

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: EDDIE REES,)	Protest Decision 2001 EAD 310
)	Issued: April 17, 2001
)	OEA Case No. PR032912MW
Protestor.)	
)	

Eddie Rees, a member of Local 744 and a delegate candidate on the Mike Norris slate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election ("*Rules*"). He alleges that the IBT 744 slate's campaign literature misled members concerning the voting procedures in the local's delegate election; that the IBT 744 slate was provided unequal access to the official ballot to use in its campaign literature; and that the official ballot improperly listed two of the four candidates of the Mike Norris slate as alternate delegate candidates, rather than delegate candidates.

Election Administrator representative Dennis Sarsany investigated the protest.

Findings of Fact and Analysis

1. Rees provided a copy of the IBT 744 slate campaign literature that is the subject of his protest. The literature provides incomplete voting instructions. Rees claims that the literature is an exact copy of the official ballot sent to the Local 744 members, except for the deletion of candidate names other than those of the IBT 744 Slate. Rees also claims that he was not provided a copy of the official ballot prior to mailing and asserts that the IBT 744 slate must have received preferential treatment by being shown the official ballot before it was mailed.

Local 744 hired attorney Julie Hamos to conduct its delegate election. She provided our investigator with a copy of the official ballot. Hamos stated that no party received an advance copy of the official ballot. She also stated that she sent a proof of the ballot to each slate and independent candidate for approval before beginning the printing process.

A comparison of the sample ballot in the campaign literature and the copy of the official ballot supplied by Hams confirms her claim, and shows that the sample ballot in the campaign literature is not a exact copy of the official ballot. No inference that the IBT 744 Slate received an advance copy of the official ballot can be drawn from comparing the sample with the official document. The protestor's claim of unequal access to the official ballot is DENIED. Similarly, we DENY the allegation that the content of the IBT 744 slate's campaign literature violated the *Rules*. We do not regulate

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the content of campaign literature. See *Gamaza*, 2001 EAD 278 (March 28, 2001) and cases cited therein.

2. We also DENY Rees' claim that all four members of the Mike Norris slate should have been listed on the official ballot as delegate candidates. The slate designation filed by that slate shows that only Rees and Lawrence Timm as candidates for delegate, while listing slate members Mike Norris and Jerry Mayher as alternate delegate candidates.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (fax: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
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