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November 18, 2024

DECISION

Protest ST-8-2024 (mailing list)

By email dated November 16, 2024 Evangeline Byars on behalf of the Stronger Together Slate filed a protest alleging that the mailing list being used to mail ballots to members was inaccurate and the mailing of the ballots should be delayed pending a “detailed audit” of the list. According to the Protester, she reviewed the list on November 15 and found that of the 57 names she checked, 33 had inaccurate addresses on the mailing list. She also protests the fact that the mailing list did not include members in bad standing.

The Election Committee takes the position that the process used in this election to ensure the accuracy of the list is the same process as has been used in prior elections. All candidates are given the opportunity to review the list prior to its finalization and submission to the AAA, an opportunity of which the Stronger Together Slate did not take advantage. The list is run through the USPS National Change of Address (NCOA) program to check for forwarding addresses. After the ballots are mailed, all members are given the right to contact the AAA if they do not receive a ballot by November 25 and one will be sent to them, without regard to their good standing. Ballots returned as undeliverable will be investigated by the Election Committee to attempt to find a valid address. A delay of the election would cost the Union hundreds of thousands of dollars. The Committee urges that the protest be denied.

I requested that the Protester supply me with the names of the 33 members whose addresses were allegedly incorrect on the mailing list. The Protester yesterday supplied 19 names. I confirmed with the Union that those 19 addresses were addresses given by those members to the Transit Authority, but not to the Union. (Whether the Protester in fact received this list of addresses directly from TA management or seniority lists or directly from members themselves is not clear.) It is sometimes the case that members give the TA a different address from what they give the Union, for whatever reason. It may be that they don't want the TA to have their real home address. It may be that they receive mail at both addresses.

I find that the Union has taken every reasonable precaution to ensure an accurate mailing list, the same precautions taken in every Local 100 officer election. It is the obligation of every Union member to keep their mailing address updated with the Union. Members are reminded of this obligation in various ways. Division meetings notices contain this reminder. A link to a Change of Address Form is included on the Election Committee website. The obligation is also set out in the Election Rules, which are mailed to every member and posted on the website:

VI. SUPPLEMENTAL RULES

A. MEMBERSHIP LIST

The final list of the last known names and addresses of all members in good standing of the Local Union shall be delivered to the AAA no later than the close of business on November 1, 2024. This disk shall be considered the master membership list. All members who have moved or changed their address and have failed to notify Local 100 of such change should notify Local 100 of the change no later than October 24, 2024. **It is the responsibility of the member to keep the Union updated on his/her current address.** (Notice should be submitted either to the Financial Secretary-Treasurer's office or the Elections Committee.)"

The Union gives candidates an opportunity to review the list. (This year an extra two days was granted all candidates.) It directs AAA to compare the list with the USPS NCOA and update as needed. It sends the ballots to the "last known" address of all members in good standing. The Union tries to update addresses of ballots returned as undeliverable. It gives members the opportunity to request a replacement ballot if

they do not receive one. The Protester is free, in fact encouraged, to advise all members of this opportunity, particularly the ones she identifies as having incorrect addresses on the mailing list.

A delay at this point, as requested by the Protester, would result in great expense to the Union and confusion to the membership. Even if I were to find, which I do not, that the list is flawed, it is hard to see what the Union could do that it has not already done. Is the Protester suggesting calling all 40,000+ members to check their current address? Any postal mailing would go to their address on file with the Union, the same address the ballots will go to. Reminders to update their address on file have already repeatedly been communicated. I find no basis for ordering such an action.

I also find that the mailing list available for review by the candidates was the list used by AAA to mail ballots. It does not include those members in bad standing because they are not eligible to receive ballots. Individual members, even candidates, are not entitled to a list of all members in bad standing. If a member feels that s/he is not in bad standing, they are free to request that a ballot be sent to them.

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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