

March 22, 1996

VIA UPS OVERNIGHT

Gary L. Clark
270 Kerry Lane
Highland, MI 48357

Jim Cianciolo, President
Teamsters Local Union 243
2741 Trumbull Avenue
Detroit, MI 48216

Re: Election Office Case Nos. P-613-LU243-MGN
P-614-LU243-MGN

Gentlemen:

Gary L. Clark, a member of Local Union 243 and a candidate for delegate from that local union on a slate opposing a local officers' slate, filed pre-election protests pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*. These protests concern the mailing list provided by Local Union 243 to the ABC Mailers mailing house for Mr. Clark's campaign mailings. In P-613-LU243-MGN, Mr. Clark claims that the membership mailing list was not sorted by the zip code of members' addresses, resulting in unnecessary and unreasonable charges for postage. In P-614-LU243-MGN, Mr. Clark alleges that the mailing list was inaccurately inflated and that names were added to the list "for voting purposes."

As to the zip codes, Local Union 243 responds that Mr. Clark did not ask that the list be sorted by zip code. It further responds that a list prepared for a delegate candidate slate headed by a local officer was likewise not sorted by zip code and thereby resulted in costs to that slate identical to

those incurred by Mr. Clark and his slate. At the time Local Union 243 prepared the mailing lists, it was not aware that its membership lists on the TITAN system could be sorted by zip code. As to the number of names on the mailing list, Local Union 243 responds that the list used by the local officers' delegate slate had exactly the same number of names (4,883) as that provided to Mr. Clark.

Regional Coordinator William A. Wertheimer, Jr. investigated the protest.

Article VIII, Section 7 of the *Rules* requires that campaign mailings be processed at a reasonable cost, in a non-discriminatory manner and that the local union use a current mailing list of its members.

Mr. Clark did not request that the list be sorted by zip code. The local union slate also did not use a zip code sort for its list. Mr. Clark alleges that the local union should have been aware that sorting by zip code would have reduced the mailing costs by four cents per envelope. The local union, however, was unaware that the list could be sorted by zip code. Although the cost could have been less, the Election Officer does not find the charges made were unreasonable or that the protester's mailing was treated in a discriminatory manner. Therefore, there is no violation of the *Rules*.

As to the number of names on the mailing list, the list given to Mr. Clark had the same number of names as the list used by the local officers' slate. The 4,883 names on the list is only eight more than the number of ballots mailed on March 11 for the delegates' election. Accordingly, the Election Officer finds that the number of members is a normal fluctuation and does not state a violation of the *Rules*. There is no evidence that the local union added any names to help the officers' slate in the election.¹

Accordingly, the protests are DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

¹The Election Officer requires that ballots be mailed to members in status code 10 (new members) and status code 18 (unlisted on check-off), as well as members without a known correct address. This can result in inactive or ineligible members being included in the total number of ballots mailed, and could explain what appeared to the protester as a higher than anticipated membership count.

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Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
William A. Wertheimer, Jr., Regional Coordinator