

ELECTION APPEALS MASTER

IN RE:

CHUCK SYMONS AND GEORGE SAAVEDRA

01 Elec. App. 099 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 473 issued September 27, 2001. The appeal hearing was requested by Betty Grdina, Esq. of Yablonski, Both & Edelman on behalf of the Tom Leedham Slate.

A hearing was held before me on October 10, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; Betty Grdina, Esq. of Yablonski, Both & Edelman on behalf of the Tom Leedham Slate; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; and Barbara Harvey, Esq. on behalf of the Teamsters for a Democratic Union.

The Election Administrator organized and scheduled a candidates' debate between James Hoffa and Tom Leedham, rivals for election to the General Presidency of the IBT. At the eleventh hour, Mr. Hoffa withdrew and designated Chuck Mack as his substitute. The Leedham Slate objected, on various grounds, one of which was the following: as a candidate for Regional Vice President in the Western Region, the debate and follow-up distribution to the rank and file at IBT expense of a videotape of the debate, gave Mack a windfall of campaign exposure and disadvantaged his Leedhman Slate rival in the West, George Saavedra.

The Election Administrator did not address this claim in his original Candidates Forum decision, 2001 EAD 248 (8/22/01) aff'd, 01 EAM 77 (9/25/01). Although the claim was raised again in the hearing, I did not address it specifically in my decision. In his decision on the present protest, the Election Administrator dismissed it on grounds that the issue had been decided in the previous litigation. This is incorrect. The injury complained of turns upon the actual content of the videotape being distributed at IBT expense.

In the hearing, the Election Administrator asserted that in the debate Mr. Mack addressed primarily and materially international and not regional (Western) policy and issues. Counsel for the Leedham Slate insisted that some western issues were addressed.

The burden of proof is here and in the Rules imposed upon the protester. That burden has not been met.

Accordingly, the Election Administrator's decision is affirmed.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: October 12, 2001