

UAW REFERENDUM

FREQUENTLY ASKED QUESTIONS

REFERENDUM OVERVIEW

Why is a Referendum being held? What is it about?

In December 2020, the UAW reached an agreement with the Department of Justice (“DOJ”) to resolve potential criminal liability of the UAW through a Consent Decree, which was issued by the United States District Court for the Eastern District of Michigan on January 29, 2021. The Consent Decree requires the UAW to hold a secret ballot Referendum by all UAW members concerning the method and procedures for the election of the members of the International Executive Board (“IEB”). Specifically, the UAW membership must vote on the following question: whether to (1) maintain the current method of electing IEB members through the delegate system whereby Local Union delegates vote at UAW Constitutional Conventions to elect the members of the IEB, or (2) change the method to a direct election system whereby each UAW member will vote directly to elect the members of the IEB. For more information concerning the Referendum, please see the Referendum Rules published on the Monitor’s website at www.uawmonitor.com/electionsreferendum.

When will the Referendum take place?

The Referendum will take place in November 2021. All important dates and deadlines are set forth in the Referendum Rules, which are posted on the Monitor’s website at www.uawmonitor.com/electionsreferendum. All dates are approximate and subject to change. Three critical dates and deadlines are set forth below:

- Pursuant to the Court’s September 9, 2021 order amending the Consent Decree, the final deadline for the Referendum is **November 29, 2021**. **All completed ballots must be received by the designated U.S. Post office to be picked up by the Election Vendor by Monday, November 29, 2021, at 10 a.m. ET, in order to be counted. *Please note that this deadline has moved since the original version of the Interim Rules.***
- **Members must be in good standing by November 19, 2021, at 5 p.m. ET, for their vote to be counted. *Please note that this deadline has moved since the original version of the Interim Rules.***
- Ballot packages will be mailed to all UAW members, including part-time workers and retired members, in October 2021.

Please make sure to check back regularly for updates and any changes in the schedule.

When will the result of the Referendum be announced?

The Election Vendor will begin the tabulation of votes as soon as practicable after the voting deadline, under the oversight of the Monitor and the Department of Labor’s Office of Labor Management Standards (“OLMS”). Once the tabulation is complete, the Monitor will announce

the unofficial result of the Referendum. The Monitor will then prepare a report summarizing the Referendum process and result and provide it to OLMS for approval. If OLMS endorses the Referendum result, the report shall be filed with the District Court for final approval. Once approved by the Court, the Monitor will certify the result.

Is the Monitor part of the UAW?

No. In May 2021, The United States District Court for the Eastern District of Michigan appointed Neil M. Barofsky of Jenner & Block LLP as the Independent Monitor of the UAW, pursuant to the Consent Decree entered into by the United States and the UAW in *United States v. International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America*, No. 20-cv-13293 (E.D. Mich.). The Monitor is independent of, and does not work for or represent, either of the parties to the Consent Decree. For more information regarding the Monitor's role, please visit the Monitor's website at www.uawmonitor.com/about.

What is the role of the Monitor in the Referendum?

The Consent Decree mandates that the Monitor maintain oversight over all IEB elections during the six-year Monitorship period, and provides specific authority for the Monitor to oversee the Referendum this fall. The Monitor is required to administer the Referendum in consultation with the UAW (including through the development of the rules, method, and ballot language to be used in the Referendum), subject to final approval from OLMS. The Monitor will prepare a report at the conclusion of the Referendum and provide it to OLMS and ultimately the District Court for approval. If the result of the Referendum is a change from the current method of electing members of the IEB (the delegate system) to the direct election system, the Monitor, in consultation with the UAW, will develop all election rules and methods for the new system in time for the next IEB election. Regardless of the result of the Referendum, the Monitor will continue to have an oversight role concerning IEB elections.

Further, the Referendum will be run in a fair and impartial matter, and the Monitor will neither endorse nor give the appearance of endorsing one side of the Referendum question over the other, nor promulgate or enforce any discriminatory Rule.

