

ELECTION APPEALS MASTER

IN RE:

TOM LEEDHAM RANK AND FILE POWER
SLATE

01 Elec. App. 104 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 527 issued October 26, 2001. The appeal hearing was requested by Jeffrey J. Ellison, Esq. for the Election Administrator's Office and Betty Grdina, Esq. of Yablonski, Both & Edelman.

A hearing was held before me on November 1, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; Dennis Sarsany, Regional Director for the Election Administrator; James L. Hicks, Jr., on behalf of the Hoffa Campaign; Esq.; Barbara Harvey, Esq. on behalf of Teamsters for a Democratic Union; Bradley T. Raymond, Esq. of Finkel, Whitefield, Selik, Raymond, Ferrara & Feldman on behalf of the International Brotherhood of Teamsters; Betty Grdina, Esq. of Yablonski, Both & Edelman on behalf of the Tom Leedham Slate and Matt Ginsburg of the Tom Leedham Campaign.

The Leedham Slate has brought to the attention of the Election Administrator (EA) that several hundred members of Locals 115 and 763 were on seasonal withdrawal status (they are school bus drivers) on September 17, 2001 the snapshot date on which ballot qualification is determined under the Election Rules with respect to the mailing of ballots. These members apparently are now off withdrawal and ballot qualified. The Leedham Slate asked the EA to send those individuals ballots. The EA took the position that he will send a ballot to any

of these members who calls the EA and asks for one, but will not send ballots without such a call.

The EA agrees that since each ballot received at the time of vote tabulation will be screened for eligibility, it is clear that vote fraud here is not an issue. Furthermore, the list of seasonals is coming from the Locals where knowledge of current dues status presumptively resides.

Both slates and the IBT agree that the ballots should be sent.

Accordingly, the EA's decision is reversed and he is directed to immediately send ballots to the referenced members.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: November 2, 2001