



OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

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January 10, 1991

VIA UPS OVERNIGHT

Mike Pearson
960 Royal Dr
Chico, CA 95926

Rafael A. Miranda
Secretary-Treasurer
IBT Local Union 137
3540 S Market St
Redding, CA 96001

Re: Election Office Case No. P-182-LU137-CCV

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 Mike Pearson contends that the *Rules* were violated when the Local Union business agents, during time paid for by the Local Union, posted the results of the nominations meeting. He also protests that the slate name "Local 137 Solidarity Slate" is misleading to the membership.

The *Rules* direct the Local Union to post the nominations results no later than seven (7) days following the nominations meeting. The posting is to list all candidates nominated by name and by slate. *Rules*, Article II, § 4.

While Article X, § 4 of the *Rules* prohibits campaigning during time paid by the Local Union, posting the nominations results throughout the Local does not constitute campaigning but rather compliance with the requirements of the *Rules*. Thus, the business agents of Local 137 are not violating the *Rules*, rather they were complying with the *Rules*. This aspect of the protest is DENIED.

The *Rules* permit a slate name as long as it does not designate incumbency. *Rules*, Article I, § 8 (e) The Election Officer will also prohibit slate names that are obscene or too lengthy to appear on the ballot. The slate name under protest in this case does not designate incumbents, is not obscene, and is not too lengthy to appear on the ballot. Therefore, this aspect of the protest is DENIED.

Mike Pearson
January 9, 1991
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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
Donald E Twohey, Regional Coordinator