

OFFICE OF THE ELECTION SUPERVISOR  
for the INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
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WASHINGTON, D.C. 20036  
844-428-8683 TOLL FREE  
202-925-8922 FACSIMILE  
[electionsupervisor@ibtvote.org](mailto:electionsupervisor@ibtvote.org)  
[www.ibtvote.org](http://www.ibtvote.org)

Richard W. Mark  
Election Supervisor

January 18, 2021

Mr. Sal Lomeli  
Secretary-Treasurer  
IBT Local Union 439  
[sal@teamsters439.com](mailto:sal@teamsters439.com)

**Re: IBT Local 439 Amended Local Union Delegate Election Plan**

Mr. Lomeli:

I am in receipt of the January 16, 2021 emailed letter from IBT Local 439 Attorney Costa Kerestenzis requesting amendments to the Local Union Election Plan filed by IBT Local 439. The changes are listed below.

- 1. The IBT Local 439 Nomination Meeting will be held virtually. The Local will post an amended nomination notice with specific instructions on participating in the virtual meeting on bulletin boards and the Local's Facebook page.**
- 2. In addition to the email address identified in questions 3(d) of the Local Union Election Plan, written nominations, seconds and acceptances maybe sent to [info@unilct.com](mailto:info@unilct.com).**

The requested amendments hereby approved. The *Revised Plan Summary* included here must replace the summaries that are currently posted on all Local Union bulletin boards. Please post the new summaries immediately and within 3 days of posting, submit a declaration (Election Supervisor Form 3) to the election office that posting has been completed. If you have any other questions, please contact OES Regional Director Deborah Schaaf who is copied on this letter.

Very truly yours,



Richard W. Mark  
Election Supervisor

cc: Deborah Schaaf, Regional, Director  
Costa Kerestenzis, Attorney for IBT Local 439

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Richard W. Mark  
*Election Supervisor*

### REVISED IBT LOCAL UNION 439

#### **Plan Summary for Election of Delegates and Alternate Delegates to the IBT Convention MEETING TO BE HELD VIA ZOOM. AN IN-PERSON MEETING WILL NOT BE HELD.**

IBT LU 439 is entitled to elect 7 delegate and has chosen to elect 2 alternate delegates to the June 2021 IBT International Convention. The expenses of all of the delegates and alternate delegates will be paid by the Local. The Election Supervisor has approved the plan for conducting nominations and elections. The important details of the plan are summarized below.

#### **NOMINATION**

**When & Where:** Due to COVID-19 restrictions, the meeting will be conducted virtually, via Zoom, on Wednesday, February 17, 2021 at 7:00 PM. An in-person meeting will not be held. IBT LU 439 will post an Amended Nominations Notice on bulletin boards and IBT LU 439 Facebook page with additional instructions for attending the meeting. For more information, call IBT LU 439 at (209) 948-9592.

**Who Can Attend:** Any active member may attend the meeting.

**Who Can Run:** A member must be in continuous good standing for a period of twenty-four months prior to the month of February, 2021.

**Who Can Nominate:** Members in good standing (full dues paid through January, 2021) may nominate or second the nomination of a candidate or slate of candidates.

**Nominations:** Nominations may be made or seconded orally at the virtual nomination meeting. **MEMBERS ARE STRONGLY URGED to submit nominations, seconds and acceptances in writing** to the Secretary-Treasurer at IBT Local 439, 1531 E. Fremont Street, Stockton, CA 95205 or emailed to [info@unilect.com](mailto:info@unilect.com) prior to the deadline of 5:00 PM on Wednesday, February 17, 2021. It shall be signed by the member submitting the nomination or second and shall provide his/her complete mailing address. The submitting individual may also choose to provide the last four digits of his/her SSN.

**Candidate Acceptance:** A member may accept nomination in person, or if absent from the meeting, by furnishing a written acceptance to the presiding officer not later than the time the member is nominated. It shall be signed by the member submitting the acceptance and shall provide his/her complete mailing address. The submitting individual may also choose to provide the last four digits of his/her SSN.

**Eligibility Deadline:** Dues must be paid at IBT Local 439, 1531 E. Fremont Street, Stockton, CA 95205 by 5:00 PM on Wednesday, February 17, 2021.

#### **ELECTION**

**Mail Balloting:** All members should receive a ballot at their home address before Monday, March 29, 2021. Any member not receiving a ballot by that date should request a ballot by calling IBT 439.

**Voting Deadline:** VOTED BALLOT MUST BE RETURNED BY MAIL IN TIME FOR RECEIPT NO LATER THAN 9:00 AM ON THURSDAY, APRIL 15, 2021.

**Eligibility Deadline:** Dues must be paid at IBT Local 439, 1531 E. Fremont Street, Stockton, CA 95205 by 5:00 PM on Wednesday, April 14, 2021.

