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DECISION

Protest TWUS-21-15
Ballot marking

By email dated December 3, 2015, Thomas Magee, on behalf of Transport Workers United Slate, filed a protest alleging that in his opinion, on “a majority of the ballots that showed a vote for the SUS slate, an X was marked in a manner that would indicate that someone had these ballots collected and proceeded to mark the X with a black marker in the repetitive fashion.” The Protester requests a recount of the ballots.

The protest is untimely. Under the Election Rules, IV(6)(B), any protests about anything that happened on the day of the count had to be filed immediately, but no later than the end of the count. The reason for the different count day timeliness requirement is to allow any problems to be remedied immediately. Further, the Protester’s opinion that many of the X’s on the ballots, viewed on a computer screen, looked similar, is not sufficient to warrant a recount.

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:
Thomas Magee
Joseph Campbell
John Samuelson
Arthur Schwartz, Esq.
Elections Committee