

ELECTION APPEALS MASTER

IN RE:

JOHN F. MURPHY,

Protestor

05 Elec. App. 006 (KC)

ORDER

The appellant John F. Murphy, a candidate for Eastern Region Vice President, in correspondence with the Election Supervisor dated November 28, 2005 objected to the Election Supervisor's Supplemental Rule requiring the electronic filing of campaign contribution and expense reports, on the ground that it "places an unnecessary and burdensome reporting requirement on member-candidates". He also asserted that the Supplemental Rule fails to protect the integrity of the up-coming election. He further asserted that "all the rule does is to force any member not computer literate to get the skills or pay for them just to stay in the race." He rejects the argument that there is a cost benefit to the data collectors sufficient to justify any burden on the candidates. Finally, Mr. Murphy objects to the adoption of the Supplemental Rule without seeking comments of rank and file members first.

By letter dated December 1, 2005 to Mr. Murphy, the Election Supervisor disputed each of his contentions. He noted, on the point of burdensomeness, that no other candidate, slate or independent committee has raised any objections to the Supplemental Rule; that the cost and inconvenience associated with Rule compliance was utterly de minimus; that the good order and proper oversight of the election is enhanced by computerizing the data collection; and that the 2006 Rules and the United States District Court had authorized him to issue such are order.

By letter dated December 14, 2005 the United States Attorney for the Southern District of New York filed a response supporting the Election Supervisor and disposed of the claim that notice to the membership for comment was necessary prior to issuance of the Supplemental Rule. This analysis is entirely convincing.

By letter dated December 19, 2005 from its counsel Bradley T. Raymond, the IBT supports the position of the Election Supervisor.

A hearing was conducted in the matter on December 20, 2005 in which Messrs. Murphy and Raymond, and Jeffrey Ellison and Stephen Newmark for the Election Supervisor, participated.

The argument did not materially argue the record. The issuance of the Supplemental Rule does not offend the fairness and integrity of the election process, is not unduly costly or burdensome, did not require preliminary notice to the membership, and does not materially enhance the compliance oversight of the election.

Accordingly, the appeal is dismissed.

SO ORDERED:

/s/ _____
Kenneth Conboy
Election Appeals Master

Dated: January 5, 2006