



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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March 1, 1991

VIA UPS OVERNIGHT

Steve Cox
9012 Carlton Circle
Knoxville, TN 37909

David L Burnette
Secretary-Treasurer
Local Union 519
2306 Montclair Avenue
Knoxville, TN 37917

Re: Election Office Case No. P-522-LU519-SEC

Gentlemen

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protestor, Steve Cox, protests that campaign literature mailed by the Officer Slate, and mailed through utilization of Local Union 519's non-profit mailing permit, did not contain a disclaimer as required by the *Rules*

The Election Officer's investigation determined that the Officer's Slate, seeking election as delegate and alternate delegates to the 1991 IBT International Convention from Local 519, mailed campaign literature as did other slates involved in that election, utilizing the not-for-profit mailing permit of Local Union 519 The literature did not contain a disclaimer Examination of the literature discloses that it was clearly campaign literature The material did not indicate or suggest that it was an official Local Union publication or as the views expressed in that literature were endorsed by Local Union 519

The literature did not, however, contain a disclaimer as required by the *Rules* when campaign literature is mailed through the utilization of a Union's not-for-profit mailing permit Thus, the Officer's Slate and the members of such slates, violated the *Rules* The protest is therefore **GRANTED**

The campaign material mailed by the Officer Slate, however, did not indicate in anyway that the material was an official Union communication or that the contents were supported or endorsed in whole or in part by the Local Union Thus, the Election Officer determines that no remedy is necessary at this time for the technical violation

which occurred by the failure to include a disclaimer. However, the Election Officer hereby notifies the Officer Slate and all members of that slate that any and all future campaign mailings utilizing Local 519's not-for-profit mailing permit must contain an appropriate disclaimer as set forth in Article VIII, §6(a)(3) of the *Rules*. Any future violation by the Officers Slate of this requirement shall be viewed with utmost seriousness by the Election Officer.

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 W. Williams, Regional Coordinator