



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1 800-828 6496
Fax (202) 624 8792

Michael H Holland
Election Officer

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

December 17, 1990

VIA UPS OVERNIGHT

Gene E. Davis
3721 Eckert Road
Freeport, MI 49325

Ken DeVries
Secretary-Treasurer
IBT Local 406
3315 Eastern Ave., S.E.
Grand Rapids, MI 49325

Re: Election Office Case No. P-115-LU406-MGN

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In his protest Mr. Gene Davis alleges that the designation of the Delegate Slate name "Team Four-O-Six" or "Team 406" by candidates who are currently business agents and officers of the Executive Board is a violation of the Rules.

The Rules permit a slate to be identified by any name, except that names distinguishing incumbency are not to be placed on the ballot, Rules, Article V, §4. Additionally, as a policy matter, the Election Officer will not approve a slate name for the ballot that contains obscenities, or is too lengthy to be contained on the space of the ballot. Use of the Local Union name or number is, therefore, permitted.¹

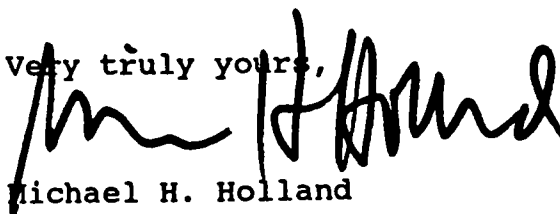
Since the slate name in this instance is not obscene, is not too lengthy, and does not specify incumbency, it does not violate the Rules. Accordingly, the protest is DENIED.

¹It should be noted that there are three slates, plus independent candidates, contesting the Local 406 delegate and alternate elections. Another of the slates also uses the Local Union number in its slate's name, it is called the "406 Teamster's for Ron Carey Slate."

Gene E. Davis
December 17, 1990
Page 2

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing. The parties are reminded that absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal.

Very truly yours,



Michael H. Holland

MHH/BJH/sst

cc: Mr. Frederick B. Lacey
James DeHaan, Regional Coordinator