

## MINUTES – CONVENTION VOTING PROCESS COMMITTEE

JULY 11, 2019 VIA ZOOM

**DATE AND TIME:** July 11, 2019 at 8:35 p.m. (EDT)  
**LOCATION:** Via Zoom electronic meeting room

**COMMITTEE OFFICERS PRESENT:**<sup>1</sup> Joseph Bishop-Henchman (Chair), Caryn Ann Harlos (Secretary)

**COMMITTEE MEMBERS PRESENT:**<sup>2</sup> Paul Bilyeu, Richard Fast, Susan Hogarth, Dan Karlan, Jeff Lyons, Bill Redpath, David Valente

**NON-VOTING EX-OFFICIO MEMBERS PRESENT:** Caryn Ann Harlos (LNC Secretary), Nicholas Sarwark (LNC Chair)

**COMMITTEE MEMBERS ABSENT:** Pat Dixon

**GALLERY:** Chuck Moulton

### COMMITTEE SCOPE AND RESPONSIBILITIES:

This committee was created on September 30, 2018 by the following motion:

Move to create a special committee to examine and make recommendations to improve the voting methods and processes used at our national conventions (Voting Process Committee). This committee shall provide reports of its progress at each LNC meeting leading up to the 2020 national convention and shall work with, and confer with, the Convention Oversight Committee and the Bylaws and Rules Committee as appropriate. The Committee shall comprise nine (9) members appointed by the LNC with an interim Chair appointed by the LNC Chair. The Committee shall select its own Chair at its first meeting.

Additionally, the LNC Chair and LNC Secretary shall be non-voting ex officio members of this Committee. [180930-7 - <https://tinyurl.com/ballot180930-7>]

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<sup>1</sup> Mr. Bishop-Henchman was appointed as the interim chair of this committee by the LNC Chair and was subsequently elected as permanent chair during this meeting. Ms. Harlos was elected as secretary during this meeting.

<sup>2</sup> Ms. Hogarth came into the meeting at a later time after the call to order. Mr. Lyons was present via chat.

## CALL TO ORDER

Mr. Bishop-Henchman, as interim Chair, called the meeting to order at 8:35 p.m. and took attendance. All times are eastern daylight saving time.

**LEGEND:** *text to be inserted*, *text to be deleted*, unchanged existing text, *substantive final main motions*.

All main substantive motions will be set off by ***bold and italics in green font*** (with related subsidiary and incidental motions ***set off by highlighted italics***) and will be assigned a motion number comprising the date and a sequential number to be recorded in the Secretary's Main Motion/Ballot Tally record located at <https://tinyurl.com/cvpcvotes>.

All vote results, challenges, and rulings will be set off by ***bold italics***.

## Adoption of the Agenda

Mr. Bishop-Henchman had forwarded the below draft agenda to the committee for review:<sup>3</sup>

### DRAFT AGENDA (subject to approval of the committee)

**Committee Goal:** To examine and make recommendations to improve the voting methods and processes used at our national conventions.

- Call to Order – 8:30 PM ET / 5:30 PM PT**
- Attendance – 8:35 PM ET / 5:35 PM PT**

Committee Member	Present	Not Present
• Joe Bishop-Henchman (DC) (interim chair)		
• Paul Bilyeu (Texas)		
• Pat Dixon (Texas)		
• Richard Fast (Alabama)		
• Susan Hogarth (North Carolina)		
• Dan Karlan (Idaho)		
• Jeff Lyons (Massachusetts)		
• Bill Redpath (Illinois)		
• David Valente (West Virginia)		
• Nick Sarwark (LNC Chair) (ex officio)		
• Caryn Ann Harlos (LNC Secretary) (ex officio)		
- Approval of the Agenda – 8:37 PM / 5:37 PM**

<sup>3</sup>The amendment(s) are noted with ***highlighted italics***. Ms. Harlos corrected for grammar as needed.

