



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

Michael H. Holland  
Election Officer

January 21, 1991

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

**VIA UPS OVERNIGHT**

David R Dalton  
Election Consultant  
IBT Joint Council 32  
3001 University Ave , S E  
Minneapolis, MN 55414

Harold J. Yates  
President  
IBT Joint Council 32 and  
IBT Local Union 120  
3001 University Ave , S.E.  
Minneapolis, MN 55414

Paul Bailey  
Secretary-Treasurer  
IBT Local Union 221  
3001 University Ave., S E.  
Minneapolis, MN 55414

Daniel Bartholomew  
Secretary-Treasurer  
IBT Local Union 289  
3001 University Ave., S.E.  
Minneapolis, MN 55414

Jack J Jorgensen, Jr.  
Secretary-Treasurer  
IBT Local Union 359  
3001 University Ave , S.E.  
Minneapolis, MN 55414

Daniel F. Bryant, Sr.  
Secretary-Treasurer  
IBT Local Union 792  
3001 University Ave., S.E.  
Minneapolis, MN 55414

Jerome A. Streitz  
Secretary-Treasurer  
IBT Local Union 974  
3001 University Ave., S.E.  
Minneapolis, MN 55414

William H. Tyler  
Secretary-Treasurer  
IBT Local Union 1145  
2636 Portland Ave , South  
Minneapolis, MN 55407

**Re: Election Office Case No. P-313-JC32-NCE**

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 Complainants are eight Local Unions in Minnesota Teamsters Joint

**Council No 32. They protest alleged changes in the method of voting procedure for upcoming delegate elections from the method the Locals in Joint Council 32 thought would be utilized.**

**The voting device to be primarily used for counting votes in the subject elections is the OPTECH III-P Eagle System. With this device, a member's ballot is fed into a machine which tallies the count. The machine can be programmed to reject ballots that have certain errors, so that they can be recast.**

**Under the voting procedures established by the Office of the Election Officer, each voter folds his/her ballot in half, and personally deposits his/her ballot into a sealed ballot box. The ballot box is in open view of all observers while the voting takes place, and remains sealed until the time for voting expires. At that time, a designated representative of the Election Officer unseals the ballot box, in the view of any observers, and proceeds to count the ballots. In the Locals in this particular Joint Council, the count will be made by feeding the ballots into the OPTECH III-P Eagle System.**

**The objection of the Joint Council is that under these procedures, individuals will not feed their own ballots into the OPECH III-P System. Presumably, the reason for this complaint is that voters will therefore lose the opportunity to recast their vote if they have made a mistake in voting**

**Under the procedure proposed by the Joint Council, in order to maintain the secret ballot, voters must place their ballots into a cardboard "security sleeve" and then feed the ballots into the machine. This procedure poses problems with respect to the secrecy of the ballot. Additionally, implementing this process would create delays in polling places. That will not occur under the Election Officer's procedures which are currently in place. With respect to secrecy, there are potential problems at the time the ballot is fitted into the sleeve, at the time the ballot is fed into the machine and when a voter seeks to recast the ballot. With respect to delay, the confusion which could result might slow the voting process, create lines and discourage potential voters. It should be noted that the Election Officer fully considered, and rejected, the "immediate feed of the ballot and recast" feature of the Optech III-P Eagle System before adopting his procedures**

**The major problem which might be remedied by the voter's individual use of the Optech III-P Eagle System is the one of over voting; i.e., voting for more delegate or alternate delegate candidates than the number to be elected. The Election Officer has paid particular attention to this problem, both in the oral instructions which are given to**

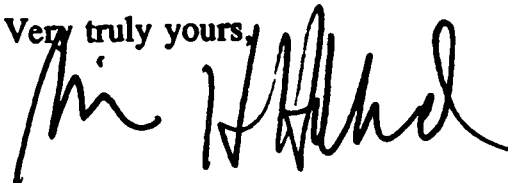
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voters and in the three different admonitions on the ballot which instruct votes not to vote for too many candidates.<sup>1</sup>

For these reasons, the protest is DENIED.

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  
Barbara Z Quindel, Regional Coordinator

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<sup>1</sup>Furthermore, to the extent that the protest is on behalf of Locals conducting a combination of mail and in-person balloting, the Election Officer's procedure insures all ballots will be treated consistently. There is no reason why mail voters (or for that matter, in in-person elections for absentee voters) should have no opportunity to recast their vote while in-person voters should.