



January 30, 2012

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed on December 12, 2011, alleging that a violation of Title IV of the Labor Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers conducted by the International Brotherhood of Electrical Workers, Local 481 held on June 8, 2011.

The Department of Labor conducted an investigation of your allegations. As a result of our investigation, the Department has concluded, with respect to your allegations, that there was no violation that may have affected the outcome of the election.

You alleged that Local 481 improperly allowed two supervisors, [REDACTED] and [REDACTED] to run for office. Section 401(e) of the LMRDA provides the right to run for office to union members in good standing subject to reasonable qualifications uniformly imposed. Article XV, Section 5 of the IBEW Constitution provides that no "L.U. shall allow any member who becomes an electrical employer, or a partner in an electrical employing concern, to hold office in the L.U. or attend any of its meetings, or vote in any election of a L.U." An IBEW handout titled "Candidate/Voter Eligibility for Local Unions with Employer-Members," states that members who form their own electrical contracting business, control and operate these businesses, and make policy and management decisions will be considered employers and ruled ineligible. The investigation revealed that [REDACTED] and [REDACTED] were foremen, but not employers or partners in an electrical employing concern. Thus, they were not precluded from running for office by the union's qualification standards. There was no violation of the LMRDA.

You alleged that members of the incumbent slate campaigned within 50 feet of the voting area by wearing t-shirts with the name of the incumbent slate and that one candidate thanked a member for his support in the polling area. Section 401(c) of the LMRDA provides that adequate safeguards to insure a fair election shall be provided. Pursuant to this provision, a labor organization's wide discretion regarding the conduct

of elections is circumscribed by a general rule of fairness. The investigation revealed that the election committee rescinded the prohibition regarding campaigning within 50 feet of the voting area at the time of the election. The investigation found that all of the candidates campaigned within the 50 foot limit originally established by the election committee. Also, those candidates or supporters who wore campaign t-shirts on election day turned them inside out when they entered the polling site. Regarding your allegation that one candidate thanked a voter for his support, the investigation revealed that the candidate denied thanking the voter and there was no other evidence that campaigning at the polls took place. There was no violation.

You alleged that the incumbent slate used union copiers to print campaign materials. Section 401(g) of the LMRDA provides that no union funds may be contributed or applied to promote the candidacy of any person in an election subject to the provisions of Title IV. The investigation revealed that a printer, Advance Printing, printed the 10 page flier for the incumbent slate. Also, the investigation established that the mailing was paid for with voluntary contributions from candidates on the slate and Advance Printing did not give the slate a discount. There was no violation.

You alleged that the election committee did not properly handle spoiled ballots and that one ballot was found in a voting booth. Section 401(c) of the LMRDA provides that adequate safeguards to insure a fair election shall be provided. The Department's records review found three voided ballots, one of which was blank. The investigation revealed that two ballots were spoiled because they were mismarked and a blank ballot was found in a voting booth. The voter eligibility list noted that two members received replacement ballots for these two spoiled ballots. There was no violation.

You alleged that Local 481 allowed members to vote without showing their dues receipts. Section 401(e) of the LMRDA provides that every member in good standing shall have the right to vote for the candidates of his choice. The investigation revealed that the IBEW Local Union Election Guide provides that the election committee should "require voters to identify themselves to the election board through use of union cards, driver's license or similar document." The investigation did not find any IBEW requirement that members must show a dues receipt to vote. The investigation found that the election committee verified voter eligibility with a voter eligibility list provided by the union. When members arrived to vote, tellers confirmed that the voters' names were on the list and checked for identification. There was no evidence that ineligible voters were allowed to vote. There was no violation.

You alleged that Local 481 improperly allowed the local's attorney to direct the counting and challenge process for absentee and walk-in ballots in violation of the IBEW Union Election Guide. The investigation revealed that the IBEW Local Union Election Guide provides the election judge with the responsibility of overseeing the

conduct of the election and that neither the Election Guide nor the local has any rules prohibiting the presence or assistance of non-members. The investigation did not reveal any evidence that the local's attorney acted improperly. There was no violation.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA that may have affected the outcome of the election, and I am closing our file regarding this matter.

Sincerely,

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Chief, Division of Enforcement

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