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SUPPLEMENTAL RULES FOR THE CONDUCT OF THE 2021 IBT INTERNATIONAL OFFICER MAIL BALLOT ELECTION

These *Supplemental Rules for the Conduct of the 2021 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 2020-2021 IBT International Union Delegate and Officer Election* (“*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 . . .” Article IV, Section 9(e). The General Executive Board has approved these *Count Rules*.

I. DEFINITIONS

1. “Ballot” means a ballot printed for use in the 2021 IBT International officer mail ballot election.
2. “Candidate” means a candidate successfully nominated for the ballot at the 30th International IBT Convention held in June 2021, for a position as an IBT International officer.
3. “Count Site” means the Election Supervisor’s Count Site, located at 4000 Wheeler 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 Employees Division (“BMWED”).
5. “Office of the Election Supervisor” or “OES” 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 *Election Rules*.

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

II. TIME TABLE FOR ELECTION-RELATED EVENTS

1. Ballots will be mailed on October 4, 2021.
2. The counting of Ballots will begin at 7:30 a.m. on November 15, 2021 at the Count Site and will continue from day to day until completed.

III. PRE-ELECTION PREPARATION

1. Before mailing the Ballots, the Office of the Election Supervisor will use reasonable efforts to verify the addresses of all IBT members, correct any incorrect addresses, and seek additional information for incomplete addresses. OES will contact the Union and employers of IBT members 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 2021 IBT International officer election, OES is authorized to require the Union to correct, amend, supplement and/or add address information maintained for members, including such information maintained on the IBT TITAN system, information maintained on member databases of the GCC, the BLET and the BMWED, or information maintained on any Local Union database. 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. No one will be permitted to enter the Count Site without first providing proof of vaccination for COVID-19. Persons inside the Count Site space will be required to comply with health and safety protocols to contain the spread of COVID-19 including wearing protective face coverings, or social distancing requirements applicable in Alexandria, VA. Any person experiencing any symptoms of COVID-19 (such as cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, headache, sore throat, or a new loss of taste or smell), or any person that knows he or she had been directly exposed to anyone with a known or suspected COVID-19 case should not enter the Count Site.

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4. 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. Notices posted at the Count Site bulletin board will also be posted on www.ibtvote.org.

5. On or about October 1, 2021, OES will announce the schedule for sorting returned Ballot packages.

6. 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. each day. Notice of any schedule change will be posted on the Count Site bulletin board and on www.ibtvote.org.

V. OBSERVERS

1. Observers may be present at each phase of the Ballot sorting and counting processes. *Election Rules*, Article IV, Section 10. The right to observe includes the right to be present when the Ballots are being picked up from the post office, sorted at the Count Site during the pre-count period, or counted, as well as the right to be observe while the Ballots are being sorted in the Ballot security room.

2. An observer must have a written credential in the form prepared by OES and signed by the candidate or the authorized representative of a Slate. Only members in good standing of the Union may be designated as observers.

3. The Election Supervisor may limit the number of observers permitted for each Candidate or Slate if security, space limitations, COVID-19-related public health rules or guidelines, 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. NON-OBSERVER GUESTS

1. Any Union member in good standing who is not credentialed observer may request to tour the Count Site during the pre-count period or during the Ballot count (a “Non-Observer Guest”). Requests for a Count Site tour must be submitted to ElectionSupervisor@IBTVote.Org at least two business days in advance of the desired tour date.

2. A Non-Observer Guest may tour the Count Site only with an OES escort.

3. A Non-Observer Guest may not act as an observer. A Non-Observer Guest cannot make challenges to any ballot.

4. The Election Supervisor may limit the number of Non-Observer Guests if security, space limitations, the availability of OES staff to accompany such guests, COVID-19-related public health rules or guidelines, or other considerations require.

5. No Non-Observer Guest 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 non-observer guest 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.

6. The Election Supervisor, in his discretion, may admit non-Union members as guests to the Count Site. Any non-Union member guest must be accompanied at the Count Site by an OES escort. Any non-Union member guest at the Count Site is subject to the same restrictions on conduct as a Non-Observer Guest.

