

OFFICE OF THE ELECTION OFFICER

INTERNATIONAL UNION OF TEAMSTERS
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Michael H. Holland
Election Officer

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February 21, 1991

VIA UPS OVERNIGHT

Ott L. Rogers
Secretary-Treasurer
IBT Local Union 373
4314 S. Phoenix
Fort Smith, AR 72906

Bob Highfill
Rt. 5 Box 77A
Silon Springs, AR 72761

Re: Election Office Case No. P-518-LU373-SOU

Gentlemen

A pre-election protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Ott L. Rogers, Secretary-Treasurer of Local Union 373. Mr. Rogers alleges that a "sample ballot" being distributed by Bob Highfill on behalf of the "Teamsters for a Change Slate" violates the *Rules*. The Election Officer has investigated the allegations underlying this protest and makes the following findings. Complainant has attached a copy of the sample ballot which he claims offends the *Rules*. Inspection of this sample ballot reveals that the statement "sample ballot only" is printed clearly and visibly on the document. The word "sample" appears in handwriting in two places on the ballot. Mr. Rogers' specific complaint is that his name and the name of his slate has been deleted from the document and replaced by the statement "Same Old Thing Slate." The names of individual candidates are removed and the same phrase appears opposite the checkoff box. These alterations of the sample ballot demonstrate the ballot is being utilized by the opposing slate and Mr. Highfill as a piece of campaign literature.

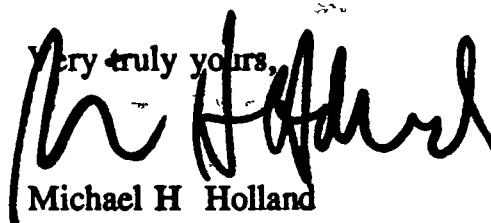
The *Rules*, specifically Article VIII, § 10 secure for all candidates the freedom to fully exercise political rights through solicitations, support and the distribution of campaign literature. The Election Officer has consistently applied the *Rules* so as to safeguard the exercise of these political rights. The *Rules* neither prohibit nor regulate the content of campaign literature. The sample ballot to which Complainant Rogers objects is not deceptive or misleading and it is clearly campaign literature to the reader.

Accordingly, the protest is DENIED

Ott L. Rogers
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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
Larry R. Daves, Regional Coordinator