



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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February 15, 1991

VIA UPS OVERNIGHT

Franklin L Short
c/o OTPIC Slate
205 N Grener
Columbus, OH 43228

W. Pete Bilyeu
President
IBT Local 413
555 E Rich Street
Columbus, OH 43215

Re: Election Office Case No. P-452-LU413-CLE

Gentlemen

Complainant, Franklin L Short, has filed a pre-election protest pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") In his protest, complainant states that he is a member of the OTPIC Slate and that Local 452 members on opposing slates have, by virtue of their positions as Local Union officers or business agents, access to phone numbers of the members maintained in the Local Union records Mr. Short alleges in the past elections, such phone numbers were used for electioneering He believes that the members on such other slates will use the phone numbers from Local Union records to solicit support for their candidacies He requests that he be given the phone numbers of the entire membership of Local 413 for the purpose of soliciting votes for the election for delegates and alternate delegates to the 1991 IBT International Convention

Investigation reveals that complainant has no specific knowledge that telephone solicitation is being conducted by his opponents The Local officers have assured the Regional Coordinator that the Local has not and will not distribute phone numbers derived in the course of official Union business to any candidate Article X, Section 1(b)(1) of the *Rules* provides that no labor organization may contribute to any campaign, except with certain exceptions not pertinent hereto, unless the Union is compensated for such and unless all candidates are provided equal access to such goods and services Article VIII, Section 10(c) of the *Rules* provides in pertinent part that "Union funds, facilities, equipment, stationery, etc may not be used to assist in campaigning . . . unless such goods and services are equally available to all candidates." Article VIII, Section 2 of the *Rules*, provides that a candidate has the right within certain limits to "inspect a list containing the last known names and addresses of all members of the Union. . ." The *Rules* do not provide for inspection of members' telephone numbers.


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The use of telephone numbers in the possession of the Local or its incumbent officers, which are derived from official Union business, may not be used for campaign purposes or given to any candidate unless that list is equally shared with all candidates

In this case, there is no evidence that such lists have been wrongfully distributed, or are in fact being used, and therefore 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,



Michael H. Holland

MHH/mca

cc Frederick B. Lacey, Independent Administrator
Joyce Goldstein, Regional Coordinator