

BallotPoint Guide for Observers

Introduction

Section 401(c) of the Labor-Management Reporting and Disclosure Act (LMRDA) provides that any candidate for union office has the right to designate one or more observers to represent the candidate's interests.

The responsibility of the observer is to verify the election process and, as appropriate, ask procedural questions of election officials, challenge the eligibility of individual voters or the manner in which votes are counted, and lodge protests with election officials.

Please see: http://www.dol.gov/esa/olms/regs/compliance/observer_fact.htm for more information regarding the rights and responsibilities of observers.

The remainder of this document describes how an election observer accesses data in the BallotPoint system, what information is available to observers, and procedures that observers can follow to verify proper conduct of an election before, during, and after the election.

But First: Observation at the Member-Level

Before proceeding with the description of BallotPoint support for candidate-assigned observers, it is important to note that the BallotPoint system provides observation all the way down to the member-level. Members may review their account activity logs at any time, to check that nothing out of the ordinary is occurring with their accounts. Each member can verify that administrators are not inappropriately viewing the member's account activity, changing eligibility status, issuing new voting credentials on behalf of the member, or voiding that member's votes.

For each member with an email address in the latest uploaded member-list, the member is emailed a notification each time a major event occurs on that member's account. Major events include: activation code replaced; account activated; PIN changed; and vote recorded. Members should contact the election committee whenever an email is received for an action not performed or approved by the member.

Observer Access to Information Stored in the BallotPoint System

Depending on how the union conducts business, observers wishing to inspect any of the information described in this document may do so by contacting the election committee and either scheduling times when such inspections can take place or by receiving login credentials to the BallotPoint system to view information at the observer's convenience.

Any information viewed outside the direct control of an election committee representative will be scrubbed, ensuring that no confidential information (e.g., member mailing or email addresses) is divulged.

Furthermore, BallotPoint has an open invitation to any union member, including candidates and observers, to visit our Portland, OR facility at any time. BallotPoint firmly believes that any time spent educating union members about safe voting processes strongly promotes the spirit of the democratic self-government called for by the LRMDA.

Information Available to Observers

The BallotPoint system produces several reports to document key aspects of election administration and voting. An observer is permitted to view the reports described below.

- **Member-Lists** – all membership lists that have been uploaded for the election. This allows the observer to see: exactly what members have been included in each member-list; whether at any time during the election a member was included or excluded; whether member eligibility status was changed; and, if the observer is working alongside an election committee member, what address information was used to mail election notices or to email notifications. The date/time of a member-list upload and the name of the administrator that performed the upload are included. (available anytime)
- **Eligibility-Change Log** – a detailed list of changes to eligibility of member-accounts with respect to the observed election. The report includes the name of the member whose account status was changed, the new eligibility status, the date/time of the change, and the name of the administrator who performed the operation. (available anytime)
- **Participation** – a list of the number (not names) of eligible voters who have cast ballots in this election, up to the present. Before the tally occurs, the report shows only the number of votes cast and the number of votes cast by phone or internet. After the election is tallied, this report also shows participation broken down by member voting-attributes. (available anytime)
- **Support Requests** – the full text of support requests sent by election administrators to BallotPoint, for issues relating to this election. Support requests are specially designed so administrators can be specific in describing some BallotPoint-related procedural issue, while guarding the anonymity of voters. (available anytime)
- **Void-Ballot Proposal** – a list of voters who cast ballots in this election, but who are currently marked as “ineligible” for this election. This report is available only *after* the election closes and *before* the election administrator clicks a screen button to mark that Yes, the votes made by *all and only* those voters appearing in this report should be removed before tallying the results. Use this report along with the Who-Voted Report to verify that votes by only those members in good-standing were counted, and that votes by those not in good-standing were not counted.
- **Who-Voted Report** – a list of members who have voted in this election. This report is available after the election closes, and can be used as a starting point when generating a list of challenged-ballots. Any member who is on this list but is not in good-standing with the union should have his or her vote voided. Members seeking to verify that their votes were actually logged can have an observer verify that their votes were included in this report. Note that it is possible for someone to be in the Who-Voted Report but not in the last member-list. In this case, the member was included in an earlier list and voted, but was dropped before the last list was submitted. The name of this individual will appear in the Void-Ballot Proposal (see above).

