



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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January 25, 1991

**VIA UPS OVERNIGHT**

Bob Highfill  
Rt 5 Box 77A  
Silon Springs, AR 72761

Ott L. Rogers  
Secretary-Treasurer  
IBT Local Union 373  
4314 South Phoenix  
Fort Smith, AR 72906

Steve Wolfe  
Box 22  
Farmington, AR 72730

Re: Election Office Case No. P-318-LU373-SOU

Gentlemen:

A pre-election protest was filed pursuant to Article XI of *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules").

The Complainants Ott L. Rogers and Randall Sanderson protest the timeliness of the filing of the "Declarations of Affiliation with a Slate" by Bob Highfill and Steve Wolfe. Complainants assert that the declaration was not filed with the Local Secretary-Treasurer within 24 hours of the close of nominations as required by Article VII (c) of the *Rules*.

Investigation reveals that the nomination meeting was held on January 6, 1991. A facsimile copy of the "Declaration of Affiliation with Slate" was given to Jay Yongdahl, Adjunct Regional Coordinator, on January 7, 1991, within twenty-four hours of the nominations meeting. The original of the document was subsequently filed with the Secretary-Treasurer of Local 373 on January 14, 1991. The purpose of requiring the slate declaration form to be filed within twenty-four hours of the nominations meeting is to give notice of such affiliation to permit timely ballot placement lotteries, an appropriate posting of the nomination results and assist in ballot preparation and configuration. Filing with the Office of the Election Officer satisfies these purposes. While the original of the document was not filed with the Secretary-Treasurer of the Local Union until a later date, the Election Officer investigation uncovered no evidence that Local 318 officers had been previously unaware of the desire of the candidates

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Highfill and Wolfe to run as a slate. Under these circumstances, the Election Officer determines that there has been substantial compliance with the filing requirement of the *Rules*. Thus 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/acm

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