



February 23, 2018

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is provided in response to the complaint you filed with the Department of Labor on July 31, 2017, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers for the International Brotherhood of Electrical Workers (IBEW) Local 2199, conducted on June 12, 2017.

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

You alleged that the local improperly voided several ballots and that you lost by three votes. Section 401(e) of the LMRDA provides that every member in good standing shall have the right to vote. The ballot return envelope used for the election contained a perforated portion that was used to verify voter eligibility. The union voided seven returned ballots that did not include the perforated portion because it could not be determined if the ballot was from an eligible voter. Having a method to verify voter eligibility is an important election safeguard. Another ballot was voided because a member put his name and identification on his secret ballot envelope. The union did not count this ballot because voting instructions instructed members not to make identifying marks on the ballot and that any additional marks will void the ballot. Generally, a union has the right to establish reasonable rules for determining the validity of ballots cast in an election. 29 CFR § 452.116. Accordingly, there was no violation.

You also alleged that one individual was permitted to vote even though the individual quit employment ten days prior to the election. According to IBEW's constitution, a member may remain in good standing without paying dues for up to three months. The individual in question was included on the eligibility list because his most recent dues

payment was made within the two months preceding the election; therefore he was still a member in good standing at the time of the election. 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. Therefore, I am closing the file regarding this matter.

Sincerely,



Sharon Hanley  
Chief, Division of Enforcement

cc: Lonnie R. Stephenson, International President  
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