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Michael H Holland
Election Officer

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February 12, 1991

VIA UPS OVERNIGHT

Lawrence N Weldon
Secretary-Treasurer
Teamsters Local 741
12445 84th Ave S
Seattle, WA 98178

Harry Miller
6329 South 238th Place
Building Y 202
Kent, WA 98032

Dean Bjornson
11765 Jacobs, La , SE
Port Orchard, WA 98366

Richard Gebhardt
10825-B SE
172nd
Renton, WA 98055

Re: Election Office Case No. P-443-LU741-PNW

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Mr Lawrence Weldon contends that the Ron Carey Teamsters Reform Slate failed to include a disclaimer on the face of a campaign mailing that used the Local Union's name and address for return mail purposes

The protest was investigated by Regional Coordinator Christine Mrak The investigation showed that the Ron Carey Teamsters Reform Slate, none of whom are officers of the Local Union,¹ mailed an 8 by 11-inch trifold campaign piece that showed Local Union 741 as the return address The "Reform Slate" had intended to use the Local Union's non-profit bulk mail permit for the mailer and therefore used as the return address the name and address of the Local The Post Office, however, refused to allow campaign literature to be mailed using the Local's non-profit bulk mail rate, and so the candidates for the "Reform" slate ultimately mailed at a regular bulk mail rate This was accomplished by stamping over the rate that was identified as the Local non-profit bulk mail permit rate However, the Local Union address remained printed on the mailer

¹The Local Officers are running on a different slate

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In accordance with the *Rules*, the campaign literature contained a disclaimer on the inside in the left-hand corner below the text. The Election Officer concluded that the disclaimer was not sufficiently prominent given the use of the Local's return address on the front of the mailer.

Regional Coordinator Mrak advised the Reform Slate that future mailings should feature a much more prominent disclaimer. Messrs Miller, Bjornson and Gebhardt, the members of the "Reform Slate", have now moved the disclaimer to the front of their campaign mailer and printed the disclaimer in a color ink that differs from the color of the literature. This change by the "Reform Slate" conforms with the *Rules*. Thus, the protest is considered resolved on this basis.

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 Mrak, Regional Coordinator