

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

November 18, 1991

VIA FAX AND UPS OVERNIGHT

Thomas L. Custer
Secretary-Treasurer
IBT Local Union 673
32 West 420 Roosevelt Road
West Chicago, IL 60185-2634
(FAX: 708-231-6168)

Thomas L. Custer
Albert Scholtens
Clarence Brouwer
Ron Smith
William Lyons
Robert Warren
James Martin
Members of the Executive Board
IBT Local Union 673
32 West 420 Roosevelt Road
West Chicago, IL 60185-2634
(FAX: 708-231-6168)

Re: Election Office Case No. P-1098-LU673-CHI

Gentlemen:

It has come to the attention of the Election Officer that a notice has been posted at worksites within the jurisdiction of Local Union 673 regarding the IBT International Officer election. Pursuant to his authority under Article XI, Section 2 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") the Election Officer has conducted an investigation to determine whether the posting and dissemination of this notice is violative of the *Rules*. That investigation has revealed the following.

A notice has been posted on bulletin boards and otherwise disseminated in work places employing members of Local Union 673. That notice, a copy of which is attached hereto, states that "TEAMSTERS LOCAL 673'S EXECUTIVE BOARD UNANIMOUSLY ENDORSE THE SHEA-LIGUROTIS ACTION TEAM." The notice lists each of the members of the Executive Board, contains a sample ballot instructing voters how to mark a vote for the "Shea-Ligurotis Action Team" and concludes with the statement, "IT IS VERY IMPORTANT THAT YOU SEND IN YOUR VOTE FOR THE SHEA-LIGUROTIS SLATE."

Article VIII, § 10(b) prohibits the use of Union resources on behalf of a candidate or candidates for International Office in the IBT. Similarly, Article X, § 1(b)(3)

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prohibits the use of Union funds or goods to promote the candidacy of any individual. The Independent Administrator has previously held, upholding determinations of the Election Officer, that an endorsement of a candidate is a campaign contribution subject to the *Rules*. See, e.g., In Re: Durham Unity Team, 91-Elec. App.-183 (SA); see, also, In Re: Christopher Scott, 91-Elec. App.-198 (SA).

Accordingly, the Election Officer has previously concluded that it is violative of the *Rules* for a Local Union or a Local Union Executive Board, as an entity, to endorse a candidate for International Office. This conclusion has been affirmed by the Independent Administrator in In Re: Gebow, 91-Elec. App.-212. While members of the Local Union and Local Union officers have the right as individuals to express their preferences for particular candidates, the Local Union and the Local Union Executive Board as institutions cannot engage in partisan campaign activity or endorse candidates. Such an endorsement is a "campaign contribution" from a Union which is prohibited by Article X, § 1(b)(1) of the *Rules*.

The propriety of the notice as issued in this case thus depends on whether it indicates that the Executive Board of Local 673, as an entity, endorsed particular candidates for International Union office or whether the endorsement notice constitutes an endorsement of individual members of Local 673, who happen to be officers and members of the Executive Board of that Local.¹ The notice here speaks in terms of the Executive Board; the notice is headed "Teamsters Local 673's Executive Board." Nowhere in the notice is there any indication that the endorsement is being made by the officers or Executive Board members as individual members of the IBT exercising their rights under Article VIII, § 10(b) of the *Rules*. A fair reading of this notice would clearly suggest that the Executive Board of Local 673 as an Executive Board--and not as individual members who happen to also be members of the Local's Executive Board--have endorsed the Shea-Ligurotis Action Team. Compare and contrast Election Office Case No. P-1064-IBT (finding a violation where the endorsement notice stated "Your entire Executive Board and all Business Agents of the Local Union unanimously and wholeheartedly urge you to vote for and actively support the R. V. Durham Unity Team Slate of candidates") and Election Office Case Nos. P-1071-LU677-ENG and P-1072-LU24-CLE (finding no violation where the endorsement notices stated "Members of Teamsters Local's 677 Executive Board and the delegates and alternate delegates to the Convention unanimously endorse the R. V. Durham Unity Team" and "that the members of Teamsters Local 24 Executive Board have unanimously endorsed the R. V. Durham Unity Team").

¹ That the offices or positions held are identified does not determine the issue. See Advisory on Campaign Contributions and Disclosure issued August 14, 1991, ("Advisory") at page 5, noting that Local Union officers may identify their positions while engaging in campaign activity including when making or publicizing an endorsement.

