

ELECTION APPEALS MASTER

IN RE:

ASHLEY MCNEELY

01 Elec. App. 097 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 485 issued October 2, 2001. The appeal hearing was requested by Barbara Harvey, Esq. on behalf of Ashley McNeely.

A hearing was held before me on October 10, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; Barbara Harvey, Esq. on behalf of Ashley McNeely; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; and Betty Grdina, Esq. of Yablonski, Both & Edelman on behalf of the Tom Leedham Slate.

This appeal involves yet another challenge to the broad discretionary authority that the Election Administrator has under the Election Rules to determine, in advance of publication, what content, in light of its tone and timing, does or does not violate Article XII, § 2 (i) of the Rules.

In her letters of October 10 and 11, 2001 Barbara Harvey makes a comprehensive and plausible attack upon the Election Administrator's decision that approved for publication, after inspection and revision, the September, 2001 issue of the Teamster magazine.

Jeffrey J. Ellison for the Election Administrator and Bradley T. Raymond for the IBT, in post-hearing submissions received this date, effectively address the Harvey arguments.

On both substance and deference bases, I am satisfied that the Election Administrator's decision is correct and supported by precedent. Accordingly, the decision is affirmed.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: October 12, 2001