

**OFFICE OF THE ELECTION SUPERVISOR**  
**for the**  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: J.D. JACKSON,  <b>Protestor.</b> <hr/>	) ) ) ) ) )	Protest Decision 2006 ESD 131 Issued: March 6, 2006 OES Case Nos. P-06-168-022206-MW
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J.D. Jackson, a member of Local Union 299, 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 Election Services Corporation, the entity hired by the local union to run the delegate and alternate delegate election, did not respond to his repeated requests for information concerning the number of ballots printed, mailed, and remaining after mailing.

Election Supervisor representative Joe Childers investigated this protest.

**Findings of Fact and Analysis**

Ballots for the delegate and alternate delegate election in this Detroit-based local union were mailed from a New York post office on February 8, 2006. No one from protestor Jackson’s slate traveled to New York to observe the printing and mailing of ballots. On February 9, Jackson telephoned Marilyn Falik, the Election Services Corporation representative assigned to this local union’s election, to ask the number of ballots printed, mailed, and remaining after mailing. Falik was unable to answer these questions but promised to call back with the information within 2 days. She did not.

Jackson left a voicemail on February 16 and again received no response to his query. This protest followed.

Bill Broberg of our staff contacted Election Services Corporation on February 28 and spoke with Sandy Tovin, an election administrator employed there. Broberg instructed her to send the information Jackson requested to all candidates and all slates. Broberg received electronic confirmation that day that the requested information had been sent.

On this basis, we deem this protest RESOLVED. In the future, we insist that Election Services Corporation respond promptly to simple inquiries such as that presented in this case; it should be unnecessary that a member must file a protest to obtain the information requested here.

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  
885 Third Avenue, Suite 1000

**Jackson**, 2006 ESD 131  
March 6, 2006

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  
*2006 ESD 131*

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March 6, 2006

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