

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: PAUL QUEZADA, Protestor. <hr/>))))))	Protest Decision 2006 ESD 76 Issued: April 3, 2006 OES Case No. P-06-116-020106-FW
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Paul Quezada, a member and delegate candidate of Local Union 572, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that the local union failed to permit Quezada’s slate to determine the order in which the names of candidates will appear on the ballot.

Election Supervisor representative Michael Four investigated this protest.

Findings of Fact

Local Union 572 held its nomination meeting on Wednesday, January 4, 2006. On January 9, the Teamsters for Change (“TFC”) slate comprised of Quezada and four others filed a slate declaration form, which the local union rejected as untimely under the *Rules*’ requirement that such forms be filed within three days of the nomination meeting. We granted Quezada’s ensuing protest in case 2006 ESD 50 (January 24, 2006) because the filing period expired on a date the local union was closed for business and the form was filed on the next business day thereafter. We directed the local union to accept the filing of the slate declaration form and to include the TFC slate in a lottery for slate ballot placement.

Quezada now protests that the local union refused to allow the TFC slate to determine the order in which the names of the TFC slate members will appear under the TFC slate listing on the ballot. The order adopted by the slate members on the slate declaration form is the order in which the local union states the names will appear on the ballot.

Analysis

Article II, Section 10(b) provides in relevant part:

The names of all candidates for delegates and alternates shall be printed on the ballot. The names of all candidates of any slate shall be placed under the heading of the slate name or title as designated by the slate declaration form previously submitted to the Local Secretary-Treasurer. ...

All full and partial slates shall be listed on the ballots before the column(s) headed “Independent Candidates.” The order of placement of the slates on the ballot shall be determined by lot. The members of each slate shall determine the order of each candidate’s name within the slate listing. ...

Under this provision, the *Rules* permit a slate of candidates to determine the order in which slate members’ names will appear on the ballot. Here, the TFC slate members determined

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that order when they prepared and signed the slate declaration form. The *Rules* do not permit a revision of the order of candidates once the slate declaration form is filed with the local union.

Accordingly, we DENY this protest.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
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