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For more details contact IBT LU 439—or your OES Regional Director, Deborah Schaaf,  
1521 Grizzly Gulch Dr, Helena MT 59601, Telephone: (607) 227-6474 • E-mail: [dschaaf@ibtvote.org](mailto:dschaaf@ibtvote.org)

*This summary must remain posted until 30 days after the date of posting of the names of the elected delegates and alternates, whether chosen by white ballot or as a result of a contested election.*

OFFICE OF THE ELECTION SUPERVISOR  
FOR THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
c/o 4423 Lehigh Road, #439  
College Park, MD 20740  
844-428-8683 Toll Free  
electionsupervisor@ibtvote.org  
www.ibtvote.org

Richard W. Mark  
*Election Supervisor*

VIA EMAIL: ken@teamsters439.com

Mr. Ken D. Guertin  
Secretary-Treasurer  
IBT Local Union 439  
1531 East Fremon Street  
Stockton CA 95205

Dear Mr. Guertin:

The Office of the Election Supervisor (OES) has approved the Local Union Election Plan for:

**IBT Local Union 439**

This letter provides you with the approved Plan and a Local Union Plan Summary that contains all the relevant information on the nomination and election of delegate(s) and alternate delegate(s) in your Local. The Plan and Summary were prepared from the information your local submitted to OES, and state the procedures the Local committed to follow to conduct the election. Please check the Plan Summary to ensure that all the information is accurate and that the Local is prepared to implement it as stated.

The *Rules* require the Local to post the Plan Summary on all Local Union bulletin boards as soon as possible, but in no event later than seven (7) days from the date that you receive this letter. *See* Article II, Section 4(h). The Plan Summary must be posted on Office of the Election Supervisor letterhead just as it is being transmitted to you. The posting must be maintained throughout the entire nomination and election period.

That subsection of the *Rules* also requires that within three (3) days of the posting, you must provide a declaration to the Election Supervisor attesting to the fact that the Plan Summary was posted as required and identifying every bulletin board site, by employer and location, where the Plan Summary was posted and the individual(s) responsible for posting and maintaining the Plan Summary at each site. ES Form 3, available on the Election Supervisor's website, [www.ibtvote.org](http://www.ibtvote.org), under "Official Forms" may be used for the declaration.

Please do not hesitate to call me, or your Regional Director, if you have any questions or need assistance.

Very truly yours,



Richard W. Mark  
*Election Supervisor*  
October 8, 2020

cc: Deborah Schaaf  
dschaaf@ibtvote.org

Attachments

# 2020-2021 LOCAL UNION ELECTION PLAN

## Local Union IBT 439

**Principal Officer:** Mr. Ken D. Guertin  
Secretary-Treasurer  
**Address:** 1531 East Fremon Street  
Stockton, CA 95205  
USA  
**Phone / Email:** (209) 948-9592  
ken@teamsters439.com

### GENERAL INSTRUCTIONS

The *Rules for the 2020–2021 IBT International Union Delegate and Officer Election ("Rules")* require every local union to submit a Local Union Plan for the election of delegates and alternates to the IBT International Convention. The Local Union must prepare and submit its plan using the Office of the Election Supervisor's web-based system (the "LUEP System").

The LUEP System requires detailed information from each Local Union about how it will perform the specific tasks and procedures that must be followed to nominate and elect IBT convention delegates and alternate delegates. Once the Local Union Plan is reviewed and approved in writing by the Election Supervisor, the local must conduct its delegate elections in the exact manner described in the approved Plan.

Any local may seek modification of, or exemption from, any provision of the Rules by written application to the Election Supervisor. A request for modification or exemption must explain the reason or need for the requested change and shall clearly state any alternative means that the local proposes for guaranteeing the fair and honest conduct of the nomination and election process. Modifications and exemptions will only be granted for extraordinary circumstances.

**IMPORTANT NOTE:** Is your local seeking a modification of, or exemption from, the Rules, that you have not previously requested and been granted? Yes

Please enter any modifications of, or exemption from, the Rules your local union is requesting below:

Due to Covid-19 and CDC, state and local guidelines and restrictions, the local union may seek a modification from the Rules particularly with regard to conducting the Nomination Meeting in person or virtually.

Has your local requested and received approval for any modifications of the Rules, or any version of the Rules, that governed any previous IBT delegate election? No

If you have any questions about the information to be entered into the LUEP System, or how to enter it, contact your Regional Director, Deborah Schaaf, via email at [dschaaf@ibtvote.org](mailto:dschaaf@ibtvote.org) or telephone at (607) 227-6474.

### THE ELECTION SUPERVISOR'S ADDRESS IS:

Office of the Election Supervisor  
for the International Brotherhood of Teamsters

1990 M Street, NW, Suite 650  
Washington, DC 20036

Toll Free Phone Number: 1-844-428-8683  
[Electionsupervisor@ibtvote.org](mailto:Electionsupervisor@ibtvote.org)  
[www.ibtvote.org](http://www.ibtvote.org)

## **DEADLINE FOR SUBMITTING THE LOCAL UNION PLAN**

**Seasonal Election – June 1, 2020**

**Fall Election - June 30, 2020**

**Winter/Spring Election - September 30, 2020**

**Seasonal Elections:** Any local union in which ten percent (10%) or more the membership is employed by a seasonal food industry. These Local Unions will be notified by the Election Supervisor of their seasonal status.

**Fall Elections:** Any local with a regularly scheduled local union officer election in the fall of 2020 may choose to hold a fall delegate and alternate delegate election. If the Local Union chooses to elect delegates in the fall, the Local Union Plan must be submitted on or before June 30, 2020. Any local that does not submit its plan by this date shall be required to conduct delegate nominations and elections during the winter and spring of 2021.

