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December 4, 2015

DECISION

Protest TWUS-20-15
Ballot number discrepancies

By email dated December 2, 2015, Nicholas Johnson, on behalf of the Transport Workers United Slate, filed a protest alleging that while according to the daily mail log made available at the ballot count, there was a total of 14,532 envelopes received by AAA from the Post Office, the official election results show only 13,268 ballots as scanned, leaving 1,264 ballots “unaccounted for.” The Protester acknowledges that there are legitimate reasons for a difference between the number of envelopes and ballots (e.g., challenges, empty envelopes), but asserts that “a divergence of this magnitude stretches the limits of plausibility” and requests a hand recount of the ballots.

At around 1:00 PM on December 2, Counsel for Local 100 had inquired of AAA about the apparent discrepancy in ballot numbers. AAA had sent his question on to the company in charge of scanning the ballots and received the following response:

From: Jeffrey Schneider
[mailto:jeffrey.schneider@osworld.com]
Sent: Wednesday, December 02, 2015 1:26 PM
To: Scott Boswell
Subject: RE: Local 100 Election Results

Scott,

The correct count of scanned, counted ballots is 14339.

The difference in the counts is a result of the version 17 (Bus Division) count being directed to a different database. The ballot results were tallied correctly but the count of documents was sent to the wrong database.

I will be working on ensuring that this does not happen in the future.

...

Again I apologize for the count error. Let me know if you need anything else.

Jeffrey Schneider
EVP Research & Development
Optimum Solutions Corp.
[\(516\) 247-5303](tel:5162475303)

Thereafter, the report was revised and a corrected version posted on the Union website. I also sent the Protester an email advising that 172 ballots had been set aside for various reasons—duplicate returned ballots, no identification, not in good standing, challenged, etc. Since 14,532 ballots were picked up at the Post Office, 172 set aside for various reasons and 14,339 scanned, only 21 are “unaccounted for.” In an election of this size, it is not unusual for that number of envelopes to have arrived with no ballot enclosed.

As there was no discrepancy and no evidence of a violation of the Election Rules, 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

Barbara C. Deinhardt
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By email:
Nicholas Johnson, Esq.
Joseph Campbell
John Samuelson
Arthur Schwartz, Esq.
Vincent O’Hara, Esq.
Elections Committee