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November 7, 2024

DECISION

Protest ST-7-2024 (sample ballots)

By email dated November 6, 2024 Evangeline Byars on behalf of the Stronger Together Slate filed a protest alleging that Election Committee deviated from standard practice regarding the distribution of sample ballots. According to the Protester, historically sample ballots have been distributed by email. The Protester asks that sample ballots be distributed by email by Friday, November 8, at 5:08 pm. While not the subject of separate protests, additional “remedies” were requested, i.e., that candidate meetings be scheduled at 5:00 pm on November 6 and 8, that a detailed listing of the 21 MTA Bus/Private Operations/School Bus-Paratransit locations be supplied, and that the Slate be given an opportunity to review the membership list.

As to the sample ballots, the Election Committee advises that, contrary to the Protester’s assertion, the past practice has not been to send sample ballots to slates and candidates by email and not to make them available for distribution to the membership prior to the period for candidate review. Rather, after all candidates have had an opportunity to review the draft ballots and propose any corrections, the final ballots are posted on the Election Committee website. In the last election, the final sample ballots were posted on the Election Committee website on November 12, 2021. That is the practice that will be followed in this election. Candidates have been notified that they have three days (as opposed to two days during the past election) to come into the Election Committee office to review the ballots. At my request given the Protester’s concerns, the Committee has agreed to extend the time to review the ballots on Monday from 5:00 to 6:00. Once any proposed changes have been reviewed

and the ballots have been finalized, they will be posted, probably Tuesday morning November 11. To post them earlier would risk inaccurate drafts being posted (and possibly circulated) prematurely.

While the Protester did not file a separate Protest on the failure to hold a candidates meeting, I find that the Election Committee acted within its discretion and did not violate the Election Rules in deciding not to hold a candidates meeting. The Committee had scheduled a meeting, but cancelled it when the Stronger Together Slate communicated that the timing and format of the meeting were unacceptable to it. While such a meeting was held last election, there is nothing in the Rules, the Union Constitution and Bylaws, or federal law that requires such a meeting. The Election Rules set out the requirements for campaigning and for requesting mailings or communications to the membership during the last weeks of the election period. Any questions may be directed to the Election Committee.

The Protester has also made a request for the properties in MTA Bus, Private Operations, and School Bus-Paratransit Divisions represented by the Union. The Election Committee has agreed to the Slate's request. The list of properties and their addresses was supplied to the Slate at 11:40 am today.

Finally, as to the request to review the current membership list, I note that the Rules give every slate and candidate the right to review the membership list. Section VI(B)(1) reads, "Each candidate has the right, on one occasion between September 23, 2024 and October 24, 2024, to inspect, but not copy, a list containing the last known names and addresses of all members of the Local Union...." No timely protest was filed to that Rule. The Protester chose not to take advantage of this opportunity. I do not find that the Election Committee violated any rule in denying the Protester an additional opportunity to review the list. There are hundreds of candidates and to grant the Protester, and then all other candidates, the right to review the list, after the Master List has been submitted to the AAA to prepare membership lists and mailing labels, could interfere with and result in delays in the election.

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:
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Elections Committee