

**OFFICE OF THE ELECTION ADMINISTRATOR  
for the  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

<b>IN RE: KATHERINE KLECKNER,</b>	)	Protest Decision 2001 EAD 259
	)	Issued: March 26, 2001
	)	OEA Case Nos. PR020911MW
<b>Protestor.</b>	)	and PR022115MW
<hr/>		

Katherine Kleckner, a member of Local Union 743, filed pre-election protests pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election (“*Rules*”). She alleges that many addresses on the mailing list used to distribute ballots to the membership contain asterisks and letter codes she contends were used to disenfranchise voters.

Election Administrator representative Dennis Sarsany investigated the protest.

On February 22, 2001, we issued our decision in *Kleckner*, 2001 EAD 187, holding that Kleckner, who is not a candidate in the delegate election, had no right under the *Rules* to inspect the mailing list used to distribute ballots. She was nonetheless permitted inspection and has filed these protests.

**Findings of Fact and Analysis**

Investigation showed that many labels on the mailing list contain asterisks. The local’s chief TITAN operator explained that asterisks are used to identify new members who have not completed the installment payments of their initiation fees or have yet to make their first dues payments. Asterisks are to be removed when these payments are completed, but the local concedes that they remain on the labels of a small number of fully eligible members.

Other labels contain the letters “HS” and “US.” These codes once identified the particular University of Chicago bargaining unit to which a member belonged. They no longer serve that purpose but have not been removed.

The protestor alleges the asterisks and letter codes constitute ballot tampering. However, she presented no evidence to substantiate this serious charge and our investigation found none. Specifically, no link exists between the codes and the protestor’s claim that some voters did not timely receive ballots. Further, the codes were not used for any purpose at the ballot count held March 3, 2001. Accordingly, we DENY these protests.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was

*Kleckner*, 2001 EAD 259  
March 26, 2001

not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy  
Election Appeals Master  
Latham & Watkins  
Suite 1000  
885 Third Avenue  
New York, New York 10022  
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15<sup>th</sup> Street NW, Tenth Floor, Washington, DC 20005 (facsimile: 202-454-1501), all within the time prescribed above. A copy of the protests must accompany the request for hearing.

*William A. Wertheimer, Jr.*

William A. Wertheimer, Jr.  
Election Administrator

cc: Kenneth Conboy  
*2001 EAD 259*

*Kleckner*, 2001 EAD 259  
March 26, 2001

**DISTRIBUTION LIST VIA UPS NEXT DAY AIR:**

Patrick Szymanski  
IBT General Counsel  
25 Louisiana Ave. NW  
Washington, DC 20001

Bradley T. Raymond  
Finkel, Whitefield, Selik,  
Raymond, Ferrara & Feldman  
32300 Northwestern Highway  
Suite 200  
Farmington Hills, MI 48334

J. Douglas Korney  
Korney & Heldt  
30700 Telegraph Road  
Suite 1551  
Bingham Farms, MI 48025

Barbara Harvey  
Penobscot Building  
Suite 1800  
645 Griswold  
Detroit, MI 48226

Betty Grdina  
Yablonski, Both & Edelman  
Suite 800  
1140 Connecticut Ave. NW  
Washington, D.C. 20036

Tom Leedham c/o Stefan Ostrach  
110 Mayfair  
Eugene, OR 97404

Katherine H. Kleckner  
5013 S. Ridgeway Avenue  
Chicago, IL 60632

IBT Local 743  
300 S. Ashland Avenue  
Chicago, IL 60607

Julie Hamos  
203 N. Wabash, Suite 1800  
Chicago, IL 60601

Dennis M. Sarsany  
1829 Eddy Street  
Chicago, IL 60657