VII. COUNTING THE BALLOTS

1. Ballots will be counted by mechanical/electronic counting devices.

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 15, 2021 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

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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 Election Supervisor will announce the order in which regions will be counted, subject to the mutual agreement of the Slates. If the Slates are not able to agree, 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. If an IBT member otherwise eligible to vote has returned a Ballot for an IBT region that is not the IBT region in which that member's Local Union is located, the Ballot as returned will be rejected by the mechanical/electronic counting device. Such Ballot shall be remade in accordance with Section VIII(3) of these *Count Rules*, but only votes for at-large candidates shall be reflected on the remade Ballot, and any vote for regional officers shall be disregarded on the remade Ballot.

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

7. 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 at the Count Site and on www.ibtvote.org, and copies made available at the Count Site to Candidates, Slates, observers and media representatives. A notice of the time and place of the daily announcement will be posted on the Count Site bulletin board.

8. 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

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information will be returned to the election vendor unless the Election Supervisor or Election Appeal Master otherwise orders.

9. 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.

10. 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.

VIII. CHALLENGE PROCEDURES

1. Pre-Count challenges to voter eligibility

a. Each slate may conduct a limited inspection of the Election Control Rosters (“ECR”) that will be used to determine member eligibility to vote at the Count. The inspection will take place on Saturday, November 13, 2021 between the hours of 8:00 a.m. and 1:00 p.m. at the Count Site.

b. Each slate may have not more than three credentialed observers in the inspection room at one time. Names of the candidates or credentialed observers who will be conducting the inspection must be provided to OES by 5:00 pm EST on Thursday, November 11, 2021.

c. Each slate may identify not more than ten Local Unions ECRs for inspection.

2. Challenges to voter eligibility at the Ballot Count

a. Any Union member in good standing may challenge a specific member’s eligibility to vote. Any written challenge to member eligibility must be submitted to OES by 2:00 pm EST on November 13, 2021. A written challenge must include: 1) the full name, local union, and last four digits of the social security number of the member submitting the challenge; 2) the full name the challenged member and the local union to which the member belongs or is claimed to belong; and 3) a complete explanation of the basis for the challenge.

b. OES uses a computerized system to check voter eligibility. Operation of the eligibility checking system will be demonstrated at 6:30 p.m. EST on November 14, 2021 at the Count Site. Up to 4 representatives (who are not required to be candidates or authorized observers) of each slate may attend the test, which includes the right to select the names of members whose eligibility is to be checked by the system and the right to compare the results of the system check with printed ECRs.

c. The process of counting ballots by Local Union begins by using the computerized eligibility checking system to determine the eligibility of each member who returned

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a Ballot package. 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.

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

e. 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.

f. 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.

g. In the event that only one (1) member of any Local Union shall cast a Ballot (a "Lone Ballot"), OES shall take the following steps to preserve the secrecy of the voter's identity. During the Ballot count, OES will likely identify returned Ballot envelopes that were mis-filed in the wrong IBT Region ("Stray Ballots"). It has been OES's standard practice to collect the Stray Ballots and count them, by Region (not by Local Union), after completing the initial tabulation of Ballots by Local Union.

Any Lone Ballot shall be held until the end of the tabulation of Ballots by Local Union for determination of eligibility and counting with the Stray Ballots.

If there are no Stray Ballots from the Region in which the Lone Ballot Local Union is located, eligibility of the Lone Ballot voter will be checked. 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.

3. 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

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remade Ballot will be marked with identical sequence numbers, the original Ballot segregated and the remade Ballot counted.

c. Candidates and observers will be provided with the OES guidelines for determining the intent of the voter based on ballot markings.

d. The Election Supervisor or any observer present may challenge remarking or remaking 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

e. 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.

f. 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 preclude 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, Section 3(a) of the *Election 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, Section 9 of the *Election 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 accordance 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.

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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 15, 2021, 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 4, 2021
Washington, D.C.


Richard W. Mark
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