

ELECTION APPEALS MASTER

IN RE: LaVERNA WHARAM,

Protestor.

11 Elec. App. 54 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2011 ESD 303 issued July 14, 2011. The appeal was submitted by David Hoffa, Esq. for the Hoffa-Hall 2011 Campaign.

A hearing was held before me on July 18, 2011. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Supervisor, Barbara Harvey, Esq. for Teamsters for a Democratic Union and David Hoffa.

It is not disputed that the Hoffa-Hall 2011 Campaign engaged in prohibited campaign activity on the floor of the 2011 International Convention while the Convention was in session, in violation of the Convention Rules. The material distributed were sample ballots designed to facilitate location of the Hoffa-Hall candidates on the election ballot, and contained the slate's campaign logo.

There is no evidence that the violation of the Convention Rules was intentional, and all parties agree that no harm was done to any candidates seeking nomination at the Convention.

As a remedy, the Election Supervisor required the Hoffa-Hall Campaign to cease and desist distributing campaign literature during union meetings, with notice of the violation going to all Convention Delegates and Alternate Delegates, including all non-voting delegates.

The remedy of the Election Supervisor will not be disturbed absent an abuse of discretion. The decision is therefore in all respects affirmed.

SO ORDERED:

s/Kenneth Conboy
Kenneth Conboy
Election Appeals Master

Dated: July 18, 2011