



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

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

February 19, 1991

VIA UPS OVERNIGHT

David J. Bowden
Rt. 1 Box 3112
Pratton Branch Rd.
Goodlettsville, TN 37072

Luther Watson
President
IBT Local Union 480
643 Spence Lane
Nashville, TN 37207

Re: Election Office Case No. P-405-LU480-SEC

Gentlemen:

A pre-election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). Complainant David Bowden protests the timing of the tentative schedule for re-election to be run for delegate from Local Union 480, and requests that the "Teamsters for Ron Carey" slate be provided a free mailing for the re-run election.

The date for the mail ballot re-run election in Local 480 has been set for March 6, 1991, the date on which voted ballots will be counted. The Election Officer's investigation reveals that this is acceptable to Complainant and this portion of the protest is considered resolved on that basis.

In his protest, Mr. Bowden further seeks a free mailing for himself and the other candidates associated with him on the "Teamsters for Ron Carey" slate. He claims that such slate suffered financial damage since — as a result of the decision of the Independent Administrator reversing, on reconsideration, his earlier decision with respect to Mr. Watson's eligibility — two elections will be held with respect to the Local 480 delegate election.

Mr. Bowden contends that the limited financial resources of his slate were fully expended in the first such election and that the passage of time has dissipated the effects of the original campaign mailing. Thus he contends that a new campaign mailing is needed, the costs of which cannot be borne by his slate.

David J. Bowden
Page 2

The *Rules* contemplate and encourage the utilization of the protest processes as the method to resolve issues and problems. The *Rules* further provide for appeals from the decisions of the Election Officer to the Independent Administrator. In the instant situation, the protest procedure was initiated by Mr. Bowden filing a protest with respect to Mr. Watson's eligibility. Mr. Watson, as is his right under the *Rules*, appealed to the Independent Administrator. The Independent Administrator initially upheld the Election Officer and thus the delegate and alternate delegate election with respect to Local Union 480 proceeded. That decision, however, was subsequently reversed by the Independent Administrator, necessitating a rerun election for Local 480. The rerun election is occasioned by the utilization of the processes of the *Rules*, not by reason of fault or wrong-doing on the part of any participant in the election process.

Under these circumstances, utilization of Local Union resources for campaign purposes by any or all parties to the election process is not provided for under the *Rules*. While the *Rules* permit the Election Officer to impose, as a remedy for a valid protest, the use of Local Union resources for campaigning purposes, the Local Union here in no way bore any responsibility for the fact a rerun is being conducted. Under these circumstances, the *Rules* do not contemplate a campaign mailing at Union expense. Thus, this portion of 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
Donald H Williams, Regional Coordinator