



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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December 18, 1990

VIA UPS OVERNIGHT

Kevin Lally
1003 Oakridge Dr.
Lanesville, IN 47136

William D. Norris
President
IBT Local 783
7711 Beulah Church Rd.
Louisville, KY 40228

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Re: Election Office Case No. P-LU783-SCE

Gentlemen:

A pre-election protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest Mr. Kevin Lally, a candidate for delegate to the IBT International Convention, requests the Election Officer provide him with a listing of Teamsters Local 783 members. This request is made pursuant to Article VIII, Section 2 (a) of the *Rules*.

Article VIII, Section 2(a) provides as follows:

Each candidate has the right, once within thirty (30) days prior to the casting of the ballots in any election in which he/she is a candidate, to inspect a list containing the last known names and addresses of all members of the Union who are to participate in such election. The right of inspection does not include the right to copy the list but does include the right to compare it with a personal list of members. However, if the Union permits any candidate to copy the list, all candidates must be provided the same opportunity. The Union shall not, in any way, discriminate in favor or against any candidate with respect to the use of the membership list.

With respect to the accredited candidates, the International Union shall prepare a current membership list before September 1, 1990. The International Union shall transfer that list to the Election Officer. The Election Officer is authorized to release a copy of the appropriate membership list to an accredited candidate 30 days before the date of an election. In order to obtain a copy of the membership list, the accredited candidate must submit an affidavit averring that he/she would not permit inspection or copying of the list to any other third parties. A violation of this paragraph, consistent with the Opinion and Order of Judge David N. Edelstein, United States District Court for the Southern District of New York, July 10, 1990, is punishable by contempt.

Thus, the Election Officer is required by the *Rules* to provide "accredited" candidates, e.g. candidates for International Office, with a membership list. The Election Officer is not required to provide such list to candidates for delegate. The Election Officer will, however, compel the Local Union to provide the membership list to all candidates for delegate, if it can be demonstrated that such membership list has been provided to any candidate for delegate.

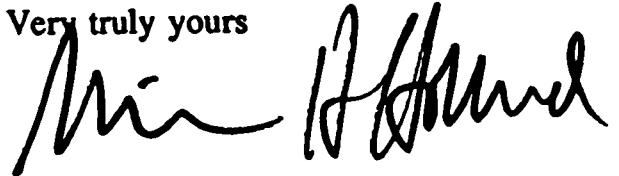
No allegation that other candidates have been supplied with the membership list of Local Union 783 has been made by Mr. Lally in this protest.

For the foregoing reasons, the 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 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.

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Very truly yours

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is written in a cursive style with a large initial "M".

Michael H Holland

MHH/mjv

cc Peggy A Hillman Regional Coordinator
445 N Pennsylvania
Suite 911
Indianapolis IN 46204
Tel 317 635-4059
Fax 317-635-4105

Frederick B Lacey Independent Administrator IBT