

**EASTERN DIVISION  
NATIONAL SKI PATROL**



**LATEST UPDATE ON THE STATUS OF THE MEMBER VOTE**

October 4, 2005

By now you have probably read the posting on the National site regarding the Board's announcement of a member vote via paper ballot that appeared yesterday. If not, you will find a link to it on our National Issues page. Considering where we have come from since June, this may at first appear to be positive news, but there is background information that all Patrollers should be aware of.

At our first hearing, the court directed the parties to compromise or come back into court for a decision on the merits of the case. That infers that both parties would talk to one another in order to reach a compromise with regard to the vote method. I polled the Region Directors of the Eastern Division not once, but twice as to Patrollers' preferences with regard to the vote and both times they overwhelmingly told me that the preferred method when considering electronic or mail in ballot was both. E-mail would go to those who have it and regular mail to those who do not. Patrollers from other Divisions also overwhelmingly supported this concept. This very strong message was sent to the National Board through our representatives. Personnel from a prestigious institution offered to supply their expertise to set up sending and receiving the e-mail ballots for us at no cost to NSP. Let me repeat that just in case it slipped by, we could have reached a majority of our membership at NO COST TO NSP. Three separate times over a four day period were offered to the National leadership to view the technology, methodology and security features that would be built in to the electronic vote process. No Board representative came to look at the offered method, nor even made contact with the parties offering this service to ask any questions. The response to our request to have a good faith negotiation regarding the voting process is the posting that you find on the National site and is referenced above.

It appears that the Board has no intention of participating in a good faith negotiation on this issue. Reading the first paragraph of the posting we find:

*The NSP Board of Directors is committed to finalizing a vote regarding proposed changes to the Articles of Incorporation as soon as possible and believes that the most accurate, efficient, comprehensive and inclusive manner in which to proceed is by a written ballot.*

It is clear from this sentence that the Board believes that using just a written ballot is a preferable method, even after they were told that the membership polled across the country preferred to have it e-mailed to those who have e-mail addresses and snail mailed to the remainder. This makes the paper ballot decision another unilateral decision on their part. Not to put too fine a point on it, but isn't it this very kind of action by our Board that has brought us to this place? We are once again watching the Board ignore member's requests and to act in a way that serves them best. Let's look at the next sentence. Please read it carefully and really let its meaning sink in:

*The basis for the board's position is based on the association's experience with its membership.*

During the trial, the Board's witness explained that the judge should not allow the petition vote because, in the National Office's experience, questionnaires that had been mailed to the members had a very low return rate. This was presented to support the concept that a small percentage of Patrollers sought change. Knowing this, the sentence above is most certainly true. Their experience with requests for response by mail has been very poor, so what better way to poll the membership? It is disappointing, but it appears that the Board is trying very hard to continue to live down to our very low expectations of them by once again ignoring member input and by trying to bias the vote toward failure.

We are asking for a fair, timely, and equitable vote. If the desire of Patrollers is met through the vote method, the outcome will be supported by Patrollers. If Patrollers do not agree with the vote method, the outcome may be more petitions and additional lawsuits against the National leadership by individual Patrollers.

We recognize that the Board's position is contrary to the desires of Eastern Division Patrollers and Patrollers of other Divisions. We have notified the Board that a paper ballot vote is not acceptable to Patrollers and that if the Board does not agree to hold the vote in the way the majority of the members have requested (dual track) then we will go back to court and describe to the judge the Board's latest action and their failure to even discuss the voting process with us as directed. We hope that the Board hears what Patrollers are saying and acts to meet our members' needs by allowing a fair, timely, equitable, and cost effective voting process.

-Rick Hamlin

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