



OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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February 7, 1991

**VIA UPS OVERNIGHT**

Richard C Weiss  
10511 Packard Rd  
Big Harbor, WA 98329

Earl Douglas Bush  
Secretary-Treasurer  
IBT Local Union 589  
416 E. First Street  
Port Angeles, WA 98362-3112

Chuck Krogh  
President  
IBT Local Union 589  
416 E First Street  
Port Angeles, WA 98362-3112

Tom Thompson  
Vice President  
IBT Local Union 589  
416 E First St.  
Port Angeles, WA 98362-3112

Pat Vautier  
Recording Secretary  
IBT Local Union 589  
416 E. First St.  
Port Angeles, WA 98362-3112

**Re: Election Office Case No. P-428-LU589-PNW**

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The complainant, Mr Richard C Weiss, is a candidate for delegate to the June 1991 IBT Convention. The President of the Local, Mr Chuck Krogh and the Recording Secretary of the Local, Mr Pat Vautier, comprise the Executive Board slate which Mr Weiss opposes. Mr Weiss protests a piece of campaign literature which was mailed on behalf of the Executive Board slate.

The protest properly notes that campaign literature mailed at the not-for-profit bulk mail rate must bear a disclaimer indicating that it is campaign literature not endorsed by the Union. The literature in question, however, was not mailed by utilization of the Local's not for profit bulk rate permit, and did not bear the return

**Ricahrd C. Weiss**  
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address of the Union. The literature also indicated on its face that it was a paid political advertisement. Consequently, the literature raises no issue regarding the use or non-use of an appropriate disclaimer under Article VIII, §6 (a)(3) of the *Rules*.

The protest also challenges the literature because it contains the endorsement of Mr. Doug Bush, the Secretary-Treasurer of the Local, and because it includes endorsements of other Union Executive Board officials, which "makes it appear that the Local Union is endorsing Mr. Chuck Krogh and Mr. Pat Vantier."

The literature contains no statement that the Local Union endorses Mr. Krogh and Ms. Vautier. There is no allegation that the Local Union paid for or otherwise assisted in the preparation and mailing of the literature. The *Election Rules* explicitly permit Local Union officials to make endorsements or otherwise express their support of candidates. See *Rules*, Article XIII, §10 (a)(b). The fact that all members of a Local Union Executive Board endorse a particular slate does not change or diminish these rights.

In accordance with the foregoing, the instant 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  
Christine M. Mrak, Regional Coordinator