

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

IN RE: ALYCE PRUITT,)	Protest Decision 2011 ESD 199
)	Issued: April 4, 2011
Protestor.)	OES Case No. P-224-031511-SO
_____)	

Alyce Pruitt, member of Local Union 728, 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 *Rules* were violated because she was not sent a ballot.

Election Supervisor representative Dolores Hall investigated this protest.

Findings of Fact

Local Union 728’s election for nine delegate and three alternate delegate positions was contested by two full slates of candidates and a single independent candidate. The local union contracted with Merriman River Group to administer its election. Following the nominations meeting held January 15, the local union posted on all worksite bulletin boards a notice of election which, among other things, stated that ballots would be mailed to members on February 16; the notice also provided a toll-free number members were to call if they did not receive a ballot.

Merriman mailed 6,966 ballot packages to the full membership list of the local union as scheduled on February 16. Protestor Pruitt stated she did not receive a ballot. She phoned to request a duplicate on March 2. Investigation showed her request was communicated to the local union election committee, which mailed her a duplicate ballot on March 4. An observer for the slate Pruitt supports verified that Pruitt’s duplicate ballot package was prepared, along with ballot packages for other members, further verifying that the collection of ballot packages were mailed on March 4. Pruitt stated that she did not receive the duplicate ballot package either and was unable to vote in the election.

Pruitt confirmed that she has resided at the same address for the entire time she has been a member of Local Union 728, and she has received mail from the local union and the Members First slate at that address. Investigation showed that the address to which her original and duplicate ballots were mailed is the correct address.

Analysis

The *Rules* require a local union in a contested delegates election to mail ballots to all ballot-qualified members. We find that Local Union 728 complied with this requirement with respect to protestor Pruitt, first by mailing her a ballot package on February 16 and again with a duplicate ballot package on March 4. We further find that the address used by the local union for each mailing was Pruitt’s correct address.

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It is unfortunate that Pruitt did not receive either ballot package and therefore was unable to participate in the election. Nonetheless, the local union did not violate the *Rules* with respect to her ballot.

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
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
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