

## Report of the 2018 Ethics and Elections Committee January 2019 – ARRL Annual Board Meeting

To state that this has been an active six-month period for the ARRL Ethics and Elections (E&E) Committee would be an understatement. This E&E Committee has had more work and action items on deck than any time in my memory. In 2019 E&E was quite busy, and not just with the recent Board elections. The E&E in 2018 has dealt with ethics issues outside of the elections as well as complaints on Section Manager races. Please see the Report of the E&E for July 2018 on these matters. The bulk of this report will deal with the 2019 ARRL Board elections in the five divisions for the 2018 election cycle.

### Division Elections, Fall 2018 Cycle

The five divisions up for election in 2018 were Central, Hudson, New England, Northwestern and Roanoke. All five Director races were contested with three candidates vying for Director in the Northwest Division. Contested Vice Director races occurred in Northwestern, again with three candidates and Roanoke. This was one of the biggest turn overs in Director seats since 1972 with only one incumbent winning re-election in the Central Division. In the Northwestern Division both the Director and Vice Director seats were open. The vote tallies for the Director races are shown below in Table No. 1; the vote tallies for the two Vice Director races are shown in Table No. 2.

**Table No. 1 – 2018 ARRL Director Election Results**

Division	Candidate	Votes	Total Votes/Div	Percentage of Vote	Difference	Percentage of Members Voting
Central	Kermit Carlson, W9XA*	1,898		52	143	
	Valerie Hotzfeld, NV9L	1,755	3,653	48		36.91
Hudson	Ria Jairam, N2RJ	1,292		51	53	
	Mike Lisenco, N2YBB*	1,239	2,531	49		44.91
New England	Fred Hopengarten, K1VR	1,432		51	49	
	Tom Frenaye, K1KI*	1,383	2,815	49		32.42
Northwestern	Mike Ritz, W7VO	1,589		47		
	Bonnie Altus, AB7ZQ	1,308		39		
	Horace Hamby, N7DRW	495	3,392	15		28.33
Roanoke	George Hipplesley, W2RU	1,891		58	526	
	Dr. James Boehner, N2ZZ*	1,365	3,256	42		27.71

Note: \* Indicates incumbent candidate

**Table No. 2- 2018 ARRL Vice Director Election Results**

Division	Candidate	Votes	Total Votes/Div	Percentage of Vote	Difference	Percentage of Members Voting
Northwestern	Mark Tharp, KB7HDX	1,368		41		
	Daniel Stevens, KL7WM	1,228		36		
	Delvin Bunton, NS7U	767	3,363	23		28.17
Roanoke	William Morine, N2COP	1,742		54	237	
	John Humphry, W4IM	1,505	3,247	46		27.63

Note: \* Indicates incumbent candidate

The piece of data that is most concerning is the low number of members voting. This cycle it varied among divisions with a bit over one-fourth to one-third of those members eligible to vote returning a ballot, with the exception of Hudson Division. According to staff, this may be up by a small amount, but generally it runs between 20- 33% in any given cycle. Even the dubious flirtation of the hybrid electronic/paper balloting a few years ago yielded similar numbers in returned or cast ballots; hence it begs the question: should we as a Board be working on improving member awareness in this organization? What, if anything, could we as an organization be doing differently?

### **Candidate Eligibility & Petition Evaluations**

There were a larger than normal number of ARRL candidate nomination packet requests for the 2018 ARRL Board races at 27. A small number were not returned; however, were completed and returned with nominating petitions to HQ. Of the nominating petitions 19 returned were returned. In the end, 16 nominees were declared eligible to run for office and became candidates with 11 for director and five for vice director.

Of the 11 candidates for director, two were deemed to have *potential* conflicts of interest. However, E&E deemed these potential conflicts of interest to be limited and narrow enough in scope as not to warrant disqualification, provided all parties be aware of these potential issues and that they may have to recuse themselves when the Board discusses these or related topics. Fred Hopengarten, K1VR could have a potential COI with respect to certain antenna cases or legislation. George Hipplesley, W2RU could have a potential COI regarding publication related matters. The E&E recommends that Board look at any potential COI as related to these two gentlemen and they address it on a per case basis.

