

**OFFICIAL RULES FOR THE
2023 INTERNATIONAL OFFICER
RUN-OFF 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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AS OF December 14, 2022

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DEFINITIONS

MONITOR ELECTION TEAM

OFFICIAL RULES FOR THE
2023 INTERNATIONAL OFFICER RUN-OFF ELECTION
OF THE INTERNATIONAL UNION, UNITED AUTOMOBILE,
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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”).¹ 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”).²

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, all International Vice Presidents, and 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 was to occur within the coming year (the “2022 UAW International Officer Election” or the “2022 Election”).³ 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.⁴

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,

¹ Consent Decree, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (January 29, 2021), Civil No. 20-cv-13293, ECF No. 10 (“Consent Decree”).

² Order, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (May 12, 2021), Civil No. 20-cv-13293, ECF No. 34.

³ Consent Decree ¶ 8.

⁴ *Id.*

determining that the UAW's Referendum vote was "conducted in a manner consistent with the standards applicable to the union officer election provisions set forth in Title IV of the [Labor-Management Reporting and Disclosure Act of 1959] 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.⁵ 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."⁶ 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."⁷ 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."⁸

In light of the Referendum result, the Monitor, in consultation with the UAW, developed rules and methods for holding the 2022 Election (the "Election Rules"). The Monitor also conferred with the UAW to draft language to implement the direct

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 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.

⁷ 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.

⁸ *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).

election system in the UAW's Constitution.⁹ These amendments to the UAW Constitution were adopted at the Constitutional Convention, held in Detroit, Michigan from July 25-28, 2022. As described in the Monitor's Second Status Report, filed with the District Court for the Eastern District of Michigan on May 11, 2022, those proposed constitutional amendments to implement the direct election system empowered the delegates to the 2022 UAW Constitutional Convention to choose how the UAW would proceed in the event that a candidate for International Office does not receive a majority of votes on the first ballot: either through a run-off election by mail of the top vote-getters in any given race; or by the use of ranked choice voting ballots, in which voters would rank the candidates in order of their preference (also referred to as an "instant run-off").¹⁰ The delegates to the Constitutional Convention rejected a resolution to adopt rank choice voting and passed amendments to Article 10, Section 5 of the UAW Constitution that implement the run-off process for the direct election system.

Ballots for the Election began to be mailed on October 17, 2022. To be counted, ballots were required to be received by the designated postal office in Dayton, Ohio, by 4 p.m. ET on November 28, 2022.¹¹ In total, over one million ballots were mailed, and 106,790 ballots were received by the deadline.¹² On November 29, 2022, votes began to be counted in a secure facility outside of Dayton, Ohio.¹³ The vote count was completed on December 2, 2022. The unofficial Election results are available in the Monitor's Fourth Status Report,¹⁴ as well as on the Monitor's website (www.uawmonitor.com), the UAW's website (www.uaw.org), and the Election Vendor's website (www.uawvote.com).

For certain races in the Election, no Candidate secured a majority of the votes, as required under Article 10, Section 5 of the UAW Constitution. Those races require a run-off election and are as follows:

⁹ See Monitor's Second Status Report, *United States v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (May 11, 2022), Civil No. 20-cv-13293, ECF No. 59 at 4.

¹⁰ *Id.* at 26-28.

¹¹ See Election Rules § 2-3.

¹² See Monitor's Fourth Status Report, *United States v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (December 5, 2022), Civil No. 20-cv-13293, ECF No. 97.

¹³ See Election Rules § 2-14.

¹⁴ See Monitor's Fourth Status Report Exhibit A, *United States v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (December 5, 2022), Civil No. 20-cv-13293, ECF No. 97-1.

<u>Office</u>	<u>Run-Off Election Candidates</u>
International President	Ray Curry Shawn Fain
International Vice President	Tim Bressler Chuck Browning
Region 9 Director	Lauren Farrell Daniel Vicente

The Monitor now issues these rules (“Run-Off Rules”) to govern the three run-off races (the “Run-Off Election” or “2023 UAW International Officer Run-Off Election”) that will be held as part of the broader 2022 UAW International Officer Election (the “Election” or “2022 Election”). These Run-Off Rules supplement and, where applicable, incorporate the Official Rules for the 2022 UAW International Officer Election (the “Election Rules”). The Election Rules will remain in effect for future UAW International Officer elections unless and until modified. Similarly, these Run-Off Rules will apply from their issuance through the completion of the 2022 Election, and will remain in effect for future UAW International Officer elections unless and until modified.

