



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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December 17, 1990

**VIA UPS OVERNIGHT**

Ed J Mireles  
Secretary-Treasurer  
IBT Local Union 952  
140 S Marks Way  
Orange, CA 92668

All Affected Candidates  
(List appears at end of decision)

Re: Election Office Case No. P-122-LU952-CLA-(1-6)

Ladies and Gentlemen:

By timely pre-election protest, filed within forty-eight hours of Local 952's nominations meeting, Mr Ed J Mireles challenged the eligibility of the attached list of candidates because they accepted their nominations in writing at the time of their nominations meeting rather than one day prior to the meeting. Copies of such protests are enclosed.

Both the *Election Rules* and the *IBT Constitution* permit the acceptance of nominations for Delegate and Alternate Delegate in writing at the time of the meeting. The *Election Rules*, Article II, Section 3(h) provides that with respect to Delegate nominations, " the member must accept his/her nomination at the time made either in person, or, if absent, in writing "

The *IBT Constitution*, Article XXII, Sections 4(a) and 6 govern the procedures for Nominations and Election of Local Officers as well as delegates and alternate delegates to the International Convention. The Constitution provides as follows.

" Candidates must accept nominations at the time made either in person, or if absent, in writing and may accept nominations for only one office."

*IBT Constitution*, pages 133, 134.

The IBT *Constitution* does provide a different procedure for written acceptance of nomination by a candidate for International office Article IV, Section 2 stipulates that such nominees for International office "must accept nomination in person at the time made, or, if absent, by written acceptance filed with the General Secretary-Treasurer at least one day prior to nomination "

*IBT Constitution, page 23.*

Thus, the IBT *Constitution* specifies a one day time limit only for written acceptance of nomination for International Office as opposed to delegate and/or alternate delegate where no such time limit is imposed

It follows that none of the candidates on the attached list is disqualified for the reason that they accepted nomination in writing at the time of the meeting.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter 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 Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 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.

Very truly yours,



Michael H Holland

cc Frederick B Lacey, Independent Administrator  
Geraldine L Leshin  
353 East Angeleno, Suite E  
Burbank, CA 91502  
Tel 818-566-8918  
Fax 818-566-9622

## Affected Candidates

- 1 Andrew Pascoe
- 2 Dennis Watson
- 3 Denise Churchill
- 4 Gary Wennerberg
- 5 Sylvia Buchanan
- 6 Charles Sciano<sup>1</sup>

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<sup>1</sup> Charles Sciano's written acceptance failed to include the words "I accept " The person tendering his written note at the meeting explained that this was the written acceptance of nomination by Mr Sciano Mr Sciano has since tendered a note including the words "I accept "