



July 10, 2023



Dear [REDACTED]:

This Statement of Reasons is in response to your complaints filed on September 21 and 30, 2022, with the United States Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA or Act) occurred in connection with the election of officers of United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW or Union), conducted on December 2, 2022 (all dates in this Statement of Reasons occurred in 2022 unless otherwise noted).

The Department conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election.

You alleged that the Union's identification of slate names next to candidate names on the ballot constituted disparate candidate treatment and violated the UAW's International Constitution. Specifically, you alleged that the Union should not have permitted candidates to include the name of their slate when they were not permitted to use their officer titles either. Section 401(c) of the Act prohibits disparate treatment of candidates for union office. 29 U.S.C. § 481(c). Section 401(e) requires a union to conduct elections of officers in accordance with the union's constitution and bylaws. 29 U.S.C. § 481(e). No UAW constitutional provision or election rule prohibits the use of slate names in international officer elections. App., Art. 38, Sect. 10(1) of the UAW Constitution states: "Every voter in a local union election is entitled to vote for his/her individual candidate of choice." You argued that this provision prohibits the use of binding slates. However, this provision did not apply to the international election because Art. 38 is the "Local Union Officers" section of the UAW Constitution, as further clarified by the "local union election" clause of Art. 38, Sect. 10(1). In fact, the "Official Rules for the 2022 International Officer Election" require that "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." This rule was applied uniformly to all candidates in that all candidates on a slate had their slate identified on the ballot in parentheses to the right of

their name, and independent candidates not on a slate did not have anything printed to the right of their name.

Additionally, the Department's investigation did not reveal evidence of voter confusion caused by the printing of slate names next to candidate names on the ballot. No election rules or language on the ballots indicated that voters could select multiple candidates with a single mark. The Department's review of all ballots submitted for the election disclosed that all voters marked individual candidates, and there were no apparent attempts to vote for multiple candidates using a single mark (*e.g.*, by circling slate names instead of filling in the bubble by a voted candidate's name). There was no violation of the Act.

You also alleged that the Union's rejection of your request to be named as [REDACTED] on the ballot constituted disparate candidate treatment and violated the UAW's Constitution at Art. 38, Sect. 10(f) which states: "Any eligible candidate in any election shall have the right to submit his/her commonly known name to the election committee in writing as the candidate desires it to appear on the ballot, and it shall so appear." As stated above, Article 38 – the "Local Union Officers" section of the UAW Constitution – does not apply to an international election. However, the Election Rules that governed the international election at Section 6-1 stated: "Any candidate shall submit in writing by email to the monitor how they wish their name to appear on the ballot." The Department's investigation revealed that the Union consistently and reasonably applied this rule to allow modified versions of first names such as "Chuck" for "Charles" to be printed on the ballots but declined to allow other name modifications and nicknames. There was no indication that candidates were treated disparately as to how their names appeared on the ballot. For example, the Union rejected other candidates' requests to use nicknames or modifiers on the ballot such as [REDACTED] and [REDACTED]. Only first names, middle initials, and last names appeared on the ballot along with slate names. Further, there was no evidence that voters were confused as to your identity. You were the only candidate with the name of [REDACTED] on the ballot. There was no violation of the Act.

You further alleged that Union resources were unlawfully used on behalf of the Curry Solidarity Team slate to send campaign emails. Section 401(g) of the LMRDA prohibits the use of union funds to promote a candidate for union office. 29 U.S.C. § 481(g). Specifically, you alleged that campaign emails were distributed through the Union's Region 2B email address list which was compiled from union resources. This was a violation of the Act.

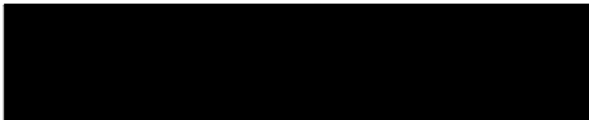
The Department's investigation disclosed that in early November, the election monitor charged with oversight of the election learned that the Curry Solidarity Team sent a campaign email on October 26 to 1,198 email addresses inappropriately obtained from

the UAW Region 2B email distribution list. This constituted an unlawful use of union funds to promote a candidate. To remedy this violation, the monitor sent an email on November 9 to all affected candidates (including yourself) offering a remediation opportunity to send a campaign email to the same Region 2B email addresses except for invalid email addresses or addresses from recipients that had unsubscribed from the email list. Remediation emails were sent by the UAW Members United slate on November 11, candidate Dave Green on November 15, and candidate Will Lehman on November 16. You admitted during the investigation that you learned of the monitor's remediation offer around November 17, but that you declined the offer. You indicated that you did not send a campaign email to the Region 2B email list because the monitor would not provide you with a copy of the Curry Solidarity Team's October 26 campaign email. However, the Department's investigation found no evidence, constitutional provision, election rule, or law indicating that the monitor was required to provide you with this email. Therefore, you were not unlawfully prevented from sending a campaign email to the same UAW Region 2B email distribution list.

Moreover, even if the election monitor's actions failed to adequately remedy the underlying violation, the Department determined that the potential effect of this violation was 1,198 votes, that is, the number of email addresses inappropriately obtained from the Region 2B email list. Art. 10, Sections 4 and 5(b) of the UAW Constitution provide for runoff elections for the races of president, secretary treasurer, regional director, and vice president in instances where there are three (or five, in the case of vice president) or more candidates in a particular race and an insufficient number of candidates received a majority vote. Incumbent Ray Curry won the office of president with 39,572 votes over second-placing candidate Shawn Fain, who had obtained 38,958 votes. Neither the subtraction of 1,198 votes from President Curry's vote totals nor the addition of 1,198 votes to candidate Shawn Fain's vote totals would have given either individual the majority vote (that is, at least 51,748 votes) out of the 103,495 ballots counted for the president's race. In the race for the three vice president offices, only the top two candidates – both from the UAW Members United Slate – won a majority of the vote. The margin between the third and fourth place candidates was 4,194 votes while the margin between the fourth and fifth place candidates was 6,178 votes. Because both margins far exceeded the maximum potential impact of 1,198 votes, the violation would not have made a difference as to which candidates proceeded to the runoff race for vice president. For the secretary-treasurer race, Margaret Mock from the UAW Members United Slate was properly installed in office because she won the majority vote by a margin of 24,308 votes. Likewise, Wayne Green, an independent (non-slate) candidate, won the regional director race for Region 2B by a majority of votes and a 3,701-vote margin. The violation could not have affected the outcome of the other regional director races because members are only allowed to vote for their respective regional director. Therefore, to the extent that this underlying violation was not adequately remedied, there was no effect on the outcome of the election.


In sum, the Department has concluded that there was no violation of the Act that may have affected the outcome of the election in connection with your allegations that were properly filed. As to allegations in your complaint to the Department not addressed in this Statement of Reasons, those issues were not considered because the allegations, even if true, were withdrawn during, or not properly exhausted under, the Union's internal protest procedures. *See* 29 U.S.C. § 482. Accordingly, I have closed the file on this matter.

Sincerely,



Tracy Shanker  
Chief, Division of Enforcement

cc: Shawn Fain, President  
United Auto Workers  
26300 Northwestern Highway  
Southfield, MI 48076

  
Crowell & Moring, LLP  
590 Madison Avenue, 20th Floor  
New York, NY 10022

, Associate Solicitor  
Civil Rights and Labor-Management Division