

OFFICE OF THE ELECTION SUPERVISOR
for the INTERNATIONAL BROTHERHOOD OF TEAMSTERS
1050 17th Street, NW, Suite 375
Washington, DC 20036
202-429-8683
844-428-8683 Toll Free
202-774-5526 Facsimile
ElectionSupervisor@ibtvote.org
www.ibtvote.org

RICHARD W. MARK
Election Supervisor

October 5, 2015

Via Email

M.J. Markham
IBT Local Union 40
Post Office Box 3652
Mansfield, OH 44907
mjmarkham@teamsters40.org

Re: Amendment to IBT Local Union 40's Approved Local Union Election Plan

Dear Mr. Markham:

Per the attached email, IBT Local Union 40 has requested a change to the approved Local Union Election Plan because the company initially identified as the ballot printer (in the event of an election) is no longer in business. IBT Local 40 proposes to substitute a company that is about one mile from the location of the former printer.

The new printer is:

Patio Printing Creative Solutions
6663 Huntley Road, Suite S
Columbus, Ohio 43229
614.785.9553
614.785.9549 Fax

The proposed change is not a material alternation of any part of the plan, and is approved.

Sincerely,



Richard W. Mark
Election Supervisor
Date: October 5, 2015

cc: Daniel Walsh
dwalsh@ibtvote.org

John Pegula
jpegula@ibtvote.org

Melinda Pukanski
pukanski@fhplaw.com

[REDACTED]

From: Melinda Pukanski <pukanski@fhplaw.com>
Sent: Monday, October 05, 2015 11:38 AM
To: electionsupervisor@ibtvote.org
Cc: MJ Markham (mjmarkham@teamsters40.org); dwalsh@ibtvote.org
Subject: Local 40 Delegate Election

Election Supervisor:

As you know, this firm represents Teamsters Local Union No. 40 as it pertains to the above-captioned matter. The Local has just advised me that the printer they selected to use for printing the ballots, M&M Promotions, is no longer in business. Therefore the Local would like to use the following printer in the event there is an election:

Patio Printing Creative Solutions
6663 Huntley Road, Suite S
Columbus, Ohio 43229
614.785.9553
614.785.9549 Fax

This printer is located approximately 57.5 miles from the Local Union. This would change the answers to 8B and 8C of the Local Union Election Plan, which as you know, has already been approved by your office.

Should you have any questions, please contact the undersigned.

Thank you,

Melinda

Melinda A. Pukanski
Firm Administrator
FAULKNER, HOFFMAN & PHILLIPS, LLC
20445 Emerald Parkway Drive, Suite 210
Cleveland, OH 44135
(216) 781.3600
(216) 781.8839 Facsimile
pukanski@fhplaw.com

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electionsupervisor@ibtvote.org
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Richard W. Mark
Election Supervisor

VIA EMAIL Delegateelection@fhplaw.com

Mr. Michael J. Markham
President
IBT Local Union 40
20445 Emerald Parkway, Suite 210
Cleveland OH 44135-6029

Dear Mr. Markham:

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

IBT Local Union 40

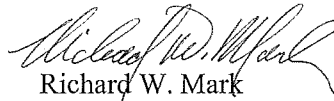
I am forwarding the approved Plan and a Local Union Plan Summary that contains all the relevant information on the nomination and election of delegate(s) and alternate delegate(s) in your Local. Please check the Plan Summary to ensure that all the information is accurate.

Under the *Rules*, a copy of the Plan Summary must be posted on all Local Union bulletin boards as soon as possible, but in no event later than seven (7) days from the date that you received this letter. 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.

Article II, § 4 of the *Rules* requires that within three (3) days of the posting, you must provide an 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, under "Official Forms" may be used for the declaration.