As with the Election Rules, three important principles will guide the Run-Off Election:

First, the Run-Off 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 Run-Off Election will be conducted in strict adherence with the applicable provisions of the Consent Decree, the UAW Constitution, applicable federal laws and regulations including the Labor Management Reporting and Disclosure Act (“LMRDA”), and these Rules.

Third, consistent with American democratic traditions, the right of every qualified member of the electorate to vote in this Run-Off 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 Run-Off

Election to facilitate as broadly as possible their participation in it; and the fair counting of ballots and certainty around the accuracy of the Run-Off Election results. It further requires that, to the extent that any participants in the Run-Off Election engage in any anti-democratic efforts or policies, they will be swiftly addressed and eradicated.

Prior to the completion of the 2023 UAW International Officer Run-Off 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 Run-Off Rules.

* * *

RUN-OFF ELECTION TIMELINE

The following schedule shall apply to the 2023 UAW International Officer Run-Off Election:

December 14, 2022

- Issuance of Rules for the 2023 UAW International Officer Run-Off Election.

December 15, 2022

- Deadline by which all Slate designations must be finalized.

December 16, 2022

- Deadline by which Local Unions must update data in the UAW's centralized membership database, the Local Union Information System (LUIS) for the Global Mailing List to which Run-Off ballots will be sent.
- Updated version of mailing list from LUIS provided by the UAW to the Election Vendor to be used by Candidates seeking to communicate with members. The mailing list will continue to be updated, as discussed below.
- Date on or about ballot printing and folding will start at the Printing Plant and Mail House in Des Moines, Iowa, concluding on or about December 23, 2022.

December 19, 2022

- Earliest date by which Candidates may submit their campaign materials to be posted on the UAW website.

December 27, 2022

- Date on or about Mail House operations will begin, continuing until the first formal mail distribution of mail-in ballots.

January 5, 2023

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

January 12, 2023

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

January 13, 2023

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

January 19, 2023

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

January 31, 2023, at 5 p.m. ET

- Deadline by which members must be in “good standing” in order to have their vote counted in the 2023 UAW International Officer Run-Off Election (“Voter Eligibility Deadline”).

February 1, 2023

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

February 10, 2023

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

February 15, 2023, at 11:59 p.m. ET

- Deadline by which replacement ballots can be requested from the Election Vendor.
- Deadline for Candidates to inform the Monitor in writing of the names of any individuals chosen to serve as Observers for Count Activities.

February 17, 2023

- Recommended last day by which members should place their ballots in the mail to best ensure their arrival by the February 28, 2023 deadline.

February 21, 2023

- Election Vendor staff specifically tasked with the processing and counting of ballots will begin processing all received ballots to determine the eligibility of the voter to cast a vote.

February 28, 2023, 4 p.m. ET

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

March 1, 2023, 9 a.m. ET

- Ballot tabulation begins.

As soon as practicable after March 1, 2023

- Once the tabulation of ballots is complete, the unofficial results will be announced by the Monitor.

March 2023 (date to be determined)

- All official victors of International Officer Run-Off Election races will be sworn-in within seven days of the unofficial announcement of the Run-Off Election winners.

* * *

SECTION 1: Role and Authority of the Monitor

Run-Off Rule 1-1: Responsibility of the Monitor

The Run-Off Rules hereby incorporate **Election Rule 1-1: Responsibility of the Monitor**.

Run-Off Rule 1-2: Appeals and Protests

The Run-Off Rules hereby incorporate **Election Rule 1-2: Appeals and Protests**.

* * *

SECTION 2: Overview of the 2023 UAW International Officer Run-Off Election

Run-Off Rule 2-1: Candidates

Following the completion of the vote count on December 2, 2022, only individuals who qualified for the Run-Off Election will be considered candidates (“Bona Fide Candidates” or “Candidates”) for the purposes of their rights under the LMRDA and the Run-Off Rules. Those who did not receive enough votes to qualify for the Run-Off Election, and those who won their races in the 2022 Election, will no longer be considered Candidates and are not entitled to the rights of access that are meant to enable Candidates to conduct effective election campaigns.

The Run-Off Rules hereby incorporate **Election Rule 3-1: Candidate Eligibility (Qualifications) Under the UAW Constitution, Federal Law, and the Consent Decree**, which sets forth the qualifications for running for office in the 2023 UAW International Officer Election. All Candidates in the Run-Off Election have previously been vetted by the Monitor, but the Monitor reserves the right to decertify any Candidate if new information comes to light or circumstances change.

