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March 8, 1991

**VIA UPS OVERNIGHT**

Richard Aceves  
Secretary-Treasurer  
IBT Local Union 542  
4666 Mission George Place  
San Diego, CA 92120

Jim Moody  
c/o Ron Carey Reform Slate  
2712 Wardlow  
San Diego, CA 92154

**Re: Election Office Case No. P-629-LU542-CLA**

Gentlemen

A pre-election protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The complainants allege that members affiliated with the "Ron Carey Reform Slate" have obtained membership lists and are using the lists to campaign for delegates and alternate delegates in Local 542's upcoming delegate and alternate delegate election The investigation reveals that the lists in question were obtained from accredited IBT General President candidate Ron Carey, who obtained them from the Election Officer pursuant to Article VIII, § 2 (a) of the *Rules*

In an "Advisory on Membership List Distribution to Accredited Candidates," dated August 23, 1990, the Election Officer discussed the process for obtaining and the appropriate use of membership lists In pertinent part, that advisory provides as follows

On July 10, 1990, the Honorable David N Edelstein issued an Opinion and Order with respect to the *Rules* procedure under which the IBT International Officer and Delegate election is to be conducted Specifically, the Court found that "the IBT had misused its membership lists' (slip opinion, p 21), and that this misuse requires that the membership lists be released to any accredited IBT candidate (slip opinion, p 21) Accordingly, the Court amended Article VIII, § 2 (a) of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") promulgated on April 27, 1990 to provide

' . . . (1) that the IBT prepare current membership lists before September 1, 1990, (2) transfer that list to the Election Officer, (3) the Election Officer is authorized to release a copy of the appropriate membership lists when accredited candidates thirty days before the date of an election

The Court Order requires distribution to "an accredited candidate " Under the *Rules*, only International Union Officer candidates are entitled to obtain accredited status (*Rules*, Article III) Therefore, I will now distribute the lists only to International Union Officer candidates who have obtained accreditation pursuant to Article III of the *Rules*, i e , accredited candidates for the position of General President, General Secretary-Treasurer, International Vice President, whether At Large or Regional or International Trustee

\* \* \*

Because delegates will nominate International Officer candidates at the 1991 International Convention and because an accredited candidate must be nominated at the Convention in order to run for International Office, the accredited candidate will be affected by the results of the delegate and alternate delegate elections

\* \* \*

Use for any purpose other than advancing the accredited candidate's campaign for nomination and/or election as an International Union Officer will constitute misuse of the membership lists Use of the lists to support delegate and alternate delegate candidates will not constitute misuse of the membership lists since such delegates and alternate delegates, if elected, may advance the campaign of the accredited candidate by their votes at the 1991 IBT International Convention (emphasis added)

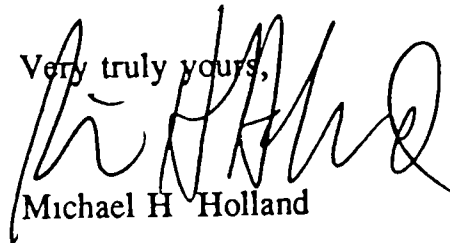
Moreover, the claims raised by Mr Richard Aceves in this protest are identical to the claims decided by the Election Officer in Election Office Case No P-397-LU1145-NCE), affirmed in Dalton v. Tyler, IBT Local 1145, (91-Elec App -79) In that case, the Independent Administrator affirmed the Election Officer's determination that the acquisition of the membership lists from an accredited International Officer candidate by delegate and alternate delegate candidates and the use of such lists by such candidates for the purpose of the delegate and alternate delegate elections did not violate any provision of the *Rules*

Richard Aceves  
Page 3

Based on the foregoing, the membership list was rightfully obtained and rightfully used pursuant to the *Rules* and thus 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  
Geraldine L. Leshin, Regional Coordinator