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November 7, 2015

DECISION

Protest I-18-12 (Nash)
Ballot

By email dated November 7, 2015, Robert Nash appealed the Elections Committee decision concerning how the names of Members' Rights Slate candidates for Structure Division Vice-Chair would appear on the ballot.

On the Notice of Slate form for the Members Rights Slate in Structures, Mr. Nash is listed as the candidate for Chair and then six names are listed for Vice-Chair: Anthony Carrubba, Isaac Oduro, Josph Glynn, Dennis Clarke, Polikarp Antosiewicz, and Teddy Kalemkeridis. At the bottom of the form, Mr. Nash signed a statement affirming that "the position of the Vice-Chairs on this form will be the order on the Ballot." Thereafter, Mr. Carrubba was found to be ineligible. The ballot therefore listed only five vice-chairs, ***in the exact order listed on the Notice of Slate***. The Protester apparently wants the ballot to have a blank space at the top of the vice-chair box and then have the list of five vice-chairs start at the second space.

The format of the ballot is within the discretion of the Elections Committee, so long as it does not conflict with the Election Rules or any communication of the Committee and so long as all candidates are treated equally. The Committee made a decision that all lists of candidates for a particular position would start at the top of the box on the ballot for that position. There is no evidence that this decision conflicts with the Election Rules or with any Committee communication or that any candidate was treated differently. Further, the decision would have no impact on the voting. Voters are instructed to vote for any six of the 11 candidates listed for Structures Vice-Chair. The voter does not choose between the two candidates listed first and then between the two

candidates listed second and so forth. In other words, on the ballot in question, Isaac Oduro is not running against Kenneth Bachoo; Joseph Glynn is not running against Billy Taaffe. Each one is running against all of the other Vice-Chair candidates and the six that get the most votes will win. This is different from other divisions where someone is nominated for, e.g., 1st Vice-Chair or 2nd Vice-Chair and runs only against candidates for that specific position.

The appeal 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:
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Joe Campbell
Vincent O'Hara
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Elections Committee