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January 10, 1991

VIA UPS OVERNIGHT

Don McGill
President
IBT Local Union 213
490 E Broadway
Vancouver, B C
CANADA V6Y-2H2

George Fennell
8240 Luton Rd.
Richmond, B C
CANADA V6Y-2H2

Re: Election Office Case No. P-171-LU213-CAN

Gentlemen

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The protest claims that Local 213 President Don McGill violated the *Rules* by presiding at the nominations meeting at which he was nominated and at which his nomination was seconded and further by accepting such nomination while so presiding. The protest asks that Mr McGill be disqualified from seeking the position of delegate to the 1991 IBT International Convention by reason of such violation of the *Rules*.

The *Rules* prohibit campaigning at Local Union meetings, including nominations meetings, unless all candidates are granted equal and similar opportunities to campaign at such meetings *Rules*, Article VIII § 4 (1). However, being nominated, having your nomination seconded, and accepting nomination is not campaigning.

Further, neither the *Rules* nor the IBT Constitution prevent the chair of a nominations meeting from being nominated or having his nomination seconded at such meeting. While Robert's Rules of Order, the basic guide for the conduct of meetings such as Union meetings, prohibit the chair of a meeting from speaking while chairing the meeting, Robert's Rules of Order do not prohibit the chair of a meeting from being nominated for officer while remaining as the meeting chair. That Mr. McGill did not step down from chairing the meeting while accepting the nomination is not in violation of normal parliamentary rules and does not, as indicated above, constitute campaigning.

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At the nominations meeting, the question of Mr McGill vacating the chair before accepting the nomination was raised. The Election Officer representative there present indicated that he did not believe that Mr. McGill was required to vacate the chair in order to accept nomination. No protest or contrary position was raised from the floor during the nominations meeting.

For the foregoing reasons the protest is DENIED.

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

MHH/mca

cc Frederick B. Lacey, Independent Administrator
C Neil Reimer, Regional Coordinator