

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001

Michael H. Holland
Election Officer

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April 9, 1991

VIA UPS OVERNIGHT

James E. Stacy
c/o Carey/Teamsters
Reform Slate
c/o Local 191
1139 Fairfield Ave.
Bridgeport, CT 06605

Joseph F. Bennetta
c/o A "New Era" Executive
Board Slate
Secretary-Treasurer
IBT Local Union 191
1139 Fairfield Ave
Bridgeport, CT 06605

Joseph J. Battista
Totoket Road
N Branford, CT 06471

Frank Christian
c/o The Slate
c/o Local 191
1139 Fairfield Ave.
Bridgeport, CT 06605

Joseph Hatrick
405 McKinney Ave.
Bridgeport, CT 06604

Robert Annan
86 Manila Place
Bridgeport, CT 06610

Re: Election Office Case No. Post-46-LU191-ENG

Gentlemen.

A post-election protest was filed under Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules") by Joseph F. Bennetta, a candidate for delegate from Local Union 191. Mr. Bennetta contends that during the ballot count on March 7, 1991 the Election Officer representative improperly ruled that individuals who had paid dues but had not completed paying their initiation fee ineligible to vote.¹

¹The protest of Mr. Bennetta was the only post-election protest filed in connection with the Local 191 delegate election. Mr. James Stacy, a successful candidate for delegate from Local 191, filed a complaint with the Election Officer stating that the Local had failed to post a copy of the official election tally sheet on all Local Union bulletin boards within the time period prescribed in the *Rules*. Mr. Stacy has advised

The Local Union 191 delegate election was conducted exclusively by mail ballot. 897 members returned their ballots 18 ballots were not counted as void and 121 ballots were challenged and the challenges sustained Therefore, 758 ballots were actually counted. Local 191 was required to elect 3 delegates and 3 alternate delegates to IBT International Convention. The tally of ballots was as follows:

Delegate Candidates

"Jim" Stacy	393
Patrick Mansfield	392
"Tony" D'Aiuto	375

Frank R. Besciglia	316
Robert Jones, III	315
Joseph "Joe" Bennetta	305
Frank Christuan	48
Joseph "Buddy" Battista	40
"Bob" Annan	29

Alternate Delegate Candidates

"Jim" Turiano	419
Richard Yatsinko	407
Ralph D'Agosta	402

"Joe" Esposito	327
Max Tomasi, Jr.	295
Frank M Scarvey	294

Thus, the margin between the third ranked delegate candidate and the fourth ranked delegate candidate was 59 votes Mr Bennetta was the sixth ranked delegate candidate, having received 305 votes The margin between the third ranked alternate delegate candidate and the fourth ranked alternate delegate candidate was 75 votes

Voter eligibility for mail ballot elections is determined as of the date when the mail ballots are counted, not as of the date the vote was cast or mailed To be eligible to vote, a member must be a member in good standing of the Local Union, having paid the required initiation fee and having paid dues through the month prior to the month of the election. Payment of the full initiation fee is a pre-requisite to membership in good standing in the Local Union New applicants who have not paid their full initiation fee are not members of the Local and therefore are not eligible to vote. Although Mr

that he wishes to withdraw his complaint as the official election tally sheet was posted after Mr Stacy had sent his complaint to the Election Officer. Thus, the Election Officer considers the complaint of Mr Stacy resolved

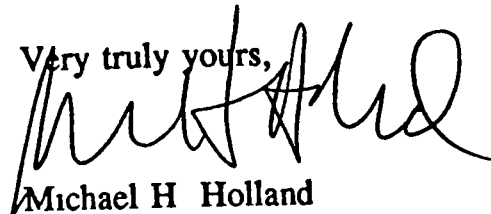
James E Stacy
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Bennetta argues that the Local considers new applicants to be eligible to vote if the member is paying the initiation fee in installments, this practice is not in accord with the IBT Constitution or the *Rules*.

The investigation conducted by the Election Officer has revealed that of the 121 ballot challenges that were sustained, only 30 were sustained on the basis of non-payment of the full initiation fee to the Local. As noted above, the Election Officer affirms the determination that members were not eligible to vote. In any event, the number of members who were deemed not eligible for the reason of not having paid the full initiation fee is insufficient to affect the outcome of the Election. Accordingly, 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.

Very truly yours,



Michael H Holland

MHH/mca

cc Frederick B. Lacey, Independent Administrator
Elizabeth A. Rodgers, Regional Coordinator