

Ethics & Elections Committee Report

Doc. # 13

for the
American Radio Relay League

2020 July Board of Directors Meeting
July 18th, 2020

Submitted By
Fred Hopengarten, K1VR
Chairman, Ethics & Elections Committee
Director Ritz, W7VO
Director Ryan, K0RM

Issues:

During the period since the Board Meeting of January 2020 until this meeting, your E&E Committee faced only a few issues.

Candidate for the McGan Silver Antenna Award and CEO

Dear Chairman Hopengarten, and Directors Ritz and Ryan:

On behalf of ARRL's Public Relations Committee, I would appreciate if I could receive an ethics determination. This morning, the PRC received a nomination for the 2019 Philip J. McGan Silver Antenna Award on behalf of [name withheld]. After initial review, the submission made by [SM making the nomination], appears to be in order, and [the] candidacy appears to meet the requirements of the McGan Award <http://www.arrl.org/phil-mcgan-award>

Given that [name withheld] is a candidate for CEO, does his nomination for the McGan Award present any ethical concerns? Based on submissions thus far (the deadline for submissions is next Monday, June 15), I believe his nomination is strong and he can be a contender as a possible winner. A procedural point – I as the board liaison do not vote on either the McGan or the Leonard Awards. Only PRC members vote, with Chairman Sid Caesar, NH7C, casting a tie breaking vote if needed.

I appreciate your guidance on this matter. The scheduled vote by PRC members for the McGan Award will be Wednesday, July 1.

73 de Bill Morine, N2COP
Vice Director – Roanoke Division

Resolution: The Committee unanimously found that there was no ethical concern.

Release of Nominee Names

Director Norton, citing Connecticut law as the authority to release to him what the Committee knows, asked that he be informed when a candidate has met the necessary tests to appear on a ballot, rather than waiting until the close of the nomination period. The Committee was unanimous that once a candidate has been vetted, for any position, the name and position sought should be released to the membership. Unable to find a basis in the Bylaws, or Rules and Regulations, to do anything else, the Committee has unanimously recommended to the Board two changes to cement this decision into the Leagues' election scheme.

Resolution: The Committee unanimously recommends the changes appearing in bold below.

To Bylaw 19 (change appears in **bold**):

19. The Ethics and Elections Committee shall delete the name of any nominee who is either ineligible for election or has withdrawn by written communication. **When a nominee is declared eligible, the nomination shall then be made known to the membership and the public, including by use of the ARRL.org web site.** If there is only one eligible nominee, the Ethics and Elections Committee shall declare him or her elected without balloting by the membership. If there is more than one eligible nominee, then on or before October 1 of that year the Secretary shall make a paper or electronic ballot available to every person who was a full member of the League in the divisions in which elections are being held on the tenth day of September of that year. The ballot shall list the names of the candidates for director in the division in alphabetical order.

To Rules and Regulations of the ARRL Field Organization, § 5 (change appears in **bold**):

b) **When a nominee is eligible, the nomination shall then be made known to the membership and the public, including by use of the ARRL.org web site.** If there is only one eligible nominee on the appropriate listed closing date for receipt of petitions, the Field Services and Radiosport Manager shall declare the nominee elected without balloting. If there is more than one eligible nominee, then on or before April 1, July 1, October 1 or January 2, respectively, the Field Services and Radiosport Manager shall send by mail a ballot to each person who on the date coinciding with the respective closing date from paragraph 5a above of that year was a Full Member of the League in the section in which the election is being held. If that mailing date falls on a Saturday or a Sunday, then ballots shall be sent out no later than the following Monday. The ballot shall be accompanied by information on the Amateur Radio background of each candidate.

Attendance at Ballot Counting

The matter of attendance by a candidate, or representative of a candidate, was the subject of a letter by Bart Jahnke, W9JJ, Radiosport and Field Services Manager to an SM candidate. He wrote:

This letter is to advise you that the ballots for the Section Manager elections in Illinois, Indiana, Maine and Oregon are scheduled to be counted on Monday, June 1, 2020, at ARRL Headquarters.

On April 22, the ARRL Elections and Ethics committee granted an extension for counting Section Manager election ballots because of the COVID-19 pandemic. The extension was to be no later than June 15, 2020.

Here is a link to the original announcement that appeared on the ARRL Web page on April 23:

<http://www.arrl.org/news/ballot-counting-postponed-in-four-arrl-section-manager-elections>.

The governor of Connecticut has begun to open businesses within the state, but is limiting the number of staff members inside the offices.

In response to this, ARRL will have limited staff inside the Headquarters building on Monday, June 1, to count the Section Manager election ballots.

The E&E Committee saw no reason to comment on, or interfere with, this exercise in good judgment by Mr. Jahnke.

