



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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February 22, 1991

VIA UPS OVERNIGHT

Earl China
13201 Three Oaks Drive
Jones, Oklahoma 73049

Terry C Raulston
1024 S W 97th Street
Oklahoma City, Oklahoma 73139

Charlie Thompson
President
IBT Local Union 886
2528 West Reno
Oklahoma City, Oklahoma 73125

W S Cunningham
8912 S Miller
Oklahoma City, Oklahoma 73159

Re: Election Office Case No. P-181-LU886-SOU

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, Earl China alleges that the December issue of the Local Union financed newspaper, Teamster Pride was used to promote the candidacy of the Local Union president and his slate. The Election Officer deferred the protest until the Local 886 election was concluded.

Since a new election has been directed by today's Election Officer's decision in P-247-LU886-SOU, the Election Officer need not, and thus declines, to determine whether the conduct alleged in this protest may have affected the outcome of the election. However, since the protest is not moot, the Election Officer must determine whether the *Rules* have been violated, and, if so, the remedy appropriate given the rerun election ordered.

The Election Officer does conclude, however, that the *Rules* have been violated by the publication of the December issue of Teamster Pride. The *Rules* provide that no Union-financed publication shall be "used to support or attack the candidacy of any person . . . the Union newspaper shall not carry a substantial number of articles or pictures featuring a particular candidate, unless all candidates are given equal space, equal treatment, and equal prominence *Rules*, Article III, Section 7.

The investigation in this case shows the following: Teamster Pride is a bi-monthly publication of Local 886. The December 1990 issue of Teamster Pride differed significantly from the other published issues. President and Business Manager Charlie Thompson's name was featured in bold-face type some twelve times and his photograph appears some ten times in the twelve-page publication; such coverage is far more extensive than coverage given to Mr. Thompson in prior issues of the newsletter. Other members of Mr. Charlie Thompson's slate are also featured in the publication. "Under the *Rules*, a Union financed publication shall not . . . carry a substantial number of articles or pictures featuring a particular candidate, unless all candidates for the same position are given equal treatment, equal space and equal prominence." "Advisory on Union Publications." None of the opposing candidates are named or pictured.

The nominations meeting in this Local was held on December 8, 1990. The mail ballots were counted on January 28, 1991. The Union financed newspaper served to feature the incumbent Charlie Thompson during the critical election time period and served a campaign purpose. Thus, there has been a violation of the *Rules*. To remedy this violation, the Election Officer orders the following:

- (1) The Terry Raulston Slate, as well as all independent candidates, may each prepare a two-sided 8" by 11" piece of campaign literature and submit it to the Local
- (2) The campaign literature shall be duplicated and mailed by the Local to the membership within ninety-six hours after it is submitted.
- (3) The cost of duplication and mailing shall be borne by the Local Union.
- (4) The Local Union shall file an affidavit with the Election Office no later than forty-eight hours after each such mailing is accomplished indicating compliance with this decision.

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

Earl China
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C. 20001, Facsimile (202) 624-8792 A copy of the protest must accompany the request for a hearing

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland". The signature is stylized and cursive, written over the typed name below it.

Michael H. Holland

MHH/ads

cc Frederick B Lacey, Independent Administrator
Larry R Daves, Regional Coordinator