



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624-8778
1-800-828-6496
Fax (202) 624-8792

Michael H Holland
Election Officer

Chicago Office:
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

January 21, 1991

VIA UPS OVERNIGHT

Mark Franks
5851 Reddman Road
Charlotte, NC 28212

Sam Carter
Secretary-Treasurer
IBT Local Union 71
5000 N. Tryon Street
Charlotte, NC 28256

Re: Election Office Case No. P-295-LU71-MID

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The Complainant, Mark Franks, is a member of the Teamsters for Reform slate of delegates for election to the 1991 IBT Convention. His slate is opposed by the Conrad Sides Slate, which is led by the incumbent Local Union President, Conrad Sides. Mr Franks alleges that the Conrad Sides Slate intends to run a phone bank prior to the delegate election and has asked for equal access to the lists of member phone numbers which are allegedly used by the individuals who run the phone bank.

The Election Officer's investigation of the protest revealed the following. In prior elections, Local Union officers rented space in a motel, ran extra telephone lines into the room and ran a phone bank prior to the election. As of the time of the Election Officer's investigation of this protest, there were some tentative plans for the Conrad Sides Slate to run a similar phone bank again for the delegate election. The phone bank is apparently financed by personal campaign contributions of Local 71 Business Agents.

The Election Officer's investigation established the following with respect to methodology used by Conrad Sides and other members of his Slate to obtain phone numbers of Local Union members. A former Local Secretary-Treasurer of the Local was interviewed and he stated that he kept records of the phone numbers of members from phone calls he received during the course of his duties. In addition, there was some evidence that smaller employers occasionally published lists of member phone

Mark Franks
Page 2

numbers, and that shop stewards keep lists of the phone number of employees they represent. Also, the phone numbers of grievants are maintained in the grievance files in the Local Union Hall. Finally, a review of the Local's TITAN records reveals that these records do not routinely bear the home phone numbers of members.

Under the Election Rules, a candidate for delegate or alternate delegate has no absolute right to the names, addresses and hone numbers of Local Union members. Instead, the Local Union must provide all candidates with equal access to the records it does maintain. (*Rules*, Article VII, §2(a).) In this case, there is insufficient evidence to conclude that the Conrad Sides Slate has had access to a list of phone numbers kept by the Local Union. Instead, the evidence generally supported the position that candidates on the Conrad Sides Slate acquired the phone numbers either from non-Local Union financed campaign activities in previous elections or from performing legitimate Local Union activities. The acquisition of information in the course of carrying out regular Union business does not violate the *Rules*. See *Rules*, Article VIII, §10(a) and (b)

Accordingly, since the evidence in this case does not support the conclusion that LocalUnion records were given to or utilized by Conrad Sides or members of his slate, the protest is DENIED.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,



Michael H. Holland

MHH/BJH/sst

cc Mr Frederick B Lacey
Grant Crandall, Regional Coordinator