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Election Officer

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March 22, 1991

VIA UPS OVERNIGHT

Gene H Bond
14911 Highway E
Davis Junction, Illinois 61020

Delbert L Smith
Secretary-Treasurer
IBT Local Union 325
5533 Eleventh Street
Rockford, Illinois 61109

Re: Election Office Case No. P-656-LU325-CHI

Gentlemen

A pre-election protest has been timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Gene Bond alleges that campaign activity, specifically statements in opposition to accredited General President Ron Carey, was permitted by the Local at a general membership meeting in violation of the *Rules*

The investigation discloses the following facts Local 325 holds a general membership meeting on the second Sunday of each month and held such a meeting on March 10, 1991 The president of the Local, Sam Lobianco, presided at the meeting

Under the part of the meeting dealing with "New Business" a member, whose name is unknown to Bond, asked a question about Ron Carey and his campaign for General President of the IBT Lobianco recognized Business Agent Don Mousette who responded to the question by reading from a five-page flyer put out by the campaign of General President candidate R V Durham, critical of Carey's positions on a range of issues

Bond objected to Mousette's "reading", but he was ruled out of order, and Mousette was allowed to continue reading from the flyer

The Secretary-Treasurer of the Local, Delbert Smith, informed the Election Officer representative that Bond was offered an opportunity to respond to Mousette's statements, but he declined Bond admits that he was offered the right to respond but declined because he felt that any campaigning at a Local membership meeting was against the *Rules*

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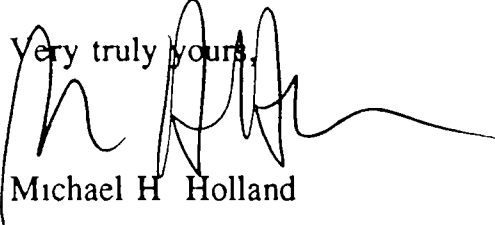
Several months prior to March, 1991, Bond was denied permission from the Local to circulate a petition regarding pension benefits during a general membership meeting. Petition passing is different from speaking. Passing a petition during a meeting creates the potential of inattention to the business of the meeting.

Article VIII, Section 4(a) of the *Rules* provides that "no candidate may be denied access to any meeting of the Local Union to which he/she belongs as a member." Further, "the Local need not grant such candidate the opportunity to address the meeting for the purpose of campaigning unless a similar opportunity is granted to other candidates."

In this case, while the statements read by Mousette were in response to a member's question, they constituted campaigning. At the same time, however, the members present at the meeting, and specifically Bond, were offered an opportunity to respond at the meeting to the comments made by Mousette. Bond chose not to respond. Thus, in response to the opportunity afforded Mousette to engage in campaigning, a similar opportunity was granted to Bond and other members of the Local, as is required by the *Rules*.

Based on the foregoing, the Election Officer concludes that the *Rules* have not been violated and 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
Julie E. Hamos, Regional Coordinator