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DOCUMENT 1
2022 UAW International Officer
Election - Rules

OFFICIAL RULES FOR THE
2022 INTERNATIONAL OFFICER ELECTION
OF THE INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA

PREPARED BY THE OFFICE OF THE MONITOR

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JENNER & BLOCK LLP

AS OF MAY 11, 2022

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DEFINITIONS

MONITOR ELECTION TEAM

OFFICIAL RULES FOR THE
2022 INTERNATIONAL OFFICER ELECTION
OF THE INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE, AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA

The UAW Constitution is the living law of our Union. It guarantees basic trade union rights to all members. It is intended to protect equally the rights of individual members, and of the Union as a whole.

The most important of these trade union rights is the right of the membership to fair, democratic election procedures in all instances when they vote to choose their officials. In order to guarantee this right, the UAW Constitution provides basic regulations for the conduct of elections for local union office, convention delegates and stewards and committee members.

– Preface to the UAW Guide for Local Union Election Committees

INTRODUCTION

On January 29, 2021, the United States District Court for the Eastern District of Michigan (the “Court”), issued a Consent Decree in the matter of *United States v. International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America*, 20 Cv. 13293 (DML-RSW) (the “Consent Decree”), concluding civil litigation previously brought by the Department of Justice (“DOJ”) against the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (the “UAW” or the “Union”). On May 12, 2021, pursuant to the terms of the Consent Decree, and by Order granting the Government’s unopposed motion, Neil M. Barofsky of Jenner & Block LLP was appointed to serve as Independent Monitor of the UAW (“Monitor”).

Among its provisions, the Consent Decree required that the UAW hold a Union-wide referendum (the “Referendum”) on the question of how the UAW’s International President and other members of the International Executive Board (“IEB”), including the International Secretary-Treasurer and all International Vice Presidents, as well as all Regional Directors (collectively, the “International Officers”) were to be elected in the Union’s future International Officer elections, including the International Officer election that will occur within the coming year (the “2022 UAW International Officer Election” or the “2022 Election”).¹ The Referendum was held in late 2021 and UAW members were asked whether the UAW should maintain its then-existing delegate election process—in which Local Unions’ delegates to the UAW Constitutional Convention (the “Convention”) nominated and then voted for the International Officers—or switch to a direct election system where the UAW members would vote directly for the International Officers.²

On December 1, 2021, the vote tabulation was completed with 63.7% of votes in favor of adopting a direct election system. Pursuant to the Consent Decree, on January 7, 2022, the Monitor submitted his report on the Referendum results (“Referendum Report”) to the Department of Labor’s Office of Labor-Management Standards (“OLMS”), and on January 19, 2022, OLMS endorsed the results, determining that the UAW’s Referendum vote was “conducted in a manner consistent with the standards

¹ Consent Decree ¶ 8.

² *Id.*

applicable to the union officer election provisions set forth in Title IV of the LMRDA along with the Referendum rules set forth by the Monitor.” On January 31, 2022, on an uncontested motion by the Monitor and joined by the Government and the UAW, the Court approved the Referendum results based on the Monitor’s Referendum Report and the endorsement by OLMS.³ The Court ordered the UAW Constitution to be “amended to incorporate the ‘one member, one vote’ principle with respect to IEB elections prior to the next IEB elections taking place at or following the next UAW Constitutional Convention in July 2022.”⁴ The Court directed the Monitor to “confer promptly with the UAW to draft language amending the UAW Constitution affirming the ‘one member, one vote’ principle for inclusion in the UAW Constitution at the next UAW Constitutional Convention.”⁵ The Court also directed the “amendment of the UAW Constitution and all associated proceedings necessary to implement the change of election method” to be “carried out according to the law and all applicable provisions of the [C]onsent [D]ecree,” and ordered that “the change of election method must be implemented fully on or before July 31, 2022.”⁶

In light of the Referendum result, the Monitor, in consultation with the UAW, developed these rules and methods for holding the 2022 Election (the “Rules”).⁷ These Rules will also remain in effect for future UAW International Officer elections unless and until modified by the Monitor, in consultation with the UAW.

³ Order Granting Joint Motion to Approve Referendum Results, *United States v. Int’l Union, United Automobile, Aerospace, and Agricultural Implement Workers of America* (January 31, 2022), No. 20-cv-13293 (E.D. Mich.), ECF No. 53.

⁴ Order Amending Deadlines for Completion of Change in Election Method and Amendment of UAW Constitution, *United States v. Int’l Union, United Automobile, Aerospace, and Agricultural Implement Workers of America* (March 16, 2022), No. 20-cv-13293 (E.D. Mich.), ECF No. 56; *see also* Order Granting Joint Motion to Approve Referendum Results, *United States v. Int’l Union, United Automobile, Aerospace, and Agricultural Implement Workers of America* (January 31, 2022), No. 20-cv-13293 (E.D. Mich.), ECF No. 53.

⁵ Order Granting Joint Motion to Approve Referendum Results, *United States v. Int’l Union, United Automobile, Aerospace, and Agricultural Implement Workers of America* (January 31, 2022), No. 20-cv-13293 (E.D. Mich.), ECF No. 53.

⁶ *Id.* at 2-3; Order Amending Deadlines for Completion of Change in Election Method and Amendment of UAW Constitution, *United States v. Int’l Union, United Automobile, Aerospace, and Agricultural Implement Workers of America* (March 16, 2022), No. 20-cv-13293 (E.D. Mich.), ECF No. 56 (emphasis removed).

⁷ Consent Decree ¶ 13.

Three important principles will guide the 2022 Election:

First, the 2022 Election will be run in a fair and impartial matter, and the Monitor will neither endorse nor give the appearance of endorsing any Candidate or Slate of Candidates over another, nor promulgate or enforce any discriminatory rule.

Second, the oversight of the 2022 Election will be conducted in strict adherence with the applicable provisions of the Consent Decree, the UAW Constitution (including forthcoming amendments thereto), applicable federal laws and regulations including the LMRDA, and these Rules.

Third, consistent with American democratic traditions, the right of every qualified member of the electorate to vote in this 2022 Election by secret ballot will be protected. This principle mandates the improvement of membership mailing information to ensure the enfranchisement of as many members as possible; the broad education of members on the fact of the 2022 Election to facilitate as broadly as possible their participation in it; and the fair counting of ballots and certainty around the accuracy of the 2022 Election results. It further requires that to the extent that any participants in the 2022 Election engage in any anti-democratic efforts or policies, they will be swiftly addressed and eradicated.

Prior to the completion of the 2022 UAW International Officer Election, the Monitor, in consultation with the UAW, may issue supplemental guidelines or advisories with respect to the counting of ballots and/or other matters relating to the Rules.

Following the publication of the Rules, the Monitor and the UAW will confer to draft language amending the UAW Constitution to adopt the direct election system at the next Convention (scheduled for July 25-28, 2022). It is anticipated that two additional sets of amendments to the UAW Constitution will be proposed to the delegate body: one which requires a traditional run-off election by mail of the top vote-getters in any given race in the event no Candidate has secured a majority of the votes, and one which requires the use of ranked-choice voting ballots (also known as an “instant run-off”), which establishes the winner by voters ranking the Candidates in order of their preference. The Rules have been drafted to encompass both potential systems. The Convention delegates

will select between the two sets of amendments, and the Rules will subsequently be amended to reflect such decision.

* * *

ELECTION TIMELINE

The following schedule shall apply to the 2022 nominations and elections of the UAW International Officers:

January 31, 2022

- Convention Call letter issued to all Local Union Officers and members; the beginning of delegate election season.

March 4, 2022

- Administrative Letter Volume 61, No. 2 issued to all Local Unions, providing detail to members regarding the process for election of delegates to the Thirty-Eighth UAW Constitutional Convention.

May 11, 2022

- Issuance of Rules for the 2022 UAW International Officer Election.
- Date on which prospective candidates for the 2022 UAW International Officer Election may begin to seek vetting by the Monitor to run for office pursuant to Section 3-2 of these Rules.

May 13, 2022

- First version of mailing list from UAW central database (LUIS) provided by the UAW to the Election Vendor to be used by Candidates seeking to communicate with the members. The mailing list will continue to be updated, as discussed below.

July 25-28, 2022

- Thirty-Eighth UAW Constitutional Convention to be held at Huntington Place in Detroit, Michigan, at which Convention delegates will nominate individuals to run for UAW International Office.

September 2022

- 2022 UAW International Officer Election Candidate Forum(s).

September 1, 2022

- Deadline for all Slate Declaration Forms to be submitted to the Monitor.

September 16, 2022

- Updated mailing list from LUIS provided by UAW to the Election Vendor.

October 7, 2022

- Updated mailing list from LUIS provided by the UAW to the Election Vendor.

October 17, 2022

- First formal mail distribution of mail-in ballots distributed to the electorate.

October 18, 2022

- Final mailing list from LUIS provided by the UAW to the Election Vendor.

October 24, 2022

- Second formal mail distribution of mail-in ballots distributed to additional potential voters.

October 25, 2022

- First official date when requests for replacement ballots may be made directly to the Election Vendor.

October 31, 2022, at 5 p.m. EDT

- Deadline by which members must be in “good standing” in order to have their vote counted in the 2022 UAW International Officer Election (“Voter Eligibility Deadline”).

November 7, 2022

- Deadline by which Local Unions must update LUIS with updated member status as of Voter Eligibility Deadline.

November 9, 2022

- Final voter eligibility status as of Voter Eligibility Deadline provided by the UAW to the Election Vendor.

November 11, 2022

- Final date by which replacement ballots can be requested from the Election Vendor.
- Final formal mail distribution of mail-in ballots to any eligible voters not previously sent a ballot.

November 18, 2022

- Recommended last day by which members should place their ballots in the mail to best ensure their arrival by the November 28, 2022 deadline.

November 28, 2022, at closing time of designated U.S. Post Office or Postal Facility

- Deadline for all ballots to be received by the designated U.S. Post Office or Postal Facility.

November 29, 2022, at 9 a.m. EST

- Tabulation begins.

As soon as practicable after November 29, 2022

- Once the tabulation of ballots is complete, the unofficial results will be announced by the Monitor.
- If the delegates at the 2022 Constitutional Convention choose to adopt a ranked-choice (instant run-off) system, the Candidates who received a majority of the vote will be announced as the unofficial victors of their races at this time.
- If the delegates at the 2022 Constitutional Convention choose to adopt a traditional run-off system, with separate balloting, there will be a run-off election (“Run-Off Election”) for any race where no Candidate received a majority of the vote. The Candidates who did receive a majority of the vote will be announced as the unofficial victors of their races at this time.

December 2022 (date to be determined)

- All official victors of International Officer races by this time will be sworn in.
- If the delegates at the 2022 Constitutional Convention choose to adopt a traditional run-off system with separate balloting for any unresolved offices, where no Candidate received a majority of the votes, a Run-Off Election will be held to determine the winner.

Run-Off Election

If the delegates at the 2022 Constitution Convention choose a traditional run-off election system, the Monitor will issue specific rules and a timeline for a Run-Off Election, should one be necessary. It is anticipated that the Run-Off ballots will be distributed no later than January 2023, and the ballots returned and counted in February 2023.

* * *

SECTION 1: Role and Authority of the Monitor

1-1 Responsibility of the Monitor

The Monitor will supervise all phases of the 2022 UAW International Officer Election under the authority given to him by the Consent Decree. Specifically, as the Consent Decree sets forth, because the Referendum vote will result in a change to a direct election system for the UAW's International Officers, "the Monitor, in consultation with the UAW, shall develop all election rules and methods for the election of members of the IEB during the period of oversight."⁸ The Monitor is also directed to "help implement any such change."⁹ Further, the Consent Decree requires the Monitor to "ensure that the election of the members of the IEB of the UAW shall follow the requirements of the UAW Constitution, and all applicable state and federal laws, and [the Consent Decree]."¹⁰ Accordingly, the Monitor has the authority to interpret, to enforce, and, when necessary, to amend the Rules in consultation with the UAW; and consistent with these Rules, to take all necessary actions to ensure a fair, honest, open, and informed 2022 Election. The Monitor and his designees and representatives shall at all times discharge their duties and responsibilities faithfully and impartially.

1-2 Appeals and Protests

Traditionally, the UAW served as the final internal authority resolving issues and adjudicating protests in UAW elections.¹¹ The Consent Decree requires the Monitor to issue these Rules, and to then ensure that they, along with other constitutional and legal requirements, are complied with by those participating in the 2022 Election. Under that authority, the Monitor will continue in the role that he played during the Referendum in which he stood in the shoes of the UAW to hear and adjudicate allegations and protests of potential violations of the Rules or the other constitutional or legal standards for which

⁸ Consent Decree ¶ 13.

⁹ *Id.* at ¶ 45.

¹⁰ *Id.* at ¶ 45.

¹¹ While the Consent Decree has granted authority to the Monitor over the 2022 Election, the Monitor is not overseeing the election of delegates to the 2022 Constitutional Convention. For the delegate elections, the UAW retains its traditional responsibilities supervising the delegate elections and, as such, remains the final authority on those elections.

the Monitor is required to ensure compliance.¹² The Consent Decree makes clear that the authority bestowed upon the Monitor for the 2022 Election is not intended to “eliminate or limit a union member’s right to seek relief from the Secretary of Labor and OLMS pursuant to the LMRDA, 29 U.S.C. § 401, *et seq.*”¹³ Thus, an aggrieved member has the right to file a protest with the Secretary of Labor and OLMS for potential violations of the LMRDA, after exhausting such “internal” remedies.¹⁴ The Rules related to internal complaints and protests to be resolved by the Monitor are set forth in Section 9 below.

* * *

¹² Ultimately, the goal is for the UAW to take the predominant role in overseeing election protests. The UAW’s existing protest system, however, is not adequately designed for the type of election being conducted as a result of the Referendum. Thus, the Rules currently allocate responsibility for election protests to the Monitor, who will work with the UAW to devise a system for adjudicating protests which can then be implemented with oversight by the Monitor in a manner that meets the Monitor’s obligations to ensure compliance with the Consent Decree.

¹³ *Id.* at ¶ 13.

¹⁴ According to Section 402(a) of the LMRDA, a “member of a labor organization – 1. who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or 2. who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation, may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.”

SECTION 2: Overview of the 2022 UAW International Officer Election

2-1 2022 UAW International Officer Election

In accordance with the Consent Decree and the results of the Referendum, the International Officers of the UAW will no longer be elected by Convention delegates, but rather through a Union-wide direct election in which UAW members will cast votes for nominated Candidates. The 2022 UAW International Officer Election will be conducted by secret mail-in ballot. An election vendor selected by the UAW in consultation with the Monitor (the “Election Vendor”) will oversee all mailings, collections, and tabulations of the secret ballots.¹⁵

The offices to be filled through the 2022 UAW International Officer Election will include the offices of one (1) International President, one (1) International Secretary-Treasurer, three (3) International Vice Presidents, and all nine (9) Regional Director positions (previously defined as the “International Officers”). The term of office for all elected International Officers shall be from the date of their swearing-in after the 2022 UAW International Officer Election through the next election cycle and swearing-in. Along with other amendments to the UAW Constitution, Article 10, Section 3 of the UAW Constitution shall be amended to reflect that the term of office will no longer run from Convention to Convention but rather for approximately four years from the date of swearing in to the swearing in of the International Officers elected upon the subsequent four-year election cycle. The International Officers whose terms would have ended in July 2022 under the prior delegate election system will have each of their terms extended until the swearing in of the respective International Officers who prevail in the 2022 UAW International Officer Election.

Section 3 of these Rules sets forth the qualifications for running for office in the 2022 UAW International Officer Election, both under the UAW Constitution and the Consent Decree. As discussed therein, an individual seeking International Office will be considered a bona fide candidate (“Bona Fide Candidate” or “Candidate”) as defined by Section 452.80 of Title 29 of Code of Federal Regulations, by submitting to the Monitor a

¹⁵ Multiple vendors may be needed to undertake the various tasks necessary to facilitate the 2022 UAW International Officer Election. Nonetheless, the term “Election Vendor” is utilized throughout the Rules even if it may ultimately refer to multiple vendors.

sworn declaration on certain qualifications to hold International Office, which can be done at any time prior to or immediately following the Convention. An individual's Bona Fide Candidate status will not be final until vetted by the Monitor team.¹⁶ Even a Bona Fide Candidate will not be assured of a place on the ballot in the 2022 Election unless they are officially nominated at the Convention. If an otherwise qualified and vetted member is not nominated at the Convention, then they will no longer be a Candidate. As described herein, Candidates will have certain rights of access to enable them to conduct an effective election campaign. These opportunities apply only to Candidates as defined herein.

As discussed in Section 6-3 below, each Candidate shall have the right to seek nomination, be nominated, campaign, and appear on the ballot for an International Officer position as a member of a slate of Candidates ("Slate"). No Candidate shall be compelled to run as a member of a Slate.

2-2 Nominations

As discussed in Section 3-3 of these Rules, the nominations process for prospective Candidates in the 2022 UAW International Officer Election shall proceed as provided by the UAW Constitution. Specifically, delegates to the Constitutional Convention will nominate Candidates for International Office by proposing a Candidate at the appointed time during the Convention. A nominated Candidate or, if not present, an authorized representative, will accept or decline the nomination.

If neither the nominated Candidate nor an authorized representative is present to accept or decline the nomination, it will be the responsibility of the individual nominating the prospective Candidate to contact the prospective Candidate and instruct the prospective Candidate to contact the presiding officer of the Convention to formally accept or decline the nomination within 24 hours. The presiding officer, in turn, will immediately notify the Monitor. Only (1) if the nomination is accepted; (2) the Candidate meets the qualifications to hold office (*see* Section 3-1); and (3) the Candidate is successfully vetted as satisfying those qualifications (*see* Section 3-2), will the nominee's name be placed on the official ballot.

¹⁶ As discussed below in Sections 3-2 and 4-7, prospective Candidates who have submitted Candidate Declarations which, on their face, meet the criteria for eligibility set forth in Section 3-1, will be presumed Bona Fide Candidates and immediately be afforded all relevant access rights set forth in Section 4.

2-3 Election Process

Following completion of the nominations process at the UAW Convention, the 2022 UAW International Officer Election shall be conducted by mail-in ballot. Soon after these Rules are issued, the Monitor will post on the Monitor's website and provide to be posted on the UAW website an informal notice of the 2022 UAW International Officer Election and an overview of relevant information. Through the voter eligibility deadline of **October 31, 2022**, the UAW shall regularly provide information from the UAW's centralized membership database (also known as the Local Union Information System or "LUIS") regarding voter eligibility. The Local Unions are responsible for ensuring that LUIS is up to date with information regarding their respective members' eligibility.

The Election Vendor will be responsible for printing, distributing, collecting, and tabulating ballots. Ballots and instructions for voting will be mailed to members starting on or about **October 17, 2022**. Voters are strongly encouraged to place their ballot in return mail no later than **November 18, 2022**, but ballots must be received through the mail by no later than **November 28, 2022**. The next day, on **November 29, 2022, at 9 a.m. EST**, the tabulation process will commence with observers present as prescribed by these Rules.

As of the time of the issuance of these Rules, it is expected that, in connection with their ratification of constitutional amendments related to the 2022 Election, the delegates to the 2022 UAW Constitutional Convention will resolve the question of how to account for the possibility that no Candidate in any given race reaches a majority of votes in their favor—specifically, whether to use ranked-choice (instant run-off) voting ballots, or to hold a traditional Run-Off Election, which would require a second wave of printing, mailing, collection, and tabulation of ballots. These Rules contemplate both scenarios. If the delegates choose a traditional Run-Off Election system, a Run-Off Election will be held for any office for which the victor does not receive a majority of votes. Any Run-Off Election will be held on a schedule to be set by the Monitor in consultation with the UAW.

2-4 Notice of Election

Federal law and the UAW Constitution require that "not less than fifteen days prior to the election, notice thereof shall be mailed to each member at his last known

home address.” 29 U.S.C. § 481(e); UAW Constitution, Article 38, Section 2. For purposes of the 2022 Election, the “official” notice will be fulfilled by the mailing of the ballot itself. Prior to the mailing of the ballot, the Monitor shall also post an informal notice of the 2022 Election on the Monitor’s website, and the UAW shall post the same informal notice on their website. Local Unions shall either post the informal notice or a link to the UAW’s or Monitor’s website regarding the Election. The informal notice shall (1) provide members with key information concerning the 2022 Election, including the nomination process, schedule, and other relevant information; and (2) direct members to the websites, where they may view these Rules and obtain up-to-date information regarding the 2022 Election. The informal notice will be posted in both English and Spanish. The Monitor may provide, in conjunction with the UAW, additional notice of election as may be deemed appropriate to fully inform all Union members of the 2022 Election.

2-5 Eligibility to Vote

All UAW members in good standing as of **October 31, 2022**, are eligible to vote in the 2022 UAW International Officer Election, including members who are part-time workers, reinstated members, and retired members. Further details on eligibility to vote detailing what constitutes “good standing” are provided in Section 5 of these Rules. Ballots will be mailed to all potentially eligible voters, but if any member who is not in good standing with the UAW as of October 31, 2022, receives and returns a ballot, their vote will not be counted.

2-6 Printing and Handling of Ballots

Ballots shall be printed in a legible manner, with clear instructions on how to properly fill them out. Ballots and return ballot envelopes shall contain encodings or other markings to prevent forged or otherwise fraudulent ballots from being used, voted, or counted in the 2022 Election. Ballots shall state the offices open for election and the number of Candidates to be elected for each office.