If the Local Union chooses to hold delegate and alternate elections in the fall of 2020, the delegate and alternate delegate nominations and elections must be conducted entirely separate from the Local Union's officer elections. Contact the Election Supervisor or the Regional Director at the address listed above with any questions regarding how to conduct separate delegate and officer nominations and elections.

**Winter/Spring Election:** All other local unions shall submit a Local Union Plan on or before September 30, 2020. A local union that does not submit a plan by this date will have to conduct its delegate election according to a plan imposed by the Election Supervisor. The cost of planning and conducting the election will be the responsibility of the local union.

Please follow the instructions of the on-line LUEP form and provide the information that the LUEP system will use to generate the Local Union election plan.

## **Section 1. Responsibility to Conduct the Election**

All elections must be conducted by mail ballot in accordance with the Rules. Ballots can be counted by hand or by mechanical device. Each local union has the option of either conducting its own delegate nomination and election, or hiring an outside agency to conduct the election.

A local union that chooses to conduct the nomination and election process without an outside agency has two options:

- **Appoint an election committee** (check local by-laws to see if this is required). Each candidate for office may designate one member of the local for service on the local union election committee, who shall be appointed by the President or Secretary-Treasurer.

- **Permit the local executive board to conduct the election.** If this option is chosen, any local union officer or member who intends to seek nomination for delegate or alternate delegate, or who is a candidate for either position may not serve on the local union election committee and may not conduct the nomination or election of delegates or alternate delegates.

## INSTRUCTIONS

Select from the drop-down choice whether the local union will conduct the nominations itself (either by election committee or the executive board), or will engage an outside agency. If the Local Union will use an outside agency, fill in the additional information regarding the name and address of the agency, the functions to be performed, and whether the local union has used that agency before. If the local union proposes to use an election committee, provide the names of committee members.

## QUESTIONS

**1(a). Who will conduct the local union nomination meeting?**

Outside Agency

Details:

UNILECT ELECTION SERVICES  
P.O. BOX 3026  
DANVILLE CA, 94526  
Tel: 1.888.864.5328 Ext 13 Office (1.888.UNILECT)  
Email cburkhart@unilect.com

**1(b). Who will conduct the local union election?**

Outside Agency

Details:

UNILECT ELECTION SERVICES  
P.O. BOX 3026  
DANVILLE CA, 94526  
Tel: 1.888.864.5328 Ext 13 Office (1.888.UNILECT)  
Email cburkhart@unilect.com

## Section 2: Number of Delegates and Payment of Expenses

The local union must pay the convention expenses of all its elected delegates. A local union may only propose to send less than a full complement of delegates because of financial inability. To request an exemption, the local union must first demonstrate actual financial inability to the International General Secretary-Treasurer and then submit the request and any determination of the International General Secretary-Treasurer to the Election Supervisor for approval. If a local union receives approval to send less than the full complement of delegates, the candidate(s) receiving the highest number of votes in the delegate election or, in the case of uncontested elections, the candidate(s) ranked highest in the lottery shall be sent to the Convention.

## INSTRUCTIONS

**Question 2(a)** – Fill in the number of delegates to be elected to the IBT Convention.

**Question 2(b)** - Fill in the number of alternate delegates to be elected to the IBT Convention.

**Question 2(c)** – Indicate whether the local union will pay expenses for all of its delegates elected to the IBT Convention. If the local union seeks not to pay for some or all of the elected delegates, a "financial inability" exemption must be requested from the International General Secretary-Treasurer.

A local union need not pay expenses of any or all of its alternate delegates to the IBT Convention, but must make the decision on whether to do so as part of the Local Union Plan.

**Question 2(d)** – Indicate whether the local union will pay expenses of all alternate delegates to attend the IBT convention. If not, indicate the number, if any, of alternate delegates for whom the local union will pay expenses.

**A Local Union may not pay IBT Convention expenses of any non-delegate or non-alternate delegate officer, member, or guest, unless it sends all of its delegates and alternate delegates to the Convention and pays their Convention Expenses.**

2(a). How many delegates are to be elected to the IBT Convention?	7
2(b). How many alternate delegates are to be elected to the IBT Convention?	2
2(c). Will the local union pay expenses for all of its delegates elected to the IBT Convention?	Yes
2(d). Will the local union pay expenses for all of its alternate delegates elected to the IBT Convention?	Yes

### Section 3: Nomination Meeting Dates

The *Rules* provide that a candidate can be nominated and seconded and can accept a nomination in writing. Each local may choose to only have one nomination meeting. If a local union is having a regularly scheduled officer election in the fall of 2020, it may decide to conduct the IBT Convention delegate and alternate nomination and election in the fall. The local union's election schedule must provide at least twenty-one (21) days from the mailing of the nomination notice to the date of the first nomination meeting, and provide for at least thirty (30) days between the date of the Local Union's last nomination meeting and the date the ballots are mailed.

The nomination period for fall delegate and alternate delegate nominations is September 1, 2020 – November 7, 2020

Local unions that do not have a regularly scheduled local union officer election in the fall of 2020 must hold the Convention delegate and alternate delegate nomination(s) meeting between January 4, 2021 and March 7, 2021.

