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SUPPLEMENTAL RULES FOR THE CONDUCT OF THE 2011 IBT INTERNATIONAL OFFICER MAIL BALLOT ELECTION

These *Supplemental Rules for the Conduct of the 2011 IBT International Officer Mail-Ballot Election* (“*Count Rules*”) provide detailed guidance on the procedures that will be followed to prepare and count the mail ballots for the International officer election. The *Rules for the 2010-2011 IBT International Union Delegate and Officer Election* (“*Rules*”) state that before the election, “the Election Supervisor may issue supplemental guidelines or advisories with respect to counting of ballots . . . subject to approval by the General Executive Board and the Government” Article IV, § 9. The General Executive Board and the Government have approved these *Count Rules*.

I. DEFINITIONS

1. “Ballot” means a ballot printed for use in the 2011 IBT International officer mail ballot election.
2. “Candidate” means a candidate successfully nominated for the ballot at the 28th International IBT Convention held in June 2011, for a position as an IBT International officer.
3. “Count Site” means the Election Supervisor’s Count Site, located at 4740 Eisenhower Avenue, Alexandria, Virginia 22304, where the processing and counting of Ballots will take place.
4. “Election Supervisor” means the Election Supervisor or his representative.
5. “Local Union” means a local union of the IBT, a local union of the IBT’s Graphic Communications Conference (“GCC”), a General Committee of Adjustment of the IBT’s Brotherhood of Locomotive Engineers and Trainmen Division (“BLET”), and a System Federation of the IBT’s Brotherhood of Maintenance of Way Employes Division (“BMWED”).
5. “Office of the Election Supervisor” means the office headed by the Election Supervisor and the staff of that office working under his direction.

6. "Slate" means a slate of Candidates formed in accordance with Article VIII of the *Rules*.

The Definitions set out in the *Rules* are incorporated by reference into the *Count Rules*.

II. TIME TABLE FOR ELECTION-RELATED EVENTS

1. Ballots will be mailed on October 6, 2011.
2. The counting of Ballots will begin at 10:00 a.m. on November 14, 2011 and will continue from day to day until completed.

III. PRE-ELECTION PREPARATION

1. Before mailing the Ballots, the Office of the Election Supervisor ("OES") will use reasonable efforts to verify the addresses of all IBT members and correct any incorrect addresses. OES will contact the International union, employers of IBT members and Local Unions as appropriate and necessary to verify and correct addresses of Union members. OES will also maintain a toll-free telephone number for use by any Union member seeking to correct his/her address or to obtain a ballot or duplicate ballot.

2. For the purpose of the 2011 IBT International officer election, OES is authorized to require the IBT and/or its subordinate entities to correct, amend, supplement and/or add address information maintained for members, including information maintained on the IBT TITAN system, and information maintained on member databases of the GCC, the BLET and the BMWED. On the day of the ballot mailing, OES will request a list of any IBT members who became active after the date the initial mailing list was generated and, upon receipt of such supplemental mailing list will mail a ballot to all members whose names appear on that supplemental list. OES is also authorized to require the IBT and/or its subordinate entities to perform such other measures the Election Supervisor determines necessary to ensure the security of ballots and the appropriate processing of voted ballots.

IV. THE COUNT SITE

1. All Ballots will be counted at the Count Site.
2. No one will be permitted at the Count Site without an identification badge. OES will provide information at a later date on how to obtain badges.
3. OES will maintain a bulletin board at the Count Site for posting of official notices to Candidates, Candidate observers, Slate representatives and representatives of the news media.
4. On or about October 3, 2011, OES will announce the dates and times when Ballot sorting will take place.

5. During the period that Ballots are being counted, counting will occur from day to day, including Saturdays and Sundays but excluding holidays, starting at 7:30 a.m. and concluding not later than 11:30 p.m. Notice of any schedule change will be posted on the Count Site bulletin board.

V. OBSERVERS

1. In accordance with Article IX of the *Rules*, observers may be present at each phase of the Ballot sorting and counting processes. The right to observe includes the right to be present when the Ballots are being sorted or counted, as well as the right to be present while the Ballots are being sorted in the Ballot security room.