Is the Monitor a neutral party?

Yes. The Referendum will be run in a fair and impartial matter, and the Monitor will neither endorse nor give the appearance of endorsing one side of the Referendum question over the other, nor promulgate or enforce any discriminatory Rule.

Why are there Interim Rules?

Pursuant to the Consent Decree, any and all rules imposed for the Referendum require agreement or approval from the Monitor, the UAW, and OLMS. Based on the language of the Consent Decree, OLMS has expressed its view that the Referendum must be conducted pursuant to all provisions of Title IV of the LMRDA, including, among other things, the application of section 401(g) which prohibits the use of Union resources from being used to advocate for either side. The parties to the Consent Decree considered seeking to modify the Consent Decree by a motion to amend filed with the Court, but to keep the Referendum process moving forward, the Monitor,

the UAW, and OLMS agreed to the issuance of Interim Rules, which **include** the section 401(g) prohibition on the use of all Union and employer resources for advocating or promoting a position on the Referendum. If the Consent Decree were to be amended, the rules would be updated accordingly.

The Interim Rules were amended once in order to update the final deadline for the Referendum, and certain interim dates, consistent with the Court's September 9, 2021 order. Accordingly, the current operative version of the Referendum Rules are the Second Interim Rules.

In October 2021, the parties ultimately sought to amend the Consent Decree to amend the application of Title IV of the LMRDA to the Referendum, but the Court denied the parties' request. Final Referendum Rules will likely be issued soon.

If the UAW membership votes for the direct election system, how will the rules change for future IEB elections?

If the majority of votes support a change to the direct election system, the method of electing members to the IEB will change. IEB members will no longer be elected by Local Union delegates at UAW Constitutional Conventions, but will instead be elected directly by the Union membership. The rules for this system, if it passes, will be developed by the Monitor in consultation with the UAW and with the guidance of OLMS before the next IEB election in 2022.

VOTING/UPDATING MAILING LIST

How will the Monitor ensure the enfranchisement of all members?

The Referendum will be conducted consistent with American democratic traditions by protecting the right of every eligible member to vote by secret ballot on the Referendum question. This principle mandates the improvement of accurate membership mailing information to ensure the enfranchisement of as many members as possible; the broad education of members on the fact of the Referendum to facilitate as broadly as possible their participation in it; and the fair counting of ballots and certainty around the accuracy of the Referendum results. To that end, UAW leadership has worked with the Monitor to implement a multi-phase process to update and improve UAW's lists of members' and retired members' mailing addresses and e-mail addresses and to notify and inform all members about the upcoming vote so that all eligible members who want to vote can make their voices heard. Further, in consultation with the Monitor, the UAW has engaged an Election Vendor to oversee all mailings, collections, and tabulations of the secret ballots, which will further ensure fairness and accuracy.

Who is eligible to vote in the Referendum?

All UAW members in good standing as of November 19, 2021, at 5 p.m. ET, are eligible to vote in the Referendum, including members who are part time workers, reinstated members, and retired members. In order to be considered in good standing and be eligible to vote, your dues obligation must be current. This means you must not be delinquent in the payment of dues as of November 19, 2021, at 5 p.m. ET. If you wish to vote in the Referendum, please take whatever

measures are necessary to ensure that you are officially in good standing with the Union before November 19, 2021, at 5 p.m. ET.

What if I paid my dues but my employer has not sent my dues to my Local Union? Am I still eligible to vote?

A member whose dues have been checked off by the employer or who has requested the same of his or her employer may not be disqualified from voting because of any delay or failure by the employer to send the dues to the Local Union.

Am I eligible to vote if I only work part time?

Yes. Members who work only part time but pay the required dues and are therefore in good standing may not be denied the right to vote.

Am I still eligible to vote if I had a previous dues delinquency?

Reinstated members who have regained good standing lost because of a previous dues delinquency cannot be restricted from voting.

I am retired member. Can I still vote in the Referendum?

