 2026, by Notice of Hearing, the Election Appeals Master scheduled a hearing for January 7, 2026. On January 6, 2026, the OES and Ms. Battiste provided supplemental written submissions in support of their respective positions.

A hearing by video conference was held on January 7, 2026. The following individuals attended the hearing: Samuel Martin, Deborah Schaaf, and the Hon. Timothy S. Hillman (Ret.) on behalf of the OES; Jason Rabinowitz on behalf of the Team Unity 2010 slate; and Marianna Battiste and Laura Newman on behalf of the Members First slate. On January 14, 2026, pursuant

to a request from the Election Appeals Master, additional supplemental written submissions were provided by the OES, Mr. Rabinowitz, and by Ms. Newman on behalf of Ms. Battiste.

For the reasons set forth below, ESD 23 is REVERSED and REMANDED for the Election Supervisor to issue a remedy requiring Local 2010 to publicly post a written policy outlining permissible campaign conduct and activity at union meetings.

### Background

Jason Rabinowitz is the Secretary-Treasurer for Local 2010 and is an International delegate candidate for the Team Unity 2010 slate for the local. Marianna Battiste, a member of Local 2010, is affiliated with the Members First slate and opposed Mr. Rabinowitz in the International delegate and local officer elections. On November 13, 2025, Local 2010 held a membership meeting by video conference in which Mr. Rabinowitz participated as Secretary-Treasurer. During the meeting, members who supported the Team Unity 2010 slate displayed “Team Unity 2010 Slate” signs in their video backgrounds and wore Team Unity 2010 campaign shirts to further support the slate. Team Unity 2010 did not provide notice to the Members First slate that it intended to display campaign materials at the meeting or wear campaign shirts.

In her protest, Ms. Battiste claimed that Team Unity 2010’s display of its campaign materials during the local union meeting without first providing notice violated Article VII, Section 5(a)(3).

According to Mr. Rabinowitz, Local 2010 has a consistent practice of allowing members to wear campaign apparel during union meetings and to display Zoom backgrounds (during virtual meetings) in support of their respective slates. Mr. Rabinowitz also asserted that, as evidence of the past practice, the Members First slate displayed their campaign materials during the union meeting held a month earlier without any restriction imposed by union leadership.

## Discussion

The purpose of the Rules, as expressed in the Preamble, is “to provide for fair, honest, open and informed elections.” Rules, *Preamble*. To accomplish the stated purpose, the Rules ensure that opportunities for campaigning, fundraising, soliciting, and expressing support for candidates are made available on an equal and non-discriminatory basis to every member. *See, e.g.*, Article VII, Section 12(c) (Union funds, facilities, equipment . . . may not be used to assist in campaigning unless the Union is reimbursed at fair market value for such assistance, and unless all candidates are provided equal access to such assistance[.]); Section 12(d) (“[F]acilities and opportunities shall be made available to all candidates and members on a non-discriminatory basis.”)

As the Election Supervisor explains in his decision, every member of the union has the right to free expression within the organization, but that right is not absolute. ESD 23 at 2. “[U]nions may impose reasonable rules in the interest of maintaining order at meetings.” *Id.* (*citing Petramale v. Local No. 17 of LIUNA*, 736 F.2d 13, 17 (2d Cir. 1984)). Further, Article XII of the Rules incorporates by reference Section 101(a)(2) of the Labor-Management Reporting & Disclosure Act of 1959 (“LMRDA”), which provides that every member has the right to free speech and assembly and “to express at meetings of the [union] his [or her] views, upon the candidates in an election of [the union] or upon any business properly before the meeting, subject to the organization’s established and reasonable rules pertaining to the conduct of meetings.” 29 U.S.C. § 411(a)(2).

Consistent with these principles, the Rules, and precedent established under the Rules, place a number of reasonable proscriptions on a member’s rights to engage in campaign activity in certain contexts and under certain circumstances. Many of these are found in Article VII of the

Rules, entitled “Campaigning and Access.” Section 5 of Article VII, entitled “Membership Meetings,” governs campaign activity at local union meetings.