Run-Off Rule 2-2 [Reserved]

Run-Off Rule 2-3: Election Process

The Run-Off Election will be conducted by secret mail-in ballot. The UAW’s Election Vendor, Merriman River Group (the “Election Vendor”), will again oversee all mailings, collections, and tabulations of the secret ballots.¹⁵ The offices to be filled through the 2023 UAW International Officer Run-Off Election will include the offices of one (1) International President, one (1) International Vice President, and one (1) Region 9 Director (collectively, “International Officers”). The term of office for all International Officers elected in the Run-Off Election shall be from the date of their swearing-in after the Run-Off Election through the next election cycle and swearing-in.

¹⁵ As with the Election, multiple vendors will be needed to undertake the various tasks necessary to facilitate the 2023 UAW International Officer Run-Off Election. Nonetheless, the term “Election Vendor” is utilized throughout the Run-Off Rules even if it may ultimately refer to multiple vendors.

Shortly before these Run-Off Rules were issued, the Monitor posted on the Monitor's website and provided to be posted on the UAW website an informal notice of the 2023 UAW International Officer Run-Off Election and an overview of relevant information. Through the voter eligibility deadline of **January 31, 2023**, 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 **January 12, 2023**. Voters are strongly encouraged to place their ballot in return mail no later than **February 17, 2023**, but ballots must be received through the mail by no later than **February 28, 2023**. The next day, on **March 1, 2023, at 9 a.m. ET**, the tabulation process will commence with Observers present as prescribed by these Run-Off Rules. *See Run-Off Rule 7-4.*

Run-Off Rule 2-4: Notice of Election

Federal law requires that "[n]ot 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); 29 C.F.R. §§ 452.100, 452.102; *see also* UAW Constitution, Article 38, Section 2 (applying the notice requirement to Local Union officer elections). For purposes of the Run-Off Election, the "official" notice will be fulfilled by the mailing of the ballot itself. Prior to the mailing of the ballots, the Monitor posted an informal notice of the Run-Off Election on the Monitor's website, and the UAW has posted the same informal notice on its website. Local Unions shall either post the informal notice or a link to the UAW's or Monitor's website regarding the Run-Off Election. The informal notice (1) provides members with key information concerning the Run-Off Election, including the schedule, and other relevant information; and (2) directs members to the websites, where they may view these Run-Off Rules and obtain up-to-date information regarding the Run-Off Election. The informal notice has been posted in both English and Spanish. The Monitor may provide, in conjunction with the UAW, additional notice of the Run-Off Election as may be deemed appropriate to fully inform all Union members of the Run-Off Election.

Run-Off Rule 2-5: Eligibility to Vote

All UAW members in good standing as of **January 31, 2023**, are eligible to vote in the Run-Off 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 the Run-Off 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 January 31, 2023, receives and returns a ballot, their vote will not be counted.

Run-off Rule 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 Run-Off 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 and International Vice President shall be printed on all ballots. The names of all Candidates for Region 9 Director shall be printed on the ballot for all members within Region 9. In sum, all ballots will have Candidates for at least two offices (International President and International Vice President), and Region 9 ballots will have Candidates for three offices (International President, International Vice President, and Region 9 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 **Run-Off Rule 6-3**.

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.

Run-off Rule 2-7: Mailing of Ballots

The Election Vendor shall mail ballot packages from a facility in Des Moines, Iowa to all members eligible or potentially eligible to vote in the Run-Off Election and residing in the United States and its territories. Further information regarding the mailing of ballots is set forth in **Observer Rule 2: Printing Plant and Mail**

House, which is hereby incorporated into the Run-Off Rules.¹⁶ Ballot packages shall be mailed from a separate, single location in Canada to all members eligible or potentially eligible to vote in the Run-Off Election and residing in Canada. Each mail ballot package shall contain a ballot (providing notice of the Run-Off 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 in Section 7 of the Run-Off Rules. 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 if such claim is made no later than February 15, 2023. Similarly, any member requesting a ballot via the Monitor or Election Vendor will be sent one if such request is made no later than February 15, 2023. Members may request a ballot starting on January 19, 2023 by completing the form on <https://uawvote.com> or by calling 855-433-8683. As described in **Count Rule Section 2: Eligibility Verification and Other Initial Ballot Processing**, which is hereby incorporated into the Run-Off Rules, the eligibility of the voting individuals will be confirmed before such ballots are counted.¹⁷

Run-Off Rule 2-8: Casting of Votes

The Run-Off Rules hereby incorporate **Election Rule 2-8: Casting of Votes**.