Yes. 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 her/him to all of the privileges of membership, including the right to vote in this Referendum. Your Local Union does not need to have an established retiree chapter in order for you to be eligible to vote as a retired member. However, you should confirm that your Local Union has a record of your membership status. If the Local Union does not have a record of your membership status, and you are not able to have the Local Union put you on record as having membership status, please reach out to the Monitor’s Elections Team at UAWMonitor-Election@jenner.com or 212-303-2529.

How do I cast my vote in the Referendum?

In October 2021, all members will receive a ballot package which will include detailed instructions on how to fill out and return the completed ballot by mail. Per the Referendum Rules, all returned ballots must be **received by November 29, 2021, at 10 a.m. ET**. In order to ensure that your ballot arrives on time, we encourage you to place it in the mail **as early as possible**. As described in the Referendum Rules, these dates are subject to change. Please check back regularly for updates.

Is my vote secret?

Yes. All members will receive a ballot package containing a ballot secrecy sleeve, in addition to an outer return envelope, voter instructions, and the ballot itself. The secrecy sleeve, often called an inner envelope or “privacy sleeve,” is a paper envelope within which members will place their ballots. The secrecy sleeve enclosing the ballot is then placed inside the return envelope. The purpose of the secrecy sleeve is to protect your privacy by separating the ballot itself from the

outer envelope, which contains an identifying bar code. Neither the UAW nor the Monitor will have access to the ballots, and the envelopes will not be opened until the Election Vendor begins the tabulation process. A Union member should not give his or her unsealed ballot, marked or unmarked, to any other person or entity.

What can I do to ensure that I receive a ballot?

All members will receive a ballot package at their last address on file with the UAW. In order to ensure that the UAW has your correct mailing address on file, you should update your mailing address (and e-mail address) with your Local Union **as soon as possible**, and encourage others to do the same.

Will I be notified when my ballot has been received?

There is no mechanism in place for members to be notified once their ballots have been received by the Election Vendor. Members should send ballots as instructed using the pre-paid postage and not send by registered mail or return-receipt because it may impact the routing of the ballot. Rather, to ensure your ballot is received and counted, you should follow the instructions given and return your ballot as promptly as possible, allowing more time than usual for delivery by the U.S. Postal Service in order to make sure your ballot arrives in advance of the November 29, 2021 deadline.

I received two ballots, to the same name and address. What do I do?

You may send back **either** ballot. However, if you end up sending back multiple ballots, only the last one received will be counted. Our efforts to ensure that every member who may be eligible to vote in the Referendum receives a ballot may mean that in certain limited circumstances people may receive more than one ballot—but our system is set up so that no matter how many ballots someone sends in, only one ballot per member will be counted. This is the case even if the duplicate ballots reflect two different UAW ID numbers.

Will my ballot be secure and how will it be counted?

On October 26, 2021, the Election Vendor, accompanied by a private security officer and under the Monitor's oversight, began the process of picking up all ballots returned to the U.S. Post Office box designated for this Referendum. This pick-up process will continue every weekday morning through November 29, 2021, at 10:00 a.m. EST, the deadline by which ballots must be received. Once the ballots are picked up, they are stored at the Election Vendor's counting facility, which is equipped with around-the-clock, on-site security provided by a private firm as well as security cameras that record and stream all activity for observation.

On November 29, 2021, the Election Vendor will begin its tabulation process, which will be closely overseen by the Monitor and OLMS. Representatives of the UAW and other Union groups who previously registered with the Monitor as advocates have been invited to observe the counting of the votes to ensure that supporters of both sides of the Referendum question can be represented. The Election Vendor will only count votes of active or retired members who are in good standing with the UAW, as determined by the final list provided from the LUIS database as

of the November 19, 2021, 5:00 p.m. EST eligibility deadline. Once all votes have been counted, the results will be transmitted to the Monitor.

Where should I send my updated mailing and email addresses?