2. In order to be allowed to observe, an observer must have a written credentials in the form prepared by OES and signed by the candidate or the authorized representative of a Slate.

3. The Election Supervisor may limit the number of observers permitted for each Candidate or Slate if security, space limitations or other considerations require. Each Candidate on a Slate will be deemed to be represented by each and every other candidate on the Slate and by all observers authorized by the Slate or by any candidate on the Slate.

4. No observer may touch or handle: a) any Ballot, secret Ballot security sleeve or business-reply mail envelope in which a voted Ballot is returned; b) any of the equipment, including the ballot trays, electronic ballot-counting machinery and envelope-slitting devices utilized in sorting and counting the Ballots; or c) any Election Control Roster or eligibility checking equipment or data. Any observer who fails to abide by the *Count Rules* or otherwise interferes with the work being performed by OES may be removed and barred from the Count Site.

5. One-half hour after the cessation of Ballot-sorting or counting on each day when Ballots are sorted or counted, the Count Site will be cleared of all persons other than OES personnel, observers who are observing the Ballots in the ballot security room and any persons who have obtained the Election Supervisor's authorization.

6. Other than days when Ballots are being sorted or counted, no observers other than those observing the Ballots in the ballot security room will be permitted at the Count Site.

VI. COUNTING THE BALLOTS

1. Ballots will be counted by mechanical/electronic counting devices in accordance with Article IV, § 9 of the *Rules*.

2. Each ballot counting device will be subject to a logic and accuracy test in the presence of observers at the beginning and conclusion of the count. The pre-count test will occur on November 14, 2011 at a time to be announced. A test packet of Ballots will be marked for various Candidates and Slates. Observers will be offered an opportunity to mark some of the test Ballots. The test Ballots will then be tabulated by machine, which results will be verified by a hand count

before beginning the count of the actual Ballots. After this test is concluded, the counting devices will be reset so that all tabulation columns are set to zero.

The same test will be run again on each counting device with the same batch of test Ballots after all Ballots have been counted. The results of this test will be compared with the results of the pre-count test. The test Ballots and the printout results from the machine and hand tabulations from the pre-and post-count test will be placed in a sealed envelope and stored with the election materials.

3. Ballots will be counted by Local Union within each IBT region. Ballots for more than one Local Union within any IBT region may be counted simultaneously. OES will count ballots for only one IBT region at a time. The order in which regions are counted shall be determined by lot, except that the ballots in Teamsters Canada will be counted last.

4. OES will try to give advance notice of the tentative date and shift of the commencement of the processing of the Ballots cast by members of a particular local union. Absent unusual circumstances, the notice will not be provided more than two hours before the beginning of the shift during which the Ballots will be counted. OES will post the notice on the Count Site bulletin board.

5. After the vote count is completed for a Local Union, a tally sheet will be posted at the Count Site and copies will be available to Candidates, Slates, observers, Candidate representatives, Slate representatives and members of the media.

6. Each day at 4:00 p.m. the Election Supervisor will announce the total votes for Candidates cast in the Local Unions whose tally sheets have been posted at the Count Site at or before 2:00 p.m. that day. The daily results of the election will be posted and copies made available to Candidates, Slates, observers and media representatives. Daily tabulation totals will also be posted at www.ibtvote.org. A notice of the time and place of the daily announcement will be posted on the Count Site bulletin board.

7. At the conclusion of the Ballot count, the Election Supervisor will place at a secure location to be announced the computer chips used in each counting device, as well as a computer copy of the counting devices' source code and the database created by each device in reading Ballots fed through it. Such information will be retained at this secure location for at least one year from the final certification date. Such information will not be subject to inspection by anyone, except that the Election Supervisor or the Election Appeal Master may order an examination of the computer codes or data by an expert. The expert's examination will be conditioned upon a strict confidentiality agreement or order in light of the vendor's proprietary interest in the secrecy of the source code and other computer data. In no event will any Candidate representative or expert have any access to the computer codes or data. The source code information will be returned to the election vendor unless the Election Supervisor or Election Appeal Master otherwise orders.