Run-Off Rule 2-9: Receipt of Ballots

Ballots shall be transported from the receiving U.S. Post Office in Dayton, Ohio by the Election Vendor to the Secure Site at 155 Harrisburg Dr., Englewood, Ohio 45322, with security protocols established by the Election Vendor and approved by

¹⁶ The Run-Off Rules hereby incorporate **Observer Rule 2**, except that, for the Run-Off Election, ballot printing and folding will start on or about December 16, 2022, and conclude on or about December 23, 2022 and Mail House operations will begin on or about December 27, 2022, and continue until the first formal distribution of mail-in ballots on January 12, 2023.

¹⁷ The Run-Off Rules hereby incorporate **Count Rule Section 2**, except that, for the Run-Off Election, all UAW members in good standing as of January 31, 2023 at 5 p.m. ET, are eligible to vote in the Run-Off Election, the process for evaluating the good standing status of each member who returned a ballot will start on February 21, 2023, and mail will continue to be picked up from the post office until February 28, 2023.

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 or who spoils or loses a ballot should contact the Election Vendor if they wish to receive a ballot by completing the form on <https://uawvote.com> or by calling 855-433-8683. The Election Vendor shall immediately send such person a ballot package, regardless of any question(s) concerning the individual's eligibility to vote. Replacement ballots may be requested no sooner than January 19, 2023, and no later than February 15, 2023 at 11:59 p.m. ET. Candidates' Observers shall be provided access to the process for distributing replacement ballots. As described in **Count Rule Section 2: Eligibility Verification and Other Initial Ballot Processing**, which has been incorporated into the Run-Off Rules, *see Run-Off Rule 2-7*, the eligibility of the voting individuals will be confirmed before such ballots are counted.

All ballots must be received by the designated U.S. Post Office in Dayton, Ohio by 4 p.m. ET on **February 28, 2023**.

Run-Off Rule 2-10: Verification of Voter Eligibility

Prior to commencement of the vote count, the Election Vendor shall verify the eligibility to vote of each person who cast a ballot in the Run-Off Election, in accordance with **Run-Off Rules Section 5: The Electorate** and **Count Rule Section 2: Eligibility Verification and Other Initial Ballot Processing**, which has been incorporated into the Run-Off Rules, *see Run-Off Rule 2-7*.

Run-Off Rule 2-11: Counting of Ballots

The Election Vendor shall begin counting the ballots on or about **March 1, 2023, 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. Further information regarding the vote tabulation process is set forth in **Count Rule Section 3: Final Counting Process** and **Count Rule Section 4: Ballot Counting**, which are hereby incorporated into the Run-Off Rules.

Run-Off Rule 2-12: Observers

Each Candidate in the 2023 UAW International Officer Run-Off Election and each full or partial Slate may observe or may designate others to observe the process for the Run-Off Election, in accordance with Section 7 of the Run-Off Rules.

Run-Off Rule 2-13: Invasion of Ballot Secrecy

The Run-Off Rules hereby incorporate **Election Rule 2-13: Invasion of Ballot Secrecy**.

Run-Off Rule 2-14: Announcement of the Election Results

The counting of the ballots will commence on **March 1, 2023, at 9 a.m. ET**, and continue until complete. When complete, the Monitor and the UAW shall post the unofficial Run-off Election results on their respective websites as soon as is practicable. Announcement of the unofficial Run-Off Election results does not constitute certification, which is required before the results are official.

Run-Off Rule 2-15: Certification of the Election Results

After the Run-Off Election process is completed in accordance with the Run-Off Rules, and where no timely objections to the Run-Off 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 and/or Run-Off Election, the Monitor shall certify the 2023 UAW International Officer Run-Off Election results, post a copy of the 2023 UAW International Officer Run-Off Election certification on the Monitor's website, and provide a copy of the 2023 UAW International Officer Run-Off Election certification to be posted to the UAW website.

Run-Off Rule 2-16: Installation of Officers

The unofficial Run-Off Election results will be presumed valid pending certification by the Monitor as described in **Run-Off Rule 2-15**, and/or any final decision by the Secretary of Labor and OLMS, should they be asked to review any

aspect of the Run-Off Election.¹⁸ Accordingly, newly elected UAW International Officers shall be installed on or about a date to be determined in or about **March 2023** within 7 days of the unofficial announcement of the results, irrespective of the final certification of the Run-Off Election.

