

# Election News Update

April 24, 2009

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## **Greetings from your Election Committee!**

We want to give candidates, Officers and interested members alike an update on the progress of our current Primary Election. This election is the first of our mail ballot elections, authorized by Bylaw changes that became effective earlier this year. Although there are no polling places at each work site, the essentials of our election process remain consistent with our past elections: there is a Voters' Guide, with free and equal space for all candidates to provide their campaign information for members; members will be able to cast a secure and secret ballot; and the ballot tally will be publicly held, and open for any member to witness. A copy of this document, and other election information, is posted on the ATU587 website: <http://www.atu587.com/committees-elections.html>.

## **Mission Statement**

ATU Local 587 Election Committee

*To conduct a fair, impartial, and secure election for our membership;*

*To provide an accurate and timely count of the results; and*

*To ensure that our election complies with the requirements of the US Department of Labor, our ATU International Constitution and Local 587 Bylaws*

## **The All-Important Issue of Free Speech**

Most of you are probably aware of the controversy surrounding the content of the 2009 Voters' Guide. As soon as the contents of the Voters' Guide became known, some of the 21 Union Officers found certain candidate statements offensive for various reasons. They tried to stop distribution of the Voters' Guides, with justifications such as "that doesn't sound good" or "we could get sued" or "we have to maintain some standard of quality and decency here" and similar reasons.

The most difficult defense of free speech is when the ideas expressed are different from your own. Your Election Committee stood firm on this matter: candidates' campaign literature is not subject to regulation by the Union (LMRDA, 29 CFR 452.70). The Committee firmly maintained the confidentiality of candidates' submissions for the Voters' Guide as long as possible, ensuring that they were distributed without editing or censorship of any kind. To have edited or censored this campaign literature would have exposed our Local to a serious election challenge, which likely would have invalidated our entire election process. The cost to the membership would have been tremendous, wiping out any savings we may see from the mail ballot election process.

*The Election Committee remains firmly committed to protecting the integrity of our Local's election, and will continue to resist any and all attempts to censor, interfere in or subvert our Primary and General Elections in any way.*

## **Interfering in the Election Process**

A number of candidates have complained to the Election Committee that "some," "many" or even "all" members claim to not know *how* to vote, *when* to vote, or even that *an election is being held!* These candidates

say they will “*help*” with this “*problem*” by printing and distributing more flyers telling people how and when to vote.

Under Local 587’s Bylaws, your Election Committee has been officially charged with the responsibility of conducting these Elections for the membership. This issue has been carefully considered, and the Committee has established a notification and outreach plan that complies with LMRDA requirements for notifications; increases and diversifies the notifications significantly past the minimum requirements to cover as wide a spectrum as possible; avoids over-saturation of available media, which would dilute the impact and effectiveness of our notifications; and prevents confusion for members by ensuring that only official notices from the ATU Local 587 Election Committee are disseminated.

In fairness to all, this type of information *must* be in the form of official notifications from Local 587. If candidates choose to make reminders of important election events, dates and “how-to suggestions” about voting a part of their campaign literature, it is protected speech and will be respected as such. If this is an attempt to bypass the Election Rules by printing and distributing additional campaign flyers on Election Boards and Tables, it is a clear violation of Election Rules. If raising the alarm of “*no one knows what to do*” is an attempt to manipulate the election process to establish a later election challenge by unsuccessful candidates, this is election tampering. Brothers and Sisters, the risk to the integrity of our Elections is great when you try to steer the course of the election process. You needlessly invite allegations of election tampering when you do this, and the possibility of harm and loss to our Local is greatly increased.

*The Election Committee does **not** authorize any such notices being produced and posted, and such materials will be seized if found. The Election Committee views such efforts – regardless of any good intentions – as tampering with the election process, and will deal with it accordingly.*

### **Free Speech and the *News-Review***

The Local cannot use its funds to further the campaign of any candidate – another Federal requirement. Articles that advocate for any candidate are referred to as “electioneering,” and are not allowed. The Election Committee reviews all submissions to the *News-Review* during February through June (when elections are underway). The criteria the Committee has developed to guide us in separating electioneering articles from all other articles include: Is the author a candidate, nominated or not, and does the article make the kind or type of statements that a candidate is likely to make (such as slogans; rallying cries; statements urging action in some way; general and non-specific statements usually lacking details; vague or ill-defined statements about popular issues or common complaints; criticism or condemnation of another candidate; a concerted attack on management, such that the average reader would think that once the author were elected, there would be positive change, etc.)? The Committee would not even *try* to give every possible example; but if it walks like a duck, and it quacks like a duck, chances are it's a duck.

