



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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343 South Dearborn Street
Chicago, IL 60604
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February 11, 1991

VIA UPS OVERNIGHT

Gary Haskell
Box 161, West Chenango Road
Binghamton, NY 13905

Eugene Briggs
President
IBT Local Union 693
41 Howard Avenue
Binghamton, New York 13902

Thomas Thayne
Secretary-Treasurer
IBT Local Union 693
41 Howard Avenue
Binghamton, NY 13902

Re: Election Office Case No. P-449-LU693-PGH

Gentlemen.

A pre-election protest was filed by complainant, Gary Haskell, candidate for delegate to the 1991 IBT International Convention. The protest alleges that Thomas Thayne, Secretary-Treasurer of Local 693 and Eugene Briggs, President of Local 693, were distributing campaign literature to the members of Local 693 in violation of Article IX, Section 2 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") concerning observers

The Election Officer has conducted an investigation of this protest. Mr. Haskell has advised the Election Officer that he was not advised nor was he present at the mailing of campaign literature sent out under the signature of Mr. Thayne and Mr. Briggs. Article IX, Section 2 of the *Rules* allows for observers for the processing, distribution, and mailing of campaign literature for his/her own candidate, not of any opposing candidates. Although Mr. Thayne was present for the mailing by Mr. Haskell the *Rules* allow for Local Officials to be present if a Local is providing the mailing labels, as it did here. Article VIII, Section 6 of the *Rules*. Therefore, no violation of the *Rules* has occurred in connection with the mailing of the campaign materials by Mr.

Gary Haskell
Page 2

Thayne or Mr. Briggs ¹

Accordingly, this 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/ads

cc. Frederick B Lacey, Independent Administrator
William B Kane, Regional Coordinator
Patrick Szymanski
Baptiste & Wilder

¹It should be noted that this determination does not dispose of the protest filed by Mr Haskell in connection with the content of the material. Election Office Case No. P-415-LU693-PGH That protest will be subject to a separate determination.