Run-Off Rule 2-17 [Reserved]

Run-Off Rule 2-18: Preservation of the Election Materials

The Run-Off Rules hereby incorporate **Election Rule 2-18: Preservation of Election Materials**.

* * *

¹⁸ 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.” 29 U.S.C. § 482(a)(2).

SECTION 3

[RESERVED]

SECTION 4: Campaigning and Access

Run-Off Rule 4-1: Candidates

The criteria for qualifying to run for International Office is set forth in **Run-Off Rule 2-1**, as well as **Election Rule 3-1**. 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 who qualified for the Run-Off Election per the unofficial Election results, following completion of the vote count on December 2, 2022.

Run-Off Rule 4-2: Credentialed Representatives

The Run-Off Rules hereby incorporate **Election Rule 4-2: Credentialed Representatives**.

Run-Off Rule 4-3: Campaigning in General

The Run-Off Rules hereby incorporate **Election Rule 4-3: Campaigning in General**.

Run-Off Rule 4-4: Freedom to Advocate

The Run-Off Rules hereby incorporate **Election Rule 4-4: Freedom to Advocate**.

Run-Off Rule 4-5: Retaliation and Discrimination

The Run-Off Rules hereby incorporate **Election Rule 4-5: Retaliation and Discrimination**.

Run-Off Rule 4-6: Prohibition on Use of Union/Employer Resources

The Run-Off Rules hereby incorporate **Election Rule 4-6: Prohibition on Use of Union/Employer Resources**.

Run-Off Rule 4-7: Right to Access to the Global Mailing List

The Run-Off Rules hereby incorporate **Election Rule 4-7: Right to Access to the Global Mailing List**.

Run-Off Rule 4-8: Phone Banking and Mass/Robo Texting

The Run-Off Rules hereby incorporate **Election Rule 4-8: Phone Banking and Mass/Robo Texting** and **Supplemental Phone/Texting Rule 1: Use of Union or Employer Resources**.

Run-Off Rule 4-9: Right to Inspect Worksite List

The Run-Off Rules hereby incorporate **Election Rule 4-9: Right to Inspect Worksite List**.

Run-Off Rule 4-10: Right to Inspect Global Mailing List

The Run-Off Rules hereby incorporate **Election Rule 4-10: Right to Inspect Global Mailing List**.

Run-Off Rule 4-11 [Reserved]

Run-Off Rule 4-12: Right to Access Membership Meetings

The Run-Off Rules hereby incorporate **Election Rule 4-12: Right to Access Membership Meetings**.

Run-Off Rule 4-13: Candidate Forums

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

During the Run-Off Election, the Monitor shall conduct at least one Candidate Forum for all Candidates for the position of International President and at least one Candidate Forum for all Candidates for the position of International Vice President. Candidates will be encouraged but not required to participate.

The forum for Candidates for the position of International President and the forum for Candidates for the position of International Vice President shall be held in January 2023. The date, time, location, and format of the forums shall be determined by the Monitor, after consultation with the Candidates or their representatives. The Monitor

shall ensure that the forums are recorded and that the recordings are posted on the Monitor website, and will provide the recordings for posting on the website of the UAW.

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 live¹⁹ 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.

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 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.

The Run-Off Rules hereby incorporate:

- **Candidate Forum Rule 3: Format**²⁰
- **Candidate Forum Rule 4: Logistics**

Run-off Rule 4-14 [Reserved]

Run-Off Rule 4-15: UAW Websites and Other UAW Communication

Each Candidate 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 “2023 International Election Run-Off Campaign Literature” and appears on the homepage of the UAW website. All campaign literature to be published on the UAW website shall be submitted no earlier than **December 19, 2022**. Campaign literature will be published within three (3) business days from the time it is received. The details around specific rules related thereto,

¹⁹ “Live” subject to the likelihood of a slight delay due to technological constraints.

²⁰ The Run-Off Rules incorporate **Candidate Forum Rule 3**, except that in the Run-Off Candidate Forums, the Candidate to whom the question is directed will have up to two (2) minutes to respond and the other Candidate will then each have up to one (1) minute for rebuttal or comment.

including the apportionment of space for each Candidate or Slates of Candidates, will be issued in advance of the December 19 date and will be substantially similar to the guidance issued for the campaign literature published as part of the 2022 Election. 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 Run-Off Election. To the extent there are any questions or concerns about the application of this rule, they may be advanced to the Monitor.

