

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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| IN RE: LUCIO REYES, |) | Protest Decision 2010 ESD 14 |
| |) | Issued: August 4, 2010 |
| Protestor. |) | OES Case Nos. P-020-073010-FW |
| <hr/> |) | |

Lucio Reyes, principal officer of Local Union 601 and candidate for delegate and for International office, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Maria Ashley Alvarado, candidate for delegate on a slate opposing Lucio Reyes, distributed a Spanish-language campaign flyer that asserts that “Lucio does not want the membership to learn about the delegates election this year.” The protestor contends that the statement is a “distortion and possible fraud regarding the truth.”

The Election Supervisor does not regulate the content of campaign material. *Yolland*, P660 (April 3, 1996). The fact that campaign statements are false or even defamatory does not remove them from the protection of the *Rules*. *Braxton*, P304 (May 21, 1991); *Hoffa 2006*, 2005 ESD 25 (November 8, 2005); *Jackson & Trupiano*, 2006 ESD 24 (April 17, 2006); and *Kenny*, 2006 ESD 190 (May 17, 2006).

Accordingly, we DENY this protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2010 ESD 14

Reyes, 2010 ESD 14
August 4, 2010

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

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