The names of all Candidates for International President, International Secretary-Treasurer, and International Vice President shall be printed on all ballots. The names of all Candidates for Regional Director from a particular UAW Region shall be printed on the ballot for all members within that Region. In sum, each ballot will have candidates for six offices in total (President, Secretary-Treasurer, Vice Presidents (3), and Regional Director). If Candidates are running with other Candidates on a Slate, the identification

of the associated Slate will be referenced next to, below, or above the Candidates' names. Further rules regarding Slates are set forth in Section 6-3 of these Rules.

The ballots shall be printed by the Election Vendor. Ballots for members of Local Unions in Puerto Rico shall be printed in both Spanish and English.

2-7 Mailing of Ballots

The Election Vendor shall mail ballot packages from a specified location or locations in the United States to all members eligible or potentially eligible to vote in the 2022 Election and residing in the United States and its territories. Ballot packages shall be mailed from a separate, single location in Canada to all members eligible or potentially eligible to vote in the 2022 Election and residing in Canada. Each mail ballot package shall contain a ballot (providing notice of the 2022 Election and containing instructions on how to fill out the ballot), a secret ballot envelope, a pre-paid return envelope containing the member's name and address and other data sufficient to identify the member, and instructions regarding the procedure for mail ballot voting.

Candidates and/or their observers shall be permitted to inspect the ballot mailing list, as described below in Section 7. Should any Candidate or observer claim that a member eligible to receive a ballot has been omitted from the list, such person shall be sent a ballot. Similarly, any member requesting a ballot via the Monitor or Election Vendor will be sent one. As described in Section 2-11 below, supplemental guidelines will be issued prior to the vote count regarding the counting of such ballots if cast.

2-8 Casting of Votes

Once mail ballot materials are received by a UAW member, the member shall cast their vote, place the ballot in the secret ballot sleeve (without making any mark on that sleeve), place the secret ballot sleeve in the pre-paid return envelope, and then place the return envelope in the mail. Any ballot cast without full identification information included on the return envelope or received after the deadline for receipt of ballots will not be counted. No write-in votes will be counted.

2-9 Receipt of Ballots

The Election Vendor shall obtain and secure a site in the United States for the counting of ballots (the "Secure Site"). Ballots shall be transported from the receiving

U.S. Post Offices or Postal Facilities by the Election Vendor to the Secure Site with security protocols established by the Election Vendor and approved by the Monitor in consultation with the UAW. Mail ballot packages returned as undeliverable will also be transported by the Election Vendor to the Secure Site using the same security protocols. The Election Vendor shall make all reasonable efforts to verify and correct the addresses on the ballot packages returned as undeliverable and re-mail them to the respective UAW members prior to the ballot receipt deadline so that they may have the opportunity to cast a ballot.

Any member who does not receive a ballot should contact the Election Vendor or a representative of the Monitor immediately if they wish to receive one. Any member who spoils or loses a ballot should contact the Election Vendor or a representative of the Monitor immediately if they wish to obtain a replacement ballot. The Election Vendor shall immediately send such person a ballot package, regardless of any question(s) concerning the individual's eligibility to vote. Candidates' observers shall be provided access to the process for distributing replacement ballots. As described in Section 2-11 below, supplemental guidelines will be issued prior to the vote count regarding the counting of such ballots if cast.

All ballots must be received by the designated U.S. Post Office or Postal Facility by the time that facility closes on **November 28, 2022**.

2-10 Verification of Voter Eligibility

Prior to commencement of the ballot count, the Election Vendor shall verify the eligibility to vote of each person who cast a ballot in the 2022 Election, in accordance with Section 5 of the Rules.

2-11 Counting of Ballots

The Election Vendor shall begin counting the ballots on or about **November 29, 2022, at 9 a.m. ET**. All ballots shall be counted by the Election Vendor under the direct supervision of the Monitor in coordination with the UAW. **The Monitor in coordination with the UAW will issue supplemental guidelines prior to the vote count detailing the rules and procedures for the vote tabulation process.**

2-12 Observers

Each Candidate for International Office in the 2022 UAW International Officer Election and each full or partial Slate may observe or may designate others to observe the process for nomination and election of the International Officers, in accordance with Section 7 of these Rules.

2-13 Invasion of Ballot Secrecy

No person or entity shall limit or interfere with the right of any UAW member to vote, including, but not limited to, the right to independently determine how to cast their vote, the right to mark their vote in secret, and the right to mail the ballot themselves. No person or entity may encourage or require a UAW member to mark their ballot in the presence of another person or to give their ballot to any person or entity for marking or mailing. No person or entity may demand or require any UAW member to give their ballot to any other person or entity, or demand or require any UAW member to mark their ballot in the presence of any other person. And moreover, no UAW member may give their ballot, marked or unmarked, to any other person or entity, except a voting UAW member may give a completed and sealed ballot to an immediate family member (as long as that immediate family member is not a Candidate) in order to mail it back to the Election Vendor, or give a ballot to the Monitor in the course of an investigation if requested. A voting UAW member may also have someone assist them in marking the ballot in the member's presence if necessary due to disability or illiteracy.

Any violation of this rule may result in disciplinary charges, referral of the matter to appropriate law enforcement authorities for consideration of action under law, or such other remedy as the Monitor deems appropriate. The instructions for balloting included in ballot packages shall contain these prohibitions and shall urge members to vote and return their ballots promptly.

2-14 Announcement of the Election Results

The counting of the ballots will commence on **November 29, 2022, at 9 a.m. EST**, and continue until complete. When complete, the unofficial 2022 Election results will be announced as follows: If the delegates at the 2022 Constitutional Convention choose to adopt a ranked-choice (instant run-off) voting system, the UAW and the Monitor shall immediately announce the unofficial election results to all Candidates and observers present upon completion of the vote count. If the delegates at the 2022 Constitutional

Convention choose to adopt a traditional run-off system, the UAW and the Monitor shall immediately announce the unofficial election results for any race where a Candidate received a majority of the vote. As described below, in that case, a Run-Off Election will be held for the races where no one has received a majority of the vote. In either event, the Monitor and the UAW shall also post the unofficial election results on their respective websites as soon as is practicable. Announcement of the unofficial election results does not constitute certification, which is required before the results are official.

2-15 Certification of the Election Results

After the 2022 Election process is completed in accordance with the Rules, and where no timely objections to the 2022 Election are raised, or upon completion of the internal protest and appeal procedure, including the conclusion of any investigation the Monitor may undertake with respect to the 2022 Election, the Monitor shall certify the 2022 UAW International Officer Election results, post a copy of the 2022 UAW International Officer Election certification on the Monitor's website, and provide a copy of the 2022 UAW International Officer Election certification to be posted to the UAW website.

2-16 Installation of Officers

The 2022 Election results will be presumed valid pending certification by the Monitor as described in Section 2-15 above, and/or any final decision by the Secretary of Labor and OLMS, should they be asked to review any aspect of the 2022 Election.¹⁷ Accordingly, newly elected UAW International Officers shall be installed on or about a date to be determined in or about **December 2022** within 7 days of the unofficial announcement of the results, irrespective of the final certification of the 2022 Election.

If a Run-Off Election is required, those International Officers elected in the Run-Off Election shall be installed on or about a date to be determined in **February 2023** within 7 days of the unofficial announcement of the Run-Off Election results, irrespective of the final certification of the 2022 Election.

¹⁷ Pursuant to Section 402 of the LMRDA, "[t]he challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide."

2-17 Run-Off Election

If the delegates at the 2022 Constitutional Convention choose a traditional run-off election system, the Monitor, in consultation with the UAW, will issue specific rules and a timeline for a Run-Off Election, should one be necessary. It is anticipated that any Run-Off ballots will be distributed no later than January 2023, and the ballots returned and counted in February 2023.

2-18 Preservation of the Election Materials

All ballots, including those that are challenged, voided, spoiled, or unused; all ballot envelopes; and all copies of all tally sheets shall be preserved for one (1) year following the date the tabulation is complete and the unofficial results announced and posted. In the event that violations of the Rules or applicable law occurred that may have affected the outcome of the 2022 Election, the Monitor shall not certify the 2022 UAW International Officer Election results and shall immediately order that a rerun election be held and, in consultation with the UAW, promptly promulgate a schedule for a rerun election.

* * *

SECTION 3: Nomination of Candidates for the UAW International Officer Election

3-1 Candidate Eligibility (Qualifications) Under the UAW Constitution, Federal Law, and the Consent Decree

Subject to the below limitations, a member is eligible to run for International Office in the 2022 UAW International Officer Election if **they have been a member of the UAW in good standing for twelve (12) consecutive months preceding the first day of the 2022 Convention, and continue in good standing thereafter.**¹⁸ Additionally, per official constitutional interpretation by the International President, retired members are not eligible to run for International Union Office.¹⁹ See Interpretation of International President R. Curry, attached as Exhibit A.

The UAW Constitution identifies several additional limitations on eligibility to run for UAW International Office:

- No member shall be eligible to serve as a UAW International Officer if they are a member of or subservient to any political organization, such as the Communist, Fascist, or Nazi Organization which owes its allegiance to any government other than the United States or Canada, directly or indirectly. See UAW Constitution, Article 10, Section 7.
- No member shall be eligible to serve as a UAW International Officer if they are affirmatively engaged in the promotion, implementation, furtherance,

¹⁸ The Constitution currently provides that “[n]o member shall be nominated or elected as an elective officer of the International Union, as set forth in Section 1 of this Article, who has not been in continuous good standing for a period of one (1) year preceding the date of nomination.” Article 10, Section 6. Among other amendments to the Constitution, this will be amended to require good standing for 12 months preceding the Convention (at which nominations will occur) as well as continuing in good standing thereafter (during the period preceding the vote).

¹⁹ On March 24, 2022, the International President issued an opinion that the UAW Constitution does not allow retired members to hold, and thus may not run for, International Office. See Article 13, Section 8 of the UAW Constitution. On April 1, 2022, the IEB agreed with the International President’s analysis and adopted the interpretation of the UAW Constitution. See Article 12, Section 6 of the UAW Constitution; see also Monitor’s Second Status Report, *United States v. Int’l Union, United Automobile, Aerospace, and Agricultural Implement Workers of America* (May 11, 2021), No. 20-cv-13293, at 12-17.

or support of organized workplace rackets, such as numbers, bookmaking, etc. *See* UAW Constitution, Article 10, Section 8.

- No member shall be eligible to serve as a UAW International Officer if they have affirmatively engaged in: the promotion, implementation, furtherance or support of any other union or collective bargaining group with the purpose or intent of supplanting the UAW, or any subordinate body thereof, as the recognized collective bargaining agent; in efforts to decertify the UAW or any subordinate body thereof as the recognized collective bargaining agent; or aiding or abetting an employer or another Union to thwart organizing efforts by the UAW to become the bargaining agent. *See* UAW Constitution, Article 10, Section 12.
- No member shall be eligible to serve as a Regional Director unless they have worked at least 90 working days in a workplace(s) located within the region, and whose Local Union must be located within the region. *See* UAW Constitution, Article 10, Section 2.

Finally, pursuant to Paragraph 46 of the Consent Decree, one must meet the following criteria to run for UAW International Office:

- The individual must not have been found guilty of fraudulent or corrupt activity, either in court or in a UAW disciplinary proceeding. The Monitor may excuse fraudulent or corrupt activity determined to be *de minimis*.
- The individual's election must not violate the Consent Decree's injunctive prohibitions.
- The individual's election must not be a crime involving the establishment or operation of a labor organization, employee benefit plan, labor-management cooperation committee, or voluntary employee beneficiary association. This requirement means, among other things, that the individual must not have been convicted of a crime that would make them ineligible to hold union office under federal labor law. *See* 29 U.S.C. § 504.

Section 504 of the LMRDA prohibits individuals convicted of certain crimes from holding union office or employment or serving in other prohibited capacities for a period of 13 years after such conviction or after the end of such imprisonment, whichever is later.²⁰ Several types of crimes will bar a person from serving in prohibited capacities, including, but not limited to, the following examples:

- Non-labor union specific criminal offenses, specifically: murder, assault with intent to kill, assault that inflicts grievous bodily injury, rape, arson, extortion, burglary, grand larceny, robbery, bribery, embezzlement, or violation of narcotics laws;²¹
- Violations of Title II or Title III of the LMRDA, which include knowingly making a false statement of material fact or failing to disclose a material fact in any labor organization report, labor organization officer or employee report, or other report required by the LMRDA; willfully failing to file a required report; willfully violating the recordkeeping requirements in Title II or Title III; willfully making a false entry in labor organization records or other documents required to be kept by the LMRDA or willfully concealing, withholding or destroying such records; willfully and improperly transferring funds from a trustees local to the parent body imposing the trusteeship; or willfully counting the votes of delegates from a trustees local under certain circumstances;
- Any felony involving abuse or misuse of an individual's position or employment in a labor organization or employee benefit plan in order to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan;
- Conspiracy or attempt to commit any of the above crimes, any crime in which any of the above crimes is an element, or any crime that is equivalent

²⁰ Please review 29 U.S.C. § 504 for a description of the crimes for which conviction or imprisonment for such conviction within the last 13 years would prevent a member from holding office. See also <https://www.dol.gov/agencies/olms/laws/labor-management-reporting-and-disclosure-act#t4>.

²¹ See *supra* footnote 20. Regarding narcotics offenses, the U.S. Drug Enforcement Administration Office of Diversion Control publishes on its website (<http://www.deadiversion.usdoj.gov/schedules/index.html>) a list of controlled substances, which explains whether a controlled substance is or is not a narcotic drug.

to the above crimes (for example, obtaining money by false pretenses in certain cases can be equivalent to the listed crimes of grand larceny or embezzlement).

3-2 Vetting Procedure by the Monitor

The Consent Decree specifically requires the Monitor to evaluate the eligibility of an individual to run for International Office under the UAW Constitution and the Consent Decree itself (both sets of requirements set forth in Section 3-1 above).²² On the constitutional qualifications—including the individual’s standing within the Union—the Monitor will request that the UAW promptly determine whether a Candidate meets these criteria. If necessary, the Monitor may take additional steps to verify the constitutional eligibility of a Candidate, but will presume that the UAW’s initial determination is accurate and will rely on the UAW and its data in formally verifying a Candidate’s eligibility to run for office. The Consent Decree further requires the Monitor to perform an additional assessment to confirm that the individual seeking International Office is otherwise qualified to run for that office, under the specific criteria contained therein.

Anyone seeking to run for UAW International Office may submit their information to the Monitor at any time following publication of these Rules, but no later than three (3) calendar days after nominations are made at the Convention, and must proceed through the following steps:

- (a) **Candidate Declaration Form.** Available on the Monitor website at www.uawmonitor.com is a Candidate Declaration Form. Any member wishing to be vetted for International Officer candidacy must review, execute, and submit the Candidate Declaration Form to the Monitor, under penalty of perjury, attesting to eligibility under the criteria set forth in Paragraph 46 of the Consent Decree and the UAW Constitution, and consenting to the Monitor’s receipt and review of relevant information. Candidate Declarations may be submitted by email to UAWMonitor-Election@jenner.com, by mail to an address provided on the Candidate Declaration Form, or in person to members of the Monitor’s Elections Team at the Convention. As stated in the Candidate Declaration Form, the

²² See Consent Decree ¶¶ 45-46.

member will have an ongoing obligation to update the Candidate Declaration Form if any information changes at any time prior to the conclusion of the 2022 Election or their swearing-in (if elected). A prospective candidate can be disqualified from running for International Office if the circumstances around their eligibility change or new information comes to light.

An individual will be presumed to be a Bona Fide Candidate (as defined above in section 2-1 and in 29 CFR 452.80) if they meet the criteria for eligibility on the face of the Candidate Declaration Form.

- (b) **Records Review.** Upon receipt of an executed Candidate Declaration Form, the Monitor will (a) run a state and federal background check, relying on vendor services available to the Monitor; and (b) obtain the Candidate's disciplinary record, if any, from the UAW. The Monitor may choose to seek additional files, including, but not limited to, records from any prior vetting, on a case-by-case basis. The UAW will assess the prospective Candidate's eligibility under the UAW Constitution based on a review of Union records. The UAW will promptly advise the Monitor of the prospective Candidate's eligibility and provide supporting data if requested.
- (c) **Interview and Follow Up.** The Monitor may choose to interview any prospective Candidate. The Monitor may also choose to consult with DOJ or other government agencies about individual candidates, and will do so on a case-by-case basis.
- (d) **Determination.** Based on the foregoing, the Monitor will verify whether a prospective Candidate meets the criteria necessary to run for office:
 - (1) In the event that the prospective Candidate is not disqualified, the Monitor will communicate that decision to the Candidate. As discussed in more detail in Section 4-3, **the Monitor's determination that a Candidate has been vetted and is not disqualified is in no way an "endorsement" of the Candidate and may not be advertised as such.**

- (2) An otherwise Bona Fide Candidate who has been cleared through the Monitor's vetting process but is not nominated at the Convention will not appear on the ballot and will not be eligible to participate in the UAW International Officer Election. Only nominated Candidates will appear on the ballot.
- (3) In the event the Monitor prohibits any prospective candidate from running for International Office, the Monitor will communicate that decision to the prospective candidate, the UAW, and DOJ in writing. The Monitor shall make available to the disqualified prospective candidate, upon request, the "papers or other material relied upon by the Monitor," which will include the materials used by the UAW in its review of constitutional eligibility, if applicable. Such information will be kept confidential by the Monitor if the prospective candidate ceases to pursue nomination and does not appeal the Monitor's determination. A prospective candidate may appeal the Monitor's determination to the Court-appointed Adjudications Officer. *See* Consent Decree ¶ 47. The appeals process for such a determination by the Monitor is set forth in Section 9 of these Rules.
- (4) As set forth above, the Consent Decree makes clear that nothing in the Consent Decree—including the role of the Monitor and the Adjudications Officer in the eligibility process—is intended to "eliminate or limit a union member's right to seek relief from the Secretary of Labor and OLMS pursuant to the LMRDA, 29 U.S.C. § 401, *et seq.*"

The Monitor will not opine on the suitability of any prospective Candidate beyond the criteria set forth above and does not have the ability under the Consent Decree to disqualify a prospective Candidate who is under investigation but has not yet been found guilty of wrongdoing. The Monitor's only authority with respect to the eligibility of members to run for office to determine whether the prospective Candidate is disqualified under the objective prohibitions indicated above. The Monitor reserves the right to seek

to decertify any candidate, even after that candidate is successfully vetted, if new information comes to light or circumstances change.

3-3 Nominations Process

During the scheduled and publicized time on the agenda at the UAW Convention, the presiding official will ask if there any nominees for the Office of International President. Any delegate seeking to nominate an individual to run for International President will step up to the microphone and propose that individual in a nominating speech that will be limited to five minutes with no exception. Once all of the nominations for the Office of International President are complete, the presiding official will close the nominations. Following completion of nominations for International President, nominations shall be polled in reverse order of nomination for acceptance or declination. Nominees who are present, or their authorized representatives, will be permitted to accept or decline the nomination, but no acceptance or declination speeches will be permitted. If neither the nominated Candidate nor an authorized representative is present to accept or decline the nomination, it will be the responsibility of the individual nominating the prospective Candidate to contact them and instruct the prospective Candidate to contact the presiding officer of the Convention to formally accept or decline the nomination within 24 hours. The presiding officer, in turn, will immediately notify the Monitor. If the prospective Candidate or their authorized representative does not formally accept the nomination within 24 hours, the nomination will be automatically declined.

This process will continue for each of the remaining UAW International Offices. The nominations for individuals to run for Regional Director positions will be held in the same manner during Region-specific meetings. An individual being nominated to run for Regional Director and their nominating delegate must be a member of a Local Union in the Region in question.

On February 22, 2022, the IEB voted to change the composition of Regions 4 and 8, and to create a new (rechartered) Region 6 comprising the states of Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Hawaii, and Alaska.²³ The state of

²³ See <https://uaw.org/uaw-international-executive-board-form-new-region-fast-growing-western-states/>.

Colorado will be moved from Region 8 to Region 4.²⁴ The IEB determined that the nominations for the Region 6 Regional Director will occur at the July 2022 Constitutional Convention and the election for that position will occur with the elections for all other International Officer positions.²⁵ The newly established Region 6 will exist on its own once the Regional Director for Region 6 is sworn into office.²⁶ For purposes of the 2022 UAW International Officer Election, only members of Local Unions in states that will be in the new Region 6 will nominate individuals for, and vote for, the Region 6 Regional Director position; only members of Local Unions in states that will be in Region 4 after the re-composition will nominate individuals for, and vote for, the Region 4 Regional Director position; and only members of Local Unions in states that will be in Region 8 after the re-composition will nominate individuals for, and vote for, the Region 8 Regional Director position.

3-4 Post-Convention Finalization of Candidate Roster for the Ballot

After the UAW Convention, the process for finalization of the roster of International Officer Candidates on the official ballots will begin. Any nominated individual whose qualification for International Office under the Consent Decree and the UAW Constitution (as summarized in Section 3-1 above) has not yet been vetted must formally seek to be vetted no later than three (3) calendar days after nominations are made at the Convention, and initiate the procedure set forth in Section 3-2 of these Rules. To the extent that a nominated Candidate wishes to be part of a Slate, and has not yet been designated as such, Slate Declaration Forms for the 2022 UAW International Officer Election must be submitted to the Monitor by no later than **September 1, 2022**, as set forth in Section 6-3 of these Rules.

* * *

²⁴ Feb. 22, 2022 IEB Meeting.

²⁵ See <https://uaw.org/uaw-international-executive-board-form-new-region-fast-growing-western-states/>.

²⁶ See <https://uaw.org/uaw-international-executive-board-form-new-region-fast-growing-western-states/>.

