



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

Chicago Office:
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343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

January 21, 1991

VIA UPS OVERNIGHT

David Holcomb
197 North Champlain Street
Burlington, Vt 05401

Earl Nolan
Secretary-Treasurer
IBT Local Union 597
Quarry Hill Road
Barre, VT 05641

Re: Election Office Case No. P-252-LU597-ENG

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI, §1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The Complainant, David Holcomb, intends to seek nomination and election as a delegate to the 1991 IBT International Convention. Mr. Holcomb contends that one of his opponents for a delegate position will be Earl Nolan, the Secretary-Treasurer of Local 597. Nominations in the Local will not be held until February 3, 1991. Mr. Holcomb and Mr. Nolan just completed a heated race for Secretary-Treasurer of the Local, a race that Mr. Nolan won by 47 votes. Mr. Holcomb protests 3 pieces of literature which Mr. Nolan distributed prior to the Local election and one piece, written on Local Union stationery which was mailed to Local members after the election.

The three pieces of literature distributed for the Local Union election were distributed in connection with that election. The Election Officer has no authority with respect to exclusively Local Union officer elections. Thus the Election Rules do not regulate either the distribution or content of such campaign materials.

The letter of December 27, 1990 was sent at the Union's expense, on Union stationery to all Union members. It was sent in a context in which both Holcomb and Nolan undoubtedly anticipated another heated race, this time for delegate. The content of the letter is laudatory with respect to Mr. Nolan and derogatory with respect to Mr. Holcomb.

David Holcomb
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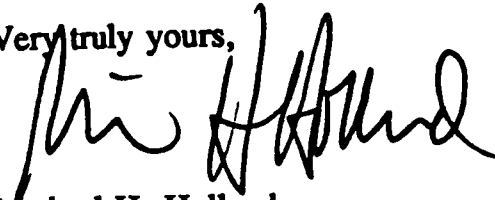
The literature therefore violates the Election Rules, which prohibit the use of Local Union-financed publications to support or attack the candidacy of any person. *Rules, Article VIII, §7.* The protest with respect to the December 27 literature is GRANTED, the remainder of the protest is DENIED.

Thus if both Mr. Nolan and Mr. Holcomb are nominated as candidates for delegate or alternate delegate to the 1991 IBT International Convention, a remedy is appropriate. As a remedy, the Local is directed to mail one piece of campaign literature on behalf of Mr. Holcomb to all Local Union members. The literature shall be limited to the front and back of one sheet of paper that is no larger than 8 1/2" by 14" and may not include Mr. Holcomb's picture. The Local shall bear the costs of reproduction and mailing.

Mr. Holcomb shall submit the literature to the Union and the Union shall reproduce and mail the literature within seven calendar days after its submission. The Union should then submit an affidavit of compliance to the Election Officer within three calendar days thereafter.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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. 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.

Very truly yours,



Michael H. Holland

MHH/BJH/sst

cc Mr. Frederick B. Lacey
Elizabeth A. Rodgers, Regional Coordinator

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January 24, 1991

VIA UPS OVERNIGHT

David Holcomb
197 North Champlain Street
Burlington, VT 05401

Earl Nolan
Secretary-Treasurer
IBT Local Union 597
Quarry Hill Road
Barre, VT 05641

Re: Election Office Case No. P-252-LU597-ENG

Gentlemen:

A decision was issued and a remedy was ordered in the above referenced protest on January, 21, 1990. The Election Officer found that the local Union used Local Union stationery for campaign purposes contrary to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") and ordered the Local to finance a campaign mailing to the entire membership of the Local on behalf of the Protester.

After the issuance of the decision the Election Officer was informed for the first time that the Local's mailing that was the subject of the protest was not in fact mailed to the entire membership. Rather it was distributed to forty-one shop stewards, one at each location where the Local has members, with instructions to post. Mr. Holcomb has no contrary information or evidence. Therefore, since the purpose of the remedy was to provide Mr. Holcomb access to the membership at the expense of the Local, to the same extent that the Local has provided such access to Mr. Nolan, the prior remedy is amended as follows:

The Local is directed to mail one piece of campaign literature on behalf of Mr. Holcomb to the forty-one (41) stewards, one at each location where the membership works, with instructions to post the literature.

The remainder of the Decision is **AFFIRMED** in all respects.

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

David Holcomb
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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/ads

cc. Frederick B Lacey, Independent Administrator
Elizabeth A Rodgers, Regional Coordinator