This is not an easy task, and we approach it carefully. We try our best to apply our criteria equally to all submitted material, regardless of the author’s identity (including all 21 Union Officers - did you think this was an easy job?). Our recommendations to the editor of the *News-Review* (the Recording Secretary) are either to publish or not publish the submitted material in the *News-Review* at this time. No articles are edited, but their publication is postponed until the election cycle is completed.

## **Anonymous Campaign Materials**

Your Election Committee has found some “anonymous,” campaign material at various work sites. This material consists of several printed sheets, listing members' names and the amounts they were alleged to have been paid by Local 587 during the last several years. Some of this material is taken from the Local's LM-2 Filings (public information), but some has come from other sources which were not publicly disclosed. These sheets bear no candidate's name, nor any explanation of what these names and amounts may signify.

Brothers and Sisters, please! If this is in some way a campaign issue for you, help everyone understand who you are and what your campaign issue is. Simply broadcasting this type of information with no stated purpose or attribution is not doing your fellow members any good. It can only add to management's unfavorable perception of us all and the value of our labor - and this is not something any of us need right now.

## **Use of the ATU Official Seal**

The Committee has heard of some confusion over usage of the ATU International's official seal on campaign materials. Though the Election Rules did not specifically state this point, it *is* included by reference to the International's Constitution, which states in Section 40 – OFFICIAL SEAL (page 162): “*The official seal of this Union shall be used for no purpose other than business pertaining to the Organization.*” Accordingly, please remove any of your campaign material displaying the ATU official seal. Thanks for your help and understanding on this point.

## **Election Rules Change for King County Metro Work Sites**

Our Local has signed a Memorandum Of Agreement (MOA) with King County Metro Transit to clarify the rules regarding posting and distribution of campaign literature on King County Metro property. This MOA supersedes the “Rules and Regulations for Campaigning and the Posting and Distribution of Union Election Materials” with respect to activities on King County Metro property only – it does not change any rules for campaigning on other properties, which remain the same. We have included a copy of this MOA along with this newsletter.

These updated rules are substantially the same as the original version, but have been modified slightly to apply more directly to King County Metro. Procedures are outlined regarding actions to take in case of a dispute regarding election materials or campaigning. The MOA specifically adds language to more fully define criteria for the acceptability of material to be posted on Election Boards and Tables. The arbitrary language pertaining to “good taste” and “suitability for reviewing by the visiting public” was retained, but we made specific reference to the Landrum-Griffin Act and other governing laws and regulations. The Committee felt that including such reference will clearly override attempts to censor campaign materials under the guise of “good taste.”

Please note that your Election Committee is the *sole judge* of what is proper to post under the defined standards – not Metro, not Union Officers - and that the Committee's decision is final. Should it become necessary for the Committee to judge what is proper, please be aware that we would do so very carefully, our main focus being to not censor or restrict freedom of speech for candidates.

## **Election Rules Change: No Taped-Down Candidate Literature on Election Tables**

We have seen copies of candidate flyers in plastic sleeves taped to Election Tables at the bottom of literature stacks. This is a good way to keep your literature positioned on the tables, but it makes straightening up the tables difficult for Election Committee members. Our Election Rules guarantee each candidate an equal space on the literature tables, but *no* guarantee of any *specific* space.

So to make this clear, the Election Committee hereby amends the Election Rules to add: *“Campaign materials are not to be affixed to election tables with tape. Election Committee members, as part of their responsibilities to maintain the appearance of the election tables, may move literature on the tables in order to ensure that maximum space on the table is utilized. Election Committee members will make every effort to move candidates’ literature as little as possible and to respect the current position of the literature stacks.”*

Anything found taped to tables will be “un-taped,” and the tables straightened up. Thank you for your understanding and cooperation on keeping the campaigning areas looking neat.

## **Inspection of Election Areas at Work Sites**

Members of the Election Committee are inspecting election boards and tables at work locations on a daily and random schedule to monitor compliance with the campaign rules. If you see anything that you feel is a violation of any Election Rule or the Landrum-Griffin Act (LMRDA), please notify a member of the Election Committee at the Union office (206-448-8588) or by email. The Election Committee receives email at this email address: [electioncommittee@atu587.com](mailto:electioncommittee@atu587.com). Even though the Committee’s email passes through the Local 587 server, it is as confidential as we can make it, and is only shared with Union Officers when necessary. You may also call Election Committee Chair Russ Bates at any time at 206-369-1400 (cell phone). Please help us keep our Primary and General Elections fair, open and above all – legal!

## **Work Site Locations**

Many candidates have asked for a comprehensive list of Election Boards and Tables at worksite locations. We have attached an up-to-date list to help you – the same one your Election Committee uses to make regular inspections of Boards and Tables. We do not have specific election boards for Clallam or Jefferson properties, so candidates may use the existing Union bulletin boards for that purpose. Please remember that candidate statements posted on boards cannot exceed 8 ½” x 11” in size.