SECTION 4: Campaigning and Access

4-1 Candidates

The criteria for qualifying to run for International Office is set forth in Section 3-1 of these Rules, as is the process for becoming a Candidate. As described herein, Candidates will have certain rights of access to enable them to conduct an effective election campaign, but these opportunities apply only to Candidates as defined herein.

4-2 Credentialed Representatives

Each Candidate or Slate may authorize up to five (5) members in good standing to serve as their Credentialed Representative for the purpose of acting on behalf of the Candidate or Slate when the Candidate or Slate is not present or is otherwise unable to do so for themselves. Authorization shall be given on a form issued by the Monitor (*see* Section 13). The Credentialed Representative shall have the same rights as are permitted the Candidate and Slate in this Section.

4-3 Campaigning in General

For the purpose of these Rules, “campaigning” is defined as affirmatively advocating for or against the election of a particular Candidate or Slate. Campaigning can be conducted through oral or written speech. Campaigning can be conducted directly or by facilitating or managing others who campaign and engage in related activities.

The Monitor will not endorse or otherwise support any Candidate or Slate running for International Office in the 2022 Election.

4-4 Freedom to Advocate

All Union members shall have the right to participate in campaign activities, including the right to openly support or oppose any Candidate or Slate and to make personal contributions to any Candidate or Slate, subject to the limitations described in Section 8 of these Rules.

Union members will be permitted to post or distribute leaflets, literature, or flyers; to solicit support; to conduct rallies; to hold fundraising events; or to engage in similar activities, except as otherwise prohibited or limited by any employer's rules, the UAW Constitution, these Rules, Title IV of the LMRDA, or other state or federal law.

Members will also be permitted to distribute campaign literature and to otherwise solicit support for a Candidate or Slate outside a meeting hall before, during, and after a Union meeting. With respect to campaigning at the workplace, campaigning members must comply with all employer rules or policies. Any discrimination by an employer between or among Candidates or Slates in permitting access to its property shall constitute an improper contribution to the Candidate(s) or Slate(s) who benefit from such discrimination and a potential Rules violation for the Candidate(s) or Slate(s).

Any threats, intimidation, retaliation, penalty, discipline, or improper interference or reprisal of any kind, or any similar conduct is strictly prohibited, and reports of such violations shall be investigated by the Monitor.

4-5 Retaliation and Discrimination

Retaliation or threat of retaliation by the UAW and/or its Local Unions; any officer, employee, or member of the UAW and/or its Local Unions; any employer; or other person or entity against a Union member, officer, or employee for exercising any right guaranteed by this or any other Section of the Rules is prohibited. This specifically includes each member's freedom to advocate for or against any Candidate or Slate, to run for or seek to run for International Office as a Candidate and/or to join any Slate, to donate funds to any Candidate or Slate, and to vote for or against any Candidate or Slate. Any rules or practices of any caucus or group within the Union that are contrary to this provision will be considered a violation of these Rules. Any and all appropriate disciplinary remedies may be imposed individually or collectively to groups, Slates, or other individuals, on a case-by-case basis, for such violation.

The UAW and/or its Local Unions; any officer, employee, or member of the UAW and/or its Local Unions; and any employer shall not discriminate or permit discrimination in favor of or against any Candidate or Slate in conjunction with its meetings or granting access to resources. Any discrimination between or among

Candidates or Slates in permitting access to its property shall constitute an improper contribution to the Candidate(s) or Slate(s) who benefit from such discrimination and a potential Rules violation for the Candidate(s) or Slate(s).

4-6 Prohibition on Use of Union/Employer Resources

Federal law prohibits the use of any union or employer resources to promote the candidacy of any person in a union election, and Union officers and employees may not campaign for a Candidate on time paid for by the Union. *See* LMRDA, Title IV, Section 401(g). This prohibition on the use of union or employer resources in candidate elections extends beyond funds to include things such as (but not limited to) computer equipment and networks, facilities, vehicles, paid time, and contact lists or systems that were created or compiled as part of official duties or functions. This prohibition extends to resources of the UAW or *any other union*, including the national/international, state association, local, and any other level. This prohibition extends to resources of any employer, whether or not they employ union members. This prohibition includes, by way of example, the following non-exhaustive list of expenditures:

- **Union or employer funds.** Union or employer funds cannot be used to pay for any expenditures in connection with advocating for or against any Candidate or Slate. This includes, but is not limited to, expenditures relating to mailings (whether postal or email), phone calling or text banking, hard copy literature distributed in any form, merchandising, promotional events or items, and advertising buys in any medium or jurisdiction.
- **Union or employer equipment.** Union or employer equipment (including copiers, computers, printers, telephones, cellular telephones, email, etc.), office space, office supplies, websites, newsletters, social media, membership lists, facilities, cash, or any other financial or in-kind resources cannot be used to advocate for or against any Candidate or Slate.
- **Union or employer information and data.** Data possessed by the Union or employers including, but not limited to, mailing lists, calling lists, worksite lists, and certified delegate lists do constitute resources of the Union or employers. They are excepted from the Title IV prohibition only under the

circumstances as described below in Sections 4-7, 4-8, 4-9, 4-10, and 4-11, provided that equal access to these resources is afforded to each Candidate and Slate as permitted by the Rules.

- **Union or employer time.** Advocacy for or against any Candidate or Slate—through oral or written speech—cannot be conducted on Union or employer time (including during Union meetings or training events). The sole exception to this rule is set forth below in Section 4-12 regarding a Candidate seeking access to Local Union meetings for campaigning. As described therein, this will be permitted, but other Candidates for the same office who are not members of that Local Union must be afforded an equal opportunity to access the Local Union meeting to campaign.

The Rules do not prevent Union officers and employees from advocating for or against a Candidate or Slate outside of working hours. Further, campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off is also not a violation of this Section. Any official or employee doing so should be careful to document that these efforts are outside of working hours in order to be able to justify these efforts if there is a future inquiry.

For the purposes of the Rules, “incidental” advocacy is not prohibited, such as responding to a direct question or statement regarding the 2022 Election, or correcting a misstatement. However, if such a response is protracted or otherwise interferes with the work of the Union, it may be deemed as advocacy using Union resources.

This list of prohibitions is not meant to be exhaustive.

To avoid any possibility of confusion, the Rules around advocacy for or against a Candidate or Slate set forth above do not apply to conversations around potential constitutional amendments or the Rules themselves.

4-7 Right to Access to the Global Mailing List

All Bona Fide Candidates, including Slates of Candidates, before or after being nominated at the UAW Convention, will have the opportunity to apply to make reasonable use of the list of the last known names, mailing addresses, and email addresses

of all members maintained by the Union (the “Global Mailing List,” referring to the entire list and any subset thereof). This includes individuals who are presumed to be Bona Fide Candidates based on the face of their submitted Candidate Declaration, pending factual determination by the Monitor. The Global Mailing List will be maintained by the Election Vendor and updated as per a schedule to be set forth by the Monitor at a later date. Requests from Candidates to use the Global Mailing List will be accepted by the Election Vendor at any time after the Election Vendor has commenced its work on this Election.

At no time will the Global Mailing List be released to any individual member or group. All mailings—whether postal mail or email—will be facilitated by the Election Vendor. Processes and procedures for utilizing membership mailing lists through the Election Vendor will be established. All costs for mailings will be the responsibility of the requesting Candidate or Slate of Candidates, and the Election Vendor will apply a uniform pricing schedule for all mailings associated with the 2022 Election.

The Global Mailing List may not be used for any purpose other than advancing the Candidate’s or Slate’s campaign for nomination and/or election. With the exception of Candidates and Slates of Candidates (pre- or post-nomination), no persons or entities will be permitted access to membership lists at any time, for any purpose. There shall be no discrimination in favor of or against any Candidate or Slate of Candidates with respect to the foregoing.

4-8 Phone Banking and Mass/Robo Texting

The Monitor has received requests for campaign access to include UAW members’ telephone numbers to the extent they are included on the LUIS database. Campaigning involving telephone calls and text messages will be permitted to the extent both feasible and lawful under various federal laws around telemarketing, including the Telephone Consumer Protection Act of 1991. The Monitor is looking into these issues, and additional guidance on this topic will follow.

4-9 Right to Inspect Worksite Lists

All Candidates shall have the right to obtain a current list of all sites, with corresponding addresses, where any and all Union members work. Requests to inspect or make notes from worksite lists shall be made to the Local Union leadership (including

the Local Union Recording Secretary) and shall be honored within a reasonable period. For Candidates seeking Regional Director offices, they may only obtain worksite lists covering members of those Local Unions within the jurisdiction of the regional area in which they are a Candidate. For Candidates seeking Regional Director offices in Region 4 or 8 or the to-be-rechartered Region 6, they may only obtain such materials covering members of those Local Unions which *will be* within the jurisdiction of the applicable regional area as it will exist once the new Region 6 has been chartered, *see* Section 3-3 herein. Such inspection is not to be used for any purpose other than campaigning for UAW International Office.

4-10 Right to Inspect Global Mailing List

All Candidates or Slates of Candidates have a right to inspect the Global Mailing List, as described further in Section 7-1 of these Rules. No membership list may be used for any purpose other than to advance the Candidate's campaign for nomination and/or election. There shall be no discrimination in favor of or against any Candidate with respect to the foregoing.

4-11 Right to Access Certified Delegate List

All Candidates or Slates of Candidates have the right to request and receive from the Office of the UAW Secretary-Treasurer a list of the names and Local Union numbers of all Convention delegates. All Candidate or Slate of Candidates have the right to make reasonable use of the list of the mailing/email addresses of all Convention delegates. At no time will the address list for Convention delegates be released to any individual member or group. All such mailings—whether postal mail or email—will be facilitated by the Election Vendor as per the same process and procedures set forth for the Global Mailing List referenced in Section 4-7 above.

4-12 Right to Access Membership Meetings

The Local Union leadership is responsible for ensuring that the Local Union complies with the Rules governing access by Candidates to regular meetings of a Local Union and for maintaining order at such meetings. With respect to access to Candidates, a Local Union shall not discriminate or permit discrimination in favor of or against any Candidate in conjunction with speaking at 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.

Each Candidate for International Office has the right to request from any Local Union a list of the dates, times, and places of its regularly scheduled general or special membership meeting(s), excepting meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc. Such requests shall be made in writing to the Local Union leadership and shall be honored within a reasonable period of time. A 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 allotted time equally between those Candidates (or their Credentialed Representatives) who request an opportunity to speak.

4-13 Candidate Forums

The Monitor shall have the authority to conduct voluntary International Officer Candidate forums. The forums shall be conducted to promote the fair, honest, open, and informed participation of the Union membership in the election of the International Officers.

The Monitor shall conduct at least one Candidate forum for all nominated Candidates for the position of International President. The Monitor may conduct other Candidate forums for Candidates nominated for any of the other International Officer positions. Candidates will be encouraged but not required to participate.

The forum for Candidates nominated for the position of International President shall be held in September 2022. The date, time, location, and format of the forum shall be determined by the Monitor, after consultation with the nominated Candidates or their representatives. The Monitor shall ensure that the forum is recorded and that the recording is posted on the Monitor website, and will provide the forum for posting on the website of the UAW.

The Monitor shall broadly publicize notice of the forum to the Union membership in advance of the forum, and shall distribute information about the forum and the recording of the forum to the Union membership. The manner of distribution shall be determined by the Monitor, after consultation with the Union and the nominated Candidates or their Credentialed Representatives. In making this determination, the Monitor shall consider how best to use available resources and technology to reach the broadest possible audience of the Union electorate at a reasonable cost.

4-14 *Solidarity Magazine*

All nominated Candidates or Slates of Candidates for International Office shall be presented the opportunity to have campaign literature in the summer 2022 edition of *Solidarity* magazine, which shall be mailed to all members in September 2022. The details around specific rules related thereto, including the apportionment of space for each of the nominated Candidates or Slates of Candidates, will be issued in advance of publication, including the deadline for nominated Candidates to have their submissions printed in the summer 2022 edition of *Solidarity* magazine.

4-15 UAW Websites and Other UAW Communication

Each nominated Candidate or Slate of Candidates has the right to have campaign literature published on the UAW website pursuant to these Rules. The campaign literature shall be accessible through a prominent link that reads “2022 International Election Campaign Literature” and appears on the homepage of the UAW website. All campaign literature to be published on the UAW websites shall be submitted no earlier than August 15, 2022. Campaign literature will be published within three (3) business days from the time it is received. The details around specific rules related thereto, including the apportionment of space for each of the nominated Candidates or Slates of Candidates, will be issued well in advance of the August 15 date. Local Unions may publish Candidate campaign literature on their websites, but if they do so, they must provide equal space for all Candidates in that race. Local Unions may also link to the UAW website. If a Candidate or Slate of Candidates wishes to request modification of its online campaign literature it may do so, and the content will be changed as soon as is reasonably possible.

No publication or communication financed, sponsored, or used, directly or indirectly, by the UAW and/or its Local Unions (including communications on any website or social media site) may be used to advocate for or against any Candidate or Slate of Candidates. The UAW and its Local Unions are permitted to issue communications containing **factual** information about the 2022 Election. To the extent there are any questions or concerns about the application of this rule, they may be advanced to the Monitor.

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SECTION 5: The Electorate

5-1 Rules for Determining Voter Eligibility

All UAW members in good standing as of **October 31, 2022**, are eligible to vote in the 2022 Election, including members who are part-time workers, reinstated members, and retired members (the “Electorate”). *See* LMRDA, Title IV, Section 401(e); UAW Constitution, Article 38, Section 10(a). A member's dues obligation must be current in order to be in good standing and be eligible to vote. This means that a member must not be delinquent in the payment of dues as of **October 31, 2022**. A member in good standing whose dues have been checked off by the employer may not be disqualified from voting because of any delay or failure by the employer to send the dues to the Local Union. A member who has failed to pay dues in a timely manner can lose good standing without any notice.

Members who work only part time but pay the required dues may not be denied the right to vote. Reinstated members who have regained good standing lost because of a previous dues delinquency cannot be restricted from voting. Any member in good standing who is retired shall be entitled to a “retired membership status” which, without being required to pay membership dues during the period of such retirement, shall entitle them to all of the privileges of membership (with certain enumerated exceptions), including the right to vote in this 2022 UAW International Officer Election. *See* UAW Constitution, Article 6, Section 19.

To have a vote counted in the UAW International Officer Election, however, members must ensure that they are in good standing by **October 31, 2022, at 5 p.m. EDT**. To be clear, only the votes of members in good standing as of the deadline will be counted. All Local Unions will have the responsibility of updating the UAW central database as to updated member standing **no later than November 7, 2022, at 5 p.m. EST**.

5-2 Verification of Voter Eligibility

The Election Vendor will prepare a database of eligible members for all ballot counts (the “Election Control Roster”). Prior to the commencement of any count of ballots, the eligibility to vote of each member who cast a ballot shall be verified by the Election Vendor. As referenced in Section 2-11 above, the Monitor, in consultation with

the UAW, will issue supplemental guidelines prior to the vote count detailing the procedures around creating and utilizing the Election Control Roster.

* * *

SECTION 6: Ballots and Slates

6-1 Ballots

Ballots will be mailed out to the Electorate on **October 17, 2022**. The ballots will include instructions which clearly state the manner in which members should mark their ballots. Any Candidate shall submit in writing by email to the Monitor how they wish their name to appear on the ballot. As described below, if a Candidate is a member of a Slate, there will be a designation of that Slate next to, below, or above the Candidate's name.

The Election Vendor will account for all ballots printed. Adequate controls and safeguards will be adopted to protect the ballots, such as counting the number of ballots received from the printer, maintaining ballots in a secure place prior to use, and keeping control of ballots and the ballot box at all times on election day. All used and unused ballots and other records pertaining to the 2022 Election will be maintained for one (1) year following the date the tabulation is complete and the unofficial results announced and posted. Election records include voter eligibility lists, sign-in registers, tally sheets, and any other documents or records used in the nominations and election.

6-2 Format of Ballot

If the delegates at the 2022 Constitution Convention choose a traditional Run-Off election system, the ballots shall instruct the voter to vote for no more than the number of vacancies in the specified Office (which is one (1) for all the Offices except Vice President, which is three (3)). If the delegates at the 2022 Constitutional Convention choose a ranked-choice (instant run-off) voting system, the ballots shall instruct the voters as to their option to rank the Candidates for each office, marking the Candidates in their order of preference.

6-3 Slates

Each Candidate shall have the right to seek nomination, be nominated, campaign and appear on the ballot for an International Officer position as a member of a Slate of Candidates. No Candidate shall be compelled to run as a member of a Slate. A Candidate

may associate themselves with more than one Slate, but they must provide notice that they intend to appear on multiple slates and receive written consent from each of the members of each Slate with which they plan to associate that they agree that the Candidate can do so, and they assume all the responsibilities for any and all Slates of which they are a member.

Any Candidate associating with more than one Slate must complete a Multiple Slate Affiliation Declaration Form (*see* Section 13). The number of Slate members shall not exceed a single Candidate for each open office (1 for International President, 1 for International Secretary-Treasurer, 3 for Vice President, and 1 for each of 9 Regional Director positions, totaling 14 Candidates).

To form a Slate, there shall be mutual consent between and among all Candidates running on the Slate. Such mutual consent shall be evidenced by the signing of a Slate Declaration Form (*see* Section 13) by all members of the Slate, providing the position that each Candidate seeks and the name of the Slate to be formed. Slate Declaration Forms for the 2022 Election shall be submitted to the Monitor at the earliest possible date but in no event later than **September 1, 2022**. Amended declarations may be submitted adding additional Candidates to the Slate, provided that the deadline of September 1, 2022 is met.

The Slate Declaration shall include the designation of a treasurer for the Slate who will be the point of contact for the Slate and have primary responsibility for any financial disclosures being submitted on behalf of the Slate. The Slate treasurer must be a member of the Union, but need not be a Candidate.

Should one or more members of a Slate be found ineligible to run, such ineligibility shall not affect the eligibility of remaining members of the Slate.

Since unanimity is required to be on a Slate, if a Slate of Candidates wishes to remove one or more previously-declared Candidates from the Slate, they may do so at any time by emailing the Monitor and copying all other members of the Slate. Similarly, if a candidate wishes to leave a Slate, they may do so in the same fashion. All Slate designations need to be finalized no later than September 1, 2022, as after that date, it should be presumed that the Ballot will reflect the Slate designations as of September 1, 2022.

6-4 Prohibition of Binding Slates

Notwithstanding the ability for Candidates to join Slates for the purpose of campaigning and recognition on the ballot, voters will not be required to vote for Candidates by Slate. Instead, voters must vote for individual Candidates for the different offices, and accordingly may select Candidates from various Slates if desired.

* * *

SECTION 7: Inspection and Observers

7-1 Inspection by Candidates

Each Candidate has the right, once within thirty (30) days prior to the casting of ballots in any election in which they are a Candidate, to inspect a list containing the last known names and addresses of all members of the Union who are to participate in the 2022 Election (also referenced above as the “Global Mailing List”). The right of inspection does not include the right to copy or reproduce the list in any manner (including by taking a photograph of the list) but does include the right to compare it with a personal list of members. The Union shall not, in any way, discriminate in favor of or against any Candidate with respect to access or use of the membership list. *See* LMRDA, Title IV, Section 401(c); UAW Constitution, Article 37, Section 9. Any request to inspect the Global Mailing List must be made via email to the Election Vendor, and it will be honored as soon as is practicable.

7-2 Observers

Each Candidate or Slate of Candidates shall have the right, at their expense, to have at least one (1) individual present to observe the printing, mailing, and counting of ballots. *See* LMRDA, Title IV, Section 401(c); UAW Constitution, Article 38, Section 10(g). Only a member in good standing may serve as an election observer. The Monitor reserves the right to limit the number of observers for each Candidate or Slate of Candidates. Candidates or Slates must inform the Monitor in writing by **September 1, 2022**, of the names of those individuals whom they have chosen to serve as observers for the printing and mailing of ballots; and by **November 1, 2022**, for those who will serve as observers for the counting of ballots. The Monitor shall provide reasonable notice to all Candidates or Slates of the dates, times, and places of all events or activities which Candidates or Slates may have the right to observe.

7-3 Observation of Ballot Printing and Mailing

Observers shall be permitted to inspect the ballot prototype prior to printing and the printer's certification of the number of ballots printed.

Observers shall be permitted to observe the entire mailing process. Observers shall be permitted to accompany the ballots to the U.S. Post Office or U.S. Postal Facility and to observe the mailing of the ballots. Observers shall be permitted to be present at the time(s) when those ballots returned as undelivered are picked up from the prescribed U.S. Post Office or U.S. Postal Facility and when the envelopes containing those ballots are inspected and counted. Observers shall further be permitted to be present when the cast ballots are picked up from the U.S. Post Office or U.S. Postal Facility and to accompany the transfer of such ballots to the location where they are to be counted. Notice shall be given to all Candidates of the times of such mail ballot pick-ups.

7-4 Observation of Vote Count

Observers shall be permitted to observe the election count. Observers shall be permitted to be present at the Secure Site. Observers may challenge the eligibility of any voter to vote and offer evidence in support of that challenge. Observers shall not interfere with the Monitor, members of the Monitor team, or the Election Vendor in their performance of duties, and must comply with all safety protocols issued by the Monitor, including those related to Covid-19. The Monitor may limit the number of observers otherwise permitted for each Candidate where security, space limitations, or other considerations so require, and may expel and bar any observers who do not comply with these rules. All Candidates and Slates shall be treated without discrimination.

The right to observe includes the right to inspect the opening and setup of the counting machine(s) before the count of the ballots commences and to observe the verification of the eligibility of members who have cast ballots; the determination of eligibility of those members whose right to vote is challenged; the opening of the returned ballot envelopes; the count of the votes; the recording of the final vote count; and the counting of the unused, voided, and spoiled ballots.