### INSTRUCTIONS

**Question 3(a)** — Indicate the number of nomination meetings the local union will hold.

**Question 3(b)** — For each nomination meeting, provide the date, time, and location of the meeting; indicate whether the location has changed from the last set of delegate nomination meetings [Y/N]; indicate whether



the nomination meeting is scheduled for a date other than a regularly scheduled general membership meeting [Y/N] and, if it is not on the date of a regularly scheduled general membership meeting, provide an explanation. Also provide the date and location of the office where written nominations and seconds may be delivered up to 5:00 pm of the day preceding the nomination meeting. Also provide the location, deadline date and time for payment of dues for nomination meeting eligibility. (Or, if zero meetings are scheduled, provide the general written-nomination and eligibility-dues deadline details.)

A written nomination or second must be received by the Local Union Secretary-Treasurer no later than 5:00 PM of the day immediately prior to the day of the nomination meeting. Thus, if a nomination meeting is held on a Sunday or Monday (or a day after a holiday) the union office must be open until 5:00 PM on the preceding day, that is, the Saturday, Sunday or holiday, to receive written nominations.

Notice of the nomination meeting must be mailed to each member of the local union at least twenty-one (21) days before the first nomination meeting.

**Question 3(c)** — Provide the mailing address for the receipt of written nominations, seconds and acceptances via US mail, UPS or other delivery service.

**Question 3(d)** — Provide an email address for the receipt of written nominations, seconds and acceptances.

The IBT Constitution provides that members of the local union who are in arrears in the payment of their dues can pay their arrearage in order to be eligible to participate in the election. A member that pays all arrearages at any time before the regular close of business on the last business day before the nomination meeting must be allowed to participate in the meeting.

**Question 3(e)** — Due to the COVID-19 pandemic, local governments have issued orders or recommendations to close businesses or your union may have decided to close for public health reasons. If your union office is closed during any part of the nomination and/or election period, please provide a procedure for cash dues payers to pay their dues in a timely manner.

If the nomination meeting results in a contested election for delegate or alternate delegate, the Notice of Election (OES Form 11) must be posted on all local union bulletin boards not later than seven (7) days after the last nomination meeting. The Notice of Election should be posted on the local union's website, and printed in the local union's newsletter/newspaper or other official publication. Use OES Form 12 to prepare the Notice of Election.

## QUESTIONS

**3(a).** How many nomination meetings will the local union hold?

1

**3(b).** Nomination Meetings

MEETING 1

2/17/2021, 7:00 p.m.

1531 E. Fremont Street, Stockton, CA 95205, (same location)

Regular meeting

Written nomination deadline/location: 2/17/2021 at 5:00 p.m.; 1531 E. Fremont Street, Stockton, CA 95205

Eligibility dues deadline/location: 2/17/2021 at 5:00 p.m.; 1531 E. Fremont Street, Stockton, CA 95205

**3(c).** What is the mailing address members should use to send written nominations, seconds and



acceptances?

1531 East Fremont Street, Stockton, CA 95205

**3(d).** What is the email address members should use to send written nominations, seconds and acceptances?

kpowers@teamsters439.com

**3(e).** If the regular union office is closed due to government "Stay at Home" restrictions or another basis for closure, what steps has the local taken to ensure cash dues payers can still pay their dues in a timely manner?

As is the current practice due to Covid-19 restrictions, dues payers can call the Local, 209-948-9592 (ext. 100 or 101), and pay by credit card and timely payments will be recorded in TITAN.

## Section 4: Mailing the Nomination Notice

The local union must use the official OES Nomination Notice form to provide members with notice of the nomination meeting. Get a copy of the Nomination Notice (Form 7) under the "Official Forms" tab at the OES web site, [www.ibtvote.org](http://www.ibtvote.org), or by contacting OES directly or contacting the local union's OES Regional Director.

The Nomination Notice may be distributed in one of two ways:

- Mail the notice in a separate, first class mailing to each member. If the local union is conducting an officer election at the same time as the IBT Convention delegate and alternate delegate election, the nomination notices for IBT Convention delegate and local officer elections may be mailed in one envelope, but the notices must be printed on separate sheets of paper and the two notices must be on different colored paper.
- Include the notice in the local union or joint council newsletter/newspaper, which is then mailed by first class mail to each member. Note: The newsletter/newspaper may not be mailed more than 90 days before the nomination meeting.

## INSTRUCTIONS

**Question 4(a)** — Choose from the dropdown menu whether the Nomination Notice will be mailed separately to each member, or be published in the local union or joint council newsletter/newspaper. Indicate the format chosen for mailing the notice of nomination meeting; provide the date for mailing the Nomination Notice.

**It is essential the local union have, and maintain, an accurate mailing list with the correct, current home addresses for all of its members to insure that all members receive the Nomination Notice.** The Election Supervisor recommends that the local union update the local union's member address list before mailing Nomination Notices to members.

**Question 4(b)** — Indicate whether the local union will update the local union mailing list before sending the Nomination Notice.

**Question 4(c)** — Provide the date that the local union will mail the Nomination Notice to members.

## QUESTIONS

4(a). How will the local union distribute notice of the nomination meeting to the members?	Publication of notice in local union or joint council newspaper
4(b). Will the local union update the local union mailing list before sending nomination notice?	Yes
4(c). What is the date the local union will mail the nomination notice?	1/4/2021

### Section 5A: Election Dates and Election Procedures

#### Election Dates

The *Rules* require local unions to conduct the election of delegates and alternate delegates using a printed ballot distributed to all eligible members by mail and returned by mail.

*Ballot Mailing Date:* Ballots cannot be mailed until at least thirty (30) days *after* the last nomination meeting.

