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

IN RE: BECKY STRZECHOWSKI, ) Protest Decision 2011 ESD 186 ) Issued: March 25, 2011 Protestor. ) OES Case No. P-203-030711-MW

Becky Strzechowski, Assistant Trustee and member of Local Union 700, and delegate candidate on the Logan slate, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election ("*Rules*"). The protest alleged that the slate ballot placement lottery conducted immediately after the close of the nominations meeting violated the *Rules* because the slate declaration form of one of the slates competing in the lottery was invalid.

Election Supervisor representative Joe Childers investigated this protest.

## **Findings of Fact and Analysis**

Local Union 700 is entitled to elect 15 delegates and 4 alternate delegates. Nominated at the meeting held March 6, 2011, were a full complement of candidates comprising the Logan slate, 10 candidates for delegate comprising the Team 700 slate, and several independent candidates.

Slate declarations in delegates elections must be filed no later than three days after a local union's final nominations meeting. Article VIII, Section 1(c). Slates are to be listed on the ballot ahead of independent candidates. Where more than one slate of candidates is competing in the election, "[t]he order of placement of the slates on the ballot shall be determined by lot." Article II, Section 10(b).

At the candidates' meeting that immediately followed the nominations meeting, the Logan slate and the Team 700 slate submitted slate declaration forms. A lottery for ballot placement was then conducted.

Protestor Strzechowski challenges the results of the ballot placement lottery because she contends the Team 700 slate declaration as submitted was invalid. The basis for her contention is that the form contains the name of Tonia Young. Young was not present at the nominations meeting and was not validly nominated.<sup>1</sup> Strzechowski first contends that the Team 700 slate declaration form is invalid because Young's signature on that document was not signed by Young.

<sup>&</sup>lt;sup>1</sup> Investigation showed that Young faxed a written nomination of herself signed by herself to the local union in advance of the nominations meeting. Under Article II, Section 5(e), a nomination "shall be made by a member in good standing other than the nominee;" accordingly, Young could not validly nominate herself. Although she asserted that she also submitted a written nomination of herself by Anthony O'Donnell, investigation showed that document was not received by the local union. Finally, Young did not appear at the nominations meeting to accept nomination from the floor nor did she submit a written acceptance of nomination, as required by Article II, Section 5(h). Accordingly, we conclude Young was not validly nominated.

*Strzechowski*, 2011 ESD 186 March 25, 2011

Investigation showed, however, that the slate form on which Young's name and signature appear was prepared in the days prior to the nominations meeting and was signed by Young.<sup>2</sup>

Strzechowski next contends that the Team 700 form is invalid because it contains the name and signature of a candidate who was not nominated.<sup>3</sup> We reject this contention. As we held in *Halstead*, 2010 ESD 11 (August 2, 2010), a member who signs a slate declaration commits that she is a candidate for office and, as a candidate, pledges to seek office as part of a slate with other candidates. The slate declaration binds together all the candidates who have consented to be part of the slate only if each remains a candidate. Young ceased to be a candidate when she was not validly nominated. When not nominated, she was ineligible for the ballot. Article VIII, Section 1(d) declares that "[s]hould one or more members of a slate be found ineligible to run, such ineligibility shall not affect the eligibility of remaining members of the slate." Further, we find that the nominated candidates listed on the Team 700 slate declaration were present at the candidates meeting and consented to run as a slate.

We find that the Team 700 slate declaration was valid even though it listed candidates who were not validly nominated. As a result, the slate ballot placement lottery was properly conducted between the Logan and the Team 700 slates, and no basis exists under the *Rules* for conducting it a second time. Accordingly, we DENY the 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 885 Third Avenue, Suite 1000 New York, NY 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, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, 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 2011 ESD 186

<sup>&</sup>lt;sup>2</sup> Strzechowski told our investigator that Team 700 leaders asked the presiding official at the nominations meeting for a blank slate declaration form. O'Donnell confirmed this was done, but he said that Team 700 elected to finish signing the form that Young had previously signed because Young was not present to sign the blank form. We conclude that the completed form Team 700 submitted was the one Young signed.

<sup>&</sup>lt;sup>3</sup> In addition to Young, the form also contains the name and signature of Oscar Phillips. Phillips was not nominated because he was not present at the nominations meeting to accept nomination and did not submit written acceptance. The analysis with respect to Young applies with equal force to Phillips.

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