* * *

SECTION 8: Campaign Contributions and Disclosures

8-1 Overview

Section 8 of these Rules, which governs campaign contributions and political donations related to and in connection with the 2022 UAW International Officer Election, applies to Candidates, Slates of Candidates, and any other individual or group seeking to raise, donate, and/or expend resources in connection with the 2022 UAW International Officer Election (a “Covered Party”). **Funds raised by or donated to Candidates, Slates of Candidates, or Covered Parties can be used only for bona fide expenses related to the 2022 UAW International Officer Election and for no other purpose (or, with respect to leftover campaign funds, treated as set forth in Section 8-10 below—but at no time shall such funds be used for personal use).**

Funds raised, donated, or spent in connection with the 2022 UAW International Officer Election (including campaign contributions to a Candidate or Slate of Candidates or political donations raised or spent by a Covered Party, as defined below in Section 8-2 of the Rules) must comply with the requirements of Title IV of the LMRDA. Under Title IV of the LMRDA,

No moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such moneys of a labor organization may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

LMRDA, Title IV, Section 401(g). Put simply, federal law prohibits the use of any union or employer resources to promote the candidacy of any person in a union election. These Rules apply to all contributions received and all expenditures spent by a Candidate or Slate of Candidates seeking nomination or election as a UAW International Officer that they intend to expend in support of their candidacy, or all funds raised, donated or spent

by a Covered Party in connection with the 2022 Election, even if such funds were received prior to the effective date of the Rules.²⁷

Candidates, Slates of Candidates, and Covered Parties are strictly liable to ensure that any funds received, raised, donated, or spent are permitted under these Rules. Ignorance by a Candidate, a Slate of Candidates, or a Covered Party that union or employer funds were used to promote a candidacy or otherwise influence the 2022 Election shall not constitute a defense to an allegation of a violation of these Rules. It is the responsibility of the Candidate, Slate of Candidates, or Covered Party when raising, donating, or spending such funds to determine that:

- the contribution/funds came solely from the identified individual or entity disclosed to the Monitor (*see* Section 8-8 below), and not from any other person or entity, whether or not that person or entity is otherwise prohibited from making campaign contributions under these Rules (the **“True Source Rule”**); and
- the contribution/funds were collected, raised, donated, or spent voluntarily and for the unambiguous and express purpose of either (1) supporting a Candidate or Slate of Candidates in the 2022 UAW International Officer Election; or (2) furthering a political cause or goal in connection with the 2022 Election (the **“True Purpose Rule”**).

Regarding the application of the True Source Rule, the use of a “straw man” to mask the true origin of campaign contribution is strictly prohibited. Furthermore, any individual or Covered Party attempting to facilitate such an effort which explicitly violates these Rules will be sanctioned.

Previously-collected funds may be used only for campaign purposes if they comply with all the requirements set forth in this section, including the True Source Rule and True Purpose Rule. Any Candidate, Slate of Candidates, or Covered Party seeking to utilize previously collected funds will be required to trace the specific funds to the

²⁷ Previously-collected funds which run afoul of the True Purpose and True Source Rules will be prohibited from use during the 2022 Election, but any Candidate, Slate of Candidates or Covered Parties who collected or spent these prohibited funds prior to the issuance of these Rules will not be deemed to have violated the Rules for purposes of sanction under Section 8-11 or Section 10 of these Rules.

particular individual or entity and date of contribution, and to attest that the sole purpose of that contribution by that individual on that date was to support a Candidate or Slate of Candidates, or to further a political cause or goal in connection with the 2022 UAW International Officer Election. These Rules may impact the ability of Candidates, Slates, or Covered Parties to use multi-purpose funds, such as some of the so-called “flower funds,” in connection with the Election. Such funds are not categorically prohibited, but the individuals seeking to utilize them in connection with the Election must demonstrate complete adherence to the True Source Rule and True Purpose Rules, or the funds in question will not be usable. As noted below in Section 8-12, any question regarding whether previous funds may be used should be addressed to the Monitor at UAWMonitor-Election@jenner.com.

A Candidate, Slate of Candidates, or if an individual, a Covered Party, may spend as much of their own money on their campaign or the campaign of their Slate as the Candidate(s) or Covered Party(ies) wish(es), provided that the Candidate, Slate of Candidates, or Covered Party complies with the requirements found in this Section, including the True Source Rule and the disclosure requirements. For the purposes of these Rules, if a Candidate, a Slate of Candidates, or a Covered Party has control over previously-collected funds, including, but not limited, to funds collected through “flower funds” or other multi-purpose funding campaigns, they are not considered the Candidate’s, Slate of Candidates’, or Covered Party’s own money.

If a Candidate, Slate of Candidates, or Covered Party receives a prohibited contribution related to the 2022 Election, it must be returned promptly. In addition, within three days of the return of any contribution, the Candidate, Slate of Candidates, or Covered Party returning the contribution shall then provide to the Monitor a certification (the “Prohibited Contribution Return Form,” *see* Section 13), identifying the original source and date of the contribution being returned, the amount of the returned contribution, the person to whom or entity to which the contribution was returned, and the date on which the contribution was returned.

8-2 Definition of Campaign Contribution

The term “campaign contribution” means any direct or indirect contribution of money or other thing of value where the purpose, object, or foreseeable effect of that

contribution or the expenditure thereof is to influence, positively or negatively, the election of a Candidate or a Slate of Candidates for an International Officer position.

The term “political donation” refers to any direct or indirect contribution of money or other thing of value where the purpose, object, or foreseeable effect of its contribution or the expenditure thereof is to influence or impact the 2022 UAW International Officer Election.

Examples of campaign contributions or political donations include, but are not limited to:

- Contributions of money, securities, or any material thing of value;
- Payments to or subscriptions for fundraising events of any kind (*e.g.*, raffles, dinners, rallies, parties, etc.);
- Discounts in the price or cost of goods or services, except to the extent that commercially established discounts are available to the customers of the supplier;
- Extensions of credit, loans, and other similar forms of finance, except where obtained in the regular course of business of a commercial lending institution and on such terms and conditions as are regularly required by such institutions;
- Payment for the personal services of another person, or for the use of building or office space, equipment or supplies, or advertisements through the media; or
- Performance of personal services or the making available for use of space, equipment, supplies, or advertisements. The term “campaign contribution” or “political donation” does not include the performance of services by a volunteer during the volunteer's personal, free time, provided the donation is truly voluntary and not coerced, and the donation is not funded indirectly by a labor organization or an employer.

8-3 Prohibition of Contributions from Labor Organizations

Labor organizations, including, but not limited to, the UAW and its Local Unions, whether or not an employer, may not contribute any monies or anything of value to any campaign of any Candidate for UAW International Officer or any Slate of Candidates, or to any Covered Party raising, donating, and/or expending funds in connection with the 2022 Election, except as provided for in the Rules. This prohibition extends beyond strictly monetary contributions made by a labor organization to include a ban on in-kind assistance, including the use of the labor organization's stationery, equipment facilities, and the labor of union employees, personnel, or agents, unless the union is compensated for such use by the Candidate, Slate of Candidates, or Covered Party and unless all Candidates, Slates of Candidates, and Covered Parties are provided equal access to such goods and services and reasonable notice of their availability. In no case shall any Candidate, Slate of Candidates, or Covered Party use the Union's official stationery or any stationery that appears to be or is intended to appear to be the Union's official stationery.

The Monitor will closely scrutinize all conferences, events, meals, gifts, and other giveaway items purchased with Union funds which could be construed as campaign-related in purpose. Union funds must not be used to purchase any merchandise that is distributed to members that is branded with the name or otherwise identifying information of a Candidate, Slate of Candidates, or Covered Party. Any such previously purchased merchandise may not be distributed unless the candidate's name or otherwise identifying information is removed.

8-4 Prohibitions of Contributions from Employers

No employer may contribute money or anything of value to the campaign of any Candidate or Slate of Candidates, or donate to a Covered Party, in connection with the 2022 Election. No Candidate, Slate of Candidates, or Covered Party shall accept or use any monies or anything of value from any employer, representative of an employer, foundation, trust, or similar entity, in connection with the 2022 Election, except as specified below.

This prohibition is not limited to employers that have contracts with the Union; it extends to every employer, regardless of the nature of the employer's business, and includes, but is not limited to:

- any political action organization or labor organization that employs anyone;
- any union or labor organization (as referenced in Section 8-3);
- any nonprofit organization, such as a church or civic group, that employs anyone; and
- any law firm or professional organization that employs anyone.

This prohibition extends beyond strictly monetary contributions made by an employer to include a ban on in-kind assistance, including the use of employer stationery, equipment, facilities, and personnel, and applies even if the employer is unaware of the purposes for which its resources are being used.

8-5 Contributions for Legal and Accounting Services

Nothing prevents a Candidate, Slate of Candidates, or Covered Party from accepting legal or accounting services or financial support to pay for legal or accounting services provided that the services are obtained to assure compliance with applicable election laws, rules, or other requirements, or to secure, defend, or clarify their legal rights as a Candidate, and the services or financial support for such services are obtained from any person or entity other than:

- the Union or other organization or entity affiliated with, or within the jurisdiction of, the Union; or
- an “interested employer.”

An “interested employer” includes any employer or association of employers which is (a) a party to a collective bargaining agreement with the UAW and/or a Local Union; (b)

the subject of an organizing campaign by the UAW and/or a Local Union; or (c) concerned with, liable to, affected by, or has some self-interest in litigation brought by a member against the UAW and/or a Local Union.

Contributions of this kind are permitted only to the extent that they are used for the reasons specified above and not for the purpose of promoting the candidacy of a Candidate or Slate, and to the extent that they comply with the campaign finance disclosure requirements described herein.

8-6 Maintenance of Financial Records

A Candidate, Slate of Candidates, or Covered Party must:

- open and maintain a designated bank account or accounts into which they shall deposit any money they intend to spend on a campaign or other election-related effort (the “Primary Campaign Account(s)” and a “Campaign Account(s)”). Such funds shall include only (a) contributions from non-prohibited sources that comply with both the True Source Rule and True Purpose Rule; and (b) any of the Candidate’s personal campaign or election-related funds (or the personal campaign or election-related funds of the Candidates who are part of a Slate of Candidates), or to the extent a Covered Party is an individual, the Covered Party’s personal campaign or election-related funds;
- to the extent they receive contributions toward fees for legal or accounting services performed in ensuring compliance with applicable election laws, rules, or other requirements or in securing, defending, or clarifying their legal rights as a Candidate, Slate of Candidates, or Covered Party as described above in Section 8-5, open and maintain a second bank account into which only such legal or accounting services funds shall be deposited (the “Legal or Accounting Services Account” and a “Campaign Account”). Such funds must not be comingled with the other campaign or election-related funds deposited into their Primary Campaign Account(s);

- pay for campaign expenditures of \$100 or more by check or direct electronic transfer (such as Venmo, PayPal, Zelle, ApplePay, or similar service) drawn on the Campaign Account such that a record is automatically created of the expenditure being made from the Campaign Account; alternatively, a Candidate may use a credit card to pay for an expenditure of \$100 or more if it is not feasible to pay the expenditure directly with a check or direct electronic transfer, but in that event, they must pay off that credit card expense using a check or electronic transfer to assure that the expenditure will be documented as a deficit on the Campaign Account; to be clear, all campaign expenditures must be made from the Campaign Account;
- maintain a separate written record of every contributor's name, address, contribution amount, Local Union number (if a UAW member), and the date of each contribution, without regard to the size of the contribution;
- maintain all receipts or comparable written records demonstrating how the value of each in-kind contribution was determined (any goods, services or in-kind contributions must be valued at fair market value); and
- maintain clear, complete, and accurate records for all contributions received, expenditures incurred, and goods and services obtained (irrespective of dollar value) that demonstrate compliance with the Rules, the UAW Constitution, and applicable law. Such records shall include copies of all cancelled checks, bills, receipts, deposit slips, bank account statements, and any other documentation to verify contributions, expenditures, and services.

For funds collected or spent prior to the issuance of these Rules, each Candidate, Slate of Candidates, or Covered Party must do their best to collect or reassemble documentation fully consistent with the foregoing paragraphs. To the extent that is not possible, each Candidate, Slate of Candidates, or Covered Party must nonetheless have

sufficient documentation to demonstrate compliance with the True Source and True Purpose Rules, or the funds in question will not be permitted to be used in connection with the 2022 Election.

8-7 Access to Books and Records by the Monitor

The Monitor has complete and unfettered access to, including the right to make copies of, all books, documents, accounts, correspondence, files, data compilations, and other financial records of a Candidate, Slate of Candidates, or Covered Party. A Candidate, Slate of Candidates, or Covered Party must produce such material within twenty-four (24) hours of a written request by the Monitor.

8-8 Disclosure Statements

A Candidate, Slate of Candidates, or Covered Party must file with the Monitor monthly campaign contribution and political expenditure disclosure statements (the “Campaign Financial Disclosure Form,” *see* Section 13).²⁸ For a Candidate or Slate of Candidates, these forms are due to the Monitor (or, by designation, the Election Auditor) (1) within two weeks of the date the Candidate submits the Candidate Declaration and seeks official vetting by the Monitor pursuant to Section 3-2 of these Rules; and (2) by 5 p.m. ET on the first Friday of the month as follows:

- June 3, 2022
- July 1, 2022
- August 5, 2022
- September 2, 2022
- October 7, 2022
- November 4, 2022
- December 2, 2022

Additional disclosure dates may be required in the event of a Run-Off Election. For a Covered Party, these forms are due no later than 5 p.m. ET on the above-referenced dates.

²⁸ For the purposes of executing the accounting function around the collection, analysis, and auditing of the Campaign Financial Disclosure Forms and the information contained therein, the Monitor will employ the use of one or more vendors with expertise in this area (the “Election Auditor”).

Each Slate of Candidates and each Covered Party must designate a Treasurer to oversee that Slate's or Covered Party's election-related financials and to serve as the point of contact for the submission of financial disclosures and other requested information to the Monitor and/or Election Auditor. A Slate may designate one of its Credentialed Representatives to serve as Treasurer. Each individual Candidate must either serve as Treasurer of their own campaign or designate one of their Credentialed Representatives to serve as Treasurer of their campaign for purposes of such financial oversight and disclosures.

Each Candidate or Slate of Candidates shall have the right to inspect the campaign contribution and political expenditure disclosure statements of other Candidates, Slates of Candidates, and Covered Parties in redacted form. The Monitor reserves the right to limit the personal identifying information on the redacted forms made available for inspection.

A Candidate, Slate of Candidates, or Covered Party must account for any contribution they receive, raise, donate, or expend in connection with the 2022 Election regardless of size and collect and preserve the same information required for disclosure as described below, and must provide it to the Monitor or Election Auditor immediately upon the Monitor's request (*see also* Section 8-7 above).

A Candidate, Slate of Candidates, or Covered Party must disclose the following information on their Campaign Financial Disclosure Form:

- **Contributions from individuals:** for every individual who has contributed \$100 or more—either in one or more contributions whose total value equals or exceeds \$100—the following information: the individual's name, address, and Local Union affiliation (if a UAW member); the date(s) and amount(s) of the contribution(s); and the manner in which the contribution was made (check, cash, money order, or some other means) or, if the contribution was of material or equipment, a description of the contribution and the value attributed to it. Candidates, Slates of Candidates, and Covered Parties may also report contributions under \$100 if they so choose.
- **Contributions from entities:** if an entity not otherwise prohibited by these Rules has contributed \$100 or more—either in one or more contributions

whose total value equals or exceeds \$100—the following information: the name, address, and Local Union affiliation (if a UAW member) of an official representative of the entity; the date(s) and amount(s) of the contribution(s); and the manner in which the contribution was made (check, cash, money order, or some other means) or, if the contribution was of material or equipment, a description of the contribution and the value attributed to it. Candidates, Slates of Candidates, and Covered Parties may also report contributions under \$100 if they so choose.

- **Expenditures incurred or goods or services obtained:** for any expenditure incurred of \$100 or more or for anything of value, good, or service obtained of \$100 or more in value, the following information: the name and address of the person or business providing the good or service; the amount of the expenditure incurred or the value of the good or service obtained; the purpose of the expenditure incurred or the good or service obtained; the date the expenditure was incurred or the good or service received; and the manner in which the expenditure was made (check, electronic transfer, or, if necessary, credit card).

Important Note: where a campaign (or Covered Party, in connection with the 2022 Election) receives anything of value, or obtains or uses a good or service, and the thing, good, or service was provided at other than fair market value, the difference between the fair market value and the amount actually paid is a **contribution**. Such a contribution is permitted only to the extent provided for in these Rules and under federal labor law and, if permitted, must be disclosed in accordance with this Section.

- **Campaign account balances:** the cash balance of the Campaign Account(s) at the beginning and end of the reporting period, the total amount of contributions received, the total amount of expenditures incurred, and the total amount of goods and services obtained.
- **Account information:** for the Campaign Account(s), the following information: the name and address of the bank or other depository institution at which the account is maintained; the name of the account

signatories; the account numbers; and the date the account was opened and, if applicable, closed.

These disclosure requirements also apply to any contributions received, expenditures incurred, or services obtained by a Candidate, Slate of Candidates, or Covered Party to pay fees for legal and accounting services performed in ensuring compliance with applicable election laws, rules, or other requirements, or in securing, defending, or clarifying the legal rights of Candidates, Slates of Candidates, or Covered Parties as described above in Section 8-5.

Every Candidate, Slate of Candidates, or Covered Party is required to give to the Monitor and Election Auditor formal written consent to obtain all information concerning the depository account(s) (Campaign Account(s)) in which they have placed any contributions. The Monitor's and Election Auditor's access shall extend, but is not limited to, all financial statements, cancelled checks, and copies of deposited items.

8-9 Notice to Contributors and Sources of Funds

It is required that Candidates, Slates of Candidates, and Covered Parties advise all prospective contributors prior to accepting any contribution that identifying information about them will be disclosed on the Monitor's Campaign Financial Disclosure Form and potentially made public. With respect to funds already collected at the time of the issuance of these Rules, Candidates, Slates of Candidates, and Covered Parties must similarly disclose to contributors that their information will be disclosed on the Monitor's Campaign Financial Disclosure Form and potentially made public, and give those contributors the option of withdrawing their contribution. By accepting a contribution, Candidates, Slates of Candidates, and Covered Parties are exclusively liable for any potential claim raised by a contributor arising from the disclosure of their identifying information under these Rules.

It is strongly recommended that each Candidate, Slate of Candidates, and Covered Party notifies all prospective contributors of the limitations on campaign contributions prescribed by these Rules. It is thus strongly recommended that all campaign literature soliciting contributions specifically provide that no contributions by employers or labor organizations may be made or accepted. It is strongly recommended that similar disclaimers be issued at all fundraising events.

8-10 Leftover Campaign Funds

Funds remaining in the Campaign Account(s) of a Candidate, Slate of Candidates, or Covered Party at the time the certification of the 2022 Election shall be either (1) returned to contributors on a pro rata basis; (2) donated to a charity approved by the Monitor; (3) donated to the campaign of another Candidate or Slate of Candidates for the 2022 Election, including any Run-Off Election; or (4) maintained in the designated account for a future election. Any Candidate, Slate of Candidates, or Covered Parties electing option #4 must maintain the funds in the designated Campaign Account until such time that the funds are transferred to another Campaign Account for use in connection with a future election. Until that time, the Candidate, Slate of Candidates, or Covered Parties responsible for the funds must provide the Monitor with quarterly Campaign Financial Disclosure Statements accounting for the leftover funds in the designated Campaign Account, due on the 15th day of January, April, May, and October.

The Candidate, Slate of Candidates, or Covered Party may also take any of these approved actions prior to the certification of the 2022 Election, such as in the event that a Candidate fails to be nominated at the Convention, or fails to qualify for any Run-Off Election—but a Candidate, Slate of Candidates, or Covered Party shall certify how the campaign funds were disposed of no later than sixty (60) days after certification of the results of the 2022 Election, by completing a Leftover Campaign Funds Form attesting to the disposition (*see* Section 13). A Candidate, Slate of Candidates, or Covered Party may apply for an extension of the date for disposal of the remaining funds upon a showing of good cause.

At no time may leftover campaign funds be used for any personal purpose.

8-11 Remedial Action for Contribution or Disclosure Violations

Any Candidate, Slate of Candidates, or Covered Party who fails to comply with the campaign finance and disclosure rules described herein is subject to disciplinary action by the Monitor, including, without limitation, restitution, fines, campaign suspension, or expulsion from the UAW.

8-12 Questions on Campaign Contributions and Disclosure Rules

We strongly encourage any Candidate, Slate of Candidates, or Covered Parties to contact the Monitor to clarify any issue with these Rules. Any questions on interpretation of these Rules should be submitted to the Monitor in writing to our email election hotline (“Hotline”) at UAWMonitor-Election@jenner.com. A member of the Monitor team will respond directly, and the Monitor will also publish answers to FAQs on the Monitor website, at www.uawmonitor.com/elections. Shortly after the publication of these Rules, the Monitor will host an online forum at which any interested party can ask questions about the campaign finance system, and a recording of that forum will be maintained on the Monitor’s website.

* * *

SECTION 9: Protest and Appeal Procedures; Remedies; Rerun Elections

9-1 Right to File Protest

Any member of the Union in good standing may file a protest alleging noncompliance with these Rules, or appeal from any decision concerning a protest, free from any direct or indirect retaliation or threat of retaliation by any Union officer, member, Candidate, or Covered Party (as defined in Section 8-1 above), or by any other person or entity for such filing. With respect to any protest, it shall be the burden of the protestor to present evidence that a violation has occurred. No protest of any person or entity shall be considered if such person or entity, or anyone acting under their direction or control or on their behalf, caused or significantly contributed to the situation giving rise to such protest.