* * *

SECTION 5: The Electorate

Run-off Rule 5-1: Rules for Determining Voter Eligibility

All UAW members in good standing as of **January 31, 2023**, are eligible to vote in the Run-Off Election, including members who are part-time workers, reinstated members, and retired members (the “Electorate”). *See* 29 U.S.C. 481(e); *see also* UAW Constitution, Article 38, Section 10(a) (applying the good standing requirement to Local Union officer elections). 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 **January 31, 2023**. 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 Run-Off Election. *See* UAW Constitution, Article 6, Section 19.

To have a vote counted in the Run-off Election, however, members must ensure that they are in good standing by **January 31, 2023, at 5 p.m. ET**. 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 December 16, 2022**, and a continuing obligation to update the UAW central database as to updated member standing through **January 31, 2023**.

Run-Off Rule 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. Further information regarding the Election

Control Roster is set forth in **Count Rule Section 2: Eligibility Verification and Other Initial Ballot Processing**, which has been incorporated into the Run-Off Rules, *see* **Run-Off Rule 2-7**.

* * *

SECTION 6: Ballots and Slates

Run-Off Rule 6-1: Ballots

Ballots will be mailed out to the Electorate starting on **January 12, 2023**. The ballots will include instructions which clearly state the manner in which members should mark their ballots and shall instruct the voter to vote for not more than one Candidate for each race. All Candidates' names will appear on the Run-Off ballot in the same way as they did on the 2022 Election ballot. If a Candidate wishes for a different format of their name to appear on the ballot, they must inform the Monitor no later than **December 15, 2022**. 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. All used and unused ballots and other records pertaining to the Run-Off Election will be maintained for one (1) year following the date the tabulation is complete and the unofficial results announced and posted. Run-Off Election records include voter eligibility lists, sign-in registers, tally sheets, and any other documents or records used in the election.

Run-Off Rule 6-2 [Reserved]

Run-Off Rule 6-3: Slates

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.

A Candidate may, however, leave a Slate if they so choose. 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 that are also part of the Run-Off Election. 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 **December 15, 2022**, and after that date, it should be presumed that the ballot will reflect the Slate designations as of **December 15, 2022**.

Run-off Rule 6-4: Prohibition of Binding Slates

The Run-Off Rules hereby incorporate **Election Rule 6-4: Prohibition of Binding Slates**.

* * *

SECTION 7: Inspection and Observers

Run-Off Rule 7-1: Inspection by Candidates

The Run-Off Rules hereby incorporate **Election Rule 7-1: Inspection by Candidates**.

Run-Off Rule 7-2: Observers

All Candidates, representatives of the UAW, representatives of the Monitor team, and representatives of OLMS are invited to observe the printing, mailing, and counting of the ballots for the Run-Off Election. In addition, each Candidate shall have the right, at their expense, to have no more than ten (10) individuals present to observe the printing, mailing, and counting of ballots. *See* 29 U.S.C. § 481(c); *see also* UAW Constitution, Article 38, Section 10(g) (applying the Observer requirement to Local Union officer elections). 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 of Candidates will be permitted to send Observers to make up the difference for that Candidate's allotment. 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 Run-Off 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 the Run-Off Rules. 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").

Candidates or Slates of Candidates must inform the Monitor in writing by **February 15, 2023**, of the names of those individuals whom they have chosen to as Observers for the Count Activities. The Monitor shall provide reasonable notice to all Candidates or Slates of Candidates of the dates, times, and places of all events or activities which Candidates or Slates of Candidates may have the right to observe.

Once the Monitor has received the names of each Candidate's or Slate's Observer(s) and has confirmed that the Observer(s) are in compliance with the Run-Off

Rules, then the names and contact information of approved Observers will be forwarded to 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.

Run-Off Rule 7-3: Observation of Ballot Printing and Mailing and Other Pre-Count Activities

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. For more information, *see* **Observer Rule 2: Printing Plant and Mail House**, which has been incorporated into the Run-Off Rules, *see* **Run-Off Rule 2-7**, except that ballot printing and folding will start on or about December 16, 2022, and conclude on or about December 23, 2022 and Mail House operations will begin on or about December 27, 2022, and continue until the first formal distribution of mail-in ballots on January 12, 2023.

