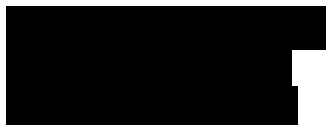




January 14, 2020



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on July 20, 2018, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers conducted by Local 204 (Local or Local 204) of the International Brotherhood of Electrical Workers (International or IBEW), on June 12, 2018.

The Department of Labor conducted an investigation of your allegations. In your complaint, you alleged that the International's decision to rerun the Local's June 12, 2018 election was improper. On August 28, 2018, the rerun was conducted and you were elected business manager. The Department has, therefore, concluded that your complaint should be dismissed as moot. The following is an explanation of this conclusion.

On June 12, 2018, IBEW Local 204 held its regularly scheduled election of officers. At the conclusion of the original tally you won the business manager race, defeating the incumbent business manager by a margin of 13 votes. However, because the margin for the business manager race was 13 and the election committee had designated 13 ballots as "spoiled," the election judge decided to count the 13 spoiled ballots. After the spoiled ballots were tallied, you won the business manager race by a margin of 10 votes.

The incumbent business manager filed an election protest alleging that voter secrecy was compromised when the election committee counted the 13 ballots designated as "spoiled" after the initial tally. Based on this complaint, the International ordered a rerun election for the business manager position. The International did not order a rerun election for the other contested positions because the margins for those positions were all higher than 13. On August 28, 2018, the rerun was completed and you won the position of business manager by a margin of 291 votes.

In your complaint, you alleged that the union did not have a reasonable basis to order a rerun of the election. Specifically, you alleged that the opening of the spoiled ballots was due to the actions of individuals working for the incumbent and that the spoiled ballots should not have been opened and counted according to the Local's bylaws. Furthermore, you alleged that the counting of the spoiled ballots did not change the outcome of the election because you won the race prior to and after the spoiled ballots were counted.

Section 402(a) of the LMRDA, which requires that a member exhaust internal union remedies before complaining to the Secretary of a violation of § 401 of the LRMDA, was intended to give unions a chance to correct election problems and deficiencies, thereby preserving a maximum amount of independence and encouraging responsible union self-government. In furtherance of this legislative objective, the Secretary accords a degree of deference to decisions on internal union election protests providing for the conduct of a new election. The Secretary will not seek to reverse a union's remedial decision to hold a new election, unless it is apparent that the decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith, such as to afford losing candidates a second opportunity to win; or the decision is otherwise contrary to principles of union democracy embodied in the statute and holding a new election is unreasonable.

In this case, you were elected to the business manager position in the June 12, 2018 regular election and the August 28, 2018 rerun election. Consequently, the issue is moot and the Department does not need to determine whether the union acted impermissibly in ordering a rerun of the June 12, 2018 Local 204 election. Accordingly, I am closing the file on this matter.

Sincerely,



Brian A. Pifer  
Chief, Division of Enforcement

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