



November 22, 2022

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to your complaint, received by the United States Department of Labor on August 23, 2022, alleging that United Auto Workers (UAW) Local 598 violated Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) in connection with its June 8-9, 2022, election of convention delegates.

The Department of Labor (Department) investigated your allegations and has concluded that there was no violation of the LMRDA that may have affected the election outcome.

LMRDA Section 401(e) requires elections to be conducted in accordance with a union's constitution and bylaws. 29 U.S.C. § 481(e). You alleged that Local 598 violated this provision by using an Election Committee composed of members elected in 2017 and members appointed by Local 598 President [REDACTED]. Article 38 Section 10(c) of the UAW Constitution provides that elections "shall be held under the supervision of a democratically elected Election Committee." Article IX Section 1 of Local 598's bylaws provides that the Election Committee is to be elected in March of each local-officer election year. The last local-officer election was in 2020. At that time, Local 598 officers were concerned, because of the ongoing COVID-19 pandemic, about the additional personal contact that the election of Election Committee members would entail. It opted to use the Election Committee it had elected for the previous local-officer election, in 2017. While Local 598 did violate Article IX Section 1 of its local bylaws by not electing a new Election Committee in 2020, the members of the 2022 Election Committee were democratically elected in 2017 and the Department's investigation did not reveal any evidence that this violation affected the outcome of the 2022 delegate election.

You also alleged that President [REDACTED] violated section 401(e) of the LMRDA by appointing [REDACTED] to the Election Committee in violation of the UAW Constitution's requirement that the committee be democratically elected. The Department's investigation revealed that [REDACTED] did not appoint [REDACTED] to the Election Committee. Rather, given [REDACTED] election experience and knowledge of the local's bylaws, [REDACTED] asked [REDACTED] to run the challengers' meeting to explain the election rules to those observing the election on behalf of candidates. The Department's investigation

did not reveal that [REDACTED] performed any other functions or held any other role related to the election. There was no violation of the LMRDA.

Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any person in a union-officer election. 29 U.S.C. § 481(g). You alleged that Local 598 violated this provision when it paid union members their regular hourly wage to assist with the delegate election. Article X Section 2 of Local 598's bylaws specifies that Election Committee members can receive payment at their regular rate and that retired members may assist the Election Committee at a rate of \$10 per hour. The bylaws are silent as to paying active members who assist in the election. The Department's investigation revealed that the Election Committee required help in the delegate election, as there were five polling sites and only five committee members. The Election Committee asked active union members to assist because they could not find enough retiree volunteers. The Department's investigation did not reveal any evidence that the Election Committee assistants campaigned on behalf of any candidate while assisting with the election; accordingly, there is no violation of Section 401(g).

You next alleged that Local 598 denied you the right to observe at various points of the election, in your role as a challenger. LMRDA Section 401(c) provides candidates the right to have an observer at the polls and at the counting of the ballots. 29 U.S.C. § 481(c). Department regulations provide that this right encompasses every phase and level of the counting and tallying process, including the counting and tallying of the ballots and the totaling, recording, and reporting of tally sheets. 29 C.F.R. § 452.107.

You alleged that the Election Committee denied you permission to ride in the car of the Election Committee member delivering ballot request forms from polling sites to the union hall, in violation of your right to observe. This was not a violation; neither the LMRDA nor the union's governing documents require that challengers be allowed to ride in the same vehicle as officials transporting ballot request forms. The Election Committee permitted you to observe the forms being placed into the car and follow the car in your own vehicle. Thus, your right to observe was not violated.

You also alleged that the Election Committee denied your right to observe when it did not announce the delivery of blank ballots from the union hall to the polling sites. The Department's investigation revealed that blank ballots were delivered to the polling sites during the challengers' meeting an hour before the opening of polls; despite having adequate notice of when the polls were scheduled to open, you continued to participate in the challengers' meeting. You were not prevented from designating anyone to observe the delivery of ballots on your behalf. Moreover, the Department's investigation revealed that some challengers and the first voters at every polling site verified that the ballot boxes were empty at the time the polls opened. As such, no violation of the LMRDA occurred.

Further, you alleged denials of your right to observe during the tallying of ballots. In particular, you first alleged that an Election Committee member prevented you from asking questions after you raised an objection to the voiding of a ballot. Witnesses reported that you were argumentative after raising your objection, and the Election Committee member was trying to stop this behavior so that the tally could continue. Second, you alleged that your observer rights were violated when an Election Committee assistant asked you to come off of a stage where another assistant was comparing the ballot request forms and voter eligibility list, to check for double voting. According to witnesses, you were close enough to the assistant that another Election Committee assistant worried that you could tamper with the forms. The Department's investigation found that these alleged denials of your observer rights were instead efforts by Election Committee members and assistants to enforce the reasonable limits that the UAW "Guide for Local Union Election Committees" imposes on challengers. While observers are permitted to raise objections and ask questions about the election process, Chapter 13 of the Guide states that "challengers do not have the right to interfere with or disrupt the conduct of the election." You were not meaningfully denied any opportunity to observe; therefore, these allegations do not constitute a violation of the LMRDA.

Next, you alleged that Local 598 improperly voided ballots, in violation of LMRDA Section 401(e) which provides that every member in good standing has the right to vote. 29 U.S.C. § 481(e). Ballots in the election contained two races, one for primary delegates (for which voters could vote for up to seven candidates) and one for alternate delegates (for which voters could vote for up to three candidates). The Department's investigation revealed that the Election Committee improperly voided ten ballots wherein a member over-voted for either race. During its investigation, the Department recounted the ballots, including those that were improperly voided, and found that they did not change the results. Accordingly, while this allegation constitutes a violation of Section 401(e), it did not affect the outcome of the election.

Lastly, you also claimed that some voters received two ballots. LMRDA Section 401(c) provides that a union must provide adequate safeguards to ensure a fair election. 29 U.S.C. § 481(c). The Department's investigation found that in some limited instances, two ballots were given out to voters because the paper ballots stuck together, and the Election Committee member or Election Committee assistant did not notice. A reconciliation of the record of voters and the voted and unvoted ballots showed that there were seven unused ballots that the union indicated were discovered by the Election Committee as being a duplicate stuck to the original; these ballots were voided during the tally. The Department's investigation did not reveal evidence that any member voted more than one ballot. As such, this allegation does not constitute a violation of the LMRDA.

For the reasons set forth above, it is concluded that none of your allegations constitute a violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has closed the file in this matter.

Sincerely,

[REDACTED]

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