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REGION VII REPORT (or) WHY I'M VOTING NO ON CERTAIN REFERENDUM ITEMS!

Greetings, Colorado NARFE members. Unlike my usual regional report for this quarterly newspaper, this is a “*special report*” on the referendum now awaiting your vote.

NARFE’s National Executive Board (NEB) approved a 2019 referendum during its March 2019 meeting preceding the National Legislative Training Conference. The contents of the referendum (the individual amendments) were not considered by the NEB, only whether or not to conduct the referendum (a topic for another article). Voting ends on September 30. You should be cognizant of, but certainly not bound by Bylaws and Resolutions Committee (BRC) recommendations. Make up your own mind on each item. Don’t vote too early - review ALL information, as it becomes available before you vote. The *narfe* magazine and website will NOT be providing you with any information in opposition. I will be voting **NO** on items 19-01, 19-02, and 19-04, for both the process and content reasons explained below.

PROCESS ISSUES

Article IX, Amendments, of NARFE’s Bylaws describes the process for amending our bylaws, including authorizing a referendum. However, several process “irregularities” raise concerns about this referendum:

NEB Endorsement: Both the July and August *narfe* magazines state, “The BRC proposed the following bylaws and standing rules amendments to the NEB and ... they approved a vote in 2019 by membership referendum.” As stated above, the NEB only approved the conduct of a referendum. We did not approve or endorse any of the proposed amendments, or determine which would appear on the referendum, based on the advice of our Parliamentarian..

BRC Recommendation: Both the July and August *narfe* magazines state, “ ... nor will the BRC make a recommendation to adopt or reject any of the amendments.” To do so would be a clear conflict-of-interest. The BRC cannot serve as both prosecutor (to propose amendments) AND judge (to then favorably recommend the amendments). However, there is some concern about the articles favorably describing the amendments coming from the BRC on proposals they have submitted.

Standing Rules Requirement: Section 2, C of Standing Rule VI states, “The names of members appointed to committees shall be included in the issue of the publication that is issued for the month preceding the month of the ballot voting.” In plain English, the names of the BRC members should have been published in the August *narfe* magazine.

This was not done. In my mind, not a serious problem. But still an oversight, and contrary to our Standing Rules.

Form F-3C, Proposed Bylaw/Standing Rule Amendment (currently “unavailable” printed or on the NARFE website, although a link to the new form was provided in an April 3 “call” message to Federation and Chapter Presidents, but NOT to National Members): While there is no Form F-3C currently available to compare, the last version presented to the NEB in March included a required page 1, with such information as date submitted, estimated cost, submitted by, etc. I have yet to see any page 1 of Form F-3C for any of the proposed amendments. Why not?

Official Notice: Both the July and August *narfe* magazines state, “The full text of all bylaws and standing rules amendments is available on NARFE’s website; a printed copy can also be requested from the national headquarters.” Yet a “search” on the NARFE website for “2019 Bylaw Referendum”, “referendum”, “bylaw amendments”, or “2019 Bylaws Amendment Referendum” finds 0 articles. Apparently, the July 22 article on “2019 Bylaws Amendment Referendum” can only be reached through the link on the July 23 NARFE NewsWatch (for those NARFE members using computers). Only descriptions of the amendments, not the full text, are available in the July and August *narfe* magazines. Worse yet, proposals 19-01 and 19-02, the so-called “reformat” proposals, provide no text, only “see bylaws reformat” or “see rules reformat”. A reasonable expectation for a “reformat” would be either (1) a notation on the reformatted version to show where in the original version the text came from (i.e., “from Article I, Section 3”) or (2) a “redline” and “strikeout” document to show exactly what text in the original has been changed (much like the other six proposals). Why hide what is being proposed? I cannot vote to adopt wording changes that are not easily discernable.

“Reformat” or “Revision”?: The Index of Robert’s Rules of Order Newly Revised, 11th Edition (RONR) does NOT include the word “reformat”, but does include several references to “revision”. In my mind, “reformat” means to change the order or structure, but not the content of a document. In my view, there are several reasons to reject this stealth attempt to make multiple and significant changes to our current Bylaws, using the term “reformat”. To call this proposal simply a “reformat” is deceptive. The proposed “reformat” begins with two new Articles ADDED to the Bylaws, “Name” and “Object”. A “reformat” does not add new Articles to the Bylaws, no matter how desirable they may be. Further substantive changes (NOT reformat) are proposed to the current bylaws in current Articles I (Membership Eligibility and Membership Categories), Article II (RVPs), Article IV (Chapters), and in several places changing “Association” to “NARFE”, along with several other minor wording changes throughout. A more detailed description of my objections to several of these changes follows under “content issues.” Why is this not a “revision”? RONR states (page 593), “GENERAL REVISIONS. Changes of the bylaws that are so extensive and general that they are scattered throughout the bylaws should be effected through the substitution of an entirely new set of bylaws, called a *revision*.” Isn’t that what we’ve been presented to consider? Probably, but as RONR further states, “... in the case of a revision, the assembly is not confined to consideration of only the points of change included in the proposed revision as submitted by the

