



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

(202) 624-8778  
1-800-828-6496  
Fax (202) 624-8792

April 4, 1991

**VIA UPS OVERNIGHT**

Lee Nelson  
8927 Sonoma Valley Way  
Sacramento, CA 95829

Al Goodson  
19 Pina Street  
Sacramento, CA 95823

Thomas R. Cota  
c/o Teamsters for Carey  
7120 East Parkway  
Sacramento, CA 95823

Bill S. Morrissey  
144 Morning Side Dr.  
San Anselmo, CA 94960

Richard Henry  
Secretary-Treasurer  
IBT Local Union 150  
7120 East Parkway  
Sacramento, CA 95823

John Polozzo  
5721 27th Ave  
Sacramento, CA 95820

Steve Ryan  
c/o Team Excellence  
7120 East Parkway  
Sacramento, CA 95823

Tony Gambardella  
2710 Associated Rd C74  
Fullerton, CA 92635

**Re: Election Office Case No. Post-25-LU150-CCV**

Gentlemen

A post-election protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Lee Nelson, Al Goodson and John Polozzo, all of whom are candidates for delegate from Local Union 150. Complainants contend that campaign literature mailed by the "Teamsters for Carey Slate" violated the *Rules* prohibiting endorsement by the Local Union of any candidates. Article X, § 1 (b)(3) of the *Rules*. Complainants also allege that the members of the Slate used a mailing list available to the Teamsters for a Democratic Union (TDU) which was not made available to other candidates running for delegate from that Local.

Local Union 150 held its election on February 7, 1991. The Local was entitled to elect 8 delegates and 2 alternate delegates to the IBT International Convention. There

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Local Union 150 held its election on February 7, 1991. The Local was entitled to elect 8 delegates and 2 alternate delegates to the IBT International Convention. There

were 26 candidates for delegate, the 8 candidates who received the most votes were all members of the "Teamsters for Carey Slate" The margin of votes between the eighth ranked delegate candidate and the ninth ranked delegate candidate was 91 votes Since the protest alleges irregularities in the presentation and distribution of campaign literature which could conceivably affect the outcome of the election if the same violates the *Rules*, pursuant to Article XI, § 1 (b) of the *Rules*, the Election Officer has investigated the allegations of the protest.

Complainants state that the literature mailed by the Teamsters for Carey Slate appeared to be an official Local Union publication having been styled in the same manner as the Local Union newsletter and bearing on its face the IBT insignia The Election Officer has reviewed the campaign literature in question as well as copies of the Local Union newsletter. The campaign literature is entitled "Teamsters for Carey Slate" emblazoned in bold across the top of the document The IBT logo is inserted between the words "Carey" and "Slate". The words "First on the ballot . . . First for you" are directly underneath the bold caption The Election Officer finds that the material clearly demonstrates on its face that it is campaign literature. The literature does not resemble in any way the Local Union's newsletter which is entitled, "Teamsters Local 150 News and Report" with a picture of a trailer truck as its header

As the Election Officer has held in previous cases, which determinations have been affirmed by the Independent Administrator, that Article X, § 1 (b)(3) of the *Rules* does not prohibit utilization of IBT insignia as long as the use of the insignia does not tend to confuse the membership as to the type of material it is reading (Election Office Case No P-226-LU182-PGH and 91-Elec App.-40; Election Office Case No P-541-LU420-CLA and 91-Elec App -87) If the material is clearly campaign literature the *Rules* are not violated Once again, the Logo here is used in between the words "Carey" and "Slate" and in no way does it appear that the document in question is anything but a piece of campaign literature Thus, the campaign materials do not violate the *Rules*.

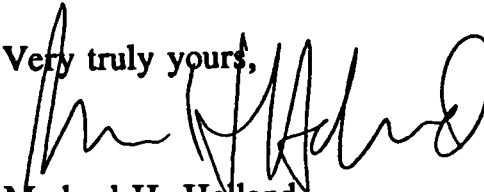
Complainants also allege that members of the Teamsters for Carey Slate used a mailing list which was obtained through the Teamsters for a Democratic Union and was not made available to other candidates involved in the Local delegate election. The members of the "Teamsters for Carey Slate" have advised the Election Officer that over the years a list has been compiled of those Local 150 members who are members of Teamsters for a Democratic Union or who have shown interest in that organization by one member of the slate, Garrett Butterfield The protestors have presented no evidence to the contrary The Teamsters for Carey Slate has advised the Election Officer that approximately 40 letters were mailed or distributed to these individuals The *Rules* do not prohibit any member from compiling his/her own list of members from general information If the member is a candidate for delegate or a supporter and wishes to distribute campaign materials, based on that information the *Rules* are not violated No violation of the *Rules* has occurred by use of a separate list which was established by members of the Local based upon their attendance at meetings and discussion with other members

Lee Nelson  
Page 3

Based on the foregoing, it is the determination of the Election Officer that no violation of the *Rules* has occurred. Accordingly, 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  
Donald E. Twohey, Regional Coordinator

Michael Tobin  
5822 8th Ave.  
Sacramento, CA 95820-1812