8. After the Ballots are counted, the Election Supervisor will announce the results on a union-wide and regional basis. A notice of the time and place of such announcement will be posted on the Count Site bulletin board.

9. The Election Supervisor will cause the IBT to publish the results of the election in sufficient quantity for distribution to all subordinate entities and candidates. The results will be published on a union-wide basis and by region and Local Union.

VII. CHALLENGE PROCEDURES

1. Challenge to voter eligibility

a. Before the Ballot count begins, the eligibility of each member who casts a Ballot will be checked by electronic means. The Election Supervisor or any observer may challenge the eligibility of any member. Any observer challenge must include the reason(s) for the challenge and be accompanied by documentary evidence, if any.

b. Meritless observer challenges will not be entertained. The Election Supervisor may declare meritless any challenge not supported by documentary evidence.

c. Any Ballot challenged by the Election Supervisor will be so marked and the Ballot segregated. Any Ballot challenged by an observer (when the challenge is found meritorious by the Election Supervisor) will be marked with the name of the challenger and the reasons for the challenge and the Ballot segregated with any other challenged Ballots of that Local Union.

d. Neither the IBT, any officer or employee of the IBT, any Local Union, any officer or employee of any Local Union, any other IBT subordinate body, or any officer or employee of any IBT subordinate body will provide any observer, Candidate or Slate with information regarding the eligibility of any IBT member or information regarding the dues or initiation payment records of any IBT member unless: 1) all Candidates and Slates are notified in advance of the availability of such information; and 2) such information is provided within one business day to any Candidate or Slate requesting such information.

e. In the event that only one (1) member of any Local Union shall cast a ballot, in order to preserve the secrecy of the voter's identity, candidate and slate observers will not be advised of the identity of the voter, but shall be advised if the voter is determined to be eligible or challenged in accordance with the records obtained by OES from the IBT.

2. Challenges to Remade/Remarked Ballots

a. All Ballots not challenged or voided will be counted by the counting devices. All Ballots which cannot be counted will be transported to the remark/remake area.

b. OES will review each Ballot to determine the intent of the voter. Where that intent is clear, OES will remark or remake the ballot in accordance with that intent so that the Ballot

may be counted by the electronic counting machine. Ballots will be remarked unless the Ballot is torn, crumpled or otherwise mutilated, in which case a new ballot will be prepared ("remade") reflecting the intent of the voter. When a new Ballot is prepared, both the original Ballot and the remade Ballot will be marked with identical sequence numbers, the original Ballot segregated and the remade Ballot counted.

c. The Election Supervisor or any observer present may challenge remarking or remarking the Ballot on the ground that the intent of the voter is not clear. Challenges by the Election Supervisor will be final and the Ballot will be marked as a challenged Ballot and segregated

d. If an observer challenges a Ballot that is subject to being remade or remarked and the challenge is recognized by the Election Supervisor, the Ballot will be designated as a challenged Ballot, segregated and grouped with all other challenged Ballots of that local union.

e. All other Ballots not segregated as challenged Ballots will be remarked or remade and counted. On any Ballot in which the intent of the voter was challenged by an observer but the challenge was not recognized by the Election Supervisor, upon the request of the observer, the Election Supervisor will note that the Ballot was counted over challenge by marking on the Ballot the name of the challenger and the basis for the challenge. The failure of an observer to make such request will nullify any post-election protest.

g. If a challenge was not resolved to the satisfaction of the challenger in accordance with the procedure described above, a post-election protest may be filed in accordance with Article XIII, § 3(a) of the *Rules*.

4. Void Ballots

All Ballots cast such that the secrecy or integrity of the Ballot cannot be preserved will be voided by the Election Supervisor. This includes situations where:

- (a) the member places his/her name or other markings on the Ballot sufficient to identify him/her;
- (b) the names of candidates or slates have been torn off the Ballot;
- (c) the return envelope has been opened and resealed;
- (d) the label on the return envelope has been removed or the return envelope is missing the member's name, address, or social security number.