committee that has drafted it.” And if this first proposal is in fact a “revision”, as it appears to be to this layman, then our current Bylaws (Article IX, Section 5) may well prohibit consideration of any other amendments (i.e., proposals 19-03 through 19-08), in the same referendum. And with all of the changes made to the current language in our Bylaws through this “reformat” process, why the need for separate amendments to change such terminology as “Convention”, “National Members”, and “Resolution”?

CONTENT ISSUES

In addition to my process issues described above, I have sufficient concerns about the contents of three of the proposals that **I must vote REJECT against 19-01, 19-02, and 19-04.**

Proposal 19-01: NARFE Bylaws Reformat

In addition to the stealth nature of this proposal, and the “dodge” of calling it what it appears to be (a “revision”), I have problems with many of the proposed CHANGES in the “reformat” version. As stated above, proposed Articles I and II are new, although the wording comes from our Articles of Incorporation or the Bylaws Preamble. Presumably, the intent is to remove the Preamble and replace it with Articles I and II. However, I believe the wording of proposed Article I shortchanges NARFE by using only the 1947 date of incorporation. If we are creating a whole new Article, then I would prefer, “also referred to as NARFE or the association, organized on February 19, 1921, and incorporated under the laws of the District of Columbia, February 27, 1947.” Also, I recommend that each Article be ended with “(Articles of Incorporation)” to indicate that if the membership proposes amendments to these two new Articles, then the Articles of Incorporation also must be amended. What does RONR say about these two new articles, “Name” and “Object”? *Article I, Name:* “In incorporated societies ... the bylaws can omit this article, since the official name of the organization is then stated in the corporate charter or constitution. If the name is in both locations, conflicts may creep in, and it is the name as stated in the superior document that is official.” (page 570) Note: NARFE’s name is clearly stated in our Articles of Incorporation (the superior document). *Article II, Object:* “For the same reason stated above, in reference to the society’s name, this article can also be omitted from the bylaws in incorporated societies or in those having a separate constitution.” (page 571) Note: Again, NARFE’s purposes are clearly stated in our Articles of Incorporation. The next significant changes are in proposed Article III, Members. Proposed Section 1, Eligibility for Membership, changes our eligibility from “ ... and any current or former spouses who are legally entitled to receive federal survivor benefits ... “ to “Any person ... who is receiving (or will be eligible to receive) a federal annuity, or is legally entitled to receive federal survivor benefits ... “ Note: This wording change could now include unmarried or disabled children, yet excludes non-voting Supporting Members. If (non-voting) Supporting Members are one of two classes of membership, then their eligibility needs to be included in Section 1. Proposed Section 2, Membership Classes and Categories, now includes the NEW membership categories of Honorary and Distinguished (previously there were only two, Chapter Members and National Members) and also includes “categories” that are not

mutually-exclusive (overlapping). Honorary is actually a dues category (no dues) and Distinguished is simply an achievement. I'm not sure the "reformatted" version of this Article is any less confusing than the current version. Minor point: In Section 3, Dues, the abbreviation "NEB" is used a couple of times, but no previous explanation of what it abbreviates is provided (National Executive Board). Same issue for "RVPs" (Regional Vice Presidents) in Section 4.

