

IN RE:

RICK LEE

00 - Elec. App. – 010 (KC)

This matter is an appeal from the Election Administrator's decision, dated October 2, 2000, Office of the Election Administrator Case No. PR091801WE Protest Decision 2000 EAD 31.

The request for a hearing was filed by Rick Lee, President of Teamsters Local 760 and Helena Lopez, delegate candidate of Teamsters Local 760.

A hearing was held before me on October 23, 2000. The following persons were heard by way of teleconference: Jeffrey Ellison, Esq. for the Election Administrator's Office; Kenneth Pederson, Esq. of Davies, Roberts & Reid on behalf of Rick Lee and Edwin F. Alden, Esq. on behalf of Betty Jenne.

The issue before us is whether the record supports the finding of the Election Administrator that Iona Parker, Robert Knode and Betty Jenne, members of Local 760, were properly nominated and seconded for the position of delegate to the International Convention.

The protester notes that the written nominations did not state whether they were for delegate or alternate delegate, as required by the Election Rules. The candidates, however, did write on the forms their acceptance of nomination for the office of delegate. If written before those nominating them had placed their names on the form, the intent of the signatories with respect to office can be inferred. If written after, no such inference is allowed. The record is,

accordingly, ambiguous. Because Article XIII (1) places the burden of proof upon the complainant, this issue must be resolved against the protester.

The Argument that the Election Administrator should have declined to address the withdrawal card issue is rejected, on grounds that clarification of the Rules is an appropriate discharge of the Election Administrator's duties.

The decision is in all respects affirmed.

Kenneth Conboy
Election Appeals Master

Dated: October 25, 2000