

December 3, 1996

VIA UPS OVERNIGHT

Steven Chang
1908 Glen Avenue
Pasadena, CA 91103

Re: Election Office Case No. P-1312-LU396-CLA

Dear Mr. Chang:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election* (“*Rules*”) by Steven Chang, a member of Local Union 396. Mr. Chang alleges that he was subjected to intimidation and harassment when Edwin Sanchez, a co-worker and fellow member of Local Union 396, inquired as to whether he had voted for a particular slate.

Regional Coordinator Dolly M. Gee investigated the protest.

The protest revealed that on November 12, 1996, Mr. Sanchez approached Mr. Chang while he was working and asked, “Steven, you got your ballot, right?” When Mr. Chang answered affirmatively, Mr. Sanchez then asked, “You did vote for the Ron Carey slate, didn’t you?”

Mr. Chang admits that Mr. Sanchez did not threaten him or compel him to vote in any particular way. He states that he feels Mr. Sanchez’s remarks were inappropriate and intimidating. While the *Rules* prohibit intimidation or coercion for protected, election-related conduct, the *Rules* do not prohibit politically-oriented communications between union members, including inquiries as to how members voted. The Election Officer has previously held that campaign efforts by candidates designed to determine how members have voted by polling them by telephone does not violate the *Rules*.

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However, members also retain the right to cast their vote in absolute anonymity. Because of this right, a member may not be compelled to reveal the manner in which he or she voted. In the present case, the *Rules* do not prohibit Mr. Sanchez from asking the protested question, but Mr. Chang is under no obligation to answer. As a result, Mr. Sanchez's conduct did not violate the *Rules*.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Dolly M. Gee, Regional Coordinator