A brief, but pertinent recent "history" of our current Bylaws: As some of us may recall, Recommendation 27 of the 2014 Future of NARFE Committee report stated, "Local Chapter membership will become optional." In preparation for our March 2016 NEB meeting, then National President Dick Thissen distributed draft Bylaw amendments on Executive Director (ED), NEB Dues Adjustment, Optional Chapter Membership (OCM) - Amendment 16-06, and One Member - One Vote (OMOV) - Amendment 16-24. After considerable electronic discussion preceding the NEB meeting and oral discussion at the meeting, the NEB approved the four edited amendments for inclusion on the 2016 National Convention ballot. With the OMOV amendment being one of the most complicated in recent memory, I recall reviewing at least 4 drafts in the final hours of the NEB meeting. Did we get it "perfectly" right? Not even close! Recall that one of the main drivers of the OMOV amendment was the rapidly growing eNARFE Chapter 2363, with, at that time, almost 13.9% of total NARFE membership and nearly 12.8% of total voting strength at the National Convention (more than all but one Region). Three of the amendments were adopted by the convention delegates (ED, OCM, and OMOV), along with the usual motion to allow the National Secretary/Treasurer "to correct article and section designations, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary." In late October, then President Thissen distributed his draft of the new NARFE Bylaws, including incorporating the complex OMOV language using a liberal interpretation of "conforming changes". After considerable electronic discussion, the NEB adopted the new 2016 NARFE Bylaws at the November 2016 NEB meeting. Note: Typically in the past, the NEB did NOT review the amended Bylaws before publication, but did so in 2016 because of the complexity of the OMOV amendment. On May 15, 2017, the new NARFE Executive Director, Barb Sido, came onboard, followed shortly thereafter by a new Parliamentarian, Colette Trohan. After a review of our governing documents, Colette advised that many of our "conforming changes" went far beyond our authority under the "corrections motion" (recall our change allowing a single member to submit a Bylaws amendment). Those unauthorized changes remained in the 2018 NARFE Bylaws and are still included in the printed book. Much of the 2019 Referendum is devoted to correcting those unauthorized 2016 changes and completing the full integration of the OMOV amendment into our Bylaws. Many of my objections (which follow) to the "reformat" proposals 19-01 and 19-02 concern the continued inclusion or alteration of those unauthorized changes (preceded by an asterisk - * - below).

*Proposed Article III - Members is missing the sentence, "A member may join and participate in any chapter, provided chapter dues are paid.", which the 2016 and 2018 bylaws neglected to include, but was included in Amendment 16-06, as adopted, to replace the Chapter Membership Requirement Section. Proposed Section 4 Voting has been moved into proposed Article III - Members from current Article VI. Not sure why?

RONR does not mention “voting” in discussing Article III - Members, but does so in Article IV - Officers, “Election by ballot should usually be prescribed in the section pertaining to elections and terms of office - often with additional details of election procedure ... “ *The first line in this proposed Section appears in the current bylaws, but is not what was adopted by the delegates at the 2016 National Convention. The wording adopted by the 2016 Convention delegates, in Amendment 16-24 is, “All voting is by members present with one vote each” which is nowhere near the meaning in the current bylaws and should be corrected. The delegates did not approve the wording, “All voting is ... by ballot”. *Also, the current and proposed “reformat” Bylaws, at the end of Section 4, Part “A” state, “ ... and adoption of general resolutions.” But the language adopted by the 2016 Convention delegates in Amendment 16-24 is, “ ... and changes to the bylaws and resolutions.” Is the meaning the same? If not, revert to originally adopted language.

In the proposed new Article VI - NEB, another “stealth” amendment is attempted in Part “B” of Section 4 Administration. The language for this Section was just approved last year (Proposal #18-02) and should not be amended so soon. The phrase “these bylaws and” was not language approved by the membership and should be removed. Subtle changes to the wording of just-approved provisions (which are NOT a “reformat” but rather an ADDITION) damage the credibility of the proposers and lead to my vote to REJECT. In proposed new Part “D” (the former Article VII - Indemnification), what is the point of changing “The Association ... “ to “NARFE ... “? Both are equally appropriate according to proposed new Article I Name. Such “stealth” changes only raise suspicions about the intent of this “reformat”.

The wording in proposed new Section 2 RVPs of proposed new Article VII - Regions is new; not in our current bylaws. Nothing in our current Bylaws indicates that “regions” have “members”, but rather “encompass” political subdivisions. NARFE members belong to federations that form regions. Since the proposed term “members of each region” is not defined, it may or may not include NARFE members belonging to chapters within the region, but not residing within the states or other political subdivisions of the region. One “fix” might be to replace the proposed language in proposed Section 2 with, “There shall be a vice president for each region of the association, who must be a member of the association and a resident of that region, and who shall be elected by the national members residing within its borders and the chapter members belonging to chapters chartered within its borders.”

Another nuanced change is made in proposed Article IX - Chapters. The current RESULT of chapter formation, “A chapter shall, by assembling members into local groups, increase the scope and effectiveness of the Association.” is changed to the proposed PURPOSE of a chapter, “ ... form a chapter to increase the scope and effective ness of the association.” *With respect to the proposed new Article X - Committees, the 2014 NARFE National Bylaws have no Article entitled Voting and Committees, OR Committees, and no wording similar to that in the proposed new Article. There is a reference to the National President appointing members and chairs of committees in the 2014 Standing Rules, but not in the bylaws. And no amendment adopted in 2016 (i.e., 16-06 or 16-24) or 2018 included this language. There is no

legitimate basis for this Article, so it should be entirely removed from the bylaws. In proposed new Article XI - Parliamentary Authority, why are we changing “Association” to “NARFE”? If it is for style purposes only, the membership has already determined the style they prefer by adopting the “association” wording. Finally, a comment on proposed Article XII - Amendments, which was just adopted by the membership last year. The “reformatted” proposed Bylaws incorrectly continue to include the language between the commas (“at the convention at which the revision will be considered”) in Section 5 Revision Process. This language was removed in 2018 via proposed bylaw amendment NEB01. This last “error” confirms doubts about the entire “reformat” process.

