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DECISION

Protest I-15-12 (Staley)
Ballot facsimile

By email dated November 5, 2015, Anthony Staley filed a protest that the Stand United Slate used sample ballots to make a campaign poster that was posted three days before he as an independent candidate received a copy of the sample ballots.

I would first note that on its face the protest is untimely. A protester has 48 hours to file a protest after he knew or should have known of the violation. Mr. Staley states that the SUS had a three-day lead on him by distributing this flyer with the ballot facsimile on it three days before he received his copy of the sample ballots on November 4 and thus four days before he filed the protest on November 5. However, even on the merits, the protest is not valid.

The Stand United Slate representatives state that they do not know who created the posters, but have agreed to direct members of the Slate to remove any of the posters that remain posted. Further, they note that the ballot image on the poster is not an exact replica of the sample ballots distributed. Rather, it is a mock ballot created by the maker of the poster. There are differences between the sample ballots and the ballot that appears on the poster.

I find that there is no evidence that the Stand United Slate used a 2015 official sample ballot on its campaign flyer. The format of the 2015 ballot is identical to the format of the 2012 ballot. It would have been a simple matter for the SUS, or the Protester or anyone else, to have created a mock up of the ballot, based on the format from 2012 and the lists of eligible candidates set forth in the 2015 Eligibility Report.

Further, since the offending poster has now been removed, I find the matter moot.

The protest is denied.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be filed in accordance with the procedure set forth in Article V(6)(I)(1) of the Election Rules and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

/s/ Barbara C. Deinhardt

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By email:
Anthony Staley
Joe Campbell
Vincent O'Hara
Arthur Schwartz, Esq.
Elections Committee