



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

Michael H. Holland
Election Officer

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April 10, 1991

VIA UPS OVERNIGHT

David Staiger
1229 Hubbard
Detroit, MI 48209

James F. Esser
President
IBT Local Union 243
2741 Trumbull Ave.
Detroit, MI 48216

Re: Election Office Case No. P-420-LU243-MGN

Gentlemen.

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The protestor, David Staiger, was a candidate for delegate to the 1991 IBT International Convention from Local Union 243 in its delegate election which occurred on January 18, 1991. (See Election Office Case No. Post-21-LU243-MGN) Staiger protests the refusal of Local 243 and the Election Officer to make available, prior to the election, a list of the dues records for Local 243 members, the members' TITAN records, to enable Staiger to review the eligibility of such members to vote.

The *Rules* do not require that the members' TITAN records, which includes the members' names, addresses as well as dues payments, be provided to any candidate. See, e g , *Rules*, Article VIII, § 2 (a) (candidates, other than accredited International Officer candidates, have only the right to inspect a list containing the names and addresses of Local Union members prior to the election) In accordance therewith, the Election Officer does not provide to any Local Union or other IBT body, any IBT officer or any IBT member a copy of the eligibility list prepared under the direction and supervision of the Election Officer and utilized by Election Officer representatives to determine eligibility of members to vote at the time of the ballot count

At the time ballots are counted, candidates and their observers have full rights to observe all portions of the ballot counting procedures, including the review of the eligibility of the members to vote This right includes the right to observe the eligibility list utilized by the Election Officer representatives and the right to observe all facets of the check made against the membership list which determines the eligibility of each

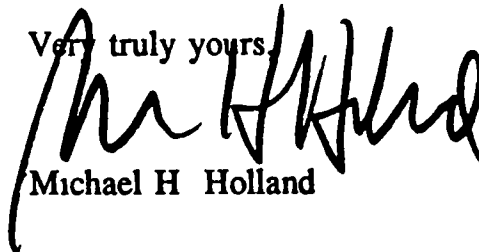
David Staiger
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member to vote. Such right to observe was afforded all candidates for delegate or alternate delegate in Local 243 delegate and alternate delegate election.

Staiger and his fellow slate members were afforded all rights due them under the *Rules*. Accordingly, this protest is DENIED

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, 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", written over the typed name below.

Michael H Holland

MHH/mca

cc Frederick B Lacey, Independent Administrator
James De Haan, Regional Coordinator