



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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January 15, 1991

VIA UPS OVERNIGHT

Mike Hewer
11656 Brownell
Plymouth, MI 48170

Rondal C. Owens
President
IBT Local Union 299
2741 Trumbull Ave
Detroit, MI 48216

Re: Election Office Case No. P-208-LU299-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 Mr. Mike Hewer alleges that the *Rules* have been violated because unused ballots have not been accounted for by the Election Officer's representative.

The investigation shows the following. The election for the position of delegate in Local Union 299 will be conducted by mail ballot. In order to insure that every voter who is potentially eligible to vote will have an available ballot, including members who pursuant to the *Rules*, e.g. Article XII, § 3 (c)(3), request a remailed ballot, the Election Officer orders some ballots in excess of the number of names that appear on the membership list. Such additional ballots (as well as any and all ballots printed) are to be (and in this case have been) handled only by the Election Officer Regional Coordinator and an adjunct coordinator. The surplus ballots are accounted for by these Election Officer representatives, and personally secured by them. There is no allegation or evidence presented in this case of any taint of any of the ballots, nor is there any allegation or evidence that members have improperly received mailed ballots.

Article IX, § 5 provides that observers shall be permitted to observe the entire mailing process and to inspect the list of eligible voters. Furthermore, observers shall be permitted to be present when undeliverable ballots are picked up from the Post Office, when cast ballots are picked up from the Post Office Box, and to accompany the transfer of such ballots to the location where they are to be counted. Observers are also present for the actual count of the ballots.

Mike Hewer
Page 2

The Election Officer representatives will conduct, after the ballots are counted and in the presence of candidates and their observers who wish to participate, a final ballot tally which will include a count of all unused or surplus ballots.

Because there is no evidence of any impropriety in handling the ballots, 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 Administrator
James De Haan, Regional Coordinator