



**A DIVERSE UNION
of EDUCATION
WORKERS**

Report of the Election Bylaw Review Task Force

The 2019 Annual Meeting of Delegates called for the formation of a group to study Bylaw Amendment Proposal #5, which would change those elections held at Annual Meeting (President, Vice President, Executive Committee, and Board of Directors) to be held as member-wide online elections.

The group identified nine (9) areas of concern and exploration relative to this potential change.

1. Campaign Funding/Fundraising

Identified concerns:

- Moving the elections from the focused universe of delegates into the much larger universe of the membership could ultimately increase the funds required to run campaigns.
 - This could impose a substantial hardship on certain members and reduce the field of possible candidates for election.
 - Members with greater personal resources are likely to have an advantage over less affluent or less well-compensated members.
 - If fundraising proves to be necessary to compete statewide, this focus could alter the character of the campaign process, impose barriers to candidacies, create new questions about fundraising proprieties and unintended consequences.
 - Do the elections shift to become “fundraising contests”?
- The Task Force is concerned about the possible infiltration of “outside funds,” specifically, the potential funding of candidates by groups or individuals with political interests that are antithetical to the MTA’s broad agenda. Given the increased costs of a member-wide campaign, a member aligned with or backed by such a group or individual could have a pronounced advantage over a member with typical, limited funding resources. Further, outside groups or individuals do not have access to a delegate list and therefore cannot run an independent campaign among delegates; it may be possible for a hostile entity to run an independent campaign if all MTA members vote directly rather than through elected delegates.
- The Task Force concluded that strict rules concerning fundraising would have to be established. A comprehensive system of oversight would need to be established to ensure adherence to fundraising rules, including but not limited to oversight and auditing. The group believes that the current staff and volunteer capacities would not be sufficient to address the enforcement and oversight requirements.
- The group reached consensus that this concern weighs heavily. The group felt it important to carefully consider the potential unintended consequences. Would money and increased

fundraising have a corrupting impact? Are there ways to manage and mitigate that? Are we prepared and do we have the capacity to do that?

2. MTA Expenses

The group identified several areas of increased costs:

- The election itself--
 - Possible new election vendor, to address the new scope of the project and the accompanying security concerns.
 - Complex programming of online election with different ballots for each district, depending on which districts have contested races.
 - Election mailing(s).
- Ballpark estimate: \$25,000 to \$100,000. No mechanism to give a closer estimate for these increased costs, other than the conclusion that the costs would be significant.
- The Task Force considered whether MTA might assume some campaign-related expenses in order to (1) make the campaign process more affordable for all interested members and/or (2) provide direct oversight and election security.

Some possible ideas mentioned within the group:

- New: Candidate mailings
- New: Social Media/Online formats for candidates
- New: Forums – live regional events for candidates
- Additional staff for enforcement and oversight roles. The volunteer members of the Credentials & Ballot Committee would be unable to complete these tasks which would be highly sensitive.
- Possible legal expenses for election challenges. By centralizing the election process, procedural errors are magnified and readily identifiable

3. Election Security

The group expressed consensus that the proposal represents much more than an add-on to current member-wide elections (NEA Director/NEA delegates). Specifically, the higher stakes involved in elections for MTA officer, Board, and Executive Committee positions would increase outside interest in and possibility for compromising (“hacking”) the processes. Thus, the need for a higher level of electoral security and fail-safe standards were cited.

Allowing for time to explore this and budgeting accordingly would be necessary.

4. Experiences of other State Affiliates

The group was tasked with looking at other NEA state affiliates and the ways they handle elections.

- MTA obtained from NEA the list of similar-sized state affiliates. There are 9: Florida, Illinois, Maryland, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania, and Washington. The Task Force’s staff members sent a brief informal questionnaire for these affiliates.
- Of the responses received, the results are not conclusive or particularly helpful.
 - One of the responding affiliates elects the analogous positions via delegate assembly only.
 - Three of the responding affiliates elect their officers via delegate assembly while electing board seats via all-member voting within a defined region or district.

