



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington DC 20001
(202) 624 8778
1 800 828 6496
Fax (202) 624 8792

Michael H Holland
Election Officer

Chicago Office
% Cornfield and Feldma
343 South Dearborn Stre
Chicago, IL 60604
(312) 922 2800

March 20, 1991

VIA UPS OVERNIGHT

Michael H Dickens
President
IBT Local Union 100
2100 Oak Road
Cincinnati, Ohio 45241

Jack C Weber
4266 Scottwood Drive
Hamilton, Ohio 45014

Re: Election Office Case No. P-673-LU100-SCE

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protesters, Michael Dickens and Jack Weber, complain on behalf of the United Team Ticket that members of the Unified Members Ticket gained unfair electoral advantage with regard to the Local Union 100 mailing list

In accordance with the *Rules*, Article VIII, Section 6(h), the Local Union arranged for a mailing service to process and distribute literature of all candidates and slates of candidates seeking delegate positions to the 1991 IBT International Convention from Local 100 The protesters allege that representatives of the Unified Members Ticket, in lieu of permitting the mailing service to deliver its campaign mailing to the post office, took possession of the mailing from the mailing service and made the delivery themselves The contention is that, by this device, the Unified Members Ticket gained access to the Local Union's mailing labels, which access was not available to the other two tickets

Article VIII, Section 6(a)(1) of the *Rules* provides that each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense Here, Local 100 has opted to have the mail service perform the function The *Rules* neither require nor prevent the mailing service from performing the mail delivery function Nothing in the *Rules* requires or forbids a candidate from delivering his own mailing to the post office Thus, the fact that the candidates on the Unified Members Ticket delivered their own campaign mailing to the Post Office does not violate the *Rules* The protest does not allege, and the Election Officer investigation found no evidence that the candidates on

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that slate used threats or coercion or that the Local Union instructed the mailing house to grant special concessions to the candidates on that slate. Nor is there any allegation that the complainants were treated in a different or disparate manner by the mailing service. There was no violation of the *Rules*.

Based on the foregoing, 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. Molland

MHH/ads

cc Frederick B. Lacey, Independent Administrator
Peggy A. Hillman, Regional Coordinator