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November 11, 2024

**SUPPLEMENTAL DECISION**

Protest I-12-2024a (petitions  
taken)

By email dated September 30, 2024, Canella Gomez filed a protest alleging that petitions for Members F1rst were stolen from the 179<sup>th</sup> Street station on the F line by Shampree Scott. Mr. Scott asserts that the petitions were left unattended and he took them, he said, to give to Stronger Together Slate head Evangeline Byars to turn in to the Neutral Monitor. The confiscated petitions were not turned in to either the Election Committee or the Neutral Monitor.

By decision dated October 8, 2024, I held that while Mr. Scott is correct that the petitions should not have been left unattended, that did not justify his decision to engage in self-help by flagrantly seizing the petitions and withholding them from the Election Committee, whose authority it is to decide whether the petitions were valid or not, under all the circumstances. His decision to do so constitutes election interference. I granted the protest, but left open the question of remedy. That decision was not appealed by the Protester or Mr. Scott or the Stronger Together Slate.

On November 7, 2024, the Protester reviewed the draft ballots and discovered that Mr. Scott had been found eligible to run for Station Division Recording Secretary and Convention Delegate on the Stronger Together Slate. He filed an appeal, asking that Mr. Scott be found ineligible to run for office. He wrote, "Now that Mr. Scott has been official qualified and announced as a candidate I am requesting that my protest be revisited and an official remedy be given. I truthfully believe that my initial ask that Mr. Scott be disqualified from participating in the 2024 election should be granted. Candidates should not and can not be allowed to steal other candidates petitions."

I asked the Election Committee and the Stronger Together Slate for their position on this request. The Election Committee agrees with the request and finds removal from the ballot appropriate.

The Stronger Together Slate objects to the Protester's requested remedy. First, it asserts that the request is untimely. I disagree. First, the Protester did request that Mr. Scott be disqualified when he first filed his protest. I did not deny his request; I just left the question open. I retain jurisdiction to order a remedy on the original protest. Secondly, Mr. Scott was nominated on September 26, but was not found eligible by the Election Committee until after a review of his meeting attendance and dues status. The Protester did not know nor should he have known of the eligibility determination until he had an opportunity to review the draft ballots on November 7, 2024.

The Slate also alleges that in past decisions I did not disqualify a candidate who stole petitions. Head of Slate Evangeline Byars claims that in both PCS-11-21 (October 5, 2021) and PCS-12-21 (October 22, 2021) John Chiarello was found to have defaced or confiscated petitions. This is not true. In the first decision, I found, "Mr. Chiarello's defense that he was campaigning before the start of his shift is undisputed. Similarly, there is no witness to contradict his statement that he tried to find out who was soliciting petition signatures in the foreman's office but got no response. He denies defacing the petition and the Protester provides no witness to dispute his account. The other member who was in the office at the time states that he did not see Chiarello handle the PCS petition and did not hear anything said about Chiarello having defaced the petition." In neither decision was there any allegation or finding that Mr. Chiarello had confiscated petitions.

If Mr. Scott is not disqualified, there would be no remedy for his misconduct. Ms. Byars states that there should be no remedy for the violation of election interference found in I-12-2024 because it did no harm since the Members First Slate had enough signatures even without the confiscated petitions. I disagree. To remove nominating petitions, thereby essentially disenfranchising the members who had already signed the petitions, filming himself while doing so and boastfully posting the video for members to see, and then not turning the petitions in to the Election Committee all constitute a serious interference with the election process. Mr. Scott had no way of knowing at the

time that he took the petitions whether the withholding of those names could have kept candidates from qualifying for nomination. His actions must have some serious remedial consequence to deter such conduct in the future. He is running for two positions—Division Recording Secretary and Convention Delegate. To remove him as Recording Secretary would have the effect of making all the other members of the Stronger Together Station Division Slate run as independent candidates. Given that there is no evidence that other members of the slate had any involvement in the misconduct, I am reluctant to take this action. I therefore find that Mr. Scott's name should be removed from the ballot for Convention Delegate only.

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(B)(9) of the Election Rules and Article XXII of the International Constitution for the appeal to the International from decisions of Local Unions.



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