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

Very truly yours,



Richard W. Mark
Election Supervisor

Date: October 4 2015

cc: John Pegula
jpegula@ibtvote.org
Attachments

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Richard W. Mark
Election Supervisor

IBT LU 40 PLAN SUMMARY

FOR ELECTION OF DELEGATES AND ALTERNATE DELEGATES TO THE IBT CONVENTION

IBT LU 40 is entitled to elect 1 delegates and has chosen to elect 1 alternate delegate(s) to the June 2016 IBT International Convention. The expenses of the delegate(s) 1 and alternate delegate(s) 1 will be paid by the IBT LU 40. The Election Supervisor has approved the IBT LU 40's plan for conducting nominations and elections. The important details of the plan are summarized below. 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.

NOMINATION	
Where:	Teamsters Local Union No. 40 Hall, 200 Wilmar Avenue, Mansfield, OH 44903
When:	Saturday, February 6, 2016 at 4:00 p.m.
Who Can Attend:	Any active member may attend any 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 2016.
Who Can Nominate:	Members in good standing (full dues paid through January 2016) may nominate or second the nomination of a candidate or slate of candidates.
Nominations:	Nominations may be made or seconded orally at the nomination meeting or submitted in writing, including the signature and last four digits of the nominator's or seconder's SSN/SIN, to the Secretary-Treasurer not later than 5:00 p.m. of the day immediately prior to the meeting.
Candidate Acceptance:	A member may accept nomination in person, or if absent from the meeting, by furnishing a written acceptance, including the signature and last four digits of the candidate's SSN/SIN, to the presiding IBT LU 40 officer no later than the time the member is nominated.
Eligibility Deadline:	Dues must be paid at Teamsters Local Union No. 40 200 Wilmar Avenue Mansfield, OH 44903 , at 4:00 p.m. on February 5, 2016.
Additional Info:	The IBT LU 40 will send a Nominations Notice to all members with additional instructions for participating in the nominations process.
ELECTION	
Mail Balloting:	All members should receive a ballot at their home address before March 20, 2016. Any member not receiving a ballot by that date should request a ballot by calling the IBT LU 40.
Voting Deadline:	VOTED BALLOT MUST BE RETURNED BY MAIL IN TIME FOR RECEIPT NO LATER THAN 9:00 A.M. on April 4, 2016
Eligibility Deadline:	Dues must be paid at Teamsters Local Union No. 40 200 Wilmar Avenue Mansfield, OH 44903 , before 4:00 p.m. on April 1, 2016.
FOR MORE DETAILS CONTACT YOUR OES REGIONAL DIRECTOR OR IBT LU 40	OES REGIONAL DIRECTOR John Pegula 1434 Greendale Dr, Pittsburgh ,PA, 15239 Phone(412) 793-8642 jpegula@ibtvote.org

2015-2016 LOCAL UNION ELECTION PLAN

The Rules for the 2015-2016 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 use this document to submit its Election Plan. The Plan requires detailed information about how the local 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, your local must conduct its delegate elections in the exact manner described in the approved Plan.

If you have any questions about how to complete this Local Union Plan document, you may contact your Regional Director, John Pegula, via email at jpegula@ibtvote.org or telephone at (412) 793-8642 .

THE ELECTION SUPERVISOR'S ADDRESS IS:

Office of the Election Supervisor
for the International Brotherhood of Teamsters
1050 17th Street, NW, Suite 375
Washington, DC 20036

Phone: 202-429-8683

Fax:

Toll Free Phone Number: 1-844-428-8683

Electionsupervisor@ibtvote.org

www.ibtvote.org

DEADLINE FOR SUBMITTING THE LOCAL UNION PLAN

Seasonal Election – June 1, 2015

Fall Election - June 30, 2015

Winter/Spring Election - September 30, 2015

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 2015 may choose to hold a fall delegate and alternate delegate election. If you choose to elect delegates in the fall, the Local Union Plan must be submitted on or before June 30, 2015. 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 2016.

If you choose to hold delegate and alternate elections in the fall of 2015, the delegate and alternate delegate nominations and elections must be conducted entirely separate from your officer elections. You should contact the Election Supervisor or your Regional Director at the address listed above if you have 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, 2015. 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.

Any local may seek modification of, or exemption from, any provision of the Rules by making a written application to the Election Supervisor. A request for modification or exemption must explain the reason or need for such 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?

