

January 31, 1996

VIA UPS OVERNIGHT

Lon E. Fields, Sr., President
Teamsters Local Union 89
3813 Taylor Boulevard
Louisville, KY 40215

Re: Election Office Case No. P-349-LU89-SCE

Sir:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*** by Lon E. Fields, Sr., president of Local Union 89 and a candidate for delegate. The protester contends that the ballot prepared by the Election Officer for Local Union 89 is not legible, in violation of Article II, Section 10(a) of the ***Rules***, and will be "totally confusing" to members.

Specifically, the protester states that the ballot has insufficient space between the columns designating each slate, resulting in "no room between slate names and boxes." Mr. Fields further claims that "on all other ballots," the box next to each candidate's name has been placed to the right of the name. Placing the box to the left, as is the case on the Local Union 89 ballot, "can be misleading," according to the protester, and will cause many voting errors.

The protest was investigated by Regional Coordinator Bruce Boyens.

Article II, Section 10(a) of the ***Rules*** gives the Election Officer the authority to "print a uniform ballot for all delegate and alternate delegate elections . . . All ballots . . . shall be printed in a legible manner, with headings printed in bold face." Section 10(b) states as follows:

The names of all candidates for delegate and alternate delegate shall be printed on the ballot. The names of all candidates of any slate shall be

Qplaced under the heading of the slate name or title as designated by the slate declaration form previously submitted to the Election Officer.

The names of all other delegate and alternate delegate candidates shall be printed on the ballot in a column or columns under the heading "Independent Candidates." Delegate candidates and alternate delegate candidates shall be listed separately.

Pursuant to the **Rules**, the Election Officer printed a ballot for Local Union 89, a draft of which was faxed to the local union on January 24, 1996. The front of the ballot listed three delegate slates, including the "Lon E. Fields Sr./Ron Carey Slate," plus one independent candidate; candidates for alternate delegate were listed separately on the other side of the ballot. As the protester states, there was insufficient space between the column for his slate and the slate immediately to the left, with the slate box for the "Lon E. Fields Sr./Ron Carey Slate" placed too close to the latter slate's heading.¹

Following the receipt of Mr. Fields' protest on January 24, the Election Officer's staff revised the ballot, moving the slate box for the Fields/Carey Slate next to the slate heading. The box next to each candidate's name remained to the left of the name. Contrary to the protester's assertion, this has been the uniform format for all ballots prepared by the Election Officer for the 1995-1996 International election.

After careful review of the revised ballot for Local Union 89, the Election Officer finds that the original error has been corrected, and the ballot complies with Article II, Section 10 in its entirety.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

¹Under Article II, Section 10(a), the ballot instructions shall state that "by placing a mark in a slate box, the voter will have voted for all the individual candidates on the slate."

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Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master