



OFFICE OF THE ELECTION OFFICER
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Election Officer

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March 11, 1991

VIA UPS OVERNIGHT

James J Cox
2344 Debra Ave
E Petersburg, PA 17520

Jay W McKinney
Secretary-Treasurer
IBT Local Union 771
1025 N Duke Street
Lancaster, PA 17602

Ken C Laukhuff
President
IBT Local Union 771
1025 N Duke Street
Lancaster, PA 17602

Re: Election Office Case No. P-611-LU771-PHL

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 James J Cox, a member of Local 771 and a candidate for delegate to the IBT International Convention. Mr Cox complains that the McKinney/Laukhuff slate, which includes the President and Secretary-Treasurer of Local 771, violated Article X, § 3 and 4 of the *Rules* by using Union stationery, Union paid secretaries and the Union fax machine to send their protests.

The protest process is an integral part of the *Rules*. Utilization of that process is essential for insuring free, honest and open elections. The *Rules* encourage that the protest process be used to resolve issues and problems. Thus, the Election Officer has determined that utilization of employer or Union facilities for filing or responding to protests does not violate the *Rules*. See P-166-LU783-SCE, affirmed 91-Elec App - 36. Provided such facilities are available non-discriminatorily, using Union equipment and personnel to file a protest is not violative of the *Rules*.

Mr Cox contends, however, that other candidates not on the McKinney/Laukhuff slate had no access to these facilities. This contention has been investigated by an Adjunct to the Regional Coordinator. The Local Union states that this equipment has always been available for use by other candidates and no candidate has ever been denied

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use of the Union equipment for this purpose. The Local Union further stated that Mr Cox was in the Local office and the Local offered to fax a document for him to the Election Officer, however, Mr Cox refused that offer. There is no evidence to show that the Local has not provided access to its equipment to all candidates and members for the purpose of filing or responding to protests or inquiries from the Election Office.

Based on the foregoing, it is the determination of the Election Officer that the 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
Peter V Marks, Sr, Regional Coordinator