

IN RE:

SUE YOCUM

00 - Elec. App. – 005 (KC)

This matter is an appeal from the Election Administrator's decision, dated September 1, 2000, Office of the Election Administrator Case No. PR-080902-AT, Protest Decision 2000 EAD 18. The request for a hearing was filed by Sue Yocum on September 10, 2000.

A hearing was held before me on September 15, 2000. The following persons were heard by way of teleconference: Jeffrey Ellison, Esq. for the Election Administrator's Office; Kenneth Wood, President of Local Union 79, and Sue Yocum, a member of Local Union 79.

This matter involves some counter-campaigning by anti-Tom Leedham Slate members of Local 79 while pro-Tom Leedham Slate members of Local 79 attempted to collect accreditation petition signatures in an employee parking lot facility in Tampa, Florida. The protester, a member of the Leedham supporters, claims that Local 79 and, in particular, Stewart Agent Jerry Stack, interfered with her collection of signatures for the Tom Leedham Slate.

The Election Administrator investigated the case and concluded that, as a factual matter, the conduct of the anti-Leedham Slate members of Local 79 did not exceed their free speech rights under the Election Rules and the United States constitution to denounce the Leedham Slate candidacies, and to attempt to dissuade members from signing the Leedham Slate petitions. We also note that the local police were called and no arrests were made.

Factual determinations of the Election Administrator are entitled to deference, and will not be set aside by the Election Appeals Master without adequate basis. No such basis is evident here.

Accordingly, the decision of the Election Administrator is affirmed.

Kenneth Conboy
Election Appeals Master

Dated: September 18, 2000