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Election Officer

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November 6, 1991

VIA UPS OVERNIGHT

Ken Elder
2806 Yaeger Rd.
St. Louis, MO 63129

R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
2033 K St., NW
Suite 300
Washington, D.C. 20006-1002

Members of the Executive Board
c/o John A. Watawa
Secretary-Treasurer
IBT Local Union 6
3650 Wisconsin Avenue
St. Louis, MO 63118

Re: Election Office Case No. P-1038-LU6-MOI

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Ken Elder, a member of Local Union 6. Mr. Elder contends that the Executive Board of the Local Union improperly endorsed the R. V. Durham Unity Team and that the Local Union membership was informed of such endorsement at the Local Union meeting conducted on October 10, 1991 when the Executive Board Meeting minutes were read and approved. The protest was investigated by Regional Coordinator Michael Gordon.

At the Local Union meeting held on October 10, 1991, the minutes of meetings of the Local 6 Executive Board were read and, by vote of the membership, approved. Among the items so read to the Local 6 membership was a statement of the Executive Board endorsing the candidates on the R. V. Durham Unity Team for International office in the IBT.¹

¹ The meeting of Local Union 6 occurred on October 10, 1991; the protest was not filed until October 30, 1991. Due to the importance of IBT members understanding that Union entities may not take a partisan political position with respect to the 1991 IBT International Union officer election, the Election Officer has addressed this protest on its merits. See *Rules*, Article XI, § 2.

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All IBT members--including IBT members who hold office in the IBT or any subordinate body of the IBT--are entitled to participate in the 1991 IBT International Union officer election, including the right to make candidate endorsements. *Rules*, Article VIII, § 10(b). However, an endorsement constitutes a contribution of something of value to a candidate or candidate's campaign. See e.g., Election Office Case No. P-651-IBT, affirm 91 Elec. App. 183 (SA). No Union entity, including the Local Union Executive Board as a Union entity may promote or make campaign contributions to any International Union officer candidate. *Rules*, Article X, § 1(b)(1) and (3) and Article VIII, § 10(c). While the members of a Local Union Executive Board, in their capacity as members of the IBT, may endorse candidates for International office and publicize such endorsements by noting their Local Union office for identification purposes--provided such activity is not funded by Union funds--a Local Union Executive Board, as an Executive Board may not make any endorsements.

Accordingly, it was inappropriate for the Local 6 membership to be informed that the Executive Board of Local 6, as an Executive Board, had endorsed any slate of candidates for IBT International Union office. To clarify any confusion, the presiding officer at the next Local 6 membership meeting shall read the following to the members in attendance:

At last month's Local Union membership meeting, the minutes of prior Executive Board meetings were read, which minutes reflected that the Local's Executive Board had endorsed the R. V. Durham Unity Team slate members. The Local's Executive Board may not endorse any candidate or slate of candidates competing in the 1991 IBT International Union officer election. While the individual members of the Executive Board may have endorsed a particular candidate or slate of candidates, the Executive Board as the Executive Board of Local 6 cannot endorse any candidate or slate of candidates. Accordingly, the Executive Board retracts its endorsement of the R. V. Durham Unity Team slate members.²

The Election Office is cognizant that the next membership of Local Union 6 will not occur until after the ballots of the 1991 IBT International Union Officer Election are mailed. However, given the nature of the violation found here as well as the lapse between the October 1991 Local Union membership meeting and the filing of the protest, the Election Officer has concluded that further remedial action is not required.

² See In re Gebown and Local Union No. 677, 91 Elec. App. 212 modifying the decision in Election Office Case No. P-963-LU677-ENG where the Independent Administrator held that remedial statements with respect to prior improper endorsements must include a clear retraction of the endorsement.

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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 served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

MHH/ca

cc: Frederick B. Lacey, Independent Administrator

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