

ELECTION APPEALS MASTER

IN RE:

JACK VLAHOVIC,

Protestor.

06 Elec. App. 045 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2006 ESD 289 issued June 1, 2006.

A hearing was held before me on June 15, 2006. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Steven Newmark on behalf of the Election Supervisor, Jack Vlahovic the protester.

Following the tabulation of ballots in the election for delegate and alternate delegate in Local 155, the Election Supervisor disqualified the winner for delegate, Michael Murphy, because he lacked the 24 month continuous good standing requirement necessary to serve as delegate. The elected alternate delegate, Charles Scorgie, was designated to fill the vacated delegate seat.

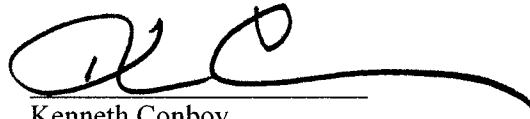
Vlahovic then protested and demanded a re-run election, on the ground that Murphy was never properly eligible to stand for election in the first place thereby tainting the formation of the slate, and destroying the viability of Scorgie's election as alternate delegation.

This argument runs afoul of both the Election Rules and the broad remedial purposes of the Consent Decree. The Rules make it crystal clear that the authorized succession to fill a vacancy in the event of an elected candidate being found ineligible at any time (i.e. post ballot count) is the ranking elected alternate. See discussion, Election Supervisor's Decision, p. 2.

Furthermore, the ineligibility found here is personal to Murphy and cannot be imputed to Scorgie. To do otherwise would frustrate and nullify the democratic will of the membership, an outcome inimical to the democratic values sought to be furthered by the Consent Decree.

Accordingly, the decision is affirmed.

SO ORDERED:

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a cursive 'C' and a long horizontal flourish extending to the right.

Kenneth Conboy
Election Appeals Master

Dated: June 19, 2006