With the exception of rulings on candidate eligibility which can be appealed to the Adjudications Officer, as prescribed by the Consent Decree and set forth in Section 9-6 below, decisions resulting from the process set forth in these rules for adjudicating protests shall be “final” decisions for the purpose of any appeal that may be made the Secretary of Labor and OLMS pursuant to the LMRDA, 29 U.S.C. § 401, *et seq.*”²⁹ In other words, irrespective of rulings made under these Rules, an aggrieved member can seek redress with the Secretary of Labor and OLMS, if they believe a violation of the LMRDA occurred, as long as they have exhausted the “internal” remedies of filing a complaint/protest with the Monitor.³⁰ As set forth in Section 402(a) of Title IV of the LMRDA, “a member of a labor organization (1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or (2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation, may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers).”

²⁹ Consent Decree ¶ 13.

³⁰ For more information on the regulations governing the Secretary of Labor and OLMS’s review of election issues, visit <https://www.dol.gov/agencies/olms/compliance-assistance/interpretative-manual/400-elections-and-removal>.

9-2 Pre-Election Protests

Protests concerning conduct occurring on or before November 28, 2022 (“pre-election protests”), shall be filed with the Monitor and processed in the following manner:

- (a) Protests regarding alleged violations of the LMRDA or UAW Constitution occurring prior to the date of issuance of these Rules must be filed with the Monitor within the latter of thirty (30) calendar days of the date of issuance of these rules (*i.e.*, by June 30, 2022) or ten (10) calendar days of the day when the protestor becomes aware or reasonably should have become aware of the action protested, or such protests shall be waived as to internal adjudication (which in the 2022 Election is being overseen by the Monitor).
- (b) Except as otherwise provided in Section 9-2(d) below, all other pre-election protests must be filed within ten (10) calendar days of the day when the protestor becomes aware or reasonably should have become aware of the action protested or such protests shall be waived as to internal adjudication (which in the 2022 Election is being overseen by the Monitor).
- (c) Examples of appropriate Section 9-2(a) and (b) pre-election protests include, but are not limited to, the following:
 - (1) Protests regarding eligibility or nomination of Candidates (however, an appeal by a prospective candidate who is determined to be ineligible for International Office and disallowed from running under Section 3-2 of these Rules must be appealed through the process set forth in Section 9-6 below and in paragraphs 47-48 of the Consent Decree, and if not appealed through that process may not be otherwise appealed or challenged).³¹
 - (2) Protests regarding alleged failures to provide proper access to the membership, including, *e.g.*, alleged violations of these Rules

³¹ Similarly, the United States or UAW may seek Court review of a decision by the Monitor or the Court-appointed Adjudications Officer to disallow or not to disallow a prospective candidate to run for International Office, pursuant to procedures set forth in the Consent Decree (*see* Consent Decree ¶¶ 48-49).

regarding access to worksite lists, to Union meetings and publications, or to employer premises;

- (3) Protests regarding alleged improper or inequitable treatment of the Candidate or their supporters by the Union, by any other labor organization or by an employer, including improper handling of the Candidate's request for mailings by the Union, improper or inequitable denial of access to the membership or to relevant information by the Union, by any other labor organization, or by an employer, and improper or inequitable aid or support, financial or otherwise, given or denied, a Candidate or their supporters by the Union, by any other labor organization, or by an employer;
 - (4) Protests regarding alleged improper contributions, application or use of prohibited funds and resources under these Rules; and
 - (5) Protests regarding alleged improper pre-election threats, coercion, intimidation, acts of violence, or retaliation for the exercise of rights protected by these Rules.
- (d) Protests concerning the nomination of a Candidate for International Office shall be filed no later than **August 5, 2022**, or such protests shall be waived as to internal adjudication (which in the 2022 Election is being overseen by the Monitor).
- (e) A protest must be filed in writing and sent by email to the Monitor. The protest shall contain a clear and concise statement of the grounds for the protest and the complainant's name, address, phone number, and Local Union affiliation. The complainant bears the burden of presenting evidence of the alleged improper conduct. Unlike with information provided to the Monitor confidentially—such as Hotline reports of misconduct or Rule violations—a formal election protest will not remain confidential. The Monitor will provide a copy of the protest to any other person or entity whom the Monitor determines may be a subject of the protest decision or remedy. The Monitor thus cannot provide anonymity to an individual or entity lodging a pre-election protest. The person or entity whom the

Monitor determines may be a subject of the protest decision or remedy shall have the opportunity to present evidence and/or legal argument to the Monitor.

- (f) Within a reasonable amount of time after receipt of a protest, the Monitor shall either:
 - (1) determine the merits of the protest and, if found meritorious, determine the appropriate remedy; or
 - (2) defer making a determination until after the election and thereby treat the matter as a post-election protest pursuant to Section 9-3 below, as if such protest was filed on election day.

The Monitor will notify the following individuals or entities of the decision in writing: the complainant, the Union officials or members involved, any Candidate adversely affected, and any person or entity who is the subject of the decision or remedy.

- (g) If necessary to evaluate a protest, the Monitor may commence and conduct a protest hearing as soon as is practicable after notifying the parties involved. The hearing will be conducted during business hours and may be adjourned by the Monitor as necessary to continue conducting the hearing during business hours. The Monitor shall determine whether the hearing shall be conducted in person, by videoconference, or by telephone. The following individuals may participate in any hearing: the complainant and/or their representative; any representative of the Union official or member involved or their representative; any person or entity who is the subject of the decision or remedy and that person or entity's representative; and any other person who obtains the permission of the Monitor. Within a reasonable amount of time after the conclusion of the hearing, the Monitor shall issue a written decision making findings of fact and ordering appropriate relief.
- (h) The Monitor shall have the authority to obtain, or to have the UAW obtain and provide, information necessary to assist in resolving any protest. The

Union (including Local Unions and all other subordinate entities) and all members, Candidates, Slates of Candidates, and Covered Parties are required to cooperate with the Monitor. Failure to cooperate with the Monitor (including making false statements to the Monitor or the Monitor's representative) may result in a disciplinary action brought under the Consent Decree³² or such other remedy as the Monitor deems appropriate.

- (i) In the Monitor's discretion, the Monitor may excuse a missed deadline and choose to adjudicate a pre-election protest that does not abide by the foregoing filing deadlines.

9-3 Post-Election Protests

Protests concerning conduct occurring on or after November 29, 2022 ("post-election protests") shall be filed with the Monitor and processed in the following manner:

- (a) Protests regarding any alleged improper election day or post-election conduct or event must be filed by the later of:
 - (1) fifteen (15) calendar days of the unofficial announcement of the applicable 2022 Election results; or
 - (2) five (5) business days of the date when the protestor becomes aware or reasonably should have become aware of the action protested.

If the above time limits are not met, the protest shall be waived as to internal adjudication (which in the 2022 Election is being overseen by the Monitor).

- (b) Post-election protests shall be considered and remedied only if the alleged violation may have affected the outcome of the 2022 Election, except that any timely protest alleging improper threats, coercion, intimidation, or acts of violence or retaliation for exercising any right protected by these Rules may be considered and remedied without regard to whether the alleged violation affected the outcome of the 2022 Election.

³² See Consent Decree ¶¶ 18(d), 29.

- (c) A protest must be filed in writing and sent by email to the Monitor. The protest shall contain a clear and concise statement of the grounds for the protest and the complainant's name, address, phone number and Local Union affiliation. The complainant bears the burden of presenting evidence of the alleged improper conduct. Unlike with information provided to the Monitor confidentially—such as Hotline reports of misconduct or Rule violations—a formal election protest will not remain confidential. The Monitor must provide a copy of the protest to any other person or entity whom the Monitor determines may be a subject of the protest decision or remedy. The Monitor thus cannot provide anonymity to a complainant lodging a post-election protest. The person or entity whom the Monitor determines may be a subject of the protest decision or remedy shall have the opportunity to present evidence and/or legal argument to the Monitor.
- (e) Within a reasonable period of time after receipt of a protest under Section 9-3(a), the Monitor shall determine the merits of the protest and, if found meritorious, determine the appropriate remedy, and notify the following individuals or entities of the decision in writing: the complainant, the Union officials or members involved, any Candidate adversely affected, and any person or entity who is the subject of the decision or remedy.
- (f) In the Monitor's discretion, the Monitor may excuse a missed deadline and choose to adjudicate a post-election protest that does not abide by the foregoing filing deadlines.

9-4 Remedies

If as a result of any protest filed or any investigation undertaken by the Monitor with or without a protest, the Monitor determines that the Rules have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest, open, and informed election, the Monitor may take whatever remedial action that is appropriate. Such remedial action may include, without limitation:

- (a) imposing fines and other monetary penalties;

- (b) placing a Candidate on the ballot or removing any Candidate from the ballot;
- (c) qualifying or disqualifying any member from seeking an International Officer position based on failure to meet the criteria set forth by the Consent Decree and the UAW Constitution and as set forth in Sections 3-1 and 3-2 of these Rules;
- (d) qualifying or disqualifying any member from voting;
- (e) altering or rescinding internal Union discipline;
- (f) reinstating or removing a member's good standing status;
- (g) ordering expulsion from the Union;
- (h) requiring or limiting access;
- (i) requiring the UAW and/or its Local Unions to mail or otherwise distribute, at its own expense, Candidate campaign materials;
- (j) mailing or otherwise distributing Candidate or Slate campaign materials;
- (k) requiring the UAW and/or its Local Unions to hold meeting(s) and prescribing the content of such meeting(s);
- (l) requiring the return of campaign contributions;
- (m) requiring reimbursement for goods or services;
- (n) requiring the UAW and/or its Local Unions to provide Candidate(s) or Slates with specific goods or services;
- (o) designating or altering the method(s) for nomination or voting;

- (p) establishing or altering the time, method(s), or location(s) for ballot counting;
- (q) qualifying persons other than a Candidate's representatives to serve as observers;
- (r) disqualifying observers;
- (s) ordering entry for observers and regulating the number and conduct of observers;
- (t) permitting or barring any delegate from participating in the Convention nomination process;
- (u) certifying or refusing to certify the results of any election;
- (v) ordering the rerun of any nomination or election, or any portion thereof, and requiring the Union or a Union member to pay for distribution of election materials;
- (w) conducting any nomination or election, or any portion thereof;
- (x) requiring immediate compliance with these Rules, or any portion thereof; and
- (y) requiring reinstatement of an employee or rescission of other disciplinary penalties.

9-5 Appeals in General

The adjudication of an election protest under these Rules shall be final within the context of the 2022 Election and its Rules (with the exception of decisions regarding eligibility to run for office as discussed in Section 9-6 below). Nothing in these Rules is intended to limit or restrict any remedy available to a member from the Secretary of Labor

and OLMS pursuant to the LMRDA, 29 U.S.C. § 401, *et seq.*³³ An aggrieved member can always seek redress with the Secretary of Labor and OLMS if they believe a violation of the LMRDA occurred, as long as they have exhausted the “internal” remedies of filing a complaint/protest with the Monitor.

9-6 Appeals of Prohibition from Running for Office

A decision of the Monitor that a prospective candidate is not eligible to run for International Office under the Consent Decree, UAW Constitution, and Section 3-1 of these Rules, and to disallow a person from running for International Office under the Consent Decree and Section 3-2 of these Rules, may be appealed by filing a written appeal to the Court-appointed Adjudications Officer, Gil M. Soffer of Katten Muchin Rosenman LLP, within seven (7) days of such action by the Monitor, pursuant to the process set forth in paragraphs 47 and 48 of the Consent Decree.

As set forth in paragraph 47 of the Consent Decree, the Monitor’s decision, all papers or other material relied upon by the Monitor, and the papers filed or issued pursuant to this appeal procedure shall constitute the exclusive record for review by the Adjudications Officer. The Adjudications Officer shall review the Monitor’s determination under the standards applicable to federal appeals. The Adjudications Officer shall issue a written decision within 10 days after he receives such appeal. Upon application by the Adjudications Officer, the Court may extend the relevant time period in which the Adjudications Officer may render a decision for an additional 10-day period for good cause shown, but all appeals must be briefed in time for the Adjudications Officer to render a final decision at least three weeks in advance of “any election of International Officers.”³⁴ For the purposes of this Election, and to provide the person an opportunity to appeal the Adjudications Officer’s ruling to the Court prior to the printing of ballots, any briefing in connection with any such appeal to the Adjudications Officer must be completed by **September 1, 2022**, except as the Adjudications Officer may extend such date as appropriate.

As set forth in paragraph 48 of the Consent Decree, if the Adjudications Officer upholds the Monitor’s determination and disallows the prospective candidate from

³³ Consent Decree ¶ 13.

³⁴ Consent Decree ¶ 47.

running for International Office, the prospective candidate may further appeal to the District Court within 14 days of the Adjudications Officer's decision. "The Monitor's or Adjudications Officer's decision(s), all papers or other material relied upon by the Monitor or Adjudications Officer and the papers filed or issued pursuant to this appeal procedure shall constitute the exclusive record for review. The Monitor's or Adjudications Officer's decisions pursuant to the Consent Decree shall be reviewed by the Court under the substantial evidence standard set forth in 5 U.S.C. § 706(2)(E). Materials considered by the Monitor or Adjudications Officer but withheld from the appellant and the public, which contain sensitive information provided by a law enforcement agency may be submitted to the Court for *ex parte*, in camera consideration and may remain sealed if the Court authorizes sealing under the provisions of Eastern District of Michigan Local Rule 5.3. The Court will make a determination as to the fairness of the disallowance process in light of the sensitive information provided by the law enforcement agency."³⁵ Ideally, this process would conclude prior to the printing of ballots in late September 2022.

Also as set forth in paragraphs 48 and 49 of the Consent Decree, the UAW or the United States may seek the Court's review of a decision not to disallow a person to seek or obtain International Office. Further, the UAW or the United States may seek the Court's review of the Monitor's or Adjudications Officer's decision to disallow, or not to disallow, a person to seek or obtain International Office. Any such appeal to the Court must be filed within 14 days of the decision being appealed or such other time as the Court directs to permit a decision at least 14 days before the 2022 Election.³⁶

Any decision by the Monitor regarding a person's candidacy which is not appealed in accordance with the terms of the Consent Decree and these Rules may not be appealed or otherwise challenged.³⁷

9-7 Rerun Elections

Should the Monitor refuse to certify any election, the Monitor shall then immediately order that a Rerun election be held, including, if necessary, the rerunning of the nomination process.

³⁵ Consent Decree ¶ 48.

³⁶ Consent Decree ¶¶ 48-49.

³⁷ Consent Decree ¶ 48

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SECTION 10: Election-Related Conduct Subject to Disciplinary Charges

10-1 Overview of Conduct

In addition to election related remedies, the Monitor may also bring (or refer) disciplinary charges for, or enjoin;

- election-related conduct that falls within the Monitor's charging authority under paragraph 29 of the Consent Decree, including direct or indirect obstruction or interference with the work of the Monitor or the Monitor's designee³⁸; or
- the conduct enumerated below (which may constitute interference with the Monitor's work as defined under the Consent Decree and thus subject to discipline).

Any violations that may constitute violations of law may also be referred to the appropriate authorities, such as OLMS and DOJ.

10-2 Enumerated Examples of Misconduct

- **Collecting or inspecting ballots.** Requesting, receiving, collecting, taking, completing, or inspecting another member's ballot, or requiring any member to complete a ballot in the presence of any other person.
- **Giving one's ballot to another person.** Surrendering, providing, or giving an election ballot to any other person. This provision does not prevent a member from mailing the ballot to the Election Vendor as provided for in the Rules or giving a completed and sealed ballot to an immediate family member for this purpose (as long as that immediate family member is not a Candidate) or giving a ballot to the Monitor in the course of an investigation. It also does not prevent a UAW member from receiving

³⁸ See Consent Decree ¶ 18(d).

assistance from someone to mark the ballot in the member's presence if necessary due to disability or illiteracy.

- **False representations regarding ballot secrecy.** Falsely representing, for the purpose of influencing any member's choice of Candidate(s) or decision to cast a ballot, that the balloting is not secret or that any person or entity is capable of determining how any individual member voted.
- **Campaigning with union or employer funds.** Using union or employer funds in any way, except as permitted in these Rules, to promote any Candidate to be an International Officer.
- **Misusing the membership list.** Misappropriating any Union membership or voter eligibility list or the information contained therein, or providing such list or information to any person for any purpose other than for conducting or participating in a campaign conducted pursuant to these Election Rules to be an International Officer.
- **Interfering with the exercise of political rights.** Extorting, committing or threatening physical violence, or taking any adverse economic action against any member for supporting or failing to support any Candidate to be an International Officer or for the exercise or failure to exercise any political right guaranteed under the Rules, the UAW Constitution, federal labor law, state or local law, or the United States Constitution in the course of the 2022 Election. The term "adverse economic action" includes, but is not limited to, action affecting a member's employment, Union job referral status, or Union membership status or position. The term "extortion" means impeding a member's exercise of political rights, with his consent, induced by wrongful use of actual or threatened force, violence, fear, or under color of official right.
- **Voting fraud.** Engaging in any scheme or artifice designed to permit ineligible members to vote, prevent eligible members from voting, prevent the ballots of any members from being received by the Election Vendor, or prevent the ballots of eligible members from being counted.

- **Ballot tampering.** Tampering with any completed ballot.
- **False statements and testimony.** Providing false statements or testimony to the Monitor in any submissions or proceedings, including the protest procedures under the Rules.
- **Suborning perjury and obstructing proceedings.** Suborning perjury or using intimidation, extortion, bribery, physical force, or threat thereof, or misleading conduct, to persuade another person to:
 - delay or prevent the testimony of any person;
 - withhold testimony or other evidence;
 - alter, destroy, mutilate, or conceal any object or document with the intent to impair use, review, or inspection of the object or document;
 - evade process summoning a person to appear as a witness or to produce a document or other object; or
 - be absent after having been properly summoned as a witness in any election hearing under the Rules or disciplinary proceeding brought under this Section and the Consent Decree.
- **Failure to supervise.** Every Candidate is responsible for supervising their staff, including, but not limited to, campaign workers, organizers, consultants, and observers who are working or volunteering for that Candidate's nomination and election. A Candidate commits an election offense if they knowingly permit any person associated with their campaign to violate, or attempt or conspire to violate, any of the enumerated election offenses, or to commit any conduct that is chargeable under the Consent Decree in the course of campaigning, or knowing of such offense, fails to report a description of the conduct and the person committing it in a prompt and timely fashion to the Monitor.

A member who knowingly and intentionally aids, abets, counsels, commands, induces, procures, or causes the commission of any of these offenses is subject to the same charges and discipline as the person who directly commits the offense. A member is also subject to disciplinary charges if they attempt or conspire to commit any of the foregoing offenses or any other conduct that is chargeable under the Consent Decree.

* * *

SECTION 11: Rights and Duties Under Labor-Management Reporting & Disclosure Act of 1959

11-1 Relevant Regulations

The regulations set forth in the Labor-Management Reporting & Disclosure Act of 1959, as amended (the "LMRDA"), 29 U.S.C. §§ 401-531 (1988) are incorporated into and made a part of these Rules. For reference, some of the most relevant provisions to creation of these Rules include the following:

- LMRDA § 101(a)(1) (equal rights and privileges);
- LMRDA § 101(a)(2) (freedom of expression and assembly);
- LMRDA § 401(a) (election of international union officers by secret ballot);
- LMRDA § 401(c) (distribution of campaign literature; prohibition against discrimination in use of union membership list; inspection of membership list; safeguards to insure fair election);
- LMRDA § 401(e) (reasonable opportunity to nominate; eligibility to hold office; voting and campaigning without interference or reprisal; notice of election; right to vote; preservation of election records; following union constitution and bylaws where consistent with the LMRDA);
- LMRDA § 401(g) (prohibition on use of union or employer assistance in campaigning);
- LMRDA § 402 (enforcement); and;
- LMRDA § 609 (prohibition on union discipline for exercising rights under the LMRDA).

Insofar as the foregoing sections of the LMRDA may regulate conduct unrelated to nominations or elections of International Officers, they are not incorporated into the Rules.

* * *

SECTION 12: Administration of the Rules and UAW Constitution

12-1 The Rules

The Rules for the 2022 UAW International Officer Election have been drafted pursuant to the Consent Decree and the UAW Constitution. The Monitor expressly reserves the right to issue orders to enforce the Rules and any rights and prohibitions contained therein, and to make application to the Court for enforcement as may be required. The Rules are not intended to be exhaustive and may be amended without notice at any time by the Monitor in consultation with the UAW. Additional or supplemental rules may be promulgated as needed.

12-2 Extraterritorial Application of Rules

The Rules apply to all nominations, elections, and related activities occurring in connection with the 2022 UAW International Officer Election, both inside and outside the territorial jurisdiction of the United States. No distinction shall be made between nominations and elections, or related activities, conducted within the United States and those conducted outside the United States.

12-3 UAW Constitution

The UAW Constitution applies to any and all aspects of the 2022 UAW International Officer Election. To the extent the Rules deviate from the current UAW Constitution, language will be drafted to amend the UAW Constitution to adopt the direct election system at the 2022 Convention.

12-4 Role of the IEB and the UAW

International Officers and employees, staff, or other officials of the UAW and its constituent entities shall carry out their responsibilities under the Rules free of discrimination or partisanship.

* * *

SECTION 13: Forms

13-1 Election Forms

In consultation with the UAW, the Monitor will adopt forms for use in connection with the 2022 UAW International Officer Election. A duplicate or an exact replica must be used.