No

Has your local union previously requested and received approval for any modifications of the Rules, or of any version of the Rules that governed delegate elections in 1991, 1996, 2001, 2006 or 2011?

No

LOCAL UNION PLAN

1. Local Union Number: IBT LU 40
2. Principal Officer: Mr. Michael J. Markham
Title: President

LOCAL UNION DELEGATE AND ALTERNATE DELEGATE NOMINATIONS AND ELECTIONS

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.

If a local chooses to conduct the nominations and elections on its own, it has two choices:

- A. 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.
 - B. Permit the local executive board to conduct the election. Any local union officer or member who is running as a delegate or alternate delegate candidate may not serve on the local union election committee and should not conduct the nomination or election of delegates or alternate delegates.
3. How does your local intend to conduct the delegate and alternate delegate nomination process? Other

Other (Please explain below)

The delegate election will be conducted by the Local Union's Executive Board. No member of the Executive Committee of the Local who is a candidate or who is an authorized representative of any candidate or slate of candidates will be allowed to take part in the conduct of the delegate election.

The nominations meeting and candidates meeting will be conducted by:

Faulkner, Hoffman & Phillips, LLC

20445 Emerald Parkway, Suite 210
Cleveland, OH 44135-6029
216.781.3600
delegateelection@fhplaw.com

All other aspect of the Delegate Election will be conducted by the Local Union Executive Board.

5. Number of Delegates and Alternate Delegates to be Elected

A. Number of delegates to be elected to the International Union Convention:

1

B. The local must pay the convention expenses of all its elected delegates. A local may only propose to send less than a full complement of delegates because of financial inability but must first demonstrate actual financial inability to the General Secretary-Treasurer and then submit the request to the Election Supervisor for approval. If your local's request to send less than the full complement is approved, 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. Is your local proposing to send less than a full complement of delegates to the Convention?

No

C. Number of alternates to be elected to International Convention:

1

D. Will your local union pay the expenses of any of its alternate delegates to attend the International Union Convention?

Yes

If Yes, for how many alternates will your local pay expenses?

1

If your local proposed to send less than a full complement of alternate delegates, the decision of which alternate delegate candidate shall be sent to the convention by the local must be based solely on which candidate receives the highest number of votes in the alternate delegate election or, in the case of uncontested elections, by lottery.

NOMINATIONS

The 2016 Rules provide that a candidate can be nominated and seconded and can accept a nomination in writing. Therefore, each local may elect to only have one nomination meeting. If your local is having a regularly scheduled officer election this fall, you may choose to conduct the delegate and alternate nomination and election this fall

The nomination period for fall delegate and alternate delegate nominations is September 1, 2015 – November 7, 2015

If you do not have a regularly scheduled local union officer election this fall, you must hold your delegate and alternate delegate

nomination(s) meeting between January 4, 2016 and March 7, 2016.

There must be at least thirty (30) days between your local's last nomination meeting and the date the ballots are mailed.

6. Nomination Meeting

A. Please tell us the date, time and location for the nomination meeting(s) your Local wishes to hold:

Meeting Detail 1:

Date: 2/6/2016

Day of Week: Saturday

Time: 4:00 p.m.

Location/Address: Teamsters Local Union No. 40 Hall, 200 Wilmar Avenue, Mansfield, OH 44903

Is the date a regularly scheduled general membership meeting?

No

If the date proposed for any nomination meeting is other than the date for a regularly scheduled, periodic general membership meeting of the local, please provide an explanation.

It has been the past practice of the Local Union to hold its Nomination Meeting the week before the General Membership Meeting.

The Rules require that 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, i.e., Saturday, Sunday or holiday.

