



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  
843 South Dearborn Street  
Chicago, IL 60604  
(312) 822-2800

January 31, 1991

**VIA UPS OVERNIGHT**

Robert L. Stevenson  
4930 Avila Avenue  
Carlsbad, CA 92008

Rick Acayas,  
Secretary/Treasurer  
Local Union 542  
4666 Mission Gorge Place  
San Diego, CA 92120

Re: Election Office Case No. P-418-LU542-CLA

Gentlemen:

A pre-election protest was filed by Robert L. Stevenson pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), Mr. Stevenson protests against the position of his Local Union's officers who apparently were claiming that he is not a candidate for delegate to the 1991 IBT International Convention.

The investigation shows the following: Mr. Stevenson is a member is good standing of Local 542, meeting all eligibility requirements of the IBT *Constitution* and the *Rules* to run for the position of delegate. Mr. Stevenson was properly nominated and seconded for the position of delegate at the Local 542 nominations meeting, by IBT members who were eligible to nominate and second. However, Mr. Stevenson was not present at the meeting to accept his nomination, and his written acceptance of nomination was not presented at the meeting. Thus, his nomination was disallowed. According to Mr. Stevenson, after a fellow member called Mr. Stevenson and informed him of the problem at the meeting, he searched his paperwork and discovered that he had, in fact, failed to include his written acceptance of nomination in a packet of materials prepared and mailed by him to the Local that contained written nominations and seconds of other candidates, to be submitted at the meeting.

The *Rules* require a member to accept his nomination at the time of the meeting in person or if absent in writing Article II, Section 3(b) of the *Rules*. At the nominations meeting, a question arose as to whether Mr. Stevenson was a nominated candidate. Since Mr. Stevenson was not present at the meeting and since his written acceptance of nomination was not available at the meeting, it was not improper to

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question whether he, in fact, became a candidate.<sup>1</sup> However, Mr. Stevenson obviously intended to accept his nomination for delegate. He notified the Election Officer's representative and filed the instant protest as soon as he learned of the problem with his written acceptance.

The Election Officer Representative has examined all written materials that were contained in the packet mailed by Mr. Stevenson to the Local. She believes that because the written acceptance was prepared on the same typewriter and was typed in the same format as the other materials in the packet, that it was prepared for the purpose of mailing it to the Local for the nominators meeting, as stated by Mr. Stevenson. It appears that his failure to get his acceptance in the mail was completely inadvertent, as he has informed the Election Officer.

The *Rules* seek to widen the process of representation for IBT members. Under these circumstances, the Election Officer interprets the *Rules* in favor of inclusion rather than exclusion of the candidacy of members who are otherwise properly eligible for candidate. In this case, Mr. Stevenson has demonstrated to the Election Officer's satisfaction that his failure to include his written acceptance in the nominations meeting packet prepared by him was mistaken and inadvertent; thus, his exclusion as a candidate would not effectuate the overriding purpose of the *Rules*. Accordingly, Mr. Stevenson is eligible to run for the position of delegate, and his name shall be included on the ballot.

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,

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<sup>1</sup>The results of the nominations meeting posted by Local 542 in accordance with Article II, Section 4 of the *Rules* list Mr. Stevenson as a nominated candidate.

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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  
Geraldine L. Leshin, Regional Coordinator