

ELECTION APPEALS MASTER

IN RE:

ERIK JENSEN,

Protestor.

06 Elec. App. 049 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2006 ESD 282 issued May 30, 2006.

A hearing was held before me on June 13, 2006. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Steven Newmark, on behalf of the Election Supervisor, David Hoffa, Esq. on behalf of the Hoffa 2006 Campaign and Susan Mauren, Secretary-Treasurer of Local 320 and Barbara Harvey, Esq. on behalf of Eric Jensen.

The protester in this case sought access to Local Union 320's e-mail list to facilitate distribution of campaign material to the membership. The Rules, amended in this election cycle, require even-handed access for all candidates if such a list is maintained by the Local.

The Election Supervisor conducted an inquiry to determine if the Local maintained an e-mail list of the members with their addresses. He concluded that, in spite of an effort to establish such a list in 2004, the Local had encountered difficulties, and abandoned the effort. The protester has produced several stray e-mails, only one of which appears to be reasonably contemporaneous, being an e-mail from a business agent sent from her personal computer to two members seeking political support in January, 2006.

The Election Supervisor, citing his advisory on the subject, dated March 6, 2006 concluded that there is insufficient evidence to conclude that Local 320 maintains an address list as defined in the Advisory. On the appeal hearing, Sue Mauren, Secretary-Treasurer, categorically denied the existence of any such list.

Accordingly, the decision of the Election Supervisor is affirmed.

SO ORDERED:

/s/
Kenneth Conboy
Election Appeals Master

Dated: June 22, 2006