

IN RE:

JAMES R. ANDERSON

01 - Elec. App. – 032 (KC)

This matter is an appeal from the Election Administrator's decision 2000 EAD 144, issued February 7, 2001. An appeal hearing was requested by James Anderson, the protestor and president of Teamsters Local Union 966 in Cresskill, New Jersey.

The hearing was held before me on February 12, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office and Mr. Anderson.<sup>1</sup> No further submissions were received by this office.

Mr. Anderson alleged in his protest that Mr. Lewis did not follow the protocol as dictated by Article II, Section 5(f) of the Rules when, at the January 13, 2001 Local Union nomination meeting, Mr. Lewis did not produce a written second of his nomination for delegate. Mr. Lewis produced three writings at the meeting, two of which were nominations of him for delegate and the other his own written acceptance of his nomination. These writings were accepted by the business agent conducting the election meeting. Mr. Lewis was not asked at the time of his nomination whether he had a second for his nomination.

Mr. Anderson argues that Mr. Lewis is ineligible due to two clear violations of the Rules. First, that Mr. Lewis failed to submit his written nominations prior to the nomination

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<sup>1</sup> Michael Lewis, the subject of the protest and candidate for delegate from Local Union 966 did not appear. Donna Marie Barra of my office spoke with Mr. Lewis on Friday, February 9, 2001 to schedule this hearing, and was told by Mr. Lewis that he would appear, and gave her his work number where he could be reached. However, at the scheduled time of the hearing, Mr. Lewis was not available at either that number nor his home, despite being tried twice at each location.

meeting as required, and second, that Mr. Lewis did not provide a second to his nomination at the time of his nomination.

Mr. Anderson presents a highly technical procedural argument. The spirit of this section of the Rules is to insure that a potential candidate has the minimum number of people necessary to nominate him, and here I find Mr. Lewis satisfies this requirement. The fact that one of the nominators was not technically declared to be his “second” does not negate the fact that Mr. Lewis had adequate support for his nomination. In addition, the section cited by Mr. Anderson that requires written nominations and acceptances to be submitted prior to the meeting is not relevant because that section contemplates that the potential candidate will not appear at the nomination meeting, and therefore would be unable to provide the required support for his nomination in person. Indeed, Mr. Lewis appeared at the meeting, and the meeting’s chairman accepted his nomination at that time.

Accordingly, I affirm the EA’s decision finding Michael Lewis eligible to run for delegate.

\_\_\_\_s/Kenneth Conboy\_\_\_\_\_  
Kenneth Conboy  
Election Appeals Master

Dated: February 21, 2001