More specifically, the rule at issue in this protest, Article VII, Section 5(a)(3), states:

The Local Union need not allot time for campaigning during any of its meetings. However, if campaigning during such meetings is permitted, the Local Union shall notify all candidates for the positions for which such campaigning will be permitted of the opportunity to speak at least five (5) days prior to the meeting and shall divide the time equally between those candidates (or candidates' credentialed representatives) who request an opportunity to speak. The order of appearance shall be determined by lot.

Notably, the provision that immediately follows this rule, Section 5(a)(4), states:

A Local Union shall not discriminate or permit discrimination in favor of or against any candidate in conjunction with its meetings or otherwise. This requirement shall apply not only to formal presentations by or on behalf of candidates but also to informal campaign activities, such as, for example, comments on candidates during meetings, literature distribution at meetings, literature distribution tables, etc.

Thus, Section 5(a)(3), provides that a local union is well within its authority to preclude campaigning at member meetings, but also makes clear that if campaigning is allowed during the meeting, all candidates must be permitted an equal opportunity to do so and must be notified in advance of the opportunity for campaigning. *See also In Re: Martinez and Kolis*, 2011 ESD 178, at 3 (March 23, 2011) (“The Rules provide that if a union allows campaign activity in a union meeting, it must do so on a nondiscriminatory basis.”). Section 5(a)(4) further explains that a local union may not discriminate in favor of or against a candidate, whether specifically at meetings or otherwise, and the requirements of the Rules apply equally to formal speeches and all other campaign activities.

IBT precedent establishes that “[w]earing campaign paraphernalia, such as t-shirts, hats or buttons, is campaign activity and campaign communications.” *Martinez*, at 2; *see also In Re: Alvarado*, 2010 ESD 28, at 3-4 (September 21, 2010). Accordingly, the Election Supervisor

properly determined that Team Unity 2010 engaged in campaign activity during the November 13, 2025 local union meeting by displaying campaign materials on t-shirts and Zoom backgrounds. *See ED 23 at 2* (“Team Unity 2010 campaigned during the November 13, 2025, membership meeting. The parties do not dispute that members and candidates wore Team Unity 2010 t-shirts and displayed Team Unity 2010 backgrounds. That is campaign activity.”)

IBT precedent also establishes that even though wearing or displaying partisan material is protected activity, that activity is still subject to reasonable regulations. *See Alvarado*, 2010 ESD 28 (Employers may prohibit members from wearing campaign buttons or stickers on premises to the extent such activity implicates safety or productivity concerns)(collecting cases); *In Re Taylor*, 2011 ESD 131 (February 22, 2011) (Members, officers, employees, and business agents may not wear campaign insignias or apparel when meeting with third parties, including employers, or when otherwise representing the union before a third party or the public)(quoting *In Re Stockton*, 2001 EAD 292 (March 31, 2001); *In Re: Cobey*, 2021 ESD 778 (March 12, 2021) (Partisan banners and signs prohibited at union meetings in union halls unless advance notice pursuant to Section 5(a)(3) is given to all candidates); *In Re Davison*, 2021 ESD 171 (November 3, 2021)(the Rules allow officers to wear partisan messages but prohibit their display on union property, including the private office of a principal officer; Rules prohibit officers from wearing partisan emblems when meeting with third parties, including any material that appears in Zoom video background)(collecting cases).

Section 5(a)(3) is a reasonable regulation in line with those cited above. The rule is limited to campaigning during local union meetings and its requirement that equal campaigning opportunities be made available to all candidates comports with the purpose of the rules, the

LMRDA, and relevant precedent. Further, Section 5(a)(3)'s mandate that five-days advance notice be given of any campaigning – in order to ensure equal opportunity – is not unduly burdensome.

Here, it is undisputed that the local union chose to allow campaigning at the union meeting but did not provide notice to all candidates of the opportunity for such campaigning. *See* ESD 23 at 2 (“[C]ampaigning is not confined to only speaking. That is, wearing t-shirts and displaying logos – as Team Unity 2010 did during the meeting – constitutes campaigning. As such, other candidates should have been notified and provided the opportunity to [campaign].”). Thus, Local 2010 violated Section 5(a)(3).