You should send your updated mailing address and email address to your Local Union **as soon as possible**, and encourage others to do the same. If you have further questions about where to send this information, please contact your Local Union leadership. If you are unable to reach your Local Union leadership, please reach out to the Monitor's Elections Team at UAWMonitor-Election@jenner.com or 212-303-2529.

What is the deadline for updating my mailing address and email address?

You should send your updated mailing address and email address to your Local Union **as soon as possible**, and encourage others to do the same. If you have further questions about where to send this information, please contact your Local Union leadership. If you are unable to reach your Local Union leadership, please reach out to the Monitor's Elections Team at UAWMonitor-Election@jenner.com or 212-303-2529.

Where and when should Local Unions send their updated mailing lists?

If you are a Local Union official, please provide your Local Union's mailing list to the International Union by uploading it to the Local Unions Information System (LUIS). If this is not possible, please send the list to ITDirector@uaw.net. When you do so, please indicate the local union this list pertains to. If you have any technical issues please contact the LUIS helpdesk (313-926-4485) or email ITDirector@uaw.net. **Please do this as soon as possible.**

When can I expect UAW's Global Mailing List to be updated?

UAW leadership has worked with the Monitor to implement a multi-phase process to update and improve the UAW's records of members' and retired members' mailing addresses and e-mail addresses. As part of this process, UAW has been working expeditiously to update its Global Mailing List. The updated Global Mailing List as of October 8, 2021 was transmitted to the Election Vendor for use in the dissemination of Referendum ballot packages. However, as UAW continues to improve its records for both new and existing members, the Global Mailing List will continue to be updated accordingly.

ADVOCACY

Can I campaign or advocate for one side of the Referendum question?

Yes. Any Union member, including a member who is a Union officer or employee, has the right to participate in campaign activities, including the right to openly support or oppose either side of the Referendum question and to make personal contributions to the advocacy of either side of the Referendum question. Members will be permitted to solicit support, to distribute leaflets or literature, to conduct rallies, to hold fundraising events, or to engage in similar activities on employer or Union premises, except as otherwise prohibited or limited by the employer's rules, the UAW Constitution, the Referendum Rules, or any governing federal, state or local law or

regulation. Members do not need to register with the Monitor in order to engage in these activities. **However, Union and employer resources cannot be used to advocate directly, or by facilitating or managing others, for or against either side of the Referendum question. Union officers and employees are not prohibited from advocating a position on the Referendum outside of working hours and in a personal capacity.**

Individuals and groups in the Union interested in participating in a coalition in support of either side of the Referendum question and wishing to utilize UAW's Global Mailing List for the purposes of mass communication with the Electorate by postal mail or email must register with the Monitor by email at UAWMonitor-Election@jenner.com by September 22, 2021. Any registered individuals or groups will also be invited to participate in an organized Referendum Forum webcast to be held on or about October 7, 2021, at 6 p.m. ET. The Monitor will approve the registration of such individuals or groups as long as they are members in good standing with the Union who will attest in a declaration provided by the Monitor to their good faith use of the process to advocate in connection with the Referendum question and for no other purpose.

How can I utilize UAW's Global Mailing List to send postal mail or e-mails to the Electorate?

Individual members or groups of members are permitted to communicate with the Electorate in favor of either side of the Referendum question. Individuals and groups in the Union who wish to utilize UAW's Global Mailing List for the purposes of mass communication with the Electorate by postal mail or email must register with the Monitor via e-mail at UAWMonitor-Election@jenner.com no later than September 22, 2021. The Monitor will approve the registration of such individuals or groups as long as they are members in good standing with the Union who attest in a declaration provided by the Monitor to their good faith use of the process to advocate in connection with the Referendum question and for no other purpose. The Union's Global Mailing List can be utilized by registered members for the purpose of mailings or emails to advocate for or against either side of the Referendum question, provided that the group/individual pays for its own mailing or emails and Union funds are not used. **Use of Local or International Union funds to conduct such a mailing is prohibited.**

