



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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January 25, 1991

**VIA UPS OVERNIGHT**

Mark Franks  
5851-U Reddman Rd.  
Charlotte, NC 28212

Conrad D. Sides  
President  
IBT Local Union 71  
5000 N. Tryon Street  
Charlotte, NC 28213

**Re: Election Office Case No. P-348-LU71-MID**

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). In his protest the complainant, Mr Mark Franks, alleges that he was told by supervisory employees of his employer that a Local Union 71 official had removed from the bulletin board campaign materials of a slate of candidates opposed to the slate headed by Union President Conrad D Sides

The Election Officer investigation reveals that the campaign material was indeed removed by Mr Larry Miller, a business agent for Local Union 71.

It was not alleged, and the Election Officer has no indication, that said bulletin board has ever been used for postings other than, or in addition to, official management company and Union notices.

Article VIII, §10 (d) of the *Rules* provides no restrictions shall be placed upon candidates' or members' pre-existing right to use employer or Union bulletin boards. Further, even where a bulletin board has not previously been used for postings of campaign materials but has been used for postings other than or in addition to official company and union notices, campaign materials may be posted. Advisory Regarding Political Rights Here, however, there is no evidence that the bulletin has ever been used for any general purpose posting Thus the *Rules* do not require that such facilities be made available for campaign material postings Accordingly, 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

Mr Mark Franks  
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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/acm

cc Frederick B Lacey, Independent Administrator  
Grant Crandall, Regional Coordinator