- One of the responding affiliates elects the analogous positions via all-member voting.
- Those doing online voting report low voter turnout.

5. Policy Implications

The group reviewed the MTA's Campaign and Election Policy and began to identify provisions that would no longer be applicable and/or would need revision if MTA conducted statewide elections. Revising the MTA Policy book would be a substantial project, and reasonable timetables would have to allow time for staff and members to undertake such a project, and also allow for the Board to review and approve changes.

In short, the current campaign policy is formulated to provide candidates with certain specific tools to allow and enable campaigning to the Annual Meeting delegate universe, past and present. The policy is not formulated to allow for campaigns that are statewide, region-wide, or district-wide.

Examples of policy implications:

- Current policy provides candidates with current and prior delegate lists for their electoral constituency. Policy-makers would presumably be tasked with devising other ways for candidates to reach their voting constituency. The concept of regional meetings or forums was mentioned as were social media and website.
- The group was unanimous and unequivocal in concluding that releasing member lists with member contact information for a candidate's full constituency (statewide/region-wide/district-wide) would be an unwise, unpopular, and even dangerous approach. The group identified privacy concerns, the proprietary nature of such lists, and the unknown risk to MTA in sharing that information. Regarding campaign policy and practice, it was recognized that there would be a significant "shift" from candidates knowing great detail about their voting constituency (the delegate lists) versus not having access to such information.

6. New way of Campaigning – Cultural impacts of this Shift

While not reaching any specific conclusions, the group explored several key areas in which campaigning would change.

- The role of local affiliates: Local leadership's role would be diffused. Rather than assist local affiliate members in running for and/or electing a delegate seat, local presidents would assist local affiliate members in participating in a statewide election.
- Local leaders currently build future leadership by encouraging new or uninvolved members to become MTA delegates. Eliminating statewide elections from the delegate assembly may make it harder to find members willing to attend the Annual Meeting.
- Campaigning goals shift from "reaching every voting delegate" to "reaching every voting member," either statewide or within a given electoral constituency. Are some members more poised to take this on? Financial means, support systems, available free time are all factors.
- Varied geography of the state. Eastern/Central/Western Mass. For statewide elections, will campaigns be truly statewide? Will they focus where the candidate is based? Will they focus in the parts of state with population density of members?

7. Impact of proposal on Annual Meeting of Delegates

The group identified some areas in which Annual Meeting would be affected by the removal of elections from that event. In general, the group had some concerns that the role of Annual Meeting and its delegates would be diminished and that the meeting would see a loss of participation and vibrancy.

- Are members attracted to become delegates by virtue of the ability to elect leaders, (electing the leadership is one of the ten duties of a delegate as cited in the MTA Bylaws), and would the loss of that role reduce the number of delegates?
- Would the other items of business at Annual Meeting attract a critical mass of participants in line with historical attendance?
- Would 'enough' people attend? If interest in the Annual Meeting lags, might the assembly not achieve a quorum?
- Would the meeting's atmosphere and spirit be weakened or lessened?
- What is the impact of having fewer participants making vital decisions on Annual Meeting business (Budget, Bylaws, and the like)?
- The loss and absence of campaigning and candidate speeches would be felt.
- Are there ways for Annual Meeting to still have a role? Could the elections happen after Annual Meeting, and allow speeches and campaigning during the meeting, possibly broadcasting or otherwise sharing with the broader membership not present?

8. Logistics Impacts

The group identified some practical and logistical impacts of the proposal. The group expressed strong feeling that ample time would be required for the organization to plan accordingly and to properly absorb the areas of impact:

- Policy re-writing and approval process.
- Financial costs/budgetary impact.
- Means to address fundraising concerns, establishing rules with monitoring and enforcement resources.
- Candidate and voter education process: e.g. new deadlines for nomination papers; new elections on ballot which voters are not accustomed to or expecting; longer ballot, possible voter fatigue and/or confusion.
- The only effective way to reach all voters would be through direct mail and/or emails. Addressing that reality through campaign policy guidelines and provisions to enable such outreach would be necessary. The expectation to do so while protecting MTA's member data and members' privacy concerns presents a daunting challenge.
- Exploration of new election vendor, obtaining enhanced security protocols given expanded scope and stakes.