Once their registration has been accepted by the Monitor, registered individuals or groups may begin submitting requests to the Election Vendor to send postal mail or email using the UAW's Global Mailing List. All requests to use the Global Mailing List to send postal mail should be made via e-mail to Matthew Fitch at matt@merrimanriver.com and Jody Clouse at jody@merrimanriver.com, copying the Monitor's Elections Team at UAWMonitor-Election@jenner.com. All requests to use the Global Mailing List to send emails should be sent to Bob Harrington at bob@mydbsolutions.com, copying the Monitor's Elections Team at UAWMonitor-Election@jenner.com. Please be advised that, at present, the Global Mailing List has e-mail addresses for only a small portion of the membership.

Further information will be provided by the Election Vendor once the request is received, including all associated costs. Please note that all requests will be honored as soon as practicable subject to the Election Vendor's own process and requirements for contracting and payment. We cannot guarantee that mailings will be sent out the same date as the request is made, only that they will be sent as soon as practicable.

Can I access UAW’s Global Mailing List to send postal mail or e-mails myself to the Electorate?

No. All such mailings – whether postal mail or e-mail – will be facilitated through the Election Vendor. At no time will any address list of the membership be released to any individual member or group. All requests by registered individuals or groups to use the Global Mailing List to send postal mail should be made via e-mail to Matthew Fitch at matt@merrimanriver.com and Jody Clouse at jody@merrimanriver.com, copying the Monitor’s Elections Team at UAWMonitor-Election@jenner.com. All requests to use the Global Mailing List to send emails should be sent to Bob Harrington at bob@mydbsolutions.com, copying the Monitor’s Elections Team at UAWMonitor-Election@jenner.com. Please be advised that, at present, the Global Mailing List has e-mail addresses for only a small portion of the membership.

Further information will be provided by the Election Vendor once the request is received, including all associated costs. Please note that all requests will be honored as soon as practicable subject to the Election Vendor’s own process and requirements for contracting and payment. We cannot guarantee that mailings will be sent out the same date as the request is made, only that they will be sent as soon as practicable.

Will there be limitations on either the content or formatting of emails or mailings?

For privately-funded emails or postal mailings, the only limitation on content will be that the materials sent must not run afoul of any federal, state or local prohibitions, e.g., federal obscenity regulations. They must also be consistent with whatever guidelines are established by the Election Vendor. The content will otherwise not be edited or censored in any way.

With respect to emails in particular, the Election Vendor will provide the acceptable formatting and/or file size of any email that may be sent out by their system. Attachments will be strongly discouraged because of the high rate of spam filtering attachments generate. In addition, any email will have an “unsubscribe” button for any recipient wishing to not receive additional emails, as required by law.

However, the Monitor reserves the right to modify this position if the Monitor believes it necessary.

Was the Referendum Forum webcast recorded? Where can I find the recording?

The Referendum Forum webcast held on October 7, 2021, was recorded, and a video is posted on the Monitor’s website at www.uawmonitor.com/electionsreferendum.

Can UAW use Union or employer resources to advocate for one side of the Referendum?

Per the Referendum Rules, Union (International or Local) and employer resources cannot be used to advocate directly, or by facilitating or managing others, for or against either side of the Referendum question. However, Union officers and employees are not prohibited from advocating a position on the Referendum outside of working hours and in a personal capacity. 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.

What constitutes Union or employer resources? What is prohibited?

- Union funds – at the International or Local Union level – and employer funds cannot be used to pay for any expenditures in connection with advocating for or against either side of the Referendum question. This includes, but is not limited to, mailings (whether postal or email), phone calling or other forms of telemarketing, hard copy literature distributed in any form, merchandising, promotional events or items, and advertising buys in any medium or jurisdiction.
- Union or employer equipment (including copiers, computers, printers, telephones, e-mail, 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 either side of the Referendum question.
- Advocacy for a position on the Referendum question – through oral or written speech – cannot be conducted on Union or employer time (including during Union meetings, training events, or press conferences). This specifically includes affirmative statements or responses to questions if the statement or response can be understood as a call to action, i.e., something that a listener would reasonably understand as intended to convince others to support or vote for one side of the Referendum question over the other, regardless of the intent of the speaker.

