

IN RE:

LARRY HART

01 - Elec. App. – 057 (KC)

This matter is an appeal from the Election Administrator's (the "EA") decision 2001 EAD 242, issued March 20, 2001. The hearing was requested by Larry E. Hart, the protestor, delegate candidate and member of Teamsters Local Union 705 in Chicago, Illinois.

A hearing was held before me on March 27, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator's Office; Mr. Hart; and Michael Corrigan, Business Agent of Local Union 705. Additional submissions were received by this office from Mr. Hart.

This protest alleged that Gerald Zero and his slate altered members' names on the ballot envelopes in an attempt to eliminate votes and harass and intimidate voters. The EA's investigation showed that many of the ballot address labels had merged the member's middle initial with his or her last name, so that, for example, mailing labels with the name "Larry E. Hart" were printed as "Larry Ehart". This merger, which most likely occurred when the data was electronically sent from Local Union 705 to the print house, did not affect any Local Union 705 data, according to the EA, but only the display of the names on the mailing labels. Furthermore, the merging of letters in the names of addressees did not injure the rights of any members, since every ballot that was returned as undeliverable with a misspelled name was manually corrected

and re-mailed to assure that the corrupted names did not deny a member the opportunity to vote.<sup>1</sup>  
The EA found no evidence that this error served to benefit one slate over the other, or that the merging of the names interfered with the members' right to vote.

As I have stated on many occasions, the EA's findings of fact are to be given great deference. During the appeal hearing Mr. Hart provided no credible evidence to dispute these findings or the EA's analysis. Accordingly, I affirm the EA's decision in this matter.

s/Kenneth Conboy  
Kenneth Conboy  
Election Appeals Master

Dated: April 10, 2001

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<sup>1</sup> In fact, according to the EA's investigation, the number of ballots returned during this delegate election was less than those returned in the same time period in the Local Union officer election in November, 2000. In this case, nearly every one of the amended and re-mailed ballots were returned a second time as undeliverable.