With regard to the observation of other Pre-Count Activities, which take place in and around the Vote Count site in Dayton, Ohio, the Run-Off Rules hereby incorporate **Observer Rule 3: Pre-Count Activities**, except that the Pre-Count Activities will begin on or about January 18, 2023.

Run-Off Rule 7-4: Observation of Vote Count

The Vote Count for the Run-Off Election will proceed in two overlapping phases:

- **Eligibility Verification and Other Initial Ballot Processing.** Beginning on or about February 21, 2023, 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 March 1, 2023, Count Workers will further process and count ballots that have been deemed eligible. The ballot counting will proceed in two six-hour shifts. The first shift will be from 8 a.m. ET to 2 p.m. ET; the second shift will be 2 p.m. ET to 8 p.m. 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 OLMS. 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. Candidates may not serve as Observers, and they may not make any challenges, though Candidates are permitted on the Count Floor. 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 of Candidates 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 Run-Off 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. This campaign staff member will be permitted access to the Count Floor, but will not be permitted to make any challenges. Each Candidate or Slate of Candidates must identify any such staff member by the February 15, 2023 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."

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. 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 of Candidates 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.

While on the Count Floor or in the Ballot Security Room, Observers may not use cell phones, computers, or other electronic devices.

The Run-Off Rules hereby incorporate the following Count Rules:

- **Count Rule 1-2: Count Site**
- **Count Rule 1-3: Protocols**
- **Count Rule 1-4: Personnel**
- **Count Rule 1-5: Check-in Procedure**
- **Count Rule 1-6: Movement on the Count Floor**
- **Count Rule 2-1: Eligibility Verification and Other Initial Ballot Processing Overview²¹**
- **Count Rule 2-2: Eligibility Scanning**
- **Count Rule 2-3: Initial Identification of Void and Potential Duplicate Ballots**
- **Count Rule 2-4: "Other" Envelopes**
- **Count Rule 2-5: Categorization and Return of Ballots**
- **Count Rule 3-1: Envelope Slitting Stations²²**
- **Count Rule 3-2: Extraction and Review Stations**
- **Count Rule 3-3: Ballot Inspection**
- **Count Rule 3-4: Remark/Remake Ballots**
- **Count Rule 3-5: Voter Intent Challenges**
- **Count Rule 4-1: Ballot Counting Overview**
- **Count Rule 4-2: Secondary Remark/Remake Machine Count**
- **Count Rule 4-3: Final Machine Tally**
- **Count Rule 4-4: Voting Results Reporting**

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²¹ The Run-Off Rules incorporate Count Rule 2-1, except that, for the Run-Off Election, all UAW members in good standing as of January 31, 2023 at 5 p.m. ET, are eligible to vote in the Run-Off Election, the process for evaluating the good standing status of each member who returned a ballot will start on February 21, 2023, and mail will continue to be picked up from the post office until February 28, 2023.

²² The Run-Off Rules incorporate Count Rule 3-1, except that, for the Run-Off Election, envelope slitting will begin on March 1, 2023.

SECTION 8: Campaign Contributions and Disclosures

Run-Off Rule 8-1: Overview

The Run-Off Rules hereby incorporate **Election Rule 8-1: Overview**.

Run-Off Rule 8-2: Definition of Campaign Contribution

The Run-Off Rules hereby incorporate **Election Rule 8-2: Definition of Campaign Contribution**.

Run-off Rule 8-3: Prohibition of Contributions from Labor Organizations

The Run-Off Rules hereby incorporate **Election Rule 8-3: Prohibition of Contributions from Labor Organizations**.

Run-Off Rule 8-4: Prohibition of Contributions from Employers

The Run-Off Rules hereby incorporate **Election Rule 8-4: Prohibition of Contributions from Employers**.

Run-Off Rule 8-5: Contributions for Legal and Accounting Services

The Run-Off Rules hereby incorporate **Election Rule 8-5: Contributions for Legal and Accounting Services**.

Run-Off Rule 8-6: Maintenance of Financial Records

The Run-Off Rules hereby incorporate **Election Rule 8-6: Maintenance of Financial Records**.

Run-Off Rule 8-7: Access to Books and Records by the Monitor

The Run-Off Rules hereby incorporate **Election Rule 8-7: Access to Books and Records by the Monitor**.

