

ELECTION APPEALS MASTER

IN RE: JOSEPH PRISCO,

Protestor.

11 Elec. App. 47 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2011 ESD 264 issued May 28, 2011. The appeal was submitted by Barbara Harvey, Esq. on behalf of Joseph Prisco.

Appellant seeks nullification of the outcome of the delegate election at Local 986 because the Election Supervisor found an improper use of union bulletin boards during the campaign.

The appeals statement dated June 3, 2011 of Jeffrey J. Ellison, the Appeals Chief for the Election Supervisor, makes an indisputable showing that the margin of victory of the winning slate was large, the turnout was only 15.6%, the duration and scope of the impermissible posting was modest, and the period between posting and removal on the one hand and voting on the other was substantial.

Under the doctrine of Richards, 01 EAM 63 (Ma 14, 2001), these circumstances require strong proof to support a finding that the violation affected the outcome of the election. Here, indeed, the opposite is clear.

Accordingly, the decision of the Election Supervisor is affirmed.

SO ORDERED:

s/Kenneth Conboy  
Kenneth Conboy  
Election Appeals Master

Dated: June 7, 2011