

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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April 16, 1991

VIA UPS OVERNIGHT

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Re: Election Office Case No. P-719-I.B.T.

Gentlemen.

In a letter to the Election Officer, dated March 23, 1991, William F. Genoese, an announced candidate for General President of the IBT, alleged that officers and employees of Local Union 732 had received campaign literature from the Durham-Mathis campaign. Mr. Genoese requested the Election Officer to provide him with a mailing list of all Local Union officers of the International. Mr. Genoese's letter was construed as a protest filed pursuant to Article XI, of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules") and copies of the protest was filed on Durham-Mathis as well as all other announced candidates for IBT General President. The Election Officer's investigation revealed the following.

While Mr. Genoese is an announced candidate for the office of General President, he is not an accredited candidate for that position under the provision of Article III of

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the Election Rules. Therefore, Mr. Genoese is not entitled to a list of IBT members for use in his campaign. Similarly, none of the members of the Durham-Mathis Unity Team have been accredited under Article III of the Election Rules.

The Election Officer's investigation revealed that the Durham-Mathis campaign has obtained membership information, including the names of Local Union officers, from three sources: (1) LM-2 forms, (2) petitions circulated by the campaign and its supporters, and (3) lists of Steward provided by Local Unions. The LM-2 forms, which are filed by each IBT Local Union, contain the names of each Local Union officer or employee who received more than \$10,000 from the Union. These forms are available to the public at the office of the Department of Labor in Washington, as well as at various U S. Department of Labor offices throughout the United States, and copies are available from the DOL. The Durham-Mathis campaign requested and received copies of the LM-2 forms from the DOL.

The other source of membership information are the petitions that were circulated among IBT members by the Durham-Mathis team and its supporters. These petitions, which request the signer to lists their address as well as their Local Union affiliation, served as the basis of the campaign's membership list. The list includes Business Agents and Shop Stewards.

Finally, the Durham-Mathis campaign requested and received the names of shop stewards from three Local Unions, Local Unions 41, 70 and 938.

The fact that the Durham-Mathis campaign gathered membership information, including the names of Local Union officers, from public sources and from its own campaign efforts is not violative of the Election Rules nor does it entitle other candidates to similar information. Similarly, it is not violative of the Election Rules for a candidate to request a list of shop stewards from a Local Union. However, if a Local Union provides such information to a candidate, it must provide the same information to all candidates who request it. See generally, Election Rules, Article VIII, Section 2(a). See also Election Office Case No P-512-IBT.

Therefore, the Election Officer denies Mr. Genoese's request for a list of all Local Union officers. Mr. Genoese, as all other candidates, can compile a list in the same fashion as did the Durham-Mathis Unity Team.

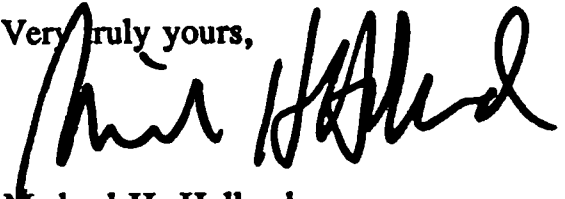
However, since Locals 41, 70, and 938 provided the Durham-Mathis Unity Team with certain membership information, i e , a list of their stewards, it would be violative of the Rules for these Locals to deny other International officer candidates equal treatment. Therefore, the Election Officer directs Local Unions 41, 70 and 938 to provide a list of its stewards, containing the same information as the list provided to the Durham-Mathis campaign, to any International officer candidate who requests one.

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

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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
Election Officer

MHH/mca

cc Frederick B. Lacey, Independent Administrator, IBT
Dan Johnson, President, IBT Local 41
Chuck Mack, Secretary-Treasurer, IBT Local 70
Charles Thubault, IBT Local 938