



OFFICE OF THE ELECTION OFFICER
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Election Officer

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April 10, 1991

VIA UPS OVERNIGHT

Bob Swaim
c/o The Teamsters
for Ron Carey Slate
2706 Chatham Dr
Marylan Heights, MO 63043

Ron F. Gamache
Secretary-Treasurer
c/o The Ron Gamache Slate
c/o IBT Local Union 688
300 S Grand
St Louis, MO 63103

Robert W. Bringer
c/o The Slate
10 Harrison Plaza
Quincy, IL 62301

Re: Election Office Case No. Post-64-LU688-MOI

Gentlemen

This post-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 Ronald F. Gamache on behalf of himself and his entire slate.¹ Complainant alleges as grounds for his protest that the "Election Officer and his representatives have failed to provide for the security of the Local 688 ballots which have become intermingled with ballots in elections of other Local Unions and this error will make it impossible to certify the results of the election." Other than such alleged intermingling, Mr. Gamache makes no other allegations with respect to the conduct of this election, other than statements made in his protest, he has no other information or evidence with respect to the contentions he makes.

The delegate and alternate delegate election with respect to Local 688 was conducted by mail ballot. Ballots were to be returned to the Post Office by noon on March 29, 1991 in order to be counted.

¹While the complainant designated his protest as a pre-election protest, given its timing and its nature, it was docketed and is being treated by the Election Officer as a post-election protest.

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During the same period of time, two other Locals in the Missouri region, Local 600 and Local 604, were also in the process of conducting elections for the selection of delegates and alternate delegates to the 1991 IBT International Convention. Both Local's elections were also conducted by mail ballot. The voted ballots for both Local 600 and Local 604 were to be returned to the same Post Office, albeit different Post Office Boxes, as the Post Office to which voted ballots for Local 688 were directed. The receipt date for the mail ballots in Local 600 was March 25, 1991, receipt date for the ballots for Local 604 was March 27, 1991.

On March 25, 1991, Election Officer representatives went to the Post Office and sealed the Post Office Box and attendant ballot storage areas for Local 600. Although ballots for Local 600 had to be received by noon on March 25, 1991 in order to be valid, the count with respect to Local 600 was scheduled for March 26, 1991. On March 26, 1991, Adjunct Regional Coordinators Joe Cannavo and Garland Pillax returned to the Post Office, accompanied by observers, to pick up the ballots for the Local 600 count. At that time, Post Office officials presented them with some additional ballots, indicating that those ballots had been received after the Post Office Box had been sealed on March 25, 1991.

At the start of the ballot count for Local 600, it was discovered that the ballots picked up from the Post Office included, in addition to ballots for Local 600, ballots for Local 604 and Local 688. These ballots were immediately segregated. In addition, the Regional Coordinator reviewed the ballots presented by Post Office officials to the Adjunct Coordinators as having been received after the Post Office Box for Local 600 had been sealed to determine whether those ballots also included ballots for Local 604 or Local 688.

80 ballots for Local Union 688 and 86 ballots for Local Union 604 were intermingled with the ballots for Local 600. These ballots were taken from the Local 600 count site by the Adjunct Regional Coordinators and returned by them directly to the Post Office, where they were placed in the appropriate Post Office Box, the 80 ballots for Local Union 688 were placed in the Post Office Box for that Local. The 86 ballots for Local 604 were placed in the Post Office Box for that Local.

The ballots for Local Union 604 were retrieved by Election Officer representatives, accompanied by observers, on March 27, 1991. The ballots so retrieved included the 86 ballots placed in the Local 604 Post Office Box the prior day by the Adjunct Coordinators. No ballots for either Local 600 or Local 688 were found intermingled among the ballots for Local 604.

On March 28, 1991, the ballots for Local 688 were picked up from the Post Office by Election Officer representatives, accompanied by candidates and/or observers. The ballots obtained included the 80 ballots previously returned to the Post Office, on March 26, 1991 by Election Officer representatives.

The ballot count for Local 688 commenced as scheduled. The 80 ballots returned to the Post Office by Election Officer representatives on March 26, 1991. The ballots were mingled with other voted ballots for Local 688 and treated identically as all other ballots. These returned ballots, discovered during the count for Local 600, had been timely received, such ballots were at the Post Office on or before March 26, 1991, while the return date for voted ballots for Local 688 was March 28, 1991. No ballots for Local 600 or Local 604 were discovered during the Local 688 ballot count.

The security of the ballots was not compromised in any respect. Under and in accordance with Article XII, § 3 of the *Rules*, the Election Officer secured a Post Office Box for the return of the mailed ballots for Local 688, the address on the ballot return envelope corresponded to that Post Office Box. Similarly, the Election Officer secured the Post Office Box for the return of ballots for Local 600 and Local 604, the addresses on the ballot return envelopes for those Locals also corresponded to each Local's Post Office Box.

The ballots remained at all times under the custody of the Post Office until removed from the Post Office by representatives of the Election Officer. Once removed from the Post Office by Election Officer representatives, the ballots remained at all times under the custody and control of such representatives. At no times were the voted ballots outside the custody of either representatives of the United States Post Office or representatives of the Election Officer.

Due to a clerical error on the part of the Post Office personnel, certain ballots for Local 688 were mistakenly placed in a Post Office Box other than the Post Office Box to which such ballot return envelope was addressed. Thus such ballots were removed on two separate occasions from the Post Office. However, such ballots, during their absence from the Post Office, remained at all times under the custody and control of representatives of the Election Officer. When the ballots were returned to the Post Office, the ballots were placed in the Local 688 Post Office Box. When retrieved from the Post Office for the Local 688 count, the ballots were under the custody and control of the Election Officer representatives and under the scrutiny of the candidates and/or their observers. Ballot security was at no time compromised. Therefore, this protest is DENIED.²

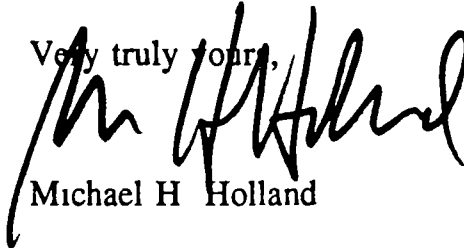
If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances,

²The 80 ballots here in question also do not affect the results of the delegate and alternate delegate election with respect to Local 688. The margin between the elected delegate candidate with the lowest number of votes, John Bokern, and the losing candidate with the greatest number of votes, Ron Gamache, was 706 votes. Similarly, the margin between the alternate winning candidate with the lowest number of votes, Ray Sanders, and the losing alternate candidate with the highest number of votes, Henry Berger, was 667 votes.

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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
Michael D. Gordon, Regional Coordinator