4. **Introductions and Share Backgrounds.** Each person shares past and present involvement in Party and other personal interests. (2 minutes each, 20 minutes total) – **8:40 PM ET / 5:40 PM PT**
5. **Hopes and Goals.** Each person share why you applied to be on this committee and what you hope it will achieve, and any non-starters or red lines you may have on our scope, conclusions, or activities. (4 minutes each, 40 minutes total) – **9:00 PM ET / 6:00 PM PT**
6. **Election of Permanent Chair and Committee Secretary**– **9:40 PM ET / 6:40 PM PT**
7. **Good of the Order** – **9:55 PM ET / 6:55 PM PT**
8. **Adjourn** – **10:00 PM ET / 7:00 PM PT**

**Without objection, Mr. Karlan moved to amend item 6 to include the election of a committee secretary.**

Without objection, Mr. Sarwark moved to approve the agenda.

### **Introduction and Share Backgrounds**

Each committee member briefly shared personal background and Libertarian involvement.<sup>4</sup>

### **Hopes and Goals**

Each committee member briefly shared why they applied to be on this committee, what they hope it will achieve, and any non-starters that they may have on any portion of the committee's work. Mr. Bishop-Henchman recommended that committee members read Alicia Mattson's report regarding election anomalies at the 2018 national convention, a copy of which is attached hereto as **Appendix A**.

### **Election of Permanent Chair**

Mr. Redpath nominated Mr. Bishop-Henchman for permanent chair of the committee. Mr. Bishop-Henchman accepted the nomination and spoke on his own behalf.

Without objection, Mr. Valente moved to close nominations.

**Without objection, Mr. Sarwark moved to suspend the rules and elect Mr. Bishop-Henchman as permanent committee chair by acclamation. [190711-1cvpc]**

### **Election of Committee Secretary**

Mr. Karlan nominated Ms. Harlos for committee secretary. Ms. Halos accepted the nomination on the condition that she would step aside if anyone wished to gain the experience of the position.

Without objection, Mr. Valente moved to close nominations.

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<sup>4</sup> Ms. Harlos tried to pull a coup and declare herself Party Chair. Mr. Sarwark successfully thwarted. Ms. Hogarth was not yet present and was allotted time during the next agenda item for her introduction.

*Without objection, Mr. Sarwark moved to suspend the rules and elect Ms. Harlos as committee secretary by acclamation. [190711-2cvpc]*

## **GOOD OF THE ORDER AND ADJOURNMENT**

Without objection, Mr. Bishop-Henchman moved to allow time for public comment at this time. There was none.

### **Good of the Order**

Mr. Redpath suggested scheduling a no-holds barred brainstorming session regarding different voting technologies. Mr. Fast requested direction on a road map leading forward. Mr. Bishop-Henchman informed the committee as to his thoughts on plans for the next two (2) meetings which would include a consultation with Ms. Mattson regarding past election practices and problems.

### **Adjournment**

Upon a motion by Mr. Valente, the meeting adjourned without objection at 9:30 p.m.

Respectfully Submitted,

*Caryn Ann Harlos*

CVPC and LNC Secretary ~ [Secretary@LP.org](mailto:Secretary@LP.org) ~ 561.523.2250

## ELECTION ANOMALIES

by LNC Secretary Alicia Mattson

As I did following the 2012, 2014, and 2016 conventions, I performed an audit of the election results for the 2018 convention. Details I have documented in the appendices to convention minutes demonstrate that our process of manually tallying delegate ballots has not just the potential for a lot of errors, but there actually are a lot of errors.

The mistakes happen because humans are working in high pressure, fast-paced situations. The time pressures and loud background noise are hard to overcome. In 2016 convention delegates adopted rule changes which have helped catch some of these errors onsite, but it is evident that even with extra steps added, we are not yet getting perfect election results.

Documenting our mistakes is not an effort to criticize the good-faith efforts of our convention volunteers. Knowing that these problems exist is just a necessary first step to actually finding solutions for the problems for our future conventions.

### Vote-for-One Elections

The vote-for-one elections (Chair, Vice-Chair, Secretary, Treasurer) are much less error-prone than the elections in which delegates vote for multiple candidates for multiple seats (At-Large and Judicial Committee). Having pieces of paper with a single candidate's name that can be sorted into piles for each candidate, which can be quickