



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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January 10, 1991

**VIA UPS OVERNIGHT**

William J. Martin  
8215 Tommy Dr.  
San Diego, CA 92119

Richard Nageotte  
Secretary-Treasurer  
IBT Local Union 481  
2840 Adams Ave., Room 202  
San Diego, CA 92116

**Re: Election Office Case No. P-199-LU481-CLA**

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, Mr. William Martin contends that the Local Union Newspaper, Teamster Talk, violates the *Rules* by promoting the candidacy of the Local Union officers for delegate to the 1991 IBT International Convention.

The investigation shows the following. Local Union 481 has never published a newspaper. New officers were elected to Local Union leadership in 1990, and the officers have decided to publish a newspaper, Teamster Talk. The first issue was published in December, 1990.

The Election Officer has reviewed the entire contents of this issue of the paper. The front page contains two articles; one article, the most prominent, announces the date, time and place of the Local Union Nominations meeting, and provides instructions and information about eligibility requirements. This notice was in addition to the Local 481 notice published in the Joint Conference paper. The second article is a description of the issues to be discussed and voted on at the 1991 IBT International Convention and a brief description of the role of delegates to the Convention. Such article further encourages all Local 481 members to participate in the delegate selection process.

The newspaper also includes an editorial which announces the advent of the newspaper and which sums up the work of the Local during the past year, a report from the Secretary-Treasurer, and a report from the Business Agent. No other signed articles appear in the paper.

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None of these articles describe candidates, carry endorsements, or otherwise comment on the campaign process. No pictures of any of the officers appear in the newspaper.

The *Rules* do stipulate that Union financed publications must provide equal access to all candidates, if they provide coverage of any candidate's campaign. *Rules*, Article VII, § 7 & 8. The Election Officer will not, however, construe this rule to prohibit the first-time publication of a newspaper by officers of the Local simply because those same officers may also be candidates. The work of a Local Union, processing grievances, publishing information, conducting meetings, and so forth need not come to a halt because those members responsible for the work are also candidates for election.

Since this protest makes no showing that the newspaper Teamster Talks carries any item violative of Article VIII, § 7(a) of the *Rules*, the newspaper does not constitute improper support for any candidate. The question of equal access for all candidates is not presented in this case. The *Rules* have not been violated and 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  
Geraldine L. Leshin, Regional Coordinator