**Again, it is essential the local union have, and maintain, an accurate mailing list with the correct, current home addresses for all of its members to insure that all members receive a ballot package.** The Election Supervisor recommends that the local union use the returned Nomination Notices to update the local union's member address list before mailing ballot packages.

*Election Date:* The date for the ballot count (Election Day), which is also the deadline for the return of ballots to be counted must be at least 24 days *after* the ballot is mailed. To determine the 24 day period do not count the day the ballots are mailed but do include Election Day.

Election Day must be scheduled on a date that the post office is open for business and the local union is able to pick up the voted ballots returned for counting. Ballots should be picked up from the post office after 9:00 a.m. on Election Day. The ballot count should start at or after 10:00 a.m.

**Fall Election Time Period:** The election time period for fall delegate and alternate delegate elections is October 24, 2020–December 31, 2020.

**Winter/Spring Election Time Period:** The election period for winter/spring delegate and alternate delegate elections is February 27, 2021–April 30, 2021.

## INSTRUCTIONS

**Question 5A(a)** — Provide the ballot mailing date.

**Question 5A(b)** — Indicate whether the local union will update the local union mailing list before sending ballot packages.

**Question 5A(c)** — Provide the ballot count (Election Day) date and the time the ballot count will start.

**Question 5A(d)** — Provide the full address of the location of the ballot count.

## QUESTIONS

<b>5A(a).</b> What is the date the local union will mail ballots to each ballot-eligible member?	3/19/2021
<b>5A(b).</b> Will the local union update the local union mailing list before mailing ballot packages?	Yes
<b>5A(c).</b> What is the date and time the local union will conduct the ballot count?	4/15/2021 11:00 a.m.
<b>5A(d).</b> What is full address of the location of the ballot count?	
1531 E. Fremont Street, Stockton, CA 95205	

### Section 5B: Printing and Mailing Ballots and Storing Election Materials

The ballot package mailed to each eligible member must include:

- Instructions on how to fill out the ballot and return the ballot by mail.
- A ballot.
- A ballot secrecy sleeve or envelope to hold the voted ballot.
- A postage-paid envelope for returning the voted ballot by mail.

Use OES Form 12, available under the "Official Forms" tab at [www.ibtvote.org](http://www.ibtvote.org), for the instructions and ballot form.

Ballots should be printed and mailed at a location in the same geographic area as the local union so that candidates and their observers may easily observe the printing and mailing of the ballots. The local union may contract with one entity to print the ballots, prepare the ballot packages, and mail out the packages. The printer should provide the local union with a count of the exact number of ballots printed; the printer or mailer should provide the local union with the number of ballot packages mailed out, and the number of ballots remaining as printed stock.

If the local union chooses to contract with a union printer or mailing service that is not locally situated, provide an explanation for making that choice. The local may use printing or mailing shops which employ members of the Graphic Communications Conference of the IBT. The local may not enter into a contract with any printer or mailer that employs any members of the local, without obtaining a waiver from OES. If the local wants to use a union printer and mailer and can only locate union shops employing members of your local, the local must request a written waiver from this prohibition.

## INSTRUCTIONS

**Question 5B(a)** — Indicate whether the local union requesting a waiver to use a printer or mailer that employs members of the local.

**Question 5B(b)** — Provide the name and address of the ballot printer, and provide the mileage from the local union's principal office to the address of the printer.

**Question 5B(c)** — Provide the name and address of the ballot mailer, and provide the mileage from the local union's principal office to the address of the mailer.

### Renting Mail Boxes for Returned Ballots and Undeliverable Ballots

The mail ballot procedure requires the local union to rent two post-office boxes:

- One box to hold voted ballots returned by members. The ballots will collect in that post-office box and be held there until Election Day.
- One box to receive ballots that the post office is unable to deliver because the member's address is incorrect.

The local union cannot use an existing post office box where it receives mail for regular business; the boxes to be rented are for use only with the election. The local union should not rent the two post office boxes at the same post office where the local union has a regular business post office box because the U.S. Postal Service might mix up the local's business mail with the ballots.

**Question 5B(d)** — Provide the post office box address the local union will use to receive voted ballots returned by mail, and to hold the ballots until Election Day.

**Question 5B(e)** — Provide the post office box address the local union will use to receive ballot packages returned as undeliverable.

## QUESTIONS

**5B(a).** Is the local union requesting a waiver to use a printer or mailer that employs members of the local? No

**5B(b).** What is the name and address of the ballot printer?

Mailing Systems, Inc. (MSI); 2431 MERCANTILE RD. RANCHO CORDOVA, CA 95742

What is the mileage from the local union's principal office to the address of the printer? 49.9

**5B(c).** What is the name and address of the ballot mailer?

ROADRUNNER PRINTMAIL; 100 RYAN INDUSTRIAL COURT, SAN RAMON, CA 94583

What is the mileage from the local union's principal office to the address of the mailer? 55.9

**5B(d).** What is the post office box address the local union will use to receive voted ballots returned by mail, and to hold the ballots until Election Day?

USPS; 4245 WEST LANE, STOCKTON, CA 95208

**5B(e).** What is the post office box address the local union will use to receive ballot packages returned as undeliverable?

