



August 30, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to your October 29, 2015 complaint filed with the United States Department of Labor (Department) alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the August 20, 2015 election of officers, board members, and delegates of SAG-AFTRA and SAG-AFTRA's Los Angeles Local.

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

You allege in your complaint that the SAG-AFTRA staff and the SAG-AFTRA voting vendor, Integrity Voting Systems (IVS), manipulated the election results to favor the incumbent slate, Unite for Strength. You claimed that IVS was compromised due to a contract between its parent company, K&H Integrated (K&H), and Comcast, an employer of SAG-AFTRA members. You further asserted that a leak of nominees for the SAG Awards in 2012 – for which IVS was also a vendor – showed that the voting process for the August 20, 2015 election was not secure. Section 401(c) of the LMRDA requires unions to provide adequate safeguards to ensure that their elections are fair.

The investigation yielded no evidence of fraud or other flaws in IVS's vote counting process. The Department's review of the election ballots and other election records revealed no evidence of any tampering with either the ballots or the election records. The Department confirmed the accuracy of the vote counting machines by conducting a manual count of a random sample of ballots and comparing the results with a machine count of the same group of ballots. The Department also supervised a recount of the national officer election. The supervised recount showed only a minimal difference in the count that would not have affected the election outcome for any race.

With regard to your other assertions, an IVS official stated to the Department that the leak of SAG Award nominees in 2012 was due to an error by the union, not IVS, so was

not indicative of IVS engaging in misconduct. The official acknowledged that K&H did some printing for Comcast several years ago, but could not recall any business dealings with Comcast since then. The investigation did not reveal and you failed to offer any evidence to contradict the official's statements. There was also no evidence that K&H's relationship with Comcast had any impact on its counting of the ballots. Accordingly, there was no violation of the LMRDA.

You also allege that the Unite for Victory Slate manipulated the results of the election by sending out a campaign email on August 14, 2015, that informed members to mail their ballots by August 18, 2015, when the deadline for the receipt of ballots was August 20, 2015. The investigation confirmed that this mailing had been sent and also determined that the Slate had sent out an earlier brochure informing members to submit their ballots by August 17, 2015. In your view, the email was misleading and may have prevented members from having their votes counted as it was impossible for a ballot mailed on August 18, 2015 to reach the SAG-AFTRA PO Box by the deadline of August 20, 2015. The LMRDA does not regulate the contents of campaign literature or permit unions to censor campaign literature. 29 C.F.R. § 452.70. In any event, there is no evidence that the "Unite for Victory Slate's email was intended to mislead members or had that effect. The email states that members must mail their ballots "NO LATER than Tuesday, August 18"; it does not promise that ballots mailed on August 18 will arrive on time. there was no violation of the LMRDA.

The Department's investigation revealed no evidence that SAG-AFTRA attempted to mislead members regarding the election deadline. SAG-AFTRA's official election notice, which was included in the Spring 2015 edition of the union's magazine, explicitly informed members that their ballots needed to be received by 6:30 AM on August 20, 2015. The ballots themselves informed members that they needed to be received by 6:30 AM on August 20 as well. The August 14 email to which you object clearly informed members that it was campaign literature and "not an official union communication." As such, the August 14 Unite for Victory Slate email cannot be attributed to the union. As noted above, unions are not responsible for or even permitted to dictate the contents of candidates' campaign emails.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred that may have affected the outcome of the election. Accordingly, our office has closed the file on this matter.

Sincerely,

Sharon Hanley, Chief  
Division of Enforcement

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