

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

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June 26, 1991

Mr. Louis D. Rigá  
Lake Buena Vista Hilton  
Suite 864

Mr. Chuck Mack  
Buena Vista Hotel

Re: Election Office Case No. Conv-<sup>8</sup>-JC7-IBT

Gentlemen:

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1991 ("*Election Rules*"). In his protest Louis D. Rigá, an announced candidate for General President of the IBT, alleges that Joint Council 7 violated *Election Rules* as a result of a meeting of Joint Council delegates, alternate delegates and guests held on the evening of June 23, 1991 in Orlando, Florida. A copy of the protest is attached hereto. The Election Officer's investigation revealed the following:

By TITAN message dated June 11, 1991, Joint Council 7 informed all of its Local Unions that a meeting of Joint Council 7 delegates, alternate delegates and guests attending the 1991 IBT Convention would take place on Sunday, June 23, 1991 at the Buena Vista Palace Hotel. The meeting was scheduled to begin at 7:00 p.m. and the TITAN message stated that the meeting would last about an hour.

The meeting was chaired by Chuck Mack, the head of Joint Council 7 and an announced candidate for Regional Vice President and member of the R.V. Durham Unity Team. Mr. Mack adjourned the meeting at approximately 7:35 p.m. and invited the participants to remain to meet R. V. Durham and members of the R. V. Durham Unity Team. At approximately 7:55 p.m. R. V. Durham and approximately 25 members and supporters of the R. V. Durham Unity Team entered the meeting room and met with the Joint Council 7 delegates, alternate delegates and guests.

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Mr. Riga alleges that Durham Unity Team literature was passed out prior to the start of the meeting or its adjournment. The Election Officer found insufficient evidence of such distribution to conclude that the *Election Rules* were violated. 1/ Mr. Riga alleges that he was not informed by Joint Council 7 of the meeting. However, after the conclusion of the meeting, but before the arrival of R. V. Durham and his supporters, supporters of Mr. Riga demonstrated and handed out literature in the meeting room. Finally, Mr. Riga alleges that the use of the meeting room for campaign purposes was paid for by the Joint Council. The Election Officer's investigation revealed that the cost of the meeting room was equally divided between the Joint Council and the Durham Unity Team.

Article VIII, Sections 4(a)(2) and (a)(3) of the *Election Rules* provide that IBT members, who are not members of the Local Union, need not be granted access to union meetings for campaign purposes unless such access is afforded to other candidates, regardless of whether they are members of the Local Union. 2/ The *Election Rules* further provide that if time is set aside during a meeting for campaign purposes, all candidates shall be given notice of such fact at least five (5) days prior to

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- 1/ Mr. Mack denies that any literature was distributed while Mr. Riga maintains he saw Durham Unity Team literature on the tables. However, Mr. Riga arrived very late at the meeting and may not have had a clear view of the tables since he was standing against the wall of the meeting room.
- 2/ The Election Officer construes the requirements of the *Election Rules* concerning campaign access to Local Union meetings to be applicable to all union meetings, including the Joint Council meeting at issue here.

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the meeting and time shall be divided equally among all candidates who request an opportunity to speak. Article VIII, Section 10(c) provides that no union funds shall be used to assist in campaigning unless: (a) the union is reimbursed for such use; (b) such resources are equally available to all candidates; and (c) all candidates are notified in advance of the availability of such resources for campaign purposes.

The Election Officer concludes that the *Election Rules* were not violated in this case. The Joint Council 7 meeting of delegates and alternate delegates did not involve any campaigning or distribution of campaign literature. All campaigning took place after the meeting and there was no evidence of any discrimination with respect to campaign access during that period. In fact, Mr. Riga's supporters actively campaigned among the delegates and alternate delegates after the end of the meeting. Moreover, the cost of the room rental was divided between the Joint Council and the Durham campaign. Therefore, no Joint Council funds were expended for campaign purposes in violation of the *Election Rules*.

For the foregoing reasons, the instant protest is DENIED.

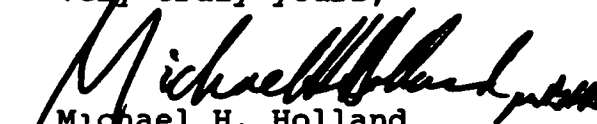
If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was 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 filed with the Office of the Independent Administrator, IBT, c/o Walt Disney World Dolphin Hotel, Suite 1033, 1500 EPCOT Resort Boulevard, Lake Buena Vista, Florida 32810, Facsimile (407) 560-1370. Copies of the request for hearing must be served on the parties

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listed above, as well as upon the Election Officer, IBT,  
c/o Walt Disney World Dolphin Hotel, Australia 3, 1500  
EPCOT Resort Boulevard, Lake Buena Vista, Florida 32810,  
Facsimile (407) 560-1365. A copy of the protest must  
accompany the request for a hearing.

Very truly yours,

  
Michael H. Holland  
Election Officer

Enclosure

MHH/ib

cc: Frederick B. Lacey, Independent Administrator, IBT  
R. V. Durham  
Walter Shea  
Ron Carey