USPS; 2605 CAMINO TASSAJARA, DANVILLE, CA 94526

## Section 6: Ballot Security and Remailing Ballot Packages Returned as Undeliverable

The local union must identify a person responsible for: a) keeping the unused ballot stock in a secure location; b) retrieving ballot packages returned to the post office box as undeliverable and seeking to update member addresses to re-mail ballot packages; c) providing a duplicate ballot to a member that makes such a request; and d) maintaining detailed records of the returned and re-mailed ballot packages.

- **Ballot security.** The local union must safeguard the ballots after printing and mailing, including through the end of the ballot count. At a minimum: (i) Ballots must be secured in a secure and tamper proof location such as a locked filing cabinet or similar container; (ii) if ballot stock is stored in a corrugated box or similar vessel, the vessel must be taped shut with signatures of observers over the tape; and (iii) no candidate can have access to any ballot stock.
- **Remailing.** After ballot packages are mailed, the local union must make frequent visits to the post office and retrieve ballot packages returned as undeliverable. The local must search promptly for information to update the member's mailing address, and re-mail the ballot. Sources to be consulted for updated address information include: (i) the member; (ii) the member's employer; (iii) shop stewards; (iv) health and welfare funds.
- **Responding to member requests for duplicate ballots.** If a member contacts the local union to request a duplicate ballot, the local union must mail out the requested ballot within two days. The local must keep a record of mailing any duplicate ballot so the election officials at the count will know which, if any members were sent duplicate ballots.

## INSTRUCTIONS

**Question 6(a)** — Identify the person responsible for ballot security, and processing re-mail and duplicate ballot requests.

**Question 6(b)** — State the secure location where the local union will keep its unused ballot stock, and how the location is secured.

**Question 6(c)** — State how often, after the ballot packages are mailed, the local union will visit the post office to retrieve ballot packages returned as undeliverable.

## QUESTIONS

**6(a).** Identify the person (name, address, phone, email) responsible for ballot security, re-mail, and processing duplicate ballot requests.

ANDREW AND CATHERINE BURKHART  
 UNILECT ELECTION SERVICES  
 P.O. BOX 3026  
 DANVILLE CA, 94526  
 Tel: 1.888.864.5328 Ext 13 Office (1.888.UNILECT)  
 Email cburkhart@unilect.com

THE ABOVE PERSONS WILL MAINTAIN CUSTODY OF ALL OFFICIAL BALLOTS AT ALL TIMES AFTER PRINTING AND INITIAL MAILING; AND STORE THE OFFICIAL BALLOTS IN A LOCKED ROOM TO WHICH ONLY THEY HAVE ACCESS. THEY WILL BE RESPONSIBLE FOR RE-MAILINGS AND FULFILLMENT OF DUPLICATE BALLOT REQUESTS THROUGH TO THE CONCLUSION OF THE ELECTION.

**6(b). Where will the local union keep its unused ballot stock, and how will the stock be secured?**

ANDREW AND CATHERINE BURKHART OF UNILECT ELECTION SERVICES, WILL MAINTAIN CUSTODY OF ALL OFFICIAL BALLOTS AT ALL TIMES AFTER PRINTING AND INITIAL MAILING; AND STORE THE OFFICIAL BALLOTS IN A LOCKED ROOM TO WHICH ONLY THEY HAVE ACCESS. THEY WILL BE RESPONSIBLE FOR RE-MAILINGS AND FULFILLMENT OF DUPLICATE BALLOT REQUESTS THROUGH TO THE CONCLUSION OF THE ELECTION.

**6(c). After the ballot packages are mailed, how often will the local union visit the post office box to pick up ballot packages returned as undeliverable.**

UNILECT PICKS UP UN-DELIVERABLE BALLOTS ONCE DAILY, MONDAY THROUGH FRIDAY.

## Section 7: Election Day Procedures

On Election Day, voted ballots should be retrieved from the post office box where they have accumulated and brought back, unopened, to the count site. The general procedure recommended for the ballot count uses these steps:

- The Election Committee puts all the envelopes in alphabetical order, according to the return address label bearing the voter's name.
- For each returned envelope, compare the voter's name to the voter eligibility list.
- If the voter is eligible, place the unopened envelope in a container marked "Eligible." If the voter's eligibility is in doubt, mark the outside of the envelope with the letter "C" for "Challenged" and place it in a separate container labeled "Challenged."
- Continue until all the return envelopes have been compared to the voter eligibility list.
- Open all the outer return envelopes in the "Eligible" grouping. Extract the Secret Ballot Sleeve or Envelope, and separate them from the outer return envelopes. Do not remove the ballots or open the Secret Ballot Envelopes at this step.
- After separating the outer return envelopes from the Secret Ballot Sleeve or Envelope, and otherwise preserving the secrecy of each voter, remove the ballots from the Secret Ballot Sleeves or Envelopes.
- The Election Supervisor recommends, but does not require, using a mechanical device to count ballots, and the local union may determine to count ballots manually.
- If ballots are counted manually, the ballots must be tallied at least two times. The procedure recommended for a manual count uses these steps:
- Separate the ballots into three stacks for counting as follows:
  1. The voter chose a full slate of candidates.
  2. The voter chose a partial slate of candidates.
  3. The voter chose only individual candidates.

After sorting, count each stack of ballots in groups of fifty (50) ballots.