Proposal 19-02: NARFE Rules Reformat

Based on my vote to REJECT Proposal 19-01 above for the “reformat” of our current Bylaws, then a vote to REJECT Proposal 19-02 for the “reformat” of our Standing Rules should follow. This proposal is described as “A companion amendment with 19-01 to reformat the 2018 standing rules accompanying the bylaws.” The concern with “stealth” changes applies to this proposal as well, although the only substantive change seems to be the relocation of current Rule VI, Section 1 Voting to Rule 1, Membership and Dues, to mirror the changes proposed to the Bylaws. Otherwise, I see only minor wording changes.

Proposal 19-04: Change “National Members” to “National-only Members”

As the only National Member on the NEB, I will vote to REJECT this proposal. Our current Bylaws designate National Members as one of two categories of membership, the other being Chapter Members. National Members are described as “Members who shall pay national dues.” and are provided all rights and privileges of Association membership. There is no limit on their membership, other than their choice not to belong to a local chapter and pay chapter dues. Over 40% of all NARFE members are National Members. In fact, in my region (VII), roughly 55% of all Region VII NARFE members are National Members. To me, the “only” connotation denotes less than full NARFE membership, which is false. I am not aware of any survey of National Members to assess their view on this change of membership category name. EVERY NARFE member is of value to the Association. Let’s not short-change a large segment of our membership with the “only” term. Our membership loss rate actually increased last year, after several years of reduction. We can’t afford to lose any more members by a less-than-complimentary term, “National-only”. My vote is to REJECT.

Comments on my ADOPT vote for Proposal 19-05: Preferential Voting

I will be reluctantly voting to ADOPT Proposal 19-05 for Preferential Voting. RONR (p. 426) states, “preferential voting is especially useful and fair in an election by mail if it is impractical to take more than one ballot. In such cases it makes possible a more representative result than under a rule that a plurality will elect. It can be used with respect to the election of officers only if expressly authorized in the bylaws.” I was a supporter of using preferential voting in our last election, having offered the motion at

the March 2018 NEB meeting to have the question of preferential voting placed on the June 2018 ballot. Without preferential voting, potential runoff elections (where there are three or more candidates) will result in substantially longer times to conduct the elections and with additional costs to NARFE. While voting to ADOPT, my reluctance is based on several near-fatal flaws in Proposal 19-05: (1) In Proposal 19-05B, which will be used if both Proposals 19-01 and 19-02 are REJECTED (Note: There is no stated “Plan B” if only one of the two proposals are adopted), preferential voting will only apply to the National President and the National Secretary/Treasurer, NOT the RVPs. (2) In Proposal 19-05A, the conforming amendment to Article VII, Section 2 that applies to the election of RVPs, “voters shall indicate a preference in order for each candidate”, but candidates will still require “election by a majority of the ballots cast from their respective regions” in Section 3. (3) RONR (p. 428) states, “When this or any other system of preferential voting is to be used, the voting and counting procedure must be precisely established in advance and should be prescribed in detail. The members must be thoroughly instructed as to how to mark the ballot and should have sufficient understanding of the counting process to enable them to have confidence in the method.” Clearly, this is not the case for this proposal. The phrase “voters shall indicate preference in order for each candidate” is NOT prescribing the voting and counting process in DETAIL. Voters indicate a preference; so what? Then what happens? The RONR term “preferential voting” is never used! Precisely what counting method is going to be used (the example described in RONR? the Borda Count? the Modified Borda Count? the Dowdall System? Nanson method? Baldwin method? Condorcet Choice? Saari Triangle? etc.)? Maybe instead of “voters shall indicate preference in order for each candidate” the proposal should read, “election shall be by preferential voting, as described in RONR” or “ ..., using the Borda Count”. (4) The proposed wording “preference in order for **EACH** candidate” (emphasis added) will mean that if every candidate is not assigned a preference, the ballot must be ruled invalid. This wording will prevent voters from completing partial ballots or refusing to assign a preference to EVERY candidate, which caused much confusion last year. These issues must be corrected through a proposed 2020 amendment.

VOTE!

VOTE!

VOTE!

VOTE!

VOTE!

VOTE!

VOTE!