

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.²

Strzechowski next contends that the Team 700 form is invalid because it contains the name and signature of a candidate who was not nominated.³ 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

² 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.

³ 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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