

IN RE:

MICHAEL LECTORA

01 - Elec. App. – 076 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 351, issued May 7, 2001. The hearing was requested by Michael Lectora, the protestor and former delegate candidate on the New Age Slate from Teamsters Local Union 237, in New York, New York.

A hearing was held before me on May 22, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; Mr. Lectora; and Susan Davis, Esq., of Cohen Weiss & Simon, on behalf of Local Union 237. This office received no additional submissions.

This protest alleged that Local Union 237 gave the Hayes 237 Unity Team (the “237 Team”) access to the phone numbers of the Local Union 237 members for the purpose of soliciting support for the 237 Team by telephone in the recently held delegate elections. When the New Age Slate requested from Election Committee chairperson Barbara Deinhardt access to the same information, they were denied on privacy grounds. Mr. Lectora, on behalf of the New Age Slate, argues that 237 Team had an unfair advantage by having access to this information.

The EA’s investigation showed that it was not the 237 Team, which conducted the telephone solicitation, but the International Hoffa Unity Slate, whom the 237 Team supports in the International election. As permitted under Article VII, Section 3(a)¹, the Hoffa Unity Slate

¹ Article VII, Section 3(a) states that “Use of a membership list in support of the election of delegate and/or alternate delegate candidates shall not constitute misuse of the list, provided that the list is used solely to advance the accredited or nominated candidate’s campaign for nomination and/or election.”

obtained a complete membership list from the IBT and then contracted with third party vendor Voter Link to purchase the phone numbers of Local Union 237 members. It was then Voter Link who contacted Local Union 237 members on behalf of the Hoffa Unity Slate and encouraged them to vote for 237 Team members.

Using the same analysis as Speak, 2001 EAD 331 (April 30, 2001), aff'd 01 Elec. App. 72 (KC)(May 23, 2001), the EA denied the protest, finding that these activities did not violate the Rules, and that the solicitation done by the Hoffa Unity Slate was "...legitimate political activity designed to identify slate supporters and encourage them to vote in the [Local Union 237] election." (See, Page 2, 2001 EAD 351 (May 7, 2001)).

Mr. Lectora argues that not only did the 237 Team have an unfair advantage, but that it was fundamentally unfair that the New Age Slate did not have access to this information. Agreeing with the EA's analysis, Ms. Davis, on behalf of the 237 Team, emphasized that the 237 Team did not have access to the membership list and phone numbers, and the telephone solicitation was done by the Hoffa Unity Slate, not the 237 Team.

I concur with the analysis and factual findings of the EA. I find nothing improper about the assistance provided by the Hoffa Unity Slate to the 237 Team or the use of the membership list by the Hoffa Unity Slate. Accordingly, I affirm the EA's decision in this matter.

_____/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: May 24, 2001