

**Barbara C. Deinhardt
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December 16, 2024

DECISION

Protest I-31-2024 post (count late
received ballots)

By email dated December 12, 2024, Tuan Phoenix filed a protest that there were over 600 ballots at the Post Office on the morning of December 12 that were not collected, opened and counted. According to the Protester, in public elections, ballots that are postmarked before election day are counted. That should be the rule followed in this election as well.

The Election Rules are clear that “voted ballots must be mailed so as to arrive at the AAA Post Office Box before 6:00 PM on Wednesday December 11, 2024.” “No ballot which is received at the Postal Box after 6:00 PM on December 11, 2024 shall be counted.” Therefore, the last ballot pickup was at 6:00 PM on December 11. The Rules do not provide for counting ballots that were postmarked by December 12, if not received by December 11. Any protest about that provision of the Rules is untimely.

Protest 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(B)(9) of the Election Rules and Article 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:
Tuan Phoenix
Arthur Schwartz
Denis Engel
Elections Committee