Copies of relevant forms will be available and updated on the Monitor website at www.uawmonitor.com/elections, and the forms will be available on the UAW website as well.

13-2 List of Forms

- Candidate Declaration Form [*Rules, Section 3-2*]
- Credentialed Representative Form [*Rules, Section 4-2*]
- Slate Declaration Form [*Rules, Section 6-3*]
- Multiple Slate Affiliation Declaration Form [*Rules, Section 6-3*]
- Prohibited Contribution Return Form [*Rules, Section 8-1*]
- Campaign Financial Disclosure Form [*Rules, Section 8-8*]
- Leftover Campaign Funds Form [*Rules, Section 8-10*]

* * *

SECTION 14: Effective Date

The Rules shall be effective as of their date of issuance, except that provisions of the UAW Constitution and of the LMRDA, which are incorporated into the Rules, shall be effective as of the date of their adoption.

These Rules have been issued as of May 11, 2022.

* * *

DEFINITIONS

<u><i>Term</i></u>	<u><i>Definition</i></u>
2022 Election	Also referred to as “2022 UAW International Officer Election.” Election of UAW International Officers to be held in 2022. First UAW election of International Officers to occur pursuant to a direct election system.
2022 UAW International Officer Election	Also referred to as “2022 Election,” see definition above.
Adjudications Officer	Gil M. Soffer of Katten Muchin Rosenman LLP. Mr. Soffer was appointed by the Court on September 9, 2021, pursuant to the terms of the Consent Decree. In the event that the Monitor prohibits any prospective candidate from running for International Office as ineligible, the prospective candidate may appeal the Monitor’s determination to the Adjudications Officer.
Bona Fide Candidate	Also referred to as “Candidate.” An individual seeking office will be considered a Bona Fide Candidate as defined by Section 452.80 of Title 29 of the code of Federal Regulations by submitting to the Monitor a declaration on certain qualifications to hold International Office. The individual’s Bona Fide Candidate status will not be final until vetted by the Monitor team. If a Bona Fide Candidate is not nominated at the Convention, they will no longer be considered a Bona Fide Candidate. A Bona Fide Candidate will have certain rights to enable them to conduct an effective election campaign, as described in the Rules.

<u><i>Term</i></u>	<u><i>Definition</i></u>
Campaigning	Affirmatively advocating for or against the election of a particular Candidate or Slate. Campaigning can be conducted through oral or written speech. Campaigning can be conducted directly or by facilitating or managing others who campaign and engage in related activities.
Campaign Account	A bank account opened and maintained by a Candidate, Slate, or Covered Party into which they must deposit any money they intend to spend on a campaign or other election-related effort.
Campaign Contribution	Any direct or indirect contribution of money or other thing of value where the purpose, object, or foreseeable effect of that contribution or the expenditure thereof is to influence, positively or negatively, the election of a Candidate or a Slate of Candidates for an International Officer position. A campaign contribution does not include the performance of services by a volunteer during the volunteer's personal, free time, provided the donation is truly voluntary and not coerced, and the donation is not funded indirectly by a labor organization or an employer.
Candidate	Also referred to as "Bona Fide Candidate," see definition above.

<u>Term</u>	<u>Definition</u>
Candidate Forum	An organized event conducted by the Monitor during which Candidates running for office are invited to publicly express their positions on various campaign issues. The Monitor will conduct at least one Candidate forum for all nominated Candidates for International President, to be held in September 2022. The Monitor may conduct other Candidate forums for Candidates nominated for any of the other International Officer positions.
Consent Decree	Consent Decree entered on January 29, 2021, in the matter of <i>United States v. International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America</i> , 20-cv-13293 (DML-RSW) (E.D. Mich.), concluding civil litigation brought by DOJ against the UAW.
Convention	UAW Constitutional Convention. The Thirty-Eighth Convention will be held July 25-28, 2022, at Huntington Place in Detroit, Michigan. Among other things, Convention delegates will nominate individuals to run for UAW International Office and will vote on constitutional amendments.
Court or District Court	United States District Court for the Eastern District of Michigan.

<u><i>Term</i></u>	<u><i>Definition</i></u>
Covered Party	Any other individual or group, in addition to Candidates or Slates, seeking to raise donate, and/or expend resources in connection with the 2022 UAW International Officer Election. Covered Parties, like Candidates and Slates, are subject to the campaign finance rules set forth in Section 8 of the Rules.
Credentialed Representative	An individual member authorized by a Candidate or Slate to have the same campaigning and access rights described in Section 4 of the Rules as are permitted the Candidate and Slate. Each Candidate or Slate may authorize up to five (5) members in good standing to serve as their Credentialed Representative(s).
Election Auditor	Vendor(s) employed by the Monitor to execute the accounting function around the collection, analysis, and auditing of the campaign finance disclosure forms that must be completed by Candidates, Slates, and Covered Parties, and the information therein.
Election Control Roster	A database of eligible members for all ballot counts, which will be prepared by the Election Vendor.
Election Observer	An individual who may, on behalf of a Candidate or Slate, observe the printing, mailing, and/or counting of ballots. An election observer must be a member in good standing of the UAW.
Election Vendor	Election vendor(s) selected by the UAW in consultation with the Monitor to oversee all mailings, collections, and tabulations of the secret ballots in connection with the 2022 Election.

<u><i>Term</i></u>	<u><i>Definition</i></u>
Electorate	All UAW members in good standing as of October 31, 2022, and therefore eligible to vote in the 2022 Election, including members who are part-time workers, reinstated members, and retired members.
Global Mailing List	UAW-maintained list of the last known names, mailing addresses, and email addresses of all UAW members.
IEB	The UAW's International Executive Board, comprising the International President, International Secretary-Treasurer, International Vice Presidents, and Regional Directors (also, the "International Officers").
Interested Employer	Any employer or association of employers which is: (a) a party to a collective bargaining agreement with the Union and/or a Local Union; (b) the subject of an organizing campaign by the Union and/or a Local Union; or (c) concerned with, liable to, affected by or has some self-interest in litigation brought by a member against the Union and/or a Local Union.
International Officers	The UAW International President, International Secretary-Treasurer, International Vice Presidents, and Regional Directors, who comprise the UAW's International Executive Board ("IEB").
LMRDA	Labor-Management Reporting and Disclosure Act of 1959.
LUIS	Local Union Information System, the UAW's centralized membership database.

<u><i>Term</i></u>	<u><i>Definition</i></u>
Monitor	Neil M. Barofsky of Jenner & Block LLP, Independent Monitor of the UAW. Mr. Barofsky was appointed by the Court on May 12, 2021, pursuant to the terms of the Consent Decree.
OLMS	The U.S. Department of Labor's Office of Labor-Management Standards.
Political Donation	Any direct or indirect contribution of money or other thing of value where the purpose, object, or foreseeable effect of its contribution or the expenditure thereof is to influence or impact the 2022 Election. A political donation does not include the performance of services by a volunteer during the volunteer's personal, free time, provided the donation is truly voluntary and not coerced, and the donation is not funded directly or indirectly by a labor organization or an employer.
Ranked-Choice Voting System	Voting system utilizing ranked-choice voting ballots, in which voters can choose to rank the Candidates in a sequence of preference on their initial ballot so that no separate run-off ballots are ever required. If no one gets a majority on the basis of solely first choices, there is effectively an instant run-off that eliminates Candidates in a series of rounds. This is sometimes referred to as an "instant run-off." This system is one of the two options available to Convention delegates, who will be asked to decide on the voting methodology for the 2022 Election.

<u><i>Term</i></u>	<u><i>Definition</i></u>
Referendum	Union-wide referendum vote, held in 2021, on the question of how the UAW's International President and other members of the IEB were to be elected in the Union's future International Officer elections. Result of the vote determined that the UAW would switch from a delegate election system to a direct election system in which UAW members will vote directly for the International Officers.
Rules	Official Rules for the 2022 International Officer Election of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW). The Rules will also remain in effect for future UAW International Officer elections unless and until modified by the Monitor, in consultation with the UAW.
Run-Off Election	A traditional run-off election by mail of the top vote-getters in any given race in the event no Candidate has secured a majority of the votes. If the delegates at the Convention choose a traditional Run-Off Election, a Run-Off Election will be held for any such office, on a schedule to be set by the Monitor in consultation with the UAW.

<u><i>Term</i></u>	<u><i>Definition</i></u>
Secure Site	A secure site in the United States, obtained by the Election Vendor, for the counting of ballots. Ballots shall be transported to the Secure Site from the receiving U.S. Post Offices or Postal Facilities by the Election Vendor, with security protocols established by the Election Vendor and approved by the Monitor in consultation with the UAW.
Slate	A slate of Candidates, which is a grouping, by mutual consent, of two or more Candidates. Each Candidate has the right to seek nomination, be nominated, campaign, and appear on the ballot for an International Officer position as a member of a Slate.
True Source Rule	2022 Election campaign finance rule whereby Candidates, Slates, and Covered Parties must ensure that any contributions and/or funds came solely from the identified individual or entity disclosed to the Monitor in the required monthly campaign contribution and political expenditure disclosure statements, and not from any other person or entity. The use of a “straw man” to mask the true origin of a campaign contribution is strictly prohibited.

<u><i>Term</i></u>	<u><i>Definition</i></u>
True Purpose Rule	2022 Election campaign finance rule whereby Candidates, Slates, and Covered Parties must ensure that any contributions and/or funds were collected, raised, donated, or spent voluntarily and for the unambiguous and express purpose of either (1) supporting a Candidate or Slate of Candidates in the 2022 Election; or (2) furthering a political cause or goal in connection with the 2022 Election.
UAW	Aka the “Union.” The International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America.
Union	Aka the “UAW.” The International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America.
Voter Eligibility Deadline	Deadline by which members must be in good standing in order to have their vote counted in the 2022 Election (October 31, 2022, at 5 p.m. EDT).

* * *

MONITOR ELECTION TEAM

Neil Barofsky, Monitor
Lori Day | Matthew Gordon | Kelsey Stimple
Jenner & Block LLP

Glen McGorty | Lisa Umans
Crowell & Moring LLP

All election-related inquiries should be directed to:
UAWMonitor-Election@jenner.com or 212-303-2529.

All formal protests related to the 2022 Election should be delivered to:

Neil Barofsky, Monitor
Jenner & Block LLP
1155 Avenue of the Americas
New York, NY 10036
or UAWMonitor-Election@jenner.com

Please visit the Monitor's website, www.uawmonitor.com/elections.

Exhibit A



Inter-Office Correspondence

March 24, 2022

To: International Executive Board

From: Ray Curry

Subject: **Eligibility of Retired Members to Run for International Executive Board Member Offices**

As part of its activities related to rules to govern the election of IEB Member positions, by written communication dated March 15, 2022 the Court-appointed Monitor has identified a ripe issue for consideration by the International Union. In particular, the Monitor's representative has requested that the General President's Office issue a Constitutional Interpretation on the question of whether retired members are eligible to run for IEB Member positions (International President, International Secretary-Treasurer, International Vice-Presidents and Regional Directors).

The IEB had prior discussion on this matter earlier this year. There is both internal UAW law and applicable federal labor law that informs my conclusion that retirees, while valued members of our International Union, should not be eligible to run for these International offices, and I ask for your consent to my determination.

The UAW Constitution at Article 6, Section 19 generally describes the rights of retired members. That provision specifies that retired members are ineligible to vote in elections conducted pursuant to Article 19, Section 3 (contract ratification votes); Article 45, Section 2 (votes for local union stewards and committeepersons, both positions having grievance handling and contract negotiating responsibilities) and Article 50, Sections 1 and 5 (strike authorization votes). An Interpretation of the Constitution was issued over sixty (60) years ago which clarified that retired members are ineligible to vote for local union position(s) which carry responsibility for grievances or bargaining even if there are other duties also associated with such positions. (See UAW Constitution Article 6, Section 19(1) Interpretation.)

In addition to these explicit constitutional restrictions on retirees' voting on certain matters, there similarly have been long-standing determinations that retirees should not be eligible to be candidates for certain local offices. The UAW's institutional policy for excluding retirees from voting in, or holding, union positions which involve grievance handling or collective bargaining responsibilities is premised on the notion that retirees' primary interests extend to retirement benefits, potentially to the detriment or in conflict with active employees' interests in wage rates, hours, working conditions, and other terms of active employment.

As the UAW's Public Review Board put it in a case involving retiree involvement in collective bargaining:

"This is a good rule. Retired members are not as accountable to the current Union membership as active ones. They may be less accessible. They may also be more prone to represent the interests of other retired members instead of current members. All of these factors may diminish the ability of the Union to react to the changing nature of the work place. They may also expose the Union to legal liability...."

Pearson v Local 140 PRB Case 1534 (February 15, 2006), pp 7-8.

This rationale that active members should be in charge of collective bargaining informs our judgement that retirees should not be eligible to run for those International offices that direct or lead or oversee the union's bargaining efforts. UAW IEB Members are directly involved in collective bargaining. All UAW bargaining units contain certifications of the International Union and its Local Union(s) as the authorized representative of individuals employed by the Company. UAW IEB Members who serve as Officers direct National Departments that negotiate and administer multi-unit collective bargaining agreements (e.g., General Motors, Ford, Stellantis, Deere & Co., Caterpillar, Volvo/Mack Trucks, Navistar, Daimler Trucks/Freightliner, etc.). The UAW Constitution provides that the duties of IEB members – which includes Officers as well as Regional Directors - includes participation and review of negotiated labor agreements and resolution of bargaining disputes. (UAW Constitution at Article 13, Section 25.)

Accordingly, in my view the existing internal law of the Union supports a limitation on retiree members running for or serving as IEB members. Similarly, federal Department of Labor regulations on union election eligibility requirements support as reasonable restrictions on the eligibility for office of non-active members, providing that: "It would ordinarily be reasonable for a union to require candidates to be employed at the trade or even to have been so employed for a reasonable period." 29 CFR § 452.41(a).

Under these circumstances, in accordance with the powers vested in the International President under Article 13, Section 8 of the Constitution to decide questions concerning or involving interpretation of the Constitution, I hereby adopt the two following Constitutional Interpretations:

* * * * *

Article 6
Membership
Section 19

**(4) Eligibility of Retired Members to Run for International Executive Board Offices
(International President, International Secretary-Treasurer, International Vice-
Presidents or Regional Director)**

Retired members are ineligible to be nominated, run for, or be elected as an International Executive Board Member (an elective officer of the International Union or International Executive Board Member as identified in Article 10, Section 1 and Article 10, Section 21 of the International Constitution) as all such International Executive Board Member positions carry collective bargaining and grievance handling responsibilities. (Detroit, 4/1/2022, Page xxx.)

Article 10
Officers and Elections
Section 6

**(4) Eligibility of Retired Members to Run for International Executive Board Offices
(International President, International Secretary-Treasurer, International Vice-
Presidents or Regional Director)**

Retired members are ineligible to be nominated, run for, or be elected as an International Executive Board Member (an elective officer of the International Union or International Executive Board Member as identified in Article 10, Section 1 and Article 10, Section 21 of the International Constitution) as all such International Executive Board Member positions carry collective bargaining and grievance handling responsibilities. (Detroit, 4/1/2022, Page xxx.)

* * * * *

Under Article 12, Section 6 of the Constitution, the IEB has the ability to review any interpretation issued by the International President. In an effort to provide timely guidance to our members and potential candidates and to be responsive to the inquiry from the Monitor's representative, I seek IEB consent to this interpretation.

RC:bw
opeiu494
cc: Tim Bressler
Todd Brien
Abigail Carter

DOCUMENT 2

2022 UAW International Officer Election -
Rules for Observers

2022 INTERNATIONAL OFFICER ELECTION
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW)

RULES FOR OBSERVERS

Observer Rule 1: Overview

All Candidates, representatives of the UAW, representatives of the Monitor team, and representatives of the Department of Labor's Office of Labor-Management Standards are invited to observe the printing, mailing, and counting of the ballots. In addition, pursuant to Section 7-2 of the Election Rules, each Candidate or Slate of Candidates shall have the right, at their expense, to have at least one (1) individual present to observe the printing, mailing, and counting of ballots, the Monitor issues these Rules for Observers (the "Observer Rules"). A Slate is entitled to have at least one (1) individual observer in addition to any observers representing the Slate's constituent Candidates. If a Candidate or Slate of Candidates requests more than (1) individual to observe any of these activities, reasonable requests will be accommodated. The Monitor reserves the right to restrict the total number of observers for any activity in order to comply with safety and security issues, or to otherwise comply with the Election Rules.

To serve as an observer, an individual must (1) be a UAW member in good standing at the time they perform observer duties and (2) be in compliance with both the Election Rules and these Observer Rules, including but not limited to Observer Rule 5 (Covid-19 Safety Guidelines). Observers may be present for the printing, mailing, and picking up of ballots from the designated postal facility, as well as the scanning and sorting processes prior to the vote count ("Pre-Count Activities"). Observers may also be present for the performance of voter eligibility checks and the processing and counting of voted ballots during the vote count ("Count Activities"). Per Section 7-2 of the Election Rules, Candidates and Slates must inform the Monitor in writing at UAWMonitor-Election@jenner.com by **September 1, 2022**, of the names of those individuals whom they have chosen to serve as observers for Pre-Count Activities; and by **November 1, 2022**, for those who will serve as observers for Count Activities.

Once the Monitor has received the names of each Candidate's or Slate's observer(s), and has confirmed the the observer(s) are in compliance with both the Election Rules and these Observer Rules, then the names and contact information of approved observers will be forwarded to the Merriman River Group (the "Election Vendor"), who will be

responsible for supervising security and observer access for the Pre-Count Activities and Count Activities. The Election Vendor will issue observer badges to approved observers at the time they report for observer duty.

Observer Rule 2: Printing Plant and Mail House

Pursuant to Section 7-3 of the Election Rules, observers may be present while ballots are being printed and mailed to the UAW membership. Observers may also inspect the ballot prototype prior to printing and the printer's certification of the number of ballots printed.

The printing of ballots will take place at Christian Edwards Print & Graphics (CIE), a sub-vendor of the Election Vendor, located at 2700 Bell Avenue, Des Moines, IA 50321 (the "Printing Plant"). Ballot printing and folding will start on or about **September 7, 2022, and conclude on or about September 15, 2022**. To access the Printing Plant, observers must enter through the main entrance where Election Vendor staff will issue observer badges to approved observers. Observer badges must be worn at all times while at the Printing Plant and surrendered to Election Vendor staff before leaving for the day. Observers wishing to access the Printing Plant to observe the printing of ballots must contact Paul Dever at pdever@merrimanriver.com no fewer than three (3) days prior to the day of observation.

Preparation for the mailing of ballots, including the ink jetting of labels and ballot package assembly, will take place at Rees Associates, a sub-vendor of the Election Vendor, located at 1800 SW 2nd St, Des Moines, IA 50315 (the "Mail House"). Mail House operations will begin on or about **September 16, 2022, and continue until the first formal distribution of mail-in ballots on October 17, 2022**. Staff members from Rees Associates and the Election Vendor will transfer all ballots to be distributed in the first formal distribution of ballots to the custody of the United States Postal Service on October 17, 2022. To access the Mail House, observers must enter through the main entrance where Election Vendor staff will issue observer badges to approved observers. Observer badges must be worn at all times while at the Mail House and surrendered to Election Vendor staff before leaving for the day. Observers wishing to access the Mail House to observe any of the above described activities must contact Paul Dever at pdever@merrimanriver.com no fewer than three (3) days prior to the day of observation. Observers wishing to accompany Rees Associates and Election Vendor staff to the post office for the mailing of ballots must contact Paul Dever at pdever@merrimanriver.com to arrange access on the day of mailing.

Election Vendor staff will assign designated areas within both the Printing Plant and the Mail House from which the Pre-Count Activities may be observed. Observers may not interfere with the Pre-Count Activities. At both the Printing Plant and the Mail House, ballots will be secured, locked, and sealed when not in an active production process. Any and all questions must be directed to the Election Vendor's on-site staff, who may provide an answer or refer the inquiry to the Monitor.

Observer Rule 3: Pre-Count Activities

All voted ballots will be returned to one of nine post office boxes at the central USPS post office in Dayton, Ohio, located at 1111 E. 5th Street, Dayton, OH 45401 (the "Dayton Post Office"). Ballots which are not able to be delivered to UAW members because of incorrect addressee information will be returned to a separate post office box at the Dayton Post Office and considered returned as undeliverable ("RAU"). Starting on Monday October 24, 2022 at 10:00 am ET, Election Vendor staff will begin to pick up returned voted ballots and RAUs, and store them at a secure facility located at 155 Harrisburg Dr., Englewood OH 45322, just outside of Dayton, Ohio (the "Count Site").

All ballots will be counted at the Count Site. The Count Site is a stand-alone warehouse building with off-street parking.

Beginning on October 24, 2022, the following Pre-Count Activities will be conducted at the Count Site:

- Daily pick-up of returned ballots and RAUs, Monday through Saturday at 10:00 am ET;
- Return of ballots and RAUs to the Count Site for storage in a secure area of the Count Site where ballots will be locked when not in active process ("the Ballot Security Room");
- Electronic scanning of envelope bar codes for both returned ballots and RAUs at the Count Site;
- Sorting of returned ballots by Region and Local Union;
- Fielding of calls from UAW members for ballot replacements through the "Call Center" (*see below*);
- Processing and mailing of new and replacement ballots.

These Pre-Count Activities will take place at the Count Site, Monday through Friday from 9 am ET until 5 pm ET, with the exception of the Call Center, which will operate Monday through Friday from 8 am ET until 8 pm ET and on Saturday from 9 am ET until 5 pm ET. The telephone number to reach Election Vendor staff during Pre-Count

Activities at the Count Site is 202-215-0066.