When the tally of ballots initially determined to be Eligible is complete, count the number of envelopes in the "Challenged" container. If the number of challenged ballots could affect the outcome of any contest, the Election Committee should immediately recess the count and contact the Election Supervisor's Regional Director without attempting to resolve eligibility challenges. The Office of the Election Supervisor is solely responsible for resolving the eligibility of voters who cast challenged ballots.

## INSTRUCTIONS

**Question 7(a)** — Indicate whether the local union will follow OES procedure for organizing and opening ballots on Election Day. If not, provide an explanation of the procedure to be followed.

**Question 7(b)** — Indicate whether local union will use mechanical device to count ballots.

**Question 7(c)** — If the answer to Question 7(a) is "No," indicate whether the local union will follow OES procedure for the manual count of ballots. If not, provide an explanation of the procedure to be used.

## QUESTIONS

**7(a).** Will the local union follow OES procedure for organizing and opening ballots on Election Day?

No

**Explanation:**

Because Local 439 is hiring UniLect Election Services to conduct the ballot mailing and ballot count process, UniLect uses electronic methods for ballot processing on Election Day. (UniLect receives the Local Titan ECR from the IBT, electronically, on the day prior to the ballot count). The following procedures are employed:

Once ballots are transported from the Post Office to the Tally Site, and the ballots are removed from the sealed Ballot Box, the ballots are bundled in stacks of 25 ballots per bundle and a manual count is obtained.

Then, bundle by bundle, UniLect scans the return envelopes. Each return envelope has the member's name and a unique barcode that identifies that particular member. Once a bundle is scanned, the bundle is identified as Bundle 1, 2, 3 etc. This also identifies the bundle where every member's ballot is located.

This process then produces a list which is merged with the IBT Titan ECR list, which then produces a final list that shows everyone who returned a ballot and their eligibility status to have their vote counted according to the ECR. UniLect then creates a list of all "ECR Challenged" members who returned a ballot and checks in with the Local's Titan Staff to research whether a member made good on any past dues owed on the day prior to the ballot count (but after the IBT had already sent UniLect the ECR) or whether an employer is simply late in paying but dues had been deducted for the previous month.

UniLect then removes all ballots from the bundles that are challenged, marks a "C" on them and sets them aside in a large manila envelope marked "Challenged". If a member has returned more than one ballot, all ballots from that member, except for the last one mailed to the member, (identified as such on the return envelope) is set aside in a large manila envelope marked "VOID" with the individual ballot envelopes marked with a "D".

All ballots that have been found to be "Eligible" are isolated and UniLect begins the process of using a high-speed envelope opener to open up the outer return envelopes for the removal of the Secret Ballot Envelopes containing the Official Ballots.

The above process is then repeated, and the Official Ballots are removed. UniLect Staff then does a visual inspection ensuring there are no identifying marks on the Official Ballots and that the ballots are marked in a way that can be read properly by UniLect's Optical Scan Ballot Reader.

UniLect then conducts a Logic Test of its Optical Scan Ballot Reader and software to show all observers that the voting system is counting ballots accurately and the software is in full compliance with Teamsters Slate Voting



Rules and other OES ballot counting requirements. Once the last ballot is counted, the interim election results are available. OES/UniLect will then check whether the number of Challenged Ballots could affect the Final Election Results. If Challenged Ballots could affect the Final Election Results, UniLect will ask the OES about their determinations regarding the Challenged Ballots that have been set aside. If the OES has ruled certain Challenged Ballots are eligible for counting, then UniLect will repeat the above process opening up those envelopes and count the additional ballots using the Optical Scan Ballot Reader. Final Election Results will then be printed.

7(b). Will the local union use a mechanical device to count ballots?

Yes

## Section 8: Payment of Dues Arrearages to Be Eligible to Vote

The IBT Constitution provides that members of the local union who are in arrears in the payment of their dues can pay their arrearage in order to be eligible to participate in the election. A member that pays all arrearages at any time before the regular close of business on the last business day before Election Day will be classified as eligible to vote.

### INSTRUCTIONS

**Question 8(a)** — Provide the location, deadline date and time for payment of dues to be eligible to vote as of Election Day.

**Question 8(b)** — Due to the COVID-19 pandemic, local governments have issued orders or recommendations to close businesses or your union may have decided to close for public health reasons. If your union office is closed during any part of the nomination and/or election period, please provide a procedure for cash dues payers to pay their dues in a timely manner.

### QUESTIONS

**8(a).** What is the location, deadline date and time for payment of dues to be eligible to vote as of Election Day?

Wednesday, April 14, 2021, 5:00 p.m., 1531 E. Fremont Street, Stockton, CA 95205

**8(b).** If the regular union office is closed due to government "Stay at Home" restrictions or another basis for closure, what steps has the local taken to ensure cash dues payers can still pay their dues in a timely manner?

As is the current practice due to Covid-19 restrictions, dues payers can call the Local, 209-948-9592 (ext. 100 or 101), and pay by credit card and timely payments will be recorded in TITAN.

## Section 9: Maintaining Election Records

The local union must store the ballots and all other election materials for one year after certification of the election results. At the end of the year, all election materials must be destroyed unless there is a protest or investigation regarding the election.

## INSTRUCTIONS

The Election Supervisor recommends that all election records—including voted ballots, unused ballots, challenged ballots, voted ballots, spoiled ballots, ballot envelopes, tally sheets and voter eligibility lists—be collected at the conclusion of Election Day and packaged, taped and signed with signatures by the election authority and any observers that choose to sign.