9. Other thoughts and overall conclusions

The group was very grateful for the opportunity to address this vital and weighty issue. There was agreement as to the need for this work to occur, and that the process was appropriate and constructive.

Taking a step back from all of its exploratory work, the group looked at the concepts of benefit and necessity. The intended benefit of a shift from the current election-by-delegate structure to an all-member voting structure is to enable greater electoral democracy. One question the group asked is whether there is a problem that needs to be fixed: what exactly are the problems with the current system of electing leaders through a system of representative democracy? Are MTA's current mechanisms and

processes hampering democratic outcomes? Is it disenfranchising members? If members are not currently voting in local delegate elections, why not?

The group concluded that replacing or changing the current system was not a necessity, that is, the processes and manner in which MTA leaders are currently elected are not blocking or lacking in democracy, nor are there such obvious flaws that changes must or should be undertaken for either legal or political reasons.

Representative democracies are best when the greatest number of eligible members participate in selecting at the local level the colleagues who will represent them at the statewide meeting. Many local affiliates do not send delegates, and some districts send more representation than others. Fostering greater participation – to close the gap between very engaged and non-engaged constituencies – could provide a greater focus for electoral reforms.

For perspective, the group compared MTA's Annual Meeting with the NEA-RA, another representative democracy, that is acclaimed as the world's largest democratic deliberative body.

- NEA-RA:
7000 delegates represent 3 million NEA members = 0.24% of the membership attend the RA.
- MTA Annual Meeting:
1500 delegates represent 110,000 MTA members = 1.4% of the membership attend Annual Meeting.

Will greater democracy be enabled and achieved by adopting the proposed change?

The group was not able to conclude in the affirmative to this question.

Concerns about what would be lost and the introduction of new risks - the loss of a direct dialogue with the voting constituency (campaigning to delegates in the variety of ways currently enabled) and the risks of inviting outside money and undue influence of large donors - weighed heavily on the group. These concerns fall into the category of diminishing the democratic process, exactly the opposite of the stated intent, and outweighed the possible benefits of the proposal.

The potential for a corrupting influence around campaign fundraising and advertising was a recurring item the group addressed. Would this proposal result in a shift to what would become a "fundraising contest?" The potential destructive impact was fleshed out as a significant impediment to the proposal's success – an unintended consequence that would diminish democracy, the opposite of the desired goal.

Greater Participation = Greater Democracy?

The group agreed that the overall number of voters in a statewide election would easily exceed the current number of voting delegates at Annual Meeting. Recent Annual Meetings average 1,500 delegates, and membership participation in a state-wide election would exceed that figure. But this numerical increase is misleading and overly simplistic. What is unknown is the number of members in total who participate in local delegate elections. It is reasonable assume that this total numbers in the tens of thousands. The group did not believe that changing to a statewide election instead of a representative election would necessarily result in greater democracy.

Data provided by other NEA state affiliates indicates that an 8% to 10% voter participation level might be achieved. The group did not believe that such a low participation rate would be representative in all of the various categories desired: geographically, by position, and by other demographic groups.

The group struggled with the concept of an educated and engaged electorate. It was agreed that simply increasing the quantity of participants does not counter the many other factors identified. Currently delegates take on a responsibility to be informed because they are going to vote at Annual Meeting. Individual members don't have that same level of responsibility; currently, it's not something every member is expected to do. The bylaws speak to this "duty" for the delegates, but there is no corresponding duty of membership.

Furthermore, the Task Force saw significant hurdles for full candidate-constituent outreach and campaigning, and shared a concern that many voters would be uninformed or under-informed.

In the process of its work, the group ultimately identified significant concerns and issues – the eight bullets listed above – which came to light in the exploration and consideration of the new system approach being proposed.

By unanimous vote, the Task Force members voted to approve the content of this report, February 13, 2020.

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