Mr. Rabinowitz asserts, and the Election supervisor found, that the local union had a practice of allowing members to wear political shirts and display signs in their Zoom backgrounds. However, the existence of such a practice does not eliminate the clear and reasonable obligation in the Rules to provide advance notice that campaigning will be permitted at a meeting. There is no evidence in the record that all candidates were on notice of the practice, or evidence that such campaign activity had occurred at any meeting other than the one that is the subject of this protest and the one meeting that occurred a month prior.

Nevertheless, the Election Supervisor denied the protest. The Election Supervisor employed an analysis under Article VII, Section 12 (d), a provision which prohibits restrictions on “pre-existing rights” to engage in campaign activities on employer or union premises, to find that Local 2010’s practice created an exception to the notice requirement in Section 5(a)(3). Such an analysis is inapplicable here. First, as noted above, it is well-established that reasonable restrictions imposed by the Rules and related precedent are permissible to ensure fair elections and orderly union meetings. Second, as the local union has a practice that allows the subject campaign activity, there was no pre-existing right that the local union was attempting to restrict. Third, as

the local union aptly summarized in its submission, “[t]he manifest and important purpose of the Rule is to guarantee fair elections by preventing Union officials who set meeting agendas from giving favored candidates an advantage” and “a past practice exception” to Section 5(a)(3) would “undermine the fairness of [union] elections.” Supplemental written submission, Rabinowitz, July 14, 2026, at 3.<sup>1</sup> Finally, Section 12(d) makes clear that “opportunities [to campaign] shall be made available to all candidates and members on a non-discriminatory basis.” Article VII, Section 12(d). Section 5(a)(3), by its terms, ensures such non-discriminatory treatment by requiring both equal opportunity and notice for campaign activity. Thus, applying a past practice exception to Section 5(a)(3) would run afoul of Section 12(d).<sup>2</sup>

The Rules require that Local 2010, if it intends to allow campaigning during a member meeting, provide advance notice to all candidates. It did not do so here and, thus, violated Article VII, Section 5(a)(3).

#### Determination

Based on a review of the evidence before me, the relevant authority, and the parties’ submissions, I find that the display of “Team Unity 2010 Slate” on t-shirts and Zoom backgrounds

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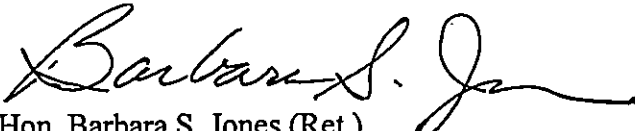
<sup>1</sup> Although Mr. Rabinowitz argues that Section 5(a)(3) should apply only to speaking at union meetings, as explained above campaigning under the Rules is not so limited and Mr. Rabinowitz’s summary of the importance of Section 5(a)(3) holds true whether for speaking or other campaign activity at union meetings.

<sup>2</sup> The Election Supervisor argues that *In Re Martinez* supports his determination here. In *Martinez*, the Election Supervisor found that the local union’s refusal to allow a member wearing a campaign t-shirt to attend a union meeting did not violate a pre-existing right because the union had never allowed campaigning in union meetings, and thus, the union did not retaliate against that member. *Martinez*, at 2. The Election Supervisor also specifically found that Section 5(a)(3)’s principle of providing equal opportunity campaigning was not implicated because there was no campaigning allowed at the meeting. *Id.* The Election Supervisor in *Martinez* also did not address whether if there had been a prior policy of allowing campaign t-shirts in meetings whether Section 5(a)(3) would still require notice under the circumstances or if a local union could change its policy if it found that wearing partisan garb had become too disruptive of union business in union meetings.

during the November 13, 2025, union meeting without giving prior notice that such campaign activity would take place violated the Rules.

Accordingly, ESD 23 is REVERSED and REMANDED. The Election Supervisor shall issue a remedy requiring Local 2010 to publicly post a written policy that provides Local 2010 members advanced notice of permissible campaign conduct or activity at any union meetings. Furthermore, all decisions in this protest, the Election Supervisor's remedy and Local 2010's policy shall be posted on all bulletin boards under Local 2010's jurisdiction and on its website.

SO ORDERED

  
Hon. Barbara S. Jones (Ret.)  
Election Appeals Master

DATED: February 27, 2026

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