

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H Holland
Election Officer

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343 South Dearborn Street
Chicago, IL 60604
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January 10, 1991

VIA UPS OVERNIGHT

Gerald Gallagher
5078 Williamson
Dearborn, MI 48126

James F Esser
President
IBT Local Union 243
2741 Trumbull Ave.
Detroit, MI 48216

Re: Election Office Case No. P-203-LU243-MGN

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Gerald Gallagher contends that the *Rules* have been violated because the number of ballots that have been mailed out for delegate election are in excess of the number of members in the Local, as provided to the protestor by the Ron Carey Campaign

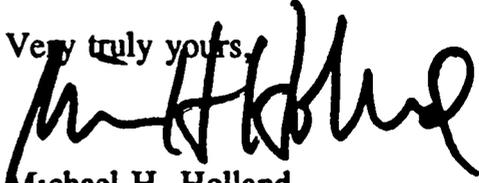
The *Rules* provide for mail balloting under certain circumstances The entire mail ballot process is supervised by the Election Officer, all the balloting functions, associated with the printing of ballots, the mailing of ballots and the counting of ballots, are performed by the Election Office The name on each return envelope will be checked against the list of eligible voters prior to the counting of the ballots Accordingly, there is a mechanism to insure that only the ballots of eligible members are counted *Rules*, Article XII, § 3 (9)(10)

Further, the number of ballots mailed by the Election Officer will often exceed the number of members in good standing at the time the ballots are mailed In order to insure that all voters who are potentially eligible on the date of the election have the opportunity to vote, the Election Officer mails ballots to members whose names are not, at the time of mailing, on the eligibility list These members include those who have been recently laid-off and those in the process of paying initiation fees These members may well become eligible by the actual election date Thus the numbers of ballots mailed will exceed the numbers of names that currently appear on the eligibility list.

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For these reasons the *Rules* have not been violated in this case, and the 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/mca

cc Frederick B Lacey, Independent Coordinator
James De Haan, Regional Coordinator