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December 17, 2024

AMENDED DECISION

Protest I-31-2024 postA (count
late received ballots; recount
Stations)

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. He also requests a recount of the ballots in the Station Department or at least the election for Stations Vice-President because the margin of victory was “razor-thin” and the 600+ uncollected ballots could have impacted the results of that election.

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.

As to the request for a recount, the only result in Stations that was “razor-thin” was in the election for Convention Delegate. In that election, where there were 18 positions to be filled, the winning candidate with the lowest number of votes was Ashim Chanda from the Stronger Together Slate, who had 525 votes. The losing candidate with the greatest number of votes was Khokan Paul, from the Members

F1rst Slate who had 523 votes. There has been no request from the Members F1rst Slate for a recount of that race. No other race was so close as to warrant a recount. The Vice-President position was won by 46 votes out of 1174, a margin of about 4%. I deny the request for a recount.

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.



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By email:
Tuan Phoenix
Arthur Schwartz
Denis Engel
Elections Committee