

# APFA

## BOARD OF DIRECTORS MEETING

### FALL BOARD OF DIRECTORS MEETING

October 11-12, 2017  
Marriott Solana  
Westlake, TX

Resolution Tally Sheet	<b>Resolution #:</b> 3
	<b>Maker:</b> Dunaway
	<b>Second:</b> Ross
	<b>Date:</b> 10/12/2017
	<b>Time:</b> 2:54 p.m.

**Resolution Name:** Elections by Mail Ballot

<input type="checkbox"/> AFFECTS POLICY MANUAL:		
<b>YES</b> = Yes	<b>ABS</b> = Abstain	<b>PXY</b> = Proxy Vote
<b>NO</b> = No	<b>N/A</b> = Absent	<b>REC</b> = Recuse
<b>PASS</b> = Pass		

COMMENTS:

	B O S	C L T	D C A - A A	D C A - U S	D F W	L A X	L G A	M I A	O R D	P H L	P H X	R D U I	S F O	S T L	PRES - Tie- Breaker
	Milenkovic	Sarnacki	Valenta	Pennel	Waish-Martin	Nikides	Johnson	Trautman	Wroble	Morgan	Babi	Sullivan	Welpott	Foust	Ross
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PASS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PXY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YES: 14      NO: 0      ABSTAIN: 0      ABSENT: 0

Status: **Passed**       **Failed**       **Tabled**       **Withdrawn**       **Show of Hands**

**WHEREAS**, under Article VI of the APFA Constitution, elections may be held via either mail balloting or electronic balloting; and

**WHEREAS**, for many years, APFA has chosen to use electronic balloting because it facilitated the participation of as many members as possible, as Flight Attendants, by definition, work away from home and often around the world; and

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**WHEREAS**, APFA always endeavored to ensure that its electronic balloting procedures fully complied with all requirements of the Labor-Management Reporting and Disclosure Act (LMRDA), the federal law that governs union officer elections; and

**WHEREAS**, the 2016 National Officer elections were conducted by electronic balloting; and

**WHEREAS**, in November 2016, the U.S. Department of Labor (DOL) filed a federal court lawsuit against APFA, asserting that the electronic balloting procedure in those elections did not meet LMRDA requirements; and

**WHEREAS**, despite APFA's strenuous opposition, on September 26, 2017, the Court ruled in DOL's favor even though the DOL did not claim that there actually was wrongdoing by the electronic balloting vendor, BallotPoint, or anyone at APFA – the National Ballot Committee or the elected National Officers; and

**WHEREAS**, the Court instead (1) relied on evidence that BallotPoint was forced to create under a DOL administrative subpoena, showing that theoretically an electronic connection could be made between a voter and his or her vote (hypothetically compromising the secrecy of a ballot), and (2) concluded that the election was invalid because of non-compliance with the LMRDA's observer requirement, rejecting APFA's argument that the observer requirement should not apply in the context of electronic balloting where it is literally impossible to place an observer "inside the gears" of a computer to verify the accuracy of the vote count; and

**WHEREAS**, the Court ordered APFA to re-run the 2016 National Officer elections, despite the facts that:

- The DOL admitted that there was no evidence that anyone at BallotPoint or APFA actually connected a single vote to a voter.
- The DOL admitted there was no evidence of even an attempt to breach the secrecy of any ballot.
- The DOL admitted that there is no evidence that even a single vote was recorded incorrectly.
- The DOL admitted that there was no evidence that the votes were counted incorrectly in any of the National Officer elections.
- The DOL admitted that there was no evidence that the results of the National Officer elections were incorrect.

and

**WHEREAS**, given the limitations of current technology, the Court's interpretation of the LMRDA essentially makes it impossible for APFA or any other union to conduct an election by electronic balloting; and

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**WHEREAS**, for the re-run elections, the DOL has approved mail balloting; and

**WHEREAS**, although DOL is willing to consider electronic balloting, it cannot not yet say whether the components it would require are technologically possible; and

**WHEREAS**, it is in the interest of the membership to have the re-run elections conducted expeditiously and with certainty that the balloting procedure meets DOL's interpretation of LMRDA requirements;

**BE IT THEREFORE RESOLVED**, that the upcoming National Officer re-run elections be conducted by mail balloting.

**BE IT FURTHER RESOLVED**, that all future elections will be conducted by mail balloting until such time that the Board of Directors chooses to revisit this decision.