

ELECTION APPEALS MASTER

IN RE:

VOICE OF 743
(October 2001 issue)

01 Elec. App. 096 (KC)

CORRECTED COPY

This matter is an appeal from the Election Administrator's decision Determination of Prohibited Campaigning In Submitted Publication, no EAD number, issued September 26, 2001. The appeal hearing was requested by William A. Widmer, III, Esq. of Carmel Charone Widmer Mathews & Moss on behalf of Local 743.

A hearing was held before me on October 2, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; William A. Widmer, III, Esq. of Carmel Charone Widmer Mathews & Moss on behalf of Local 743 and Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters.

Under authority of its by-laws, Local 743 published what is referred to as "a Special Issue" of its newsletter that is in substance blank campaign sheets for use by all eligible candidates for free transmission of their political message to the Local's rank and file voters. This arrangement was approved by the Local's Election Officer.

The Election Administrator ("EA"), upon review of the "Special Issue", concluded that in proposing publication of certain International election references in the Hoffa Slate materials, the Local would violate Article VII, Section 8 (a) of the Rules for the 2000-2001

IBT International Union Delegate and Officer Election (“Rules”), which prohibits any union financed publication from supporting or attacking any candidate.

For the reasons stated in the persuasive letter dated September 28, 2001 from William A. Widmer, III, Counsel for Local 743, I find that the “special Issue” is not a “union-financial publication” within the meaning of Article VII, § 8 of the Rules.

The key point here is that under these arrangements the origin, formulation and “voice” of the political messages published are those of the candidates, and not those of either the Local or its publication.

Accordingly, the Election Administrator’s decision dated September 26, 2001 is reversed, and the order therein is vacated.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: October 4, 2001