

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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Election Officer

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April 24, 1991

**VIA UPS OVERNIGHT**

Michael J. Veneziano, Jr.  
247 Newton St  
Kensington, CT 06037

Thomas Robidoux  
Secretary-Treasurer  
IBT Local Union 671  
9 Signor St  
E Hartford, CT 06108

**Re: Election Office Case No. Post-70-LU671-ENG**

Gentlemen

A post-election protest was filed pursuant to Article XI, § 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), by Michael Veneziano, a candidate for delegate in IBT Local Union 671. Two delegates were to be elected from Local 671. Veneziano finished third in the vote tally. He seeks a "verifiable recount" of all the votes cast in the delegate election.

Local 671 held its election by mail ballot. The count for the two delegate positions took place on January 28, 1991. The tally was as follows:

**For Delegate**

Thomas Robidoux	296
James Robidoux	275
Mike Veneziano	255
John Teehan	202
Ken Hill	96
Van Capella	59
Michael Meade	56

**For Alternate Delegate**

Larry Sawyer	299
Lee Dery	175
Bruce Winter	158
John Okonuk	89

A post-election protest was filed by Mr Veneziano with respect to the election results as set forth on the tally from the January 28, 1991 count See Election Office Case No Post18-LU671-ENG In that protest Mr Veneziano contended that approximately 109 members of Local Union 671 were improperly declared ineligible to vote Since the number of votes separating him from the successful candidate with the lowest count was only 20 votes, Mr Veneziano asked that a recount occur and that the ballots of the 109 members be counted<sup>1</sup>

On April 2, 1991 the Election Officer issued his decision in Post18-LU671-ENG In that decision, the Election Officer found that the challenges to the ballots of 46 members of the Local had been improperly sustained and ordered that such 46 ballots be counted No appeal was taken from that decision

On April 9, 1991, the Regional Coordinator counted the ballots of the 46 members identified by the Election Officer in his decision of April 2, 1991 As a result of the counting these 46 additional ballots, the revised vote count for the candidates in this election is as follows

DELEGATE CANDIDATES.

Thomas Robidoux	305
James Robidoux	279
Mike Veneziano	278
John Teehan	211
Kenneth Hill	101
Van Capella	78
Michael Meade	71

ALTERNATE  
DELEGATE CANDIDATES.

Larry Sawyer	304
Lee Dery	175
Bruce Winter	158
John Okonuk	89

As result of the counting of the additional 46 ballots, the margin between the winning alternate candidate and his closest competitor, Mr Sawyer and Mr Dery respectively, increased However, the margin between Mr. Veneziano, the third ranking delegate candidate, and Mr. James Robidoux, the winning delegate candidate with the lowest number of votes, decreased to one vote

Mr Veneziano now asks for a recount of all the ballots He bases his protest on the methodology used by Election Office Representatives to count the ballots during the original ballot count on January 28, 1991

He states that, on January 28, 1991, the ballots were counted by four groups of Election Officer Representatives, two representatives in each group One representative

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<sup>1</sup>Three other post-election protests were also filed That of Mr Hill, relating to receipt of a membership list from the Local Union, was denied by the decision issued April 2, 1991 from which no appeal was taken The remaining two protests dealt with the eligibility of Anthony Lepore to vote and was decided by the Election Officer when Mr Veneziano's protest was decided

Michael J Veneziano, Jr  
Page 3

read the ballot and the other kept the count or tally Veneziano states that "it's quite possible" that a mistake was made and that it was impossible for an observer to observe all four groups simultaneously, it should be noted that, during the January 28, 1991 count, candidate observers fully observed all groups of Election Officer representatives counting the ballots

While Mr Veneziano asked for a recount in connection with his first post-election protest, the only specific issues he raised concerned voter eligibility He did not object to the methods used to count or tally the ballots on January 28, 1991 In his original post-election protest, Mr Veneziano did not raise any issues regarding possible mistakes in the counting process or the lack of sufficient observers

Under the *Rules*, post-election protests must be raised within 72 hours of the posting of the tally sheet *Rules*, Article XI § 1(b) The issues complained of now were properly raised, if at all, in Mr Veneziano's first post-election protest, the additional count of 46 ballots does not revive them Accordingly, the protest should be DENIED on the basis of timeliness

On its merits, the protest essentially contends that a recount should be ordered because the election was close None of the allegations, however, states a claim for the violation of the *Rules* The Election Officer has analyzed the tally methods used in this election The method was appropriate and consistent with the *Rules*

Nonetheless, the election results were very close, only one vote now separates Mr. Veneziano from the winning delegate candidate Under the circumstances, to insure that all parties have no basis for feeling anything but confidence in the tally, the Election Officer will order a recount<sup>2</sup> All Ballots counted on January 28, 1991 and April 9, 1991 will be recounted There shall be no deviations from earlier determinations regarding voter eligibility or void ballots

A recount is hereby ordered and to that extent the protest is GRANTED. The Regional Coordinator will notify all parties as to the date, time and location of such recount

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693 Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N W , Washington,

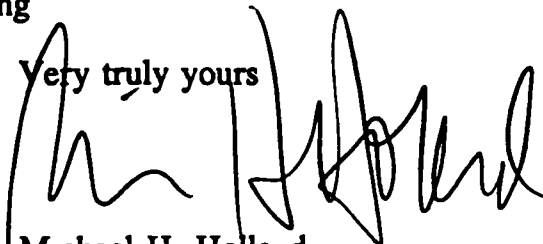
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<sup>2</sup>The Election Officer will entertain no further challenges from Mr Veneziano to this election

Michael J Vene ano Jr  
Page 4

D C 20001 Facs mile (202) 624 8792 A copy of the p otest must accompa y the  
req est for a hearing

Very truly yours



Michael H Holla d

MHH/mj

cc F ederick B Lacey Indepe de t Adm nistrato  
El zabeth A Rodgers Regio al Coo d ator