Deadline for submission of written nominations:

Date: 2/5/2016

Day of Week: Friday

Location/Address: Teamsters Local Union No. 40, 200 Wilmar Avenue, Mansfield, OH 44903

B. Have any of the nomination meeting locations been changed from your local's last set of delegate nomination meetings?

No

MAILING NOMINATION NOTICES

Under the Rules, your Local must mail the nomination notice at least twenty-one (21) days before the nomination meeting. The local must use the official nomination notice form prepared by the Election Supervisor's office. You can obtain a copy of the

Nomination Form (Form 7) on our web site, www.ibtvote.org, or by contacting us directly or contacting your Regional Director.

There are two ways you can mail the nomination notice to your members:

- Mail the notice in a separate, first class mailing to each member (If you are having an officer election at the same time, the nomination notices for delegates and officer may be mailed together but the notices must be on separate sheets of paper and the two notices must be on different colored paper).
- Include the notice in your local union or joint council newsletter or newspaper, which is then mailed by first class mail to each member.

If you chose option number 2, there are three rules your local must follow. The rules are:

1. The first page of the newsletter or publication must state in large bold print: 'Important Delegate Nominations Information Contained on Page ___.'
2. The nomination notice must be clearly displayed in larger size print than the other information included in the newsletter or newspaper and the notice must be in bold print.
3. Your local must submit the draft nomination notice to the Regional Director for approval before you finalize and mail it to make sure the layout, print size, and nomination information are all correct.

7. Mailing of the Nomination Notice

- A. Will your local mail the nomination notice in as separate, first class mailing to each member at his or her last known home address?

Yes

- B. Will your local mail the nomination notice by first class mail, in a local union publication, joint council publication or newsletter?

No

- C. When will your local union mail the nomination meetings notice? (Remember, it must be at least 21 days before the nominations meeting. To determine the 21 day period, do not count the day the notices are mailed but count the day of nominations.

Date for Mailing of Nomination Notice:

1/15/2016

MAIL BALLOTING

The Rules require locals to use mail ballots to elect delegates and alternate delegates.

Timing: Ballots cannot be mailed any sooner than thirty (30) days after the last nomination meeting.

You must allow at least 24 days between the mailing of the ballot and date the local counts the ballots. To determine the 24 day period do not count the day the ballots are mailed but count the day of the election.

Your ballot count day must be a day that the post office is open for business and you are able to pick up the voted ballots mailed to you.

Fall Election Time Period: The election time period for fall delegate and alternate delegate elections is October 24, 2015 – December 31, 2015.

Winter/Spring Election Time Period: The election period for winter/spring delegate and alternate delegate elections is between February 27, 2016 and April 30, 2016.

PRINTING AND MAILING OF BALLOTS

The Election Supervisor's Office has copies of a Notice of Election and Mail Ballot Voting Instruction Form (Form 12) as part of a packet of forms. Your local may also obtain a copy from our website at www.ibtvote.org. Your Local must use this form for the ballot.

The local should try to arrange to have the ballots printed and mailed locally to allow candidates and their observers to easily observe the printing and mailing of the ballots. Your local may choose to contract with a union printer or mailer that is not locally situated and request the ballots be printed and mailed from a distant location, but only if you explain why a locally based printer and mailer is not available. The local may also contract to have one entity print and mail the ballots. 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. If your local wants to use a union printer and mailer and can only locate union shops employing members of your local, you may request a written waiver from this prohibition.

8. Printing of Ballots

A. Are you requesting a waiver to use a printing or mailing shop that employs members of your local?

No

B. What is the name and address of the printer who will print the ballots?

M&M Promotions
8926 Linksway Drive
Powell, OH 43065-1678
419.989.0966

C. Please state in miles by road how far the printer is from the local's principal office.

58.6

D. What is the name and address of the mailer who will mail the ballot for the delegate/alternate delegate elections?

Executive Board
Teamsters Local Union No. 40
200 Wilmar Avenue
Mansfield, OH 44903

E. Please state in miles by road how far the mailer is from the local's principal office.

MAILING THE BALLOTS

9. Mailing of Ballots

- A. On what date will your local mail ballots? (Remember, the mailing date must be at least thirty (30) days after the nomination meeting and twenty-four (24) days before count, for a total of at least fifty-four (54) days between the last nomination meeting and the ballot count).