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In accordance with the foregoing, the Election Officer finds that the notice at issue in this case constitutes an endorsement by the Executive Board of Local 673 as an entity and thus violates the *Rules*. To remedy such violation, the Election Officer orders the following relief.

The Local Union shall remove all posted copies of the notice endorsing the Shea-Ligurotis Action Team.² The Secretary-Treasurer shall sign, on behalf of the Local Union 673 Executive Board, the attached "Notice to Members of Local Union 673". Copies of the signed "Notice to Members" shall be reproduced on Local Union letterhead and posted, on or before November 20, 1991, on all Local Union 673 bulletin boards at all work sites employing Local Union 673 members and the notice shall be further distributed in the same manner as the notice endorsing the "Shea-Ligurotis Action Team." Before the close of business on November 21, 1991 the Secretary-Treasurer of Local Union 673 shall submit an affidavit to the Election Officer demonstrating the steps he has taken to comply with this decision.

No appeal from this determination shall stay the effectiveness of this order. *Rules*, Article XI, § 2(z).

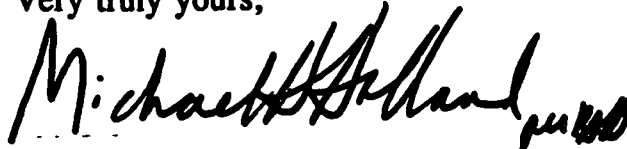
If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above,

² This decision does not preclude the members of Local Union 673's Executive Board --either singly or as a group--as individual members of the IBT from endorsing, and publicizing their endorsement, of candidates seeking election to International Union office. To the extent that such members make such endorsement, a new notice may be posted indicating that the endorsement is being made by these officers and Executive Board members in their capacity as members of the IBT, provided of course that no Union funds are utilized in the preparation, production and distribution of such notice.

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as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland", with a stylized flourish at the end.

Michael H. Holland

cc: Frederick B. Lacey, Independent Administrator
Julie Hamos, Regional Coordinator

**NOTICE TO ALL MEMBERS OF
IBT LOCAL UNION 673
FROM
IBT LOCAL UNION 673 EXECUTIVE BOARD**

All IBT members have the right to support and cast their secret mail ballot on behalf of candidates of their own choosing for International Office in the IBT. However, neither Local Union 673 nor the Executive Board of Local Union 673 may, as an entity, endorse any candidate or slate of candidates for International office in the IBT.

A notice was previously posted which may have led you to believe that the Executive Board of Local 673 endorsed a slate of candidates for International office in the IBT. The Executive Board of Local Union 673 does not endorse any candidate or slate of candidates for International office in the IBT. Any prior such endorsement by the Executive Board of Local Union 673 is hereby rescinded.

**Thomas L. Custer
Secretary-Treasurer
on behalf of the Executive Board
of IBT Local Union 673**


This is an official notice which must remain posted through December 10, 1991 and must not be defaced or altered in any manner or be covered with any other material.

TEAMSTERS LOCAL 673'S EXECUTIVE BOARD

THOMAS L. CUSTER, SECRETARY-TREASURER
ALBERT SCHOLTENS, PRESIDENT
CLARENCE BROUWER, VICE-PRESIDENT
RON SMITH, RECORDING SECRETARY
WILLIAM LYONS, TRUSTEE
ROBERT WARREN, TRUSTEE
JAMES MARTIN, TRUSTEE

UNANIMOUSLY ENDORSE THE SHEA-LIGUROTIS ACTION TEAM

**SAMPLE BALLOT FOR THE ELECTION OF OFFICERS
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**



Fill in this space

**THE SHEA-LIGUROTIS
ACTION TEAM**

General President
WALTER SHEA

General Secretary-
Treasurer
DANNY LIGUROTIS

At-Large
Vice President
JACK COX
DAN DARROW
BARRY FENSTEIN
BILL GENOESE
VICKI SAPORTA

Regional
vice President
GARY SULLIVAN

MAKE THE RIGHT CHOICE

THE
RON
CAREY
SLATE

THE
DURHAM
UNITY
TEAM
SLATE

IT IS VERY IMPORTANT THAT YOU SEND IN YOUR VOTE
FOR THE SHEA-LIGUROTIS SLATE