



December 1, 2022

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on June 27, 2022, alleging violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA). You alleged that violations occurred in connection with the regularly scheduled election of union officers conducted by the National Association of Letter Carriers (NALC) Branch 34 on March 8, 2022.

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

Your allegations centered on an election-related raffle held by the opposing Murray/[REDACTED] slate. You alleged that the opposing slate gave away raffle tickets to anyone who showed their sealed ballot prior to mailing, either in person or on the slate's Facebook page. You alleged that the raffle violated a federal election law (18 U.S.C. § 597) that prohibits certain expenditures to influence voting. However, this criminal statute applies only to public elections, and specifically to elections of federal candidates; it does not apply to internal union elections.¹ Further, even if true, this allegation would not constitute a violation of Title IV of the LMRDA.

You also alleged that the raffle improperly influenced members to vote for the opposing slate by offering a cash incentive to vote. During the investigation, you admitted that

¹ Please see *Federal Prosecution of Election Offenses* (8th. ed. 2017), published by the Election Crimes Branch, Public Integrity Section, Criminal Division, U.S. Department of Justice, available online at <https://www.justice.gov/criminal/file/1029066/download>. The Election Crimes Branch oversees the handling of election crime allegations for the Department of Justice. On page 32, the manual lists 18 U.S.C. § 597 as one of the statutes that apply to federal elections *only* and explains that it prohibits “payments to vote, or to refrain from voting, for a federal candidate.” In footnote 19 on page 43, the manual specifies that 18 U.S.C. § 597 “requires that the payment be made to influence a federal election.”

members did not have to vote for the Murray/[REDACTED] slate to enter the raffle (indeed, you noted that at least two members who voted for you entered the raffle) and that you were not aware of anyone showing or posting their voted ballot online. However, you alleged that voters were influenced by the raffle because the messaging from the opposing slate mixed entering the raffle with voting for their slate.

Section 401(b) of the LMRDA provides that every local labor organization shall elect its officers by secret ballot among the members in good standing. 29 U.S.C. § 481(b). Section 401(c) of the LMRDA requires, in pertinent part, that a union provide adequate safeguards to ensure a fair election. 29 U.S.C. § 481(c).

The Department's investigation established that the Murray/[REDACTED] slate held a raffle to encourage members to vote in the election. The investigation established that the raffle rules clearly stated that any member who was eligible to vote could enter the raffle by showing a sealed ballot envelope and that there was no requirement to vote for a particular slate or candidate. The investigation further established that no one associated with the raffle was instructed to ask members whom they voted for, to show their voted ballots, or to give their ballots to a raffle administrator. The investigation also established that the funds for the \$1,000 and \$250 raffle prizes were entirely sourced from donations from candidates on the Murray/[REDACTED] slate.

The Department's investigation included review of the Murray/[REDACTED] campaign Facebook page. Although the Facebook page promoted both the raffle and the slate candidates, posts about the raffle stated that members did not have to vote for a specific candidate or slate to enter the raffle. The Department also reviewed the photographs of members holding ballots and/or raffle tickets. The review found no visible instances of anyone holding more than one ballot or any photographs of unsealed ballots taken in connection with entering the raffle. The review identified a single photograph posted of a filled-in ballot. The Department's investigation established that there was no mention of the raffle in the contents of the post and that the photo of the ballot was voluntarily posted by a Facebook page administrator for the purpose of showing which candidates on the ballot were members of the Murray/[REDACTED] slate.

As part of its investigation, the Department also interviewed approximately twenty-five Branch 34 members who had entered the raffle. The investigation found no evidence that members were directed how to vote, that members were asked to reveal whom they voted for or to show their voted ballots, or that ballots were collected from members in connection with entering the raffle. There was no violation.

Your complaint also mentioned other allegations that were not properly exhausted. Section 402(a) of the LMRDA requires that a member exhaust the remedies available under the union's constitution and bylaws before filing a complaint with the Secretary


of Labor. 29 U.S.C. § 482(a). As a result, these allegations are not properly before the Secretary and are dismissed.


For the reasons set forth above, the Department of Labor concludes that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, I have closed the file on this matter.


Sincerely,

A large black rectangular redaction box covering the signature of Tracy L. Shanker.

Tracy L. Shanker
Chief, Division of Enforcement

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