

Evaluating an Election Service Provider

You've got an election coming up; where do you start? Your E-Board has directed you to find a reputable election service provider to help with the election. The question is: How do you evaluate an election service provider and be confident in your recommendation to the E-Board? You start by asking the following questions:

1. What do your constitution and bylaws require?
2. What are the past practices of your union?
3. Who can you trust to do the job in accordance with Title IV of the LMRDA?

What is the LMRDA?

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) provides standards for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers; the protection of union funds and assets; the administration of trusteeships by labor organizations; and the election of officers of labor organizations. The Act also guarantees certain rights to all union members.

The Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor's Employment Standards Administration administers and enforces most provisions of the LMRDA.

Source: U.S. Department of Labor

What is Title IV?

Title IV is the specific section of the federal law that governs union officer elections. The U.S. Department of Labor's enforcement (OLMS) of Title IV of the LMRDA employs the most exacting election standard of any election process – public or private – including elections for the highest office in the land.

An election that complies with Title IV is not your ordinary, garden-variety kind of election. Compliance with Title IV is difficult and not for the inexperienced. While not impossible, compliance with Title IV is a challenge like no other.

There are many questions that need to be answered. The following criteria are useful in comparing one service provider against another. These criteria are not all inclusive but serve as a starting point in the evaluation process and not only begin to form the questions you may have but begin to help answer those questions. A printable matrix for side-by-side comparison is available for your convenience.

Approach

Focus

References

Union Affiliation

Experience

Expertise

Cost

Challenged Elections

General Discussion

Each election must be judged – *on its own* – according to whether the safeguards employed are appropriate to the voting medium.

No election using any medium – whether on-site, mail, or electronic – will comply with democratic standards required by federal law unless accompanied by appropriate safeguards and controls. All reputable voting systems or methods consist of two parts:

Voting method = Voting medium + Procedures to safeguard the election

Election safeguards must be designed specifically to match the medium being used. You must satisfy several doctrines to be assured that the service provider you select understands and complies with Title IV of the LMRDA.

Secrecy

The LMRDA defines a secret ballot as follows:

"Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

Information that identifies the voter must be physically and logically separated from the vote itself so that no one can ever connect the identity of a voter with the content of his or her vote.

Audit Trails

The OLMS election guide states:

All used and unused ballots and other records pertaining to the election must be maintained for one year following the election. Election records include voter eligibility lists, sign-in registers, tally sheets, and any other documents or records used in the nominations and election.

Obviously, audit trails must support the election process employed and provide documentation of the built-in checks and balances.

All significant activities of election administrators, members, and service provider personnel should be permanently logged and easily reviewed by authorized parties. Such activities include but are not limited to:

- copies of all election notices and guides
- a record of any eligibility changes
- recredentialing (generation of replacement activation codes)
- roster uploads
- support requests by election administrators to the service provider

Observation

Title IV, Section 401(c) provides that:

Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

BallotPoint permits observers as required at all stages of the election process.

The key to observation is transparency of the voting process wherein all significant activity is documented with the appropriate safe-guards and controls in order to assure that the process provides for the retention of sufficient information by each of the non-affiliated parties such that, if required by a proper authority, a complete audit trail of an election, voters and votes may be reconstructed.

Key observation points during an election include but are not limited to:

- membership roster
- membership eligibility changes
- ballot voiding
- service provider support requests and activity
- vote tallying

Safeguards and Controls

Title IV, Section 401(c) provides that:

Adequate safeguards to insure a fair election shall be provided ...

All election methods must be based on prudent practices that have been applied in the form of controls that:

- guard against ill intent
- guard against carelessness
- provide separation of responsibilities
- provide protection of confidential information
- guard against and prevent misuse and abuse
- provide a record to allow independent review and scrutiny
- provide accountability

BallotPoint guarantees adequate safeguards to insure accuracy, anonymity, integrity, and secrecy.

Additional Considerations

The accuracy and integrity of the count in any balloting system can be compromised in several ways. The real question is: How does the balloting system provide for detection of errors or abuse? In the paragraphs below, we list the potential errors and abuses and describe the BallotPoint features that enable you to detect them.

Recording your vote -- When you vote using BallotPoint, your vote is stored immediately in the secured Election Server (ES). Unlike mail-ballots, a BallotPoint vote is always within what we call the "security perimeter" of the voting system. When you cast your vote, you are provided a "vote confirmation number," which you can later use to review and print a copy of your actual vote. You may do this as many times as you like throughout the voting period if you are concerned that the system has lost your vote or stored it incorrectly.

Discarding your vote -- At the time of the tally, election administrators usually generate a "Who-Voted Report" through the member server (MRNS). This report lists the name of every member who cast a vote in the election. If you are concerned that your vote wasn't counted, you may look for your name on this report. Candidates' observers can review this report as well. Note that in mail-balloting, if even a single vote has been thrown out for any of the many reasons permitted/required by the LMRDA, you can never know whether it was your ballot that was discarded.

Errors and abuses in counting -- The election tally lists the vote-count for each question/selection that appeared on the ballot. An additional report lists the actual cast votes in spreadsheet-style (one row for each member's ballot). If you are concerned that the server didn't correctly generate the tally, you can import this spreadsheet into Excel and use it to independently count the votes.

Manipulation of voter-eligibility -- Some unions permit voter-eligibility to change during the voting period, right up to the close of voting. Election administrators are responsible for making such changes, either by submitting a new voter-roster, or by changing the eligibility through a member server command. All such administrative activities are permanently logged on the MRNS, and can be -- indeed, should be -- reviewed by administrators and observers before asking for the tally to be generated. If there are any disputes, they must be resolved prior to the tally through our "ballot-voiding" process, which is similar to the challenged-ballot process you might already be familiar with.

Conclusion

The intent is to provide a starting point to evaluate an election services provider. The fiduciary responsibilities of overseeing your union's elections are serious responsibilities. While not all relevant topics have been covered here, it's a start and we wish you the best.