

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: MARK CONNOR,)	Protest Decision 2006 ESD 207
)	Issued: April 25, 2006
Protestor.)	OES Case No. P-06-206-030906-NE
_____)	

Mark Connor, a member and delegate candidate from Local Union 170, 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 Local Union 170 business agents had an improper advantage over Connor because they knew the date ballots would be mailed while he did not.

Election Supervisor representative David F. Reilly investigated this protest.

Findings of Fact and Analysis

The protestor alleges that delegate candidates who are business agents, and therefore employees of the local union, had an unfair advantage in that they knew that ballots would be mailed March 1, a fact unknown to the protestor.

The local union election plan, which we approved on December 28, 2005, set March 1, 2006 as the date ballots would be mailed. The protestor admitted to our investigator that he had never seen the local union plan, nor had he requested a copy. However, the ballot mailing date for Local Union 170’s delegate election (and for all delegate elections) was posted on the Election Supervisor’s website, www.ibtvote.org, on the “Dates, Times, and Places” table for delegate elections. Notice of the Election Officer’s website, how to reach it, and the information available there, has been published in each issue of the *Teamster* magazine since June 2005. The Local Union Plan Summary, posted on all bulletin boards under the jurisdiction of Local Union 170 also informed members to expect to receive ballots at their home addresses not later than March 8, 2006, thus allowing candidates to decide on timing their campaign communications to members.

The protestor could have readily ascertained the ballot mailing date by visiting the Election Supervisor’s website or by asking Local Union 170’s election authority for the information. The ballot mailing date was published and readily available to all members, the protestor included. The allegation that employees of Local Union 170 had special knowledge of the mailing date unavailable to the protestor is unsupported.

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

Connor, 2006 ESD 207
April 25, 2006

885 Third Avenue, Suite 1000
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. 20006-1416, 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 207

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