Division Nominating Process

Barry Shelley, Interim CEO, wrote to the E&E Committee:

Given the unusual times in which we're living, I thought I would make sure the Committee is on board with how we plan to approach the filing of nominating packages. I don't view this as any change in our rules, only an interpretation of those policies and a reiteration of the practices that have been used in the past as we will likely get questions and I want to insure you're in agreement now, rather than later under the gun.

Requesting nominating packages:

We will obviously accept requests for nominating packages via either electronic means or postal mail. The difference is that postal mail may not be processed as quickly due to not having the appropriate people (specifically Carla) in the office daily while we continue to follow the Governor's mandates. Electronic requests can be handled expeditiously from our remote operating locations. All our notifications of the process will include this information.

Completing and filing nomination forms:

Again, we will accept completed forms both electronically and via postal mail with the same admonitions. Electronic filings will likely be handled more expeditiously assuming that there may still be restrictions on the number of in-person staff in the office. The issue may be signatures. We have, in the past, accepted electronic signatures as well as facsimile and, of course, on paper. The key, as in the past, will be that we will only accept completed packages with all the required signatures filed together. We will not accept individual signatures that are not filed with the completed package, although individual pages with signatures will be allowed as part of the package. This is to allow for circumstances that might not allow for large gatherings which make it easier to collect signatures.

Unless I hear of any strong objections, we will proceed under these practices. If there are questions, please let us know.

73,
Barry, N1VXY

The E&E Committee saw no reason to comment on, or interfere with, this exercise in good judgment by Mr. Shelley. The Committee adds that signatures may be submitted by scan into PDF, by eSignature (the Adobe format comes to mind), by one signature per form in an electronic bundle of forms, etc. As Mr. Shelley wrote: “We have, in the past, accepted electronic signatures as well as facsimile and, of course, on paper.” The clarification here is that the Committee sees no differences, for the purpose of nominating papers, between a scanned PDF signature and an eSignature. If the Board feels it is necessary, E&E is prepared to offer language for adoption into the Bylaws, as well as the Rules and Regulations of the ARRL Field Organization.

SM Tabulations

The E&E Committee received, considered and unanimously approved, the proposal below:

Date: April 21, 2020

To: ARRL Ethics and Elections Committee

From: Barry J. Shelley, N1VXY
Interim Chief Executive Officer

Re: Section Manager Elections – Proposal to Postpone the Tabulations

The purpose of this memo is to request support from the Ethics and Elections Committee for a proposal to adjust the schedule for this cycle of the Section Manager elections. The Ethics and Elections Committee is the committee of jurisdiction because, per the ARRL By Laws, one of their responsibilities is to: “Advise the Chief Executive Officer on, and recommend to the Board standards for, Section Manager elections,”

Background

Balloting for Section Manager elections is controlled by the *Rules and Regulations Concerning American Radio Relay League Division and Section Manager Elections*. They dictate the timing of requests for Section nominations, balloting and tabulating the ballots for each Section based on a specific timetable. This is done 4 times a year, depending on the election cycles of the individual Sections.

For the current cycle, there are contested elections and we are approaching a deadline in May for the counting of election ballots in the following Sections:

Illinois
Indiana
Oregon
Maine

Ballots were mailed on time and the deadline for returning them to HQ is Friday, May 15, 2020. Under the rules, the ballots "...shall be counted the following Tuesday under the supervision of the Field Services and Radiosport Manager..." The term for the elected officials begins on July 1, 2020.

The requirements of the Governor of Connecticut's stay-at-home order do not allow for a group of tellers to go to Headquarters for the opening and tabulating of the ballots, even with the proper social distancing. And at the present time, the order is in effective until May 20th although there is discussion that relaxing the requirements may begin around June 1st. Either way, and without any new mandate from the Governor, it appears that we will not be able to meet our internal rules and regulations for Section Manager elections in this current cycle.

Proposal

Because of the current COVID-19 pandemic and its impact on the ARRL, I would ask the Committee to approve postponing the tabulation of the Section Manager election ballots for this cycle to as soon as possible AFTER the deadline stated in our rules, but no later than Friday, June 19, 2020.

I have said from the beginning, we will adhere to the letter and spirit of the Governor's mandate and doing so will not allow us to put people in non-essential functions back in the building at this point in time. Postponing the tabulation now gives us the opportunity to provide the appropriate amount of publicity to the change in the schedule. It should be noted that

we are NOT proposing to move the scheduled date to return the ballots to Headquarters.

I would be happy to discuss this proposal with the Committee at its earliest convenience. If you have any questions, please let me know.

All other matters were routine approvals. This concludes your E&E Committee Report.

Respectfully Submitted,



Fred Hopengarten, K1VR
Chairman, ARRL Ethics & Elections
Committee

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