Please note the following limitations around the observation of certain Pre-Count Activities involving the Count Site:

- **Mail pick-up/drop off:** Each Candidate and Slate of Candidates may have one observer accompany Election Vendor staff to the Dayton Post Office to be present for the pick-up of returned ballots and RAUs and/or the mailing of new or replacement ballots.
- **Ballot Security Room:** When not undergoing an active process, all ballots will be stored in the Ballot Security Room. Election Vendor security personnel will be stationed, and videotaping equipment installed, at all access points to the Ballot Security Room, which will be monitored on a 24-7 basis. The Ballot Security Room will be locked unless there is activity involving the ballots stored in the room. Access to the Ballot Security Room will be limited to the Monitor and his staff, designated Election Vendor staff, and security personnel. However, when the Ballot Security Room is open and active, each Candidate and Slate of Candidates may have at least one observer positioned in an area designated by the Monitor and his staff from which observation will be permitted.
- **Returned Ballot Sort:** Once returned ballots are retrieved from the Dayton Post Office and brought to the Count Site, the unopened business reply envelopes that contain the returned ballots will be scanned and sorted by Region and by Local Union. This data input and sort process will be conducted by Election Vendor staff and will take place at worktables on the Count Site Floor, just outside of the Ballot Security Room. During this process, each Candidate and Slate of Candidates may have one observer present near the work tables to observe that activity. As this process only involves the sorting of unopened business reply envelopes, and not the returned ballots themselves, challenges regarding voter eligibility will not be permitted. Once the sorting process is complete, the unopened business reply envelopes containing the returned ballots will be stored in the Ballot Security Room for safekeeping.
- **Call Center:** The Election Vendor will have staff positioned in a dedicated area at the Count Site (the "Call Center"), to respond to telephone calls with requests for new or replacement ballots or for information about the Election. Call Center staff will also try to obtain updated address information for members whose ballots are returned as undeliverable.

(RAU). Because of the need for relative quiet to handle the calls, there will be no regular observer stations set up at the Call Center. However, observers representing any Candidate or Slate of Candidates may request that an Election Vendor staff member escort them to a location where the Call Center may be visually observed and may remain in that location for a short observation period of up to 10 minutes to become familiar with the Call Center activity. The number of times observers may visit the Call Center each day and the number of observers that may visit the Call Center at one time will be determined at the discretion of the Monitor and his staff and/or the Election Vendor.

- **Ballot mailings:** As new addresses are found for members whose ballots were returned as undeliverable (RAU) by the Postal Service, new ballot packages will be prepared and sent to those members. Additionally, Call Center activity may generate requests from UAW members for new or replacement ballots. All of these new ballots will be prepared in an area on the Count Site Floor just outside of the Ballot Security Room (the “Re-mail Area”). Once prepared, these ballots will be stored in the Ballot Security Room until they are taken to the Dayton Post Office at the time of the next mail pick-up. During this process, each Candidate and Slate of Candidates may have one observer present near the work tables in the Re-mail Area to observe that activity.

To access the Count Site, observers must enter through the main entrance where Election Vendor staff will issue observer badges to approved observers. Observer badges must be worn at all times while at the Count Site and surrendered to Election Vendor staff before leaving the facility for the day. Observers with observer badges will be permitted on the Count Site Floor in designated areas from which they may observe Pre-Count Activities. While at the Count Site, observers must not interfere with any of the Pre-Count Activities or Count Activities and must observe the following Count Site rules:

- Cell phones may never be used on the floor of the Count Site or in the Ballot Security Room.
- Cameras may never be used on the floor of the Count Site, or in the Ballot Security Room.
- No coats, jackets, bags, or briefcases are allowed on the floor of the Count Site or the Ballot Security Room.
- No food or beverages are allowed on the floor of the Count Site or the Ballot Security Room. Smoking is not allowed anywhere inside the Count Site.

- Candidates and observers may not touch ballot envelopes, ballots, ballot trays, Election Vendor staff or workers, or other observers.

Any and all questions regarding the Count Site must be directed to the Election Vendor's on-site staff, who may provide an answer to the observer or refer the inquiry to the Monitor.

Observers wishing to access the Count Site to observe Pre-Count Activities must contact Paul Dever at pdever@merrimanriver.com no fewer than five (5) days prior to the day of observation.

Observer Rule 4: Vote Counting

The Monitor will issue Vote Counting Rules and corresponding Supplemental Observer Rules, including rules regarding the processing and tabulating of returned ballots, before the November 1, 2022 deadline for Candidates and Slates of Candidates to designate their observers for the vote count. The Vote Counting Rules and corresponding Supplemental Observer Rules will provide Candidates and Slates of Candidates with detailed information about the layout of the Count Site, including the processing lines and locations of eligibility scanning, ballot envelope processing and extraction, and ballot tabulation. The Supplemental Observer Rules will also indicate any limitations on the number of observers permitted for Count Activities and the location of where observers may be positioned during Count Activities.

Observer Rule 5: Covid-19 Safety Guidelines

All Candidates observers wishing to enter the Printing Plant, Mail House, or Count Site (the "Facilities") must be current in their protection against the Covid-19 virus. As set forth by the CDC, "current in their protection" means that the individual has received two doses of either a Pfizer or Moderna vaccine, a single Johnson & Johnson vaccine, or two doses of a Novavax vaccine, and has received the appropriate booster(s) for their age group. Each Candidate or Slate of Candidates is responsible for ascertaining and certifying to the Monitor the protection status for each of their observers.

Activity at the Facilities will be conducted in accordance with public health regulations and guidance pertaining to Covid-19. Candidates and observers will be required to show proof of vaccination for entry to the Facilities and may also be subject to other screening procedures that may be in place and recommended by the CDC at the time of observation. Restrictions on public gatherings applicable as of the date of the event may require changes in layout to the respective Facilities, individuals to wear

personal protective masks, or other limitations. Candidates and Slates of Candidates will be advised of any such changes to these Rules.

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DOCUMENT 3

2022 UAW International Officer Election -
Candidate Forum Rules

2022 INTERNATIONAL OFFICER ELECTION
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW)

CANDIDATE FORUM RULES

Pursuant to Section 4-13 of the Election Rules, the Monitor issues these Candidate Forum Rules for the voluntary International Officer Candidate Forums.

Candidate Forum Rule 1: Overview

The Candidate Forums shall be conducted to promote the fair, honest, open, and informed participation of the Union membership of the International Officers. Pursuant to Section 4-13 of the Election Rules, the Monitor shall conduct at least one Candidate Forum for all nominated Candidates for the position of International President, and the Monitor may conduct other Candidate Forums for Candidates nominated for any of the other International Officer positions.

Pursuant to these Candidate Forum Rules, the Monitor shall conduct voluntary Candidate Forums for the following three offices: one (1) International President; one (1) International Secretary-Treasurer; and three (3) International Vice Presidents. Nominated Candidates for each of these offices shall be permitted but not required to participate in their respective Candidate Forum according to the procedures described herein.

The Candidate Forums will take place via Zoom videoconference webinar on

- **September 15, 2022** for International Secretary-Treasurer Candidates;
- **September 19, 2022** for International Vice President Candidates;
- **September 22, 2022** for International President Candidates.

The Candidate Forums for International Secretary-Treasurer and International President Candidates will begin promptly at 6 pm ET. The Candidate Forum for International Vice President Candidates will begin promptly at 5 pm ET. The Candidate Forums for the positions of International President and International Vice President will last approximately two hours. The Candidate Forum for the position of Secretary-Treasurer will last approximately one hour.

Candidates must log in to the International Secretary-Treasurer and International

President Candidate Forum **by 5:45 pm ET** or the International Vice President Candidate Forum **by 4:45 pm ET** in order to check-in with the Monitor Team.

Candidate Forum Rule 2: Public Access

Each Candidate Forum will be livestreamed and open for public viewing. The Zoom webinar log-in information for each Candidate Forum will be posted on the Monitor's website, www.uawmonitor.com/elections. Each Candidate Forum will also be broadcast live¹ over YouTube, so that if the Zoom webinar reaches maximum capacity, additional viewers may observe via the YouTube stream. A link to the YouTube stream will also be made available on the Monitor's website, www.uawmonitor.com/elections. All YouTube video and Zoom chat and/or comment functions will be disabled.

Each Candidate Forum webinar will be recorded and later posted to the Monitor's website, www.uawmonitor.com/elections, so that all UAW members who wish to view the Candidate Forums may do so at their convenience. The Monitor will also provide the recordings for posting on the UAW website.

The Monitor shall send an email to all email addresses on the Global Mailing List in advance of the Candidate Forums to publicize the dates and viewing methods. After the conclusion of all Candidate Forums but before ballots begin to be distributed on October 17, 2022, the Monitor shall send another email to all email addresses on the Global Mailing List reminding members of the upcoming ballot distribution and directing them to the recordings of the Candidate Forums on the Monitor's website.

Candidate Forum Rule 3: Format

The Candidate Forum will be moderated by an independent moderator not affiliated with the UAW or the Monitor team (the "Moderator").

The Moderator will have ultimate responsibility for determining what questions to pose during the Candidate Forums. Any member who wishes to submit a question for the Moderator to consider including in any or all of the Candidate Forums may do so by emailing the question to the Monitor at UAWMonitor-Election@jenner.com with the subject line "Candidate Forum Question." The email should specify:

- Whether the question relates to a specific Candidate or Candidate Forum and, if so, which one.

¹ "Live" subject to the possibility of a slight delay due to technological constraints.

- Whether the individual submitting the question wishes to be identified with the question or remain anonymous.
- Whether the individual submitting the question is a member in good standing of the UAW and, if so, their Local Union number. This information will be kept confidential by the Monitor team unless the individual indicates, per the above, that they wish to be identified in connection with their question.

Questions should be submitted no later than **24 hours** before the relevant Candidate Forum. The submission of a question does not guarantee that the question will be presented at a Candidate Forum and the Moderator retains discretion to include, exclude or otherwise edit submitted questions.

The only participants who will be able to appear on camera or speak in the Candidate Forum Zoom will be the Candidates themselves, the Moderator, and members of the Monitor team. Other individuals may join the Zoom as guests solely for the purpose of viewing the Candidate Forum, and will not appear on camera.

All chat and/or comment functions on both the Zoom and YouTube feed will be disabled. Any questions or concerns that arise during a Candidate Forum should be directed to the Monitor Team at UAWMonitor-Election@jenner.com. These messages will be visible only to members of the Monitor team.

At the outset of each Candidate Forum, the Moderator will offer brief remarks and then each Candidate will be allotted three (3) minutes to provide an opening statement. The order of speakers will be determined by lot by the Monitor and provided to the Candidates before the Candidate Forum begins.

The Moderator will then begin directing questions to Candidates. The questions will be on issues of relevance to the UAW membership, but the questions themselves will not be provided to Candidates in advance of the Candidate Forum. The Moderator will regularly alternate between Candidates. For the International President and International Secretary-Treasurer Forums, the Candidate to whom the question is directed will have up to two (2) minutes to respond. The other Candidate(s) will then each have up to one (1) minute for rebuttal or comment. Finally, the Candidate to whom the question was originally posed will have up to 30 seconds for rebuttal. For the International Vice President Forum, the Candidate to whom the question is directed will have up to 90 seconds to respond. The other Candidate(s) will then each have up to 45 seconds for rebuttal or comment. Finally, the Candidate to whom the question was

originally posed will have up to 30 seconds for rebuttal. For all Forums, the Moderator has discretion to extend the discussion and grant additional time to one or more specific Candidates.

After the question portion of the Candidate Forum, each Candidate will have the opportunity to present a three (3) minute closing statement. The order of speakers will be the same as that for the opening statements.

When not speaking, all Candidates must mute their microphones. Candidates are prohibited from interrupting other speakers and are only permitted to unmute during their designated speaking times as signaled by the Moderator.

A timekeeper will display the remaining time available for Candidates to speak. Once a Candidate runs out of time, the Moderator may allow them to finish their sentence. If a Candidate goes over their allotted time, the Moderator may mute the Candidate's microphone.

The Moderator may limit or suspend a Candidate's speaking time if in the Moderator's discretion the Candidate engages in inappropriate conduct or conduct that violates the Candidate Forum Rules and/or the Election Rules.

As per the Election Rules, any threats, intimidation, retaliation, penalty, discipline or improper interference or reprisal of any kind, or any similar conduct is strictly prohibited.

Candidate Forum Rule 4: Logistics

All participating Candidates must provide the Monitor team with the email address associated with their Zoom account that they will use to join the webinar at least 48 hours prior to the Candidate Forum start time. This is important to ensure that Candidates are granted access to the Zoom webinar as panelists. Candidates must log on using that same Zoom account on the day of the program.

Candidates will be provided login information needed to access the videoconference as a panelist, along with a copy of the Candidate Forum Rules, at least 24 hours prior to the Candidate Forum start time.

* * *

DOCUMENT 4

2022 UAW International Officer Election -
Supplemental Rule for Phone Banking and
Mass-Robo Texting

2022 INTERNATIONAL OFFICER ELECTION
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW)

**SUPPLEMENTAL RULE FOR PHONE BANKING AND MASS/ROBO
TEXTING**

Pursuant to Section 4-8 of the Election Rules, the Monitor issues this Supplemental Rule for Phone Banking and Mass/Robo Texting.

Supplemental Phone/Texting Rule 1: Use of Union or Employer Resources

No Union or employer resource may be used to call or text individuals to advocate for or against any Candidate or Slate of Candidates. This prohibition includes:

- No phone numbers obtained from the International Union, individually or as part of a list maintained by the Union, including but not limited to phone numbers contained in the LUIS database, the LUIS CAP modified list, the UAWire list, or any other International Union list, may be used to advocate for or against any Candidate or Slate of Candidates.
- No phone numbers obtained from a Local Union, individually or as part of a list maintained by the Local Union, may be used to advocate for or against any Candidate or Slate of Candidates.
- No phone numbers obtained from an employer, individually or as part of a list maintained by the employer, may be used to advocate for or against any Candidate or Slate of Candidates.
- No phone numbers obtained by Union employees, officers, or representatives in the course of their official Union duties may be used to advocate for or against any Candidate or Slate of Candidates.

This prohibition does not include phone calls or text messages to any phone numbers obtained through methods that do not involve Union or employer resources, including but not limited to pledge cards or forms on a campaign website, or through

personal relationships on personal time. Though permitted under the Election Rules, those calling or texting phone numbers obtained through methods that do not involve Union or employer resources must ensure compliance with all relevant state and federal laws.

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DOCUMENT 5
2022 UAW International Officer Election -
Vote Count Rules

2022 INTERNATIONAL OFFICER ELECTION
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW)

VOTE COUNT RULES

SECTION 1: Overview and Logistics

Count Rule 1-1: Overview

The Monitor issues these Vote Count Rules to provide information regarding the processing and counting of ballots in the 2022 UAW International Officer Election (the “Vote Count”), as well as guidance regarding Observers who wish to observe the Vote Count (supplementing the Rules for Observers issued by the Monitor on September 2, 2022).

The Vote Count will proceed in two overlapping phases:

- **Eligibility Verification and Other Initial Ballot Processing.** Beginning on **Wednesday, November 16, 2022**, Election Vendor staff specifically tasked with the processing and counting of ballots (“Count Workers”) will begin processing all received ballots to determine the eligibility of the voter to cast a vote.
- **Further Ballot Processing and Counting.** Beginning on **Tuesday, November 29, 2022**, Count Workers will further process and count ballots that have been deemed eligible. The ballot counting will proceed in two eight-hour shifts. The first shift will be from 7 am ET to 3 pm ET; the second shift will be 4 pm ET to 12 am ET.

All ballots will be counted at a secure, stand-alone facility located at **155 Harrisburg Dr., Englewood OH 45322**, just outside of Dayton, Ohio (the “Count Site”). All Candidates are invited to the Count Site to observe the Vote Count, along with representatives of the Monitor team, representatives of the UAW, and representatives of the Department of Labor’s Office of Labor-Management Standards. In addition, each Candidate or Slate of Candidates shall have the right, at their expense, to have no more than ten (10) Observers for the Count Activities. Slates of Candidates will not be permitted to have an independent group of Observers, but if a Candidate is a member of a Slate of Candidates and does not individually send their total limit of ten (10) Observers to the Count Activities, the Slate will be permitted to send Observers to make up the

difference for that Candidate's allotment. All Observers must be **members in good standing**. The Monitor reserves the right to further restrict the total number of Observers permitted for each Candidate or Slate of Candidates as needed to comply with safety and security issues, or to otherwise comply with the Election Rules.

In addition, each Candidate or Slate of Candidates may have one (1) campaign staff member, who need not be a member in good standing, present at the Count Site. However, these campaign staff members will not be permitted access to the Count Floor to serve as Observers. Each Candidate or Slate of Candidates must identify any such staff member by the **November 9, 2022** deadline for identifying their Observers. The Monitor reserves the right to restrict this access as needed to comply with safety and security issues, or to otherwise comply with the Election Rules. Observers and campaign staff members will collectively be referred to herein as "Campaign Staff."

Finally, based on current federal and local guidance, COVID-19 vaccination is no longer required to enter the Count Site. Nonetheless, the Monitor requests that any individual entering the Count Site who is not fully vaccinated against COVID-19 please wear a facemask while at the Count Site.

Count Rule 1-2: Count Site

All ballots will be counted at the Count Site, a secure, stand-alone facility located at **155 Harrisburg Dr., Englewood OH 45322**, just outside of Dayton, Ohio. The parking lot on the premises is reserved for Vote Count staff. Candidates and Campaign Staff may utilize nearby street parking. If this parking arrangement or any other aspect of these Rules present an accessibility concern for any individual, the Monitor and Election Vendor should be notified as soon as possible.

During the Vote Count, Candidates and Campaign Staff must enter and exit the building through the Campaign Staff door at the northern end of the front of the building. This entrance will be clearly marked. Candidates and Campaign Staff wishing access to the Count Site should email Paul Dever at pdever@merrimanriver.com with any questions.

The Count Site will be divided into several different areas, including:

- **Ballot Security Room.** When not undergoing an active process, all ballots will be stored in the Ballot Security Room. Election Vendor security personnel will be stationed, and videotaping equipment will be installed, at all access points to the Ballot Security Room, which will be monitored on

a 24-7 basis. The Ballot Security Room will be locked unless there is activity involving the ballots stored in the room. Access to the Ballot Security Room will be limited to the Monitor and his staff, designated Election Vendor staff, and security personnel. However, when the Ballot Security Room is open and active, each Candidate and Slate of Candidates may have at least one observer positioned in an area designated by the Monitor and his staff from which observation will be permitted.

- **Count Floor.** Ballots will be processed and counted on the Count Floor. The Count Floor contains several distinct areas with designated space for observers, including:
 - Eligibility Verification Stations
 - Envelope Slitting Stations
 - Extraction Stations
 - Remark/Remake Stations
 - Tally Stations
- **Offices.** Each Candidate and Slate of Candidates will have access to shared office space at the Count Site away from the Count Floor. Non-Observer Campaign Staff may be present in these offices.

Count Rule 1-3: Protocols

- Food and drink are not permitted on the Count Floor or in the Ballot Security Room. Smoking is not allowed anywhere inside the Count Site.
- No coats, jackets, bags, or briefcases are allowed on the Count Floor or in the Ballot Security Room.
- While on the Count Floor, Observers are permitted to have cell phones, turned off, in their pocket, but may not use the phone in any manner (no calls, texts, pictures, internet browsing, etc.). **There are no exceptions.**
- Cameras may never be used on the Count Floor or in the Ballot Security Room.
- Candidates or Slates of Candidates will assign specific stations to their Observers ("Observer Stations"). Observers may only observe at the Observer Station reflected on their Observer badge. Observer Station

assignments may be switched at the discretion of the Candidate or Slate of Candidates and based on space limitations at each Observer Station.

- Observers may not place anything, including hands, arms, or elbows, on any table on the Count Floor.
- Observers may not interfere with the count process in any manner. Observers may not engage Count Workers in extended conversation or distract a Count Worker from their job for any reason. Questions may be directed to the Monitor or his staff as described below in Count Rule 1-4.
- All Observers are expected to behave in a professional manner. Observers are to respect the personal and professional space of all Monitor, Election Vendor, and Count Worker staff, as well as other Observers and Campaign Staff.
- An Observer who violates any of the Rules herein or any other Election Rule may be subject to removal and permanent ban from the Count Site.

Count Rule 1-4: Personnel

Overall control of the Vote Count is handled by the Monitor and implemented by the Election Vendor. All Observers must be familiar with the roles that the Election Vendor will carry out during the Vote Count so that any questions that arise can be directed to the appropriate individuals:

- **Shift Supervisor.** Two Shift Supervisors provide the overall supervision and direction to other Election Vendor supervisory staff members, handle disputes, and trouble-shoot issues that may arise during the process.
- **Logistics Manager.** The Logistics Manager supervises the Count Workers who are responsible for moving the ballots from the Ballot Security Room to a specific location on the Count Floor for processing and then returning those fully processed Local Union ballot trays to the Ballot Security Room ("Ballot Handlers"). The Logistics Manager also keeps track of each Local Union's ballot trays while they are on the Count Floor and generally supervises the movement of ballot trays.