Run-off Rule 8-8: Disclosure Statements

The Run-Off Rules hereby incorporate **Election Rule 8-8: Disclosure Statements**, except that a previously designated Treasurer will continue to serve in their role through the Run-Off Election unless the Monitor is informed otherwise and Candidates' Campaign Financial Disclosure Form are due to the Monitor (or, by designation, the Election Auditor) by 5 p.m. ET on the first Friday of the month as follows:

- January 6, 2023
- February 3, 2023
- March 3, 2023

Run-Off Rule 8-9: Notice to Contributors and Sources of Funds

The Run-Off Rules hereby incorporate **Election Rule 8-9: Notice to Contributors and Sources of Funds**.

Run-Off Rule 8-10: Leftover Campaign Funds

The Run-Off Rules hereby incorporate **Election Rule 8-10: Leftover Campaign Funds**.

Run-Off Rule 8-11: Remedial Action for Contribution or Disclosure Violations

The Run-Off Rules hereby incorporate **Election Rule 8-11: Remedial Action for Contribution or Disclosure Violations**.

Run-Off Rule 8-12: Questions on Campaign Contributions and Disclosure Rules

The Run-Off Rules hereby incorporate **Election Rule 8-12: Questions on Campaign Contributions and Disclosure Rules**.

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

Run-Off Rule 9-1: Right to File Protest

The Run-Off Rules hereby incorporate **Election Rule 9-1: Right to File Protest**.

Run-Off Rule 9-2: Pre-Election Protests

The Run-Off Rules hereby incorporate **Election Rule 9-2: Pre-Election Protests**, except that “pre-election protests” with regard to the Run-Off Election encompass conduct occurring on or before February 28, 2023.

Run-Off Rule 9-3: Post-Election Protests

The Run-Off Rules hereby incorporate **Election Rule 9-3: Post-Election Protests**, except that “post-election protests” with regard to the Run-Off Election encompass conduct occurring on or after March 1, 2023.

Run-Off Rule 9-4: Remedies

The Run-Off Rules hereby incorporate **Election Rule 9-4: Remedies**.

Run-Off Rule 9-5: Appeals in General

The Run-Off Rules hereby incorporate **Election Rule 9-5: Appeals in General**.

Run-Off Rule 9-6: Appeals of Prohibition from Running for Office

The Run-Off Rules hereby incorporate **Election Rule 9-6: Appeals of Prohibition from Running for Office**.

Run-Off Rule 9-7: Rerun Elections

The Run-Off Rules hereby incorporate **Election Rule 9-7: Rerun Elections**.

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SECTION 10: Election-Related Conduct Subject to Disciplinary Charges

Run-Off Rule 10-1: Overview of Conduct

The Run-Off Rules hereby incorporate **Election Rule 10-1: Overview of Conduct**.

Run-Off Rule 10-2: Enumerated Examples of Misconduct

The Run-Off Rules hereby incorporate **Election Rule 10-2: Enumerated Examples of Misconduct**.

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

Run-Off Rule 11-1: Relevant Regulations

The Run-Off Rules hereby incorporate **Election Rule 11-1: Relevant Regulations**.

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SECTION 12: Administration of the Rules and UAW Constitution

Run-Off Rule 12-1: The Rules

The Run-Off Rules hereby incorporate **Election Rule 12-1: The Rules**.

Run-Off Rule 12-2: Extraterritorial Application of Rules

The Run-Off Rules hereby incorporate **Election Rule 12-2: Extraterritorial Application of Rules**.

Run-Off Rule 12-3: UAW Constitution

The UAW Constitution applies to any and all aspects of the 2023 UAW International Officer Run-Off Election. This includes the amendments passed at the 2022 UAW Constitutional Convention.

Run-Off Rule 12-4: Role of the IEB and UAW

The Run-Off Rules hereby incorporate **Election Rule 12-4: Role of the IEB and UAW**.

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SECTION 13: Forms

Run-Off Rule 13-1: Election Forms

The Run-Off Rules hereby incorporate **Election Rule 13-1: Election Forms**.

Run-Off Rule 13-2: List of Forms

The Run-Off Rules hereby incorporate **Election Rule 13-2: List of Forms**.

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SECTION 14: Effective Date

The Run-Off Rules shall be effective as of their date of issuance, except those provisions of the UAW Constitution and of the LMRDA, which are incorporated into the Run-Off Rules, shall be effective as of the date of their adoptions.

These Run-Off Rules have been issued as of December 14, 2022.

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DEFINITIONS

The Run-Off Rules hereby incorporate the Election Rules' definitions.

* * *

MONITOR'S ELECTIONS TEAM

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