## QUESTIONS

**9(a).** Will the local union follow OES procedures to preserve records of the election as required by law?

Yes

## Section 10: Language Questions

Local unions with members whose first language is not English must make election materials available in the language of those members. OES materials are available in English, French, and Spanish. OES will provide materials in additional languages as needed.

## INSTRUCTIONS

**Question 10(a)** — Fill in the percentage of the membership whose primary language is not English.

**Question 10(b)** — Indicate whether the local union prints or publishes a newsletter/newspaper in a language other than English and, if "Yes," specify the languages.

**Question 10(c)** — Indicate whether the local union has ever printed a delegate election ballot in a language other than English and, if "Yes," specify the languages.

**Question 10(d)** — State whether there is any reason why election materials should (or should not) be printed in a language other than English.

**Question 10(e)** — Indicate whether the local union requests a local union plan summary translated into Spanish.

**Question 10(f)** — Indicate whether the local union requests a local union plan summary translated into French.

## QUESTIONS

**10(a).** What percentage of the local union membership does not use English as a

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primary language?

**10(b).** Does the local union print or publish its newsletter/newspaper in a language other than English? No

**10(c).** In any previous delegate election, did the local union print a delegate election ballot in a language other than English? No

**10(d).** Is there any reason why election materials should, or should not, be published in a language other than English?

None.

**10(e).** Does the local union request a local union plan summary translated into Spanish? No

**10(f).** Does the local union request a local union plan summary translated into French? No

## Section 11: Literature Table

The *Rules* require each local union to establish a literature table and/or bulletin board in a public area of each Local Union facility which is open to members for the nondiscriminatory distribution/display of campaign literature for the 2021 IBT International Union Officer Election.

### INSTRUCTIONS

State the location and dimensions of the literature table and / or bulletin board for distribution of candidate literature.

### QUESTIONS

**11.** Location and dimensions of literature table:

Office Lobby; 3 feet by 5 feet.

## Section 12: Attachments

### INSTRUCTIONS

The Election Supervisor requires the local union plan to include an accurate and complete list of current and accurate worksite addresses for the local union. A worksite list must contain all places, with addresses, where any and all of the local union members work. The worksite list must be arranged alphabetically by employer name. A model worksite list is available under the "Official Forms" tab at [www.ibtvote.org](http://www.ibtvote.org).

### Union Bulletin Boards

Certain sections of the *Rules* require the local union Secretary-Treasurer to post nomination and election related materials on union bulletin boards. A "Union Bulletin Board" means any bulletin board to which the international union or local union has access for the purpose of posting information concerning the business and/or activities of the union and includes bulletin boards at the office of the Union as well as bulletin boards located on employer premises. A list of bulletin board locations is required for oversight of the posting requirements.

### Local Union By-Laws and Constitution

If your local union has By-Laws or a Constitution separate from the IBT International Constitution, provide a copy to the OES.

### Court Orders, Consent Decrees, Other Agreements

If your local union is covered by a court, administrative decision, legal settlement, or other agreement which governs or affects your local union's elections, provide a copy to OES.

### E-Mail Lists

If your local union has used email to distribute official communications to members, and maintains lists of email addresses, those lists may be made available to candidates for campaign-related communications.

## QUESTIONS

**12(a).** Indicate whether the worksite list is being submitted as an attachment, or is being emailed or mailed separately.

Upload files here

Attachments:

Teamsters Local 439 Worksites - final.pdf

**12(b).** Does the local union have bulletin boards covered by the Rules?

Yes

Indicate whether the union bulletin board list is being submitted as an attachment, or is being emailed or mailed separately.

Upload files here

Attachments:

Teamsters Local 439 Worksites with Bulletin Boards - final.pdf

**12(c).** Does your local union have current Local Union By-laws or a Constitution separate from the International Constitution?

Yes

Indicate whether local union Constitution and By-Laws are being submitted as an attachment, or are being emailed or mailed separately.

Upload files here

Attachments:

Local 439 ByLaws REVISED 2016.pdf

**12(d).** Is the local union covered by a court, administrative decision, legal settlement, or other agreement which governs or affects elections?

No

**12(e).** Does the local union, or any officer, business agent, or shop steward maintain a list of member email addresses used to communicate union business?

No

## Section 13: Publications

**Local Union Publications:** If your local union publishes its own newspaper, newsletter, magazine, or periodical, whether in printed or electronic form, add the OES and your Regional Director to the distribution lists of your publications. The Rules require that the Election Supervisor review and approve the content of all IBT newsletters/newspapers, including local union publications, in the event of a contested general election. Be advised that the copy to be included in any newsletter/newspaper which you propose to distribute after the close of the 2021 IBT Convention must be transmitted to the OES for review and approval before publication.

**Websites and Social Media:** If your local union maintains a website and/or social medial accounts (for example, Facebook, Twitter, Pinterest) OES requires a list of all urls for such sites and accounts

### QUESTIONS

- |   |     |
|---|-----|
| 13(a). Does the local union produce its own publications?   | No  |
| 13(b). Does the local union maintain a website and/or social media accounts for official communications with members? | Yes |

List URLs (Web addresses) for all websites and social media accounts:

www.teamsters439.com; Facebook page  
<https://www.facebook.com/pages/category/Nonprofit-Organization/Teamsters-Local-439-294020151267064/>