The printer should be requested to provide the local union with a written official count of the exact number of ballots printed.

Date the local will mail ballots:

3/10/2016

- B. The Rules require you to post the official Notice of Election on all local union bulletin boards no later than seven (7) days after the nomination meeting. You can also print the official Notice of Election in a local union publication or newsletter or post it on the local's website, if any. The Election Supervisor has an official form for the Notice of Election. You may obtain a copy of the Election Notice, Form 11, from our website, www.ibtvote.org.

Date your local will post the Notice of Election:

2/12/2016

- C. Ballots should be picked up from the post office after 9:00 a.m. on the counting date. The ballot count should start at 10:00 a.m. Where and when does your local union propose that the mail ballots be counted?

Date and Time of Ballot Count:

4/4/2016 10:30 a.m.

Location of Ballot Count:

Teamsters Local Union No. 40 Hall
200 Wilmar Avenue
Mansfield, OH 44903

The Local Union has contacted Bob Pelasky, the Postmaster of the Mansfield Post Office and have received his assurance that all ballot mail for the delegate election scheduled for April 4, 2016 that is in the postal facility will be processed and ready for pickup at 10:00 a.m. on the morning of the ballot count.

Obtaining Post Office Boxes for the Ballots

In order to conduct a mail ballot, your local must rent two post office boxes, one for the return of counted ballots and one for the

return of ballots that the post office is unable to deliver because the member's address is incorrect. Your local 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.

10. Post Office Information

Please list the address of the post office or offices where the local will rent a box for voted ballots and for ballots returned by the U.S. Postal Service as undeliverable.

Voted Ballots	Undelivered Ballots
Mansfield Post Office 200 N. Diamond Street Mansfield, OH 44901-1006 419.755.4621	Sherman Post Office 1343 Park Avenue, West Mansfield, OH 44906-9998 419.529.3672

MAIL BALLOT ADMINISTRATION

In a mail ballot election, the local has several important responsibilities in addition to counting the voted ballots.

1. First, it is very important that the local maintain correct mailing addresses for its members to insure that all members receive a ballot at their home address.
2. Second, the local must have procedures in place to insure that ballots returned by the U.S. Postal Service because of incorrect addresses are re-mailed to the members at their correct addresses as quickly as possible.
3. Third, the local must keep detailed records and have procedures in place to account for the additional printed ballots which may be mailed to members who request a ballot either because they did not receive a ballot in the original mailing process or because the ballot they did receive was lost, destroyed or spoiled. (These are called 'duplicate ballots' or 're-mail ballots'.)
4. Finally, the local must provide adequate procedures for ballot security throughout the election process. Specifically,
 1. securing the ballots between the dates they are printed and they are mailed.
 2. safeguarding the extra, blank ballots between the date of printing and the date of the ballot count.
 3. safeguarding the voted and blank ballots after the count is concluded or pending the resolution of challenged ballots.

11. Mail Ballot Administration

- A. It is essential in a mail ballot election that the Local union have and maintain an accurate mailing list containing the current home address of all members.

The Election Supervisor recommends the TITAN operator at each IBT local must update the local's mailing list before preparing address labels used to mail Nomination Notices and ballots to members.

Will your local follow the recommended procedure?

Yes

- B. What procedures will your local follow to update mailing information of members whose nomination notices

or ballots are returned undelivered? The Election Supervisor recommends:

1. Frequent visits to the P.O. Box containing undeliverable ballot packages
2. Contact with the:
 1. Member Employer
 2. Appropriate Shop Steward
 3. Appropriate Health and Welfare Groups
 4. Member

Will your local follow the recommended procedure?

Yes

The Local must respond, within two business days, to each member's requests for an additional ballot. The Election Supervisor requires:

1. A detailed record be kept of all requests for additional ballots including names, address, social security number, reason for request and date mailed.
2. The local's election records should be noted that a duplicate ballot was sent so the election officials at the count will know which, if any members were sent duplicate ballots.

