

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: WADE LASZLO,)	Protest Decision 2011 ESD 263
)	Issued: May 23, 2011
Protestor.)	OES Case No. P-270-051711-MW
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Wade Laszlo, member and elected delegate of Local Union 320, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Local Union 320 violated the *Rules* by forwarding to him and other elected delegates campaign material received at the local union hall from a slate of candidates for International office.

Election Supervisor representative Joe Childers investigated this protest.

Pursuant to Article VII, Section 4 of the *Rules*, “[e]ach accredited candidate for International office has the right to request and receive from the Election Supervisor a list of all certified delegates with corresponding addresses.” The purpose for providing this list is to enable an accredited candidate to communicate directly with delegates, to seek their support in achieving nomination for International office.

Pursuant to the request of Hoffa-Hall 2011, OES supplied it a list of all certified delegates. That list included all elected delegates from Local Union 320. However, the addresses listed for those delegates was that of the local union because they had not provided alternative addresses to which communications should be directed. Hoffa-Hall 2011 sent them correspondence at the addresses shown for them on the list of certified delegates (the local union hall).¹ However, as none of the elected delegates from Local Union 320 is employed at the local union hall, the local union forwarded the Hoffa-Hall 2011 correspondence to the delegates at their residential addresses.

This protest followed, alleging that the local union impermissibly used union resources to aid the Hoffa-Hall 2011 campaign by receiving and forwarding that slate’s correspondence to them.

When investigating the protest, our representative explained to the protestor that, had the local union not forwarded the campaign literature received for the delegates at the local union hall, Hoffa-Hall 2011 would have been deprived of its right under Article VII, Section 4 of the *Rules* to communicate with those delegates. Our representative also notified the protestor of his right (and that of the other elected delegates who were elected to represent the local union) to change the addresses shown on the list of certified delegates to their residential addresses. Based on this information, the protestor requested to withdraw the protest.

¹ Precedent establishes that an accredited candidate for International office does not violate the *Rules* by corresponding with a delegate at the delegate’s local union address, where that is the address listed for the delegate. *Hoffa 2006*, 2006 ESD 326 (July 18, 2006).

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Finding that permitting withdrawal is consistent with the purposes of the *Rules*, we deem this protest WITHDRAWN.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
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DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

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