5. Resolving challenges

If it is necessary to resolve any challenged Ballots, the time and place for challenge resolution will be announced by the Election Supervisor following the Ballot count. Challenges to Ballots will be handled in accordance with Article IV, § 9 of the *Rules*.

VIII. RECOUNTS

1. Automatic Recounts

a. Where the winning margin of votes between two or more Candidates for vice president from an IBT region is less than three percent of the total votes counted, upon the request of a Candidate for vice president from that IBT region who is not a successful Candidate by reason of the three-percent margin or of the authorized representative of any Slate with which such Candidate is affiliated, the Election Supervisor will recount all Ballots for that region by mechanical/electronic counting devices.

b. Where the winning margin of votes between two or more Candidates for general president, general secretary-treasurer, trustee or vice president-at-large is less than three percent of the total votes counted, upon the request of a Candidate for general president, general secretary-treasurer, trustee or vice president-at-large who is not a successful Candidate by reason of the three-percent margin or of the authorized representative of any Slate with which such candidate is affiliated, the Election Supervisor will recount all ballots by mechanical/electronic counting devices.

2. Other Recounts

In all other cases the Election Supervisor will honor the request for a recount from a Candidate or Slate upon the agreement of such Candidate or Slate to pay the costs incurred. The Election Supervisor may require the Candidate or Slate to deposit with OES a sum of money the Election Supervisor reasonably calculates to cover the costs that will be incurred in performing the recount. If, as a result of such recount, the Candidate requesting it is declared to be the winning candidate, the monies deposited will be returned and the recount costs will be paid by the Union. Otherwise, the Election Supervisor will retain that portion of the deposited funds necessary to defray actual costs and expenses.

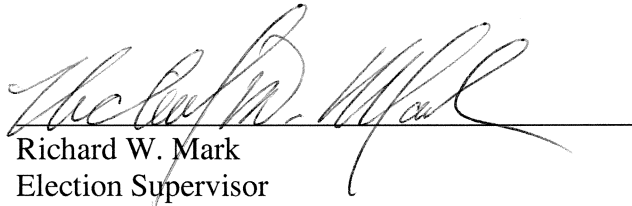
3. Recounts other than by the Electronic Counting Machine

Where a Candidate or Slate requests that Ballots for a Local Union(s), a region(s) or the International union be recounted by manual tabulation and such Candidate or Slate has deposited with the Election Supervisor a sum of money the Election Supervisor reasonably calculates to cover the cost that will be incurred in recounting the ballots by manual tabulation, the Election Supervisor will recount the ballots in accord with the request received. If, as a result of such recount, the IBT Candidate requesting the recount or any Candidate on the Slate requesting the recount is declared to be the winning Candidate, the monies deposited will be returned and the recount costs will be paid by the Union. Otherwise, the Election Supervisor will retain that portion of the deposited funds necessary to defray actual costs and expenses.

IX. MEDIA ACCESS

1. Representatives of the news media are required to register and obtain a press badge to gain entry to the Count Site.
2. An area at the Count Site will be designated as a press room. Except as noted below, representatives of the news media will only have access to the reception area, the office areas of the Candidates and Slates, and the press room.
3. At times to be announced, the Election Supervisor will designate an area within the rooms at the Count Site where the Ballots are being counted for still photographers and video camera operators. Photographers or camera operators interfering with the counting of Ballots will be removed from the counting areas by the Election Supervisor.
4. On a daily basis commencing November 14, 2011, and continuing until the count is completed, the Election Supervisor will hold a press briefing at or about 4:00 p.m. The room in which such daily press briefings will be held will be posted on the Count Site bulletin board. At each press briefing the Election Supervisor will announce the total votes for Candidates cast in the Local Unions whose complete tally sheets have been posted at or before 2:00 p.m. of the day on which the press briefing is held. The vote totals will be provided on union-wide and regional bases.

Dated: October 7, 2011
Washington, D.C.


Richard W. Mark
Election Supervisor