

IN RE:

ASHLEY MCNEELY

01 - Elec. App. – 055 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 254, issued March 22, 2001. An appeal was requested by Betty Grdina, Esq., on behalf of Ashley McNeely, candidate for International officer and member of Local Union 2000.

The hearing was held before me on March 22, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Michael Nicholson, Esq. for the Election Administrator’s Office; Ms. Grdina, as counsel on behalf of Ms. McNeely; and Barbara Harvey, Esq. as counsel on behalf of Local Union 2000. A submission was received from Ms. Grdina on March 22, 2001.

A protest was filed by Ms. McNeely requesting the de-certification of the “Best Choice For Your Voice” Slate (the “BC Slate”) because the signature of Patricia Reller, a member of the BC Slate, appeared to be forged on the BC Slate declaration form.

The EA’s investigation found that due to the disappearance of the original BC Slate declaration form, which was signed by all members of the slate in accordance with the Rules, the BC Slate declaration had to be re-executed. This was done personally by all slate members except for Ms. Reller, who authorized Kathleen Sandvik and Kathy Jo Smith to sign her name on the appropriate place on the form.

Based on these facts, the EA determined that there was no Rules violation or evidence of forgery. Article VIII, Section 1(c) provides that “[t]o form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate...”. The EA determined “... there was sufficient evidence of mutual intent to form the BC Slate. This is manifest from the efforts undertaken by the slate members to ensure their slate status after the disappearance of the first (and properly completed) slate declaration form.” (See, Page 4, 2001 EAD 254 (March 22, 2001)). As to the question of the alleged forgery, the EA found that the signature requirement as outlined in Article VIII, Section 1(c) was met. Unlike in Shanahan, P397 (February 6, 1996) aff’d 96 Elec. App. 91 (February 20, 1996) where the EA found that the signature of a candidate was put on a slate declaration without his consent, here the EA found the evidence to be overwhelming of Ms. Reller’s intention to join the BC Slate, and but for the loss of the original BC Slate declaration, her actual signature would have been on the declaration.

Ms Grdina calls for a strict construction of Article VIII, Section 1(b), arguing that signature requirements serve an important institutional interest. First, they serve as the candidates’ certification of the statements on the slate declaration form, and second, personal signatures create an official record of the signers’ signature in the event of disputes (See, Page 3, Submission of Betty Grdina, Esq., dated March 15, 2000).

I concur with the EA’s findings and analysis in this matter. There is no evidence to dispute the fact that Ms. Reller did indeed intend to join the slate, and other slate members intended to run with her on the slate. I find no evidence of forgery and am satisfied that the intent and spirit of the Rules were followed under these unique circumstances.

Accordingly, I affirm the EA's decision in his denial of the protest and find the BC Slate should stand for election as such on the Local Union 2000 delegate election.

S/Kenneth Conboy
Kenneth Conboy
Election Appeals Master

Dated: April 10, 2001