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July 11, 2017

## **DECISION**

Protest 17-5 (Whichard Facebook)

By email dated July 8, 2017, Joseph Campbell filed a protest on behalf of Jamel Chisolm, candidate for Stations Executive Board, alleging that Chisolm's opponent, Lynwood Whichard, "seems to be in possession of a sample ballot" and received the Election Committee's Eligibility Report before Chisolm did. The allegation is based on a Facebook post of Mr. Whichard at 10:00 AM on Saturday July 8 that included what appeared to be a sample ballot and included the results of the eligibility Report, i.e. that he had more signatures than any other candidate. The protester alleges that these communications constituted use of Union resources to support a candidate.

On July 11, the protester withdrew that part of the allegation related to the receipt of the Eligibility Report.

Mr. Whichard advised me that he used the Stations ballot from 2015 as a model and, using his skills as a graphic designer and typesetter, amended it to appear to be a ballot for this election. He denies receiving a sample ballot from the Union. The Election Committee advised me that no sample ballot has yet been produced.

I find no evidence that the Union gave Mr. Whichard a sample ballot. The ballot that Whichard posted on Facebook was not marked in any way to make it appear that the Union supported his candidacy. It was his representation of what the ballot might look like, accompanied by text that described it as a sample ballot, but with no marking on the ballot that could lead a member to conclude that the Union supported him.

Therefore 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 IV(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.

A handwritten signature in black ink, appearing to read "Barbara C. Deinhardt".

Barbara C. Deinhardt  
Neutral Monitor

By email:  
Joseph Campbell  
Jamel Chisolm  
Arthur Schwartz, Esq.  
Elections Committee