- **Line Manager.** Line Managers are responsible for all activity in their designated area and supervise Count Workers at Eligibility Verification Stations, Extraction Stations, and Slitter Stations.
- **Remark/Remake Area Manager.** Remark/Remake Area Managers assign Local Union ballots for review, assist in difficult ballot interpretations, and supervise Count Workers who are assigned to the Remark/Remake portion of the Count Floor.
- **Tally Coordinator.** Tally Coordinators manage workers assigned to the tabulation machines and handle Observer challenges and any issues that arise there. Tally Coordinators also act as liaisons between Observers and the technicians from Election Systems & Software (“ES&S”) who supply and operate the tabulation machines.
- **Ballot Security Room Supervisor.** The Ballot Security Room Supervisor monitors the Ballot Security Room and is responsible for the overall security and control of all returned voted ballots.
- **Security Staff.** Security Staff are located at entrance points and throughout the Count Site to ensure that only approved individuals enter the Count Floor during the Vote Count.

Count Rule 1-5: Check-in Procedure

Upon entering the facility, Candidates and Campaign Staff must check in with the Election Vendor Security Staff. Security Staff will direct Candidates and Campaign Staff to the appropriate Candidate or Slate office. They will also issue Observer Badges to any individual designated by a Candidate or Slate of Candidates to serve as an Observer. Only UAW members in good standing who have been properly approved by the Monitor may be issued an Observer Badge.

An Observer may then proceed to the Count Floor. No person will be permitted on the Count Floor without a properly displayed Observer Badge. Non-Observer Campaign Staff must remain in the appropriate Candidate or Slate office. While on the Count Floor and at the Count Site generally, Observers may not interfere with the election processes, but may direct questions about any of the ballot processing and counting activities to an on-site Election Vendor Shift Supervisor or member of the Monitor Team.

Count Rule 1-6: Movement on the Count Floor

During the Vote Count, some Observers will be designated by Candidates or Slates to observe at specific Observer Stations. Those Observers may only observe at the Observer Station designated on their badge. Each Candidate, however, will be permitted to designate up to two Rover Observers. Rover Observers will be permitted to walk the Count Floor and communicate with station-specific Observers. At no time may there be a gathering of more than two Observers associated with the same Candidate or Slate on the Count Floor. When two Observers gather, at least one of them must be a Rover Observer.

The Count Floor will be marked with color-coded travel lanes to facilitate the movement of ballots and with other markings to clearly designate all Observer Stations. Please note the following directions around the layout of the Count Floor:

- **Red lanes are for ballot movement.** Red lanes provide unimpeded routes to move ballots around the Count Site. Specifically, red lanes allow ballots to move from the Ballot Security Room, around the Count Floor, and back to the Ballot Security Room. Red lanes are for exclusive use by Election Vendor and Monitor staff. Further, no persons may stand, congregate, or hold stationary conversations while in a red lane.
- **Yellow lanes are for both ballot movement and Observer access.** Yellow lanes may be used by Election Vendor and Monitor staff and by Observers for access to assigned Observer Stations. Individuals in these lanes must always yield the right-of-way to Ballot Handlers. Further, no persons may stand, congregate, or hold stationary conversations while in a yellow lane.
- **Unmarked lanes are for Observer access.** Unmarked lanes may be used by Election Vendor and Monitor staff and Observers. These lanes are arranged to provide access to the various Observer Stations with minimal impact on lanes used by Ballot Handlers.
- **Observer Stations.** Observer stations, marked with yellow lines, are designated to provide a clear view of the relevant activity in each area where ballots are handled, processed, and counted.

SECTION 2: Eligibility Verification and Other Initial Ballot Processing

Count Rule 2-1: Eligibility Verification and Other Initial Ballot Processing Overview

Under the Election Rules, all UAW members in good standing as of October 31, 2022, at 5 p.m. ET, are eligible to vote in the 2022 UAW International Officer Election, including members who are part-time workers, reinstated members, and retired members. *See* Election Rule § 2-5. Starting on November 16, 2022, the good standing status of each member who returned a ballot will be evaluated to determine their eligibility to have their vote counted. Mail will continue to be picked up from the post office until the November 28, 2022 deadline, and the eligibility determination process will continue until completed.

As part of this eligibility verification process, Count Workers will bring trays containing the ballots from the Ballot Security Room to Eligibility Verification Stations. Each tray contains ballots from a single Local Union. Each Eligibility Verification Station has a computer terminal and empty postal trays color coded and labeled as (1) Eligible, (2) Challenged, and (3) Void. After determining the voter's good standing status per the processes described below, Count Workers will place the ballot into the appropriate tray. There will be twenty (20) Eligibility Verification Stations on the Count Floor.

Count Rule 2-2: Eligibility Scanning

At the Eligibility Verification Stations, Count Workers determine the eligibility of each voter who returned a ballot by scanning each ballot through a machine that compares the barcode on the ballot to the Election Vendor's database of eligible UAW members (the "Election Control Roster"). Eligibility scanning begins with Count Workers separating ballots into groups of 50 ballots from the same Local Union. The Count Workers then scan the barcode printed on the outside of each ballot return envelope. The display on the terminal displays a result that will be visible to Observers standing behind the seated Count Worker. The terminal may return one of two different results:

- **Eligible.** If the information in the Election Control Roster indicates that the member is eligible to vote, the computer screen displays their Local Union number, sequence number, and eligibility status as "E" next to the member's name. After determining that the member is eligible, the Count Worker clicks the SUBMIT button on the computer screen. Eligible ballots are then placed in the ballot tray marked "Eligible."
- **Challenged.** If the information in the Election Control Roster indicates that a member is not in good standing and therefore not eligible to vote, a large "C" is displayed on the computer terminal next to the member's name. The screen also indicates one of the following challenge codes: **C1** (ballot of member not in good

standing, but member appears on the Global Mailing List and on Election Control Roster); **C2** (ballot of member “deactivated” as member in good standing since the time ballot was mailed, but member appears on Election Control Roster); **C3** (ballot of individual not on original mailing list, but received a replacement ballot after calling or emailing to request one); **C4** (ballot challenged by Observer); **C5** (duplicate ballot to be resolved before tabulation, flagged on Election Control Roster). The Count Worker then writes that challenge code on the member’s ballot return envelope and places it in the tray marked “Challenged.” The Count Worker must then click the “OK” button on the computer screen before moving onto the next envelope.

After scanning, the number of ballots scanned are reconciled to ensure that all ballots in the group of 50 have been processed. At the end of the Eligibility scanning process, all Challenged ballots are banded together, wrapped in a yellow Challenge wrapper, and placed by the Line Manager in the Local Union’s ballot tray(s) for the remainder of the ballot processing.

Count Rule 2-3: Initial Identification of Void and Potential Duplicate Ballots

When first brought to the Count Site, ballot return envelopes go through an initial intake process. This process identifies two types of ballots before they get to the Eligibility Verification Station:

- **Void Ballots.** When the ballots are brought from the Ballot Security Room to the Eligibility Verification Stations, there may be ballots that are bundled together with rubber bands at the head of each tray and which were labeled as potentially “Void” ballots during the pre-scan of all returned ballots. These ballots may appear to have been opened then resealed, may have been returned in an envelope other than the ballot return envelopes mailed in the ballot packet, or may have been damaged so that there is insufficient voter identification information. At the Eligibility Verification Station, any ballot that Count Workers cannot further process are marked as Void. All Void ballots are banded together, wrapped in a red Void wrapper, and placed by the Line Manager in the relevant Local Union’s ballot tray(s) for the remainder of the ballot processing. As described below, the Line Manager may identify additional ballots to be voided in later stages of ballot processing.
- **Potential Duplicate Ballots.** Potential duplicate ballots are flagged in pre-count initial intake in the Election Control Roster. These flagged ballots are segregated within their Local Union trays when brought to the Eligibility Verification Station.

If the eligibility scanning process determines that only one flagged ballot has been returned from a member in good standing who is eligible to vote, that vote will be counted. If more than one corresponding flagged ballots are returned, there will be a further investigation to determine whether the ballots are indeed from the same member. If the ballots were sent back from the same eligible member, the last ballot received will be counted and the other(s) will be marked Void by the Line Manager. If the investigation reveals that the potential duplicates were in fact voted by two different, eligible members, both ballots will be counted.

Count Rule 2-4: "Other" Envelopes

During this eligibility verification and initial ballot processing, Count Workers may place materials that cannot be processed in the "Other" postal tray. These materials may include misdirected mail not part of the 2022 UAW International Officer Election, ballot return envelopes from Local Unions other than the one currently being processed, and ballot return envelopes on which the barcode has been damaged but the member's name and address are readable. Materials placed in the "Other" tray will be cleared by the Line Manager as follows:

- Misdirected mail will be removed and brought to the Ballot Security Room Manager for return to the U.S. Postal Service.
- Ballot return envelopes from other Local Unions will be removed by and given to the Ballot Security Room Manager for proper filing with the correct Local Union.
- Ballot return envelopes with unreadable barcodes will be reviewed by Election Vendor staff who will attempt to locate the member's file in the Election Control Roster. If the member can be located in the Election Control Roster, eligibility will be determined and the member's ballot placed in the Eligible or Challenged tray. If no record can be located, the ballot return envelope will be marked Void by the Line Manager and placed in the Local Union ballot tray with the other Void ballots.

Count Rule 2-5: Categorization and Return of Ballots

At the end of the eligibility verification and other initial ballot processing, the ballots, still in their ballot return envelopes, will be categorized as one of the following:

- **Eligible.** Eligible ballots will be placed individually in the Local Union ballot tray.
- **Challenged.** Challenged ballots will be banded together with yellow “Challenged” wrappers and placed in the Local Union ballot tray.
- **Void.** Void ballots will be banded together with red “Void” wrappers and placed in the Local Union ballot tray.

All ballots, including Eligible, Challenged, and Void ballots, will remain with the Local Union ballot trays throughout the entire Vote Count process in order to maintain the integrity of each Local Union’s vote.

At this point, the Line Manager will oversee the return of the Local Union ballot trays to the Ballot Security Room, preserve that Local Union’s scanned data by copying it onto a CD, and then reset the Eligibility Verification Station to scan ballot return envelopes from the next Local Union.

Local Union ballot trays will remain in the Ballot Security Room until the week of November 29, 2022 when Local Union ballot trays will be once again be brought out onto the Count floor for further processing and counting, as described below.

SECTION 3: Final Count Processing

Count Rule 3-1: Envelope Slitting Stations

Starting on November 29, 2022, Election Vendor staff will bring out Local Union ballot trays for final count processing. Line Managers will direct Local Union ballot trays to Envelope Slitting Stations along the east wall of the Count Floor. Slitter Operators will run the ballot return envelopes that have been deemed as eligible (per the processes described in Section 2) through the slitter machines to open the ballot return envelopes for extraction. While there are no specifically designated Observer Stations at the Envelope Slitting Stations, the process is open and visible to Observers at the surrounding stations.

Count Rule 3-2: Extraction & Review Stations

Ballot Handlers then take the Local Union ballot trays containing eligible ballots from the Envelope Slitting Stations to the Extraction Stations. There will be twenty (20) Extraction Stations. Count Workers at the Extraction Tables first orient all ballot return

envelopes within the Local Union trays so that the front side of the ballot return envelope is positioned toward the worker with the slit side at the top. Insufficiently slit envelopes are opened by hand by the slitter operator or their designee.

Count Workers first remove the secret ballot sleeve from the slit ballot return envelope. In extracting the contents of the ballot return envelopes, one of the most important roles of the Count Workers is to preserve the anonymity of the voter whose name is printed on the front of the ballot return envelope. Anonymity is preserved by Count Workers following these steps:

- Count Workers remove the secret ballot sleeve from the ballot return envelope, place the secret ballot sleeve into a postal tray, and retain the now empty ballot return envelope for bundling, banding, and preservation in the Local Union ballot tray(s).
- If no secret ballot sleeve is detected, the Count Worker notifies the Line Manager who collects all such ballot return envelopes and retains them for further processing when other ballots are removed from the secret ballot sleeves.
- If a ballot return envelope is found to be empty (not containing either a voted ballot or a secret ballot sleeve), the Count Worker notifies the Line Manager. The Line Manager then marks the envelope “VOID – No Ballot” and places it with the other Void ballots for that Local Union.
- If a ballot return envelope is found to contain multiple ballots, the Count worker notifies the Line Manager who then marks both ballots and the ballot return envelope “VOID – Multiple Ballots,” inserts the ballots back in the ballot return envelope, and places the package with the other Void ballots for that Local Union.

When all ballot return envelopes have been emptied of the secret ballot sleeves, the ballot return envelopes are removed from the extraction table, bundled, banded, and placed in the Local Union ballot tray(s). Prior to their removal from the extraction table, the Line Manager inspects all ballot return envelopes to ensure that there have been no secret ballot sleeves left inside the ballot return envelopes.

Count Workers then extract ballots from the secret ballot sleeves.

- The Line Manager checks empty secret ballot sleeves to ensure that no ballots have been missed in the extraction process.

- Count Workers notify the Line Manager of any secret ballot sleeves that do not contain ballots. These are marked “VOID – No Ballot” and placed with the other Void ballots for that Local Union.
- Count Workers notify Line Managers of any secret ballot sleeves that contain multiple ballots. These are marked “VOID – Multiple Ballots,” inserted back in the secret ballot sleeve which is also marked “VOID – Multiple Ballots” and placed with the other Void ballots for that Local Union.

All empty secret ballot sleeves are collected by the Count Workers and deposited in clear plastic bags maintained by the Line Manager for that purpose. When all secret ballot sleeves have been collected, the Line Manager seals the bag, labels it with the Local Union number, and sets the bag aside. The sealed bags are to be gathered by a designated Count Worker, removed from the processing area, and placed in storage for the duration of the Election Count.

Count Rule 3-3: Ballot Inspection

After all ballots have been removed from the secret ballot sleeve and ballot return envelopes have been removed from the table, Count Workers unfold each ballot and place it on the table. While doing so, they will inspect the ballot to determine whether it is ready for the tabulation machine or requires additional processing. These ballots are sorted into three (3) categories:

1) Ballots Ready for Tabulation

- Voting ovals are filled in with dark pencil, pen, or marker.
- Any writing on Ballot does not enter an oval.
- Ballot does not contain identifying voter information.

2) Ballots Needing to be Remarked/Remade Before Tabulation

- Voting ovals are filled with red or other light color pen or highlighter.
- Voting ovals have erasure marks or contain White-Out.
- Writing covers any part of a voting ovals.
- Ballot is torn or damaged.
- Ballots using voting methods other than filling in voting ovals, including:
 - Names circled.
 - X or check mark next to Candidate names.
 - X or check mark next to but outside voting ovals.
 - Vertical lines marked through voting ovals.
 - Vertical lines marked through Candidate names.

3) **Void Ballots**

- Candidate name(s) and/or voting oval(s) are torn off the ballot.
- Writing on Ballot identifies the voter.
- Photocopies or any other unofficial ballot are included instead of the official ballot.
- Sticker(s) or any substance covers a voting oval.

Void ballots are given to the Line Manager who places them with the other Void ballots already in the Local Union tray(s). Ballots needing to be remarked/remade before tabulation are placed in a labeled envelope.

Ballot Handlers then bring all ballots, ballot return envelopes, and Remark/Remake envelopes in the Local Union ballot tray(s) to the Remark/Remake station.

Count Rule 3-4: Remark/Remake Ballots

At the Remark/Remake Station, the Remark/Remake Manager removes the manila envelopes containing ballots needing remarking/remaking from the Local Union ballot trays. Count Workers in this area open these manila envelopes and review each ballot individually. These ballots fall into two categories: (1) ballots that may be directly remarked and successfully read by the tabulation machine; and (2) ballots that must be remade to be successfully read by the tabulation machine.

Ballots which can be directly remarked are completed by the Count Worker, who marks them to reflect the intent of the voter in a way that can be successfully read by the tabulation machine.

For any ballot that must be remade, the Count Worker marks the ballot as "SPOILED-REMAKE" and requests blank ballot stock from the Remark/Remake Area Manager. A blank ballot is then removed from storage and both the spoiled and the blank ballot are stamped with the same "bates stamp" number. In remaking the Ballot, the Count Worker ensures that the remade ballot conforms to the intent of the voter while able to be successfully read by the tabulation machine.

Examples of potential Remark/Remake activities are set forth in the following chart:

LEVEL 1 – Voter Intent Not At Issue	
Distinct ✓ or X in oval	Remark in appropriate oval
Blank ballot	No remark/remake - ballot is “VOID”
Torn ballot (candidate names and ovals intact)	Remake or tape together (reverse side)
Torn ballot (candidate names or oval torn off)	No remark/remake - ballot is “VOID”
Writing on ballot (does not cross ovals; no voter identification)	No remark/remake
Writing on ballot (does cross ovals; no voter identification)	Cover affected ovals with stickers or remake
Crumpled ballot	Remake ballot
Instructions removed from ballot	Remake ballot
Erasure	Cover affected ovals with stickers or remake
White-out used	Cover affected ovals with stickers or remake
Highlighter, red or light-colored pencil, pen, or other marker used	Remark over ballot with correct marker
LEVEL 2 / GROUP A - Voter Intent Determination Involved – No ovals properly filled in but:	
Name of slate or candidate circled	Remark in appropriate oval
Name(s) crossed out/lined out	No remark/remake necessary
Distinct ✓ or X next to name or slate name	Remark in appropriate oval
Distinct ✓ or X next to but outside oval	Remark in appropriate oval
Names marked with highlighter	Remark in ovals next to names highlighted
Names underlined	Remark in ovals next to names underlined
Vertical line through multiple candidate names	Remark in ovals next to names lined
Vertical line through ovals left of multiple candidates	Remark ballot to fill in ovals where line falls
Dots in oval(s)	Remake ballot to fill ovals containing the dots

LEVEL 2 / GROUP B - Voter Intent Determination Involved – One or more ovals properly filled in and:	
Name of slate or candidate circled	No remark/remake necessary
Name(s) crossed out/lined out	No remark/remake necessary
Distinct ✓ or X <u>next to name</u> or slate name	No remark/remake necessary
Names marked with highlighter	No remark/remake necessary
Names underlined	No remark/remake necessary
Vertical line made through names of multiple candidates	No remark/remake necessary
Vertical line made through ovals for multiple candidates	Cover affected ovals with stickers or remake
Dots in other oval(s)	Cover ovals containing dots with stickers. Do not count dots. They are only hesitation marks.

Count Rule 3-5: Voter Intent Challenges

If a Count Worker determines a ballot does not clearly fall within any of the Remark/Remake criteria listed above, it is reviewed by the Remark/Remake Manager. If the Remark/Remake Manager determines that the voter intent is unclear, the ballot face is marked “CHALLENGED- VOTER INTENT UNCLEAR.” The ballot is then placed with the other Challenged ballots for that Local Union in the ballot tray(s). If the Remark/Remake Manager determines that the voter intent is clear, the Remark/Remake Manager will direct the Count Worker to either remark or remake the ballot accordingly.

Observers may challenge a decision to Remark/Remake a ballot or the decision not to Remark/Remake a ballot. Decisions of the Count Workers at the Remark/Remake station may be appealed to the Remark/Remake Manager whose determination is final. If an Observer challenges a ballot, the Remark/Remake Manager reviews the challenge, inspects the ballot, and makes one of the following determinations:

- If the challenge is accepted, the Remark/Remake Manager marks the Ballot “CHALLENGED BY OBSERVER” in a blank area on the face of the Ballot, writes the reason for the challenge and the name of the Observer on the ballot, and places the ballot with the other Challenged ballots for that Local Union.
- If the Challenge is denied by the Remark/Remake Manager, the ballot should either be remade or remarked, or not remade or remarked, depending on the Remark/Remake Manager’s determination. Upon the request of the Observer, the face of the Ballot may be marked with “COUNTED OVER CHALLENGE”

or “NOT COUNTED OVER CHALLENGE,” and initialed by the Remark/Remake Manager. The basis of the challenge and the name of the Observer making the challenge should be noted on the ballot.

SECTION 4: Ballot Counting

Count Rule 4-1: Ballot Counting Overview

During the Vote Count, there will be four (4) tabulating machines processing and counting ballots.

When trays of ballots from a Local Union are brought to the area where the ballots are counted (the “Tally Area”), the Tally Coordinator sets a count machine to count that particular Local Union’s ballots and verifies that the “sort” feature of the count machine is enabled. The machine is then turned over to the Ballot Count Team. The Ballot Count Team removes all ballots from the Local Union tray (except for Challenged and Void ballots) and separates them into stacks on the Infeed Table. The Ballot Count Team loads the stacks into the machine and begins the counting process. Ballots are counted in the following order:

- First, all ballots that were not remarked or remade are counted. They are then returned to the Local Union ballot tray(s).
- Second, remarked or remade ballots are counted. The Tally Coordinator removes the ballots from the “SPOILED-REMADE” envelope for machine counting. After these ballots are counted, they are returned to the envelope, which is sealed and initialed by the Tally Coordinator and placed with the other ballots in the Local Union ballot tray(s).

Count Rule 4-2: Secondary Remark/Remake Machine Count:

In cases where the counting machines cannot process a ballot, the ballots are returned to the adjacent Remark/Remake Station for immediate processing, and are then brought back to the Tally Area for counting.

After all remarked or remade ballots are counted, the Tally Coordinator oversees that any blank ballots discovered are rerun through the machines so that there is a record of them being counted, but no tally of any votes for any Candidates.

Count Rule 4-3: Final Machine Tally

When all ballots have been counted for a Local Union, the Tally Coordinator causes the machine to produce duplicate tally sheets for the Local Union just counted. At the same time, the Outfeed Operator bands the completed Local Union trays with blue tray covers, which are then signed and returned to the Ballot Security Room. A copy of the tally sheet for that Local Union is provided to the UAW Monitor Elections Team for review, signing, and certification.

Count Rule 4-4: Voting Results Reporting

The Monitor will ensure that copies of the completed certified tally sheets for each Local Union are placed in a physical binder at the Count Site and, as soon as possible, on the Monitor's website.

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