Note that “incidental” advocacy that may occur on Union or employer time, i.e., briefly confirming the fact of one’s support for one side or the other in response to an unexpected question, or correcting a misstatement, is not prohibited. However, if such a statement or response is protracted, planned in advance, or otherwise interferes with the work of the Union or the employer, it may be deemed as advocacy using Union or employer resources. Further, employer rules regarding campaigning in candidate elections must be followed for this Referendum.

- These rules apply to any union (including labor organizations outside of the UAW) and to any employer (whether or not they employ union members).

Can I post advocacy materials in support of either side of the Referendum to my Local Union’s *unofficial* website or social media page?

Yes, advocacy materials may be posted to any unofficial Local Union website or social media account as long as the website or social media account is truly unaffiliated with the Local Union and is not in any way paid for or supported by Union funds or resources.

Can my Local Union provide neutral information about the Referendum?

Yes. There is no limitation on the provision of neutral information by the International and Local Unions regarding the Referendum. While *advocacy* using Union resources is currently prohibited under the Consent Decree and the Referendum Rules, the Rules do not prevent anyone, including Union officers and employees, from providing factual information about the

Referendum, including, for example, when the Referendum will take place, when to expect a ballot, and the deadline by which ballots must be received in order to counted.

What should I do if I'm not sure about whether certain advocacy is permitted?

You should contact the Monitor's Referendum/Elections e-mail hotline at UAWMonitor-Election@jenner.com or call 212-303-2529 to get specific guidance **before engaging in the contemplated conduct.**

What will happen if there is any improper advocacy?

As with any violation of the Rules, any reports of improper advocacy, as defined by the Monitor, whether by word of mouth or otherwise, and expressly including any threats, intimidation, retaliation, penalty, discipline or improper interference or reprisal of any kind, or any similar conduct, will be investigated by the Monitor and appropriate disciplinary action will be taken, if necessary.

What should I do if I want to report a violation of the Referendum Rules or voice any other concern regarding the Referendum?

You should contact the Monitor's Referendum/Elections e-mail hotline at UAWMonitor-Election@jenner.com or call 212-303-2529. Any potential violation of the Referendum Rules should be reported immediately so that the matter can be investigated where appropriate and corrective action taken, if necessary.

Can I protest the result of the Referendum?

At the conclusion of the Referendum, a formal protest of the result based upon a potential violation of the Referendum Rules or applicable law may be filed by any member of the Union in good standing as defined in the Referendum Rules.

A protest must be filed with the Monitor within seven (7) days of the time when the complainant becomes aware or reasonably should have become aware of the action under protest, but no later than seven (7) days after the Monitor's filing of its final report of the Referendum with OLMS. A protest must be filed in writing by delivering a letter to the Monitor at the address on the last page of the Referendum Rules by personal delivery, overnight mail, or email. The protest shall contain a clear and concise statement of the grounds for the protest and the complainant's name, address, email address, phone number, and Local Union affiliation. The complainant bears the burden of presenting some evidence of the alleged improper conduct.

What happens if there was a violation of the Referendum Rules?

The Monitor may undertake an investigation with or without a protest having been filed, if the Monitor believes that the Referendum Rules have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest, and open Referendum. The Monitor has the right to conduct interviews and request and receive documents. If appropriate, the Monitor may hold a hearing to hear evidence on the conduct in question. The Monitor shall, in

his discretion, consult OLMS in connection with issuing a written decision, making findings of fact, and ordering appropriate relief – which could include a rerun of the Referendum. In the event that a violation of the Referendum Rules or applicable law is found to have affected the outcome of the Referendum, as determined by OLMS or the Court, a new referendum will be held as soon as practicable thereafter using the same provisions and methodology described in the Referendum Rules.