- **Who-Didn't-Vote Report** – a list of members who did not vote in this election. This report is available after an election closes. Everyone in the last member-list submitted for this election should be present in either the Who-Voted Report or in this one.
- **Voided Ballots** – a list of ballots voided (i.e., not counted) in this election. This report is available only after the election closes and the void-ballot process is complete (see above).
- **Vote-List** – a table showing the selections made for every question of every ballot, organized as one ballot per row of the table. This report is available after the election has been tallied. The table is easily imported by Microsoft Excel (swipe through the table on the screen, copy the highlighted text, and paste into Excel), so that the counts listed in the tally can be confirmed using Excel.

Duties Before the Election

Before election notices are mailed and the election opens, observers may verify the accuracy of the information listed below.

- **Member-List** – Before the member-list is uploaded to the BallotPoint system, the observer may verify the list. Every part of the member-list can be checked to ensure that names, mailing addresses, email addresses, voting attributes, and eligibility status are complete and accurate. Once the member-list is uploaded, the observer may verify that the uploaded list matches the original list.
- **Voting Notice and Instructions and Voting Guide** – The observer may verify that these two PDF documents – both generated automatically by the BallotPoint system – are complete and accurate. Review these documents in detail to verify all dates, internet addresses, phone numbers, and election information. It is not necessary to visit the union office to obtain review-copies of these documents, so the observer needs to contact the election committee with any concerns.

Duties During the Election

While the election is in progress observers may occasionally verify the information listed below.

- **Member-List** – The observer may verify that if any new member-lists have been uploaded, that those lists contain accurate information. Administrators can upload new member lists for a given election at any time (prior to tally) to add new members and/or update existing member information in the BallotPoint system.
- **Eligibility-Change Log** – The observer may view the eligibility-change log to verify that any eligibility status changes performed by election administrators during the election are appropriate.
- **Support Requests** – The observer may verify that support requests sent to BallotPoint contain no member-identifying information, and that any issues raised in the requests are not reflecting a serious problem that could affect the outcome of the election.
- **Potential Ballots to Void After Election Closes** – The day before the election closes is a good time to prepare for the ballot-voiding process. Refer to Duties After the Election, below.

Duties After the Election

Once the election has closed the observer may be present where the final results are tallied. At this time, observers may:

- Verify the completeness and accuracy of the final member-list and the final eligibility status of all members.
- View the Who-Voted Report to verify that any member not in good-standing who has cast a vote is marked as ineligible. Marking a member as ineligible causes that member's vote to not be counted in the tally.
- Examine the proposed list of ballots to void, to verify that votes of each listed member should indeed be voided (i.e., not counted). If it is agreed that a vote listed in the report should not be voided, then the election administrator can immediately change the eligibility of the corresponding member to "participant," and then re-run the Void Ballots function to generate a fresh void-ballot proposal.
- Examine the proposed list of ballots to void, to verify that it includes all who voted (as shown in the Who-Voted Report) but who are *not* in good-standing. The election administrator can change the eligibility of these members to "ineligible," and then re-run the Void Ballots function to generate a fresh void-ballot proposal.

Recommendation: *A day before the election closes, the scope of the ballot-voiding process can be estimated by determining how many members were marked as eligible at some point during the election, but are currently marked as ineligible. This is the maximum number of names to be considered during the void-ballot process. To avoid delays in producing the tally after the election closes, assume that each of these members voted, and determine whether removing such votes would be valid.*

Important: *Once the election administrator has issued the command to void the ballots shown in the void-ballot proposal, it can be a lengthy process requiring assistance from BallotPoint Election Services to un-do the command, if even permitted at all. Once the election is tallied, any errors made during ballot-voiding cannot be corrected.*

Important: *Once the election has been tallied, BallotPoint will not allow any changes to the election. Specifically: the election cannot be re-opened to allow additional members to vote; additional member-lists cannot be uploaded; and ballots cannot be voided or un-voided. Once the tally is performed, the election results are final.*

A Final Comment

Careful observation of the data and processes described in this guide provide extensive visibility into and oversight of the conduct of an election. However, there are election processes occurring outside the BallotPoint system, and methods for observing those processes are outside the scope of this guide.