### **Candidate 300 Word Ballot Statement Evaluations**

As expected, there were a larger than usual number of statements to be evaluated by E&E. The same litmus test was used for all whether incumbent or challenger and both had corrections to make. All statements were evaluated by the E&E and General Counsel with the E&E voting on all actions. It was E&E's decision not to take all of the General Counsel's advice on the Candidates statements and there was vigorous debate as well as diligence in our evaluations. Once the E&E completed the evaluations, they were returned to HQ Staff for distribution. Most of the 300-Word Statements required only one iteration of edits or corrections with two having to go back more than once. One of the two proved more problematic as the election process went forward.

### **Hudson Division Race**

Many predicted this race to be the most contentious in all the divisions for 2018. This did not materialize. Although both candidates engaged in a tough race, both did an outstanding job of

self-policing their campaigns. Several complaints were filed in this race from supporters on both sides, some were petty and not worth pursuing while others could not be validated. The E&E felt it best to take no action and let the members decide.

### **Central Division Race**

The greatest and most controversial challenge faced by this E&E Committee for 2018 was in the Central Division Director's race. A formal complaint was filed with the E&E Committee concerning certain statements distributed in a printed campaign document by the challenging candidate Ms. Hotzfeld, NV9L. The E&E committee carefully reviewed and analyzed the statements in the two-page document that begins with "Please Vote for NV9L as Central Division Director" and determined that it contains several patently false assertions.

The E&E committee further determined that these false assertions, coupled with the apparent widespread distribution of the document within the ARRL Central Division, were of a magnitude and of such importance that the election process for director of the Central Division was probably tainted and flawed and recommended that it be suspended and re-balloted. This was indeed new territory for any ARRL Board election; however suspended elections had occurred previously in a few Section Manager races. These Section Manager races served as guiding precedence or procedural model consulting with Management and CT Counsel. Further, CT Counsel opined that the E & E has plenary authority in ARRL elections. After receiving the opinion from CT Counsel, we moved to re-ballot this election.

The Central Division incumbent, W9XA dropped the complaint against NV9L for false and misleading statements on her widely distributed campaign materials. As a result of the W9XA complaint being dropped, the E & E rescinded its decision to re-ballot the election in Central Division. There would be no re-balloting of this election; however, the matter was not entirely closed.

As you know, E & E is tasked with reviewing all campaign materials and ensuring that a standard of truth is upheld in ARRL election campaign materials. Simply because W9XA dropped the complaint against NV9L this action did not in any way relieve her from correcting the materials that contained several demonstrably false statements. After a considerable amount of correspondence with NV9L, she decided to retract the false statements in her campaign materials as directed by E & E. With the satisfactory completion of the NV9L retractions in the manner specified, the committee considered the matter in the Central Division election to be adjudicated and closed.

Another complaint was filed against the incumbent in the Central Division race by a member in the Hudson Division demanding W9XA's disqualification. The E & E also investigated this claim in detail. After said investigation and analysis, E&E decided neither to pursue nor adjudicate this complaint on the basic grounds that the Complainant had no standing to bring such a complaint against a candidate outside of his division, and the supporting facts were extremely weak or completely irrelevant. Further, the complaint had a somewhat confrontational tone and even threatened litigation. At this point E&E consulted with Counsel, the CEO and

Secretary and the President, and decided that it was not in ARRL's best interest to engage in further dialogue with the Complainant. Again, the election went on as originally planned with no further action by the Committee.

### **Election Lessons Learned and Future Considerations**

The Committee discovered upon closer examination that not all candidates that had requested mailing labels from ARRL had been supplying either HQ or E&E with the required copy of all materials mailed out under those labels or the electronic version thereof. This prompted HQ to send a blanket reminder to all candidates of this requirement. We did receive some further copies forwarded in after the reminder; however, we suspect some publications slipped by unnoticed.

It is the Committee's opinion that the ARRL election rules should be reexamined and updated if the Board so wishes. Also, all candidates should be made more aware of the election rules and strongly emphasize the practice of better due diligence. Challengers may face a steeper learning curve on matters internal to the Board; hence, the rule on submitting all mail out materials (electronic or physical) for review should be strongly emphasized in all future ARRL elections. If the candidates submit these materials to the E & E as required, and before publication, it should minimize future confrontational situations and potential punitive actions.

Respectfully submitted,

David A. Norris, K5UZ

Ethics and Elections Committee – Chair

Rod Blocksome K0DAS – Member

Dale Williams, WA8EFK - Member