C. Your local must safeguard the ballots between printing and mailing. At a minimum:

1. Ballots must be secured in a tamper proof location such as a locked filing cabinet or similar container.
2. In the event a cardboard box is used it must be taped shut with signatures of observers over the tape.
3. Candidates shall not have access to the ballots.

Please identify the person or persons who will be responsible for safeguarding the ballots:

Jamie Beans, Secretary-Treasurer (419)522-2041 jamijobeans@teamsters40.org

The Local Union is required to access the unused blank ballots following the original mailing to members for the purposes of sending replacement ballots to members who request them and a remailing to members whose ballot packages are returned as undeliverable by the Post Office. The Election Supervisor recommends:

1. Ballots may be removed from storage only by the authorized custodian of the ballots.
2. Each day after the mailing process is completed the ballots must be restored using the same safeguards referred to above in section 11c, i.e., lock and key.

The Election Committee must insure that the ballots and all other election materials are stored for at least one year after the count. 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 packaged, taped and signed with signatures by the election committee and any observers

wish to sign.

D. Will the local follow this procedure:

Yes

COUNTING THE BALLOTS

After the ballots are picked up from the post office, the ballots must be brought back to the count site in the mailing envelopes. The Election Supervisor recommends:

1. The Election Committee alphabetize all the return envelopes.
2. The voters name should then be compared to the voter eligibility list.
3. If found to be eligible, the envelope should be placed in a container marked 'Eligible'. If the voters eligibility is in doubt the envelope should be marked 'C' for challenged and placed in a separate container labeled 'Challenged'.
4. Continue until all the return envelopes have been compared to the voter eligibility list.
5. Open all return envelopes in the eligible grouping and extract, but do not open, the Secret Ballot envelopes.
6. Preserving secrecy, open and extract the ballots from the Secret Ballot Envelopes.

12. Counting the Ballots

A. Will the local follow this procedure?

Yes

B. The Election Supervisor recommends but does not require using a mechanical device to count ballots. The Local may count ballots by hand or mechanically. Please state how your local proposes to count mail ballots

By Hand

If the Local chooses to hand-count ballots, the ballot tallies and results must be counted at least two times. The Election Supervisor recommends the following steps for organizing and counting ballots by hand. First, 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.

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

C. Please check whether your local will follow this procedure.

Yes

D. Count the number of Return envelopes in the 'Challenged' container.

1. If counting the challenged would not affect the outcome of the election, the results may be announced and the Official Tally Sheet completed;

2. 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 challenges. The Office of the Election Supervisor is solely responsible for resolving challenged ballots.

ELIGIBILITY TO NOMINATE AND VOTE

Under the Rules, members of the local union who are in arrears in the payment of their dues can pay their dues arrearage in order to be eligible to participate in the election. The Election Supervisor requires that members may take part in the nomination process by paying all arrearages at any time before the regular close of business on the last business day before the nomination meeting. Also, the Election Supervisor requires that members may have their ballot counted by paying all arrearages at any time before the regular close of business on the last business day before the date of the date of the ballot count. Please indicate the last date (day/month/year), hours of business and location such delinquent members can pay their dues arrearages and participate in the process:

13. Eligibility to Nominate and Vote
- A. Last payment date of dues for nomination meeting:
- 2/5/2016
- B. Last payment date of dues for election:
- 4/1/2016
- C. Deadline on above dates to submit dues (ex. 5:00 PM):
- 4:00 p.m.
- D. Address of the location for payment of dues:
- Teamsters Local Union No. 40
200 Wilmar Avenue
Mansfield, OH 44903

FOREIGN LANGUAGES

14. Foreign Languages
- A. Please indicate the percentage of the local union membership whose first language is not English:
- 0
- B. Does your local union print or publish its newsletter in a language other than English?
- No

- C. If you had a delegate election in 2005/2006 or 2010/2011, was the local union ballot printed in a language other than English?

No

- D. Please provide any reasons why election materials should or should not be published in languages in addition to English, and if so, what languages.

There is no reason why election materials should be published in any language other than English.