## **The Voters' Guide**

By now, you should have received your copy of the Local 587 Voters’ Guide, which was mailed to all members using the same mailing list used to mail the Primary ballots. Local 587 prints a Voters Guide, at the Local's expense, in order to provide all candidates an *equal opportunity* to communicate with the membership - which is especially important in a mail ballot election. This is an allowed use of funds, since it does not seek to promote any candidate, merely to facilitate the election process.

The candidate statements and candidate pictures printed in the Voters’ Guide were printed exactly as submitted to the Election Committee by each candidate. If you notice differences in quality of reproduction of candidate pictures (too light, too dark, too contrasty, washed-out, etc.), this is due to the nature of the printing process itself, not any manipulation by the Election Committee, our graphic designer (Chuck Schultz) or Service Print-

ing, who actually produced the booklets. Although most pictures *can* be corrected by the use of a photo-editing program (think *PhotoShop*), this would constitute “editing” by the Election Committee, which is clearly prohibited.

### **Mailings by Candidates**

Candidates may send campaign material at their own expense to the membership. As with the Voters' Guide, the LMRDA forbids the Union (and the Election Committee) from editing or censoring candidates' mailings to the membership. To avoid even the appearance of any impropriety, please bring your prepared mailing pieces to Publishers Mailing Service (their contact information and further details are in the candidate's packet material), and they will do the mailing for you.

The mailing list is segmented, so that you can choose to send a mailing to all members, or only members in certain job classifications. The mailing list segments correspond roughly to the segmentation used to mail out the ballots. You may not use Local 587's mailing permit (Federal regulations, again!), but Publishers Mailing Service will provide the permit, and all you need do is... you guessed it - pay them!

### **Primary Ballot Mailing**

The Primary Election ballots were mailed first-class to all members on April 23, 2009. Please remember that ballots are due at the designated elections PO Box on or before May 14<sup>th</sup> for the Primary Election, and June 4<sup>th</sup> for the General Election. Members who have not received a ballot, or have an incorrect or unusable ballot (for example, wrong job classification, ballot torn, damaged or marked incorrectly), may call the Election Committee at the Union office (206-448-8588) to request another ballot. Critical information (how to mark the ballot, how to return the ballot, return deadline date for ballots, etc.) is included in each ballot mailing envelope.

### **Primary Ballot Counting**

All of the mailed-in ballots are being placed by the Queen Anne Post Office in a post office box rented and paid for by Local 587. Access to the box is tightly controlled, in accordance with LMRDA requirements: No one has a key for it. No one. Not even the Election Committee. All keys are in the custody of the post office, and may only be claimed by certain known individuals: Russ Bates, Chair of the Election Committee; Paul Bachtel, in his capacity as Recording Secretary and as specified in the Bylaws; and Ken Mostern of True Ballot, Inc., and two members of his staff who will be assisting in the process of tallying the ballots.

At about 10:00 AM on Thursday, May 14, the Queen Anne Post Office will have finished sorting Business Reply Mail into post office boxes. This type of mail is only brought to the post office once every day, early in the morning, and not again during the day. Members of the Election Committee, along with the Recording Secretary and representatives of True Ballot, Inc., will take possession of the ballots from our Election Post Office Box, and take them directly to Hall #1 (the Big Room) at the Labor Temple, where the opening and tallying process will begin as soon as possible. Interested members and candidates are welcome to come to the post office and witness the ballot pickup, and follow along directly to the Labor Temple to ensure that no tampering could take place along the way.

The ballot opening, counting and tallying will be done in the presence of interested members, with a full explanation of the process being provided by Ken Mostern of True Ballot immediately before the process begins.

True Ballot, who have done a large number of Union elections, estimate that for the size of our Local's election the counting and auditing could be complete at some time between about 1:00 PM and 3:00 PM. At that time, we will know the vote totals, and they will be available for all to see as soon as possible.

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Brothers and Sisters, all of us working together in solidarity will ensure that this Primary Election - and the immediately following General Election - will be carried through successfully. Let us all do our parts to the best of our abilities: Candidates, please campaign vigorously, honestly, and with respect for your Brothers and Sisters competing against you; Election Committee, please keep in mind our responsibility to the membership, the integrity of our Election, and the laws that protect us all. Let us all remember the main reasons we are doing this: for the common good of our Union, and to give those who come after us the best leadership we can, to preserve our Union's strength to deal with tomorrow's challenges.

From all of the ATU Local 587 Election Committee members, thank you one and all for your help and cooperation in Local 587's first mail ballot election.

*Theresa Tobin*

*Ruth Wilson*

*Paul Tefft*

*Russ Bates,*

Election Committee Chair