- E. Request French Election Plan Summary

No

- F. Request Spanish Election Plan Summary

No

WORKSITE LISTS

The Rules require that a list of current and accurate worksite addresses be attached to the Local Union Plan. 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 form is attached to the plan.

15. Worksite Lists

Please fill out the Worksite List below.

Worksite List attached.

1. 12232__Local 40 Worksite Listing.pdf

BULLETIN BOARDS

Certain sections of the Rules require the local union Secretary-Treasurer to post various nomination and election related materials on union bulletin boards. The term 'Union Bulletin Boards' means any bulletin board to which the international union or local union and includes bulletin boards at the office of the Union as well as bulletin boards located on employer premises.

16. Bulletin Boards

Does your local union have bulletin boards which meet the above definition?

Yes

If Yes, Please fill out the Bulletin Board List below:

Bulletin Board List attached.

1. 12233_Local 40 Bulletin Board Listing.pdf

LITERATURE TABLE

According to the Rules, each Local Union must establish a literature table and/or bulletin board in a public area of each Local Union facility for the nondiscriminatory distribution/display of campaign literature.

17. Literature Tables

Please describe the location of the literature table or public area bulletin board maintained by the local union. Please also describe the size of the literature table or bulletin board.

The literature table will be maintained in the Local Union Meeting Hall, and is approximately 24 inches by 84 inches in size.

MISCELLANEOUS INFORMATION

18. Miscellaneous Information

- A. Does your local union have current Local Union By-laws or a Constitution separate from the International Constitution?

Yes

If Yes, the Rules require a copy to be submitted to the Election Supervisor. Please attach an electronic copy HERE or submit a copy via mail. Please label the copy of your Local Union By Laws or Constitution 'Local Union [your Local Union Number] Response to Local Union Election Plan Question 18a.'

If attaching an electronic copy: Yes

1. 12234_Local 40 Bylaws.pdf

- B. Does your local union have any court or administrative decision or legal settlement agreement which governs or affects your local union's elections?

No

- C. Does your local union publish its own newspaper, newsletter, magazine, or periodical?

No

The Election Supervisor maintains a record of all IBT local union newsletters. Please add the Office of the Election Supervisor and your Regional Director to the distribution list of your local union newsletter. The appropriate mailing addresses are as follows:

Office of the Election Supervisor for the
International Brotherhood of Teamsters
1050 17th Street, NW, Suite 375
Washington, DC 20036

Additionally, the Rules require that the Election Supervisor review and approve the content of all IBT newsletters in the event of a contested general election. Be advised that the copy to be included in any newsletter which you propose to distribute after the close of the 2016 IBT Convention must be transmitted to the Office of the Election Supervisor for review and approval before publication.

D. Does your local maintain a web site for communication with its membership?

Yes

If Yes, please provide the website address:

www.teamsters40.org

E. Has the local union sent email to any of its members in the past two years?

No

Has any officer, business agent, shop steward, employee, or representative of the local sent email concerning union-related business to any of the local's members in the past two years?

No

Does the local union maintain a list of email addresses of any of its members?

No

Does any officer, business agent, shop steward, employee, or representative of the local maintain a list of email addresses of any of the local's members?

No

Article II, Section 4(e) of the Rules requires the Local Union Secretary-Treasurer to do the following:

1. Within 5 days after sending the Plan to the Election Supervisor, a notice must be posted on all Local Union Bulletin Boards (on the Election Supervisor's Official Form 2, available at www.ibtvote.org) advising that the plan has been sent; and,
2. Within 3 days after the above posting, an affidavit attesting to the posting must be sent to the Election Supervisor. For your reference sample affidavits of posting are available as Official Form 3 at www.ibtvote.org.

By submission of this plan, I declare that all of the answers in this Local Union Plan and all work site lists, bulletin board lists and email lists provided are true and accurate and have been reviewed and approved by the Principal Officer of this local.

Name: Mr. George H. Faulkner

Title/Position: Attorney for Teamsters Local Union No. 40

Phone: (216)781-3600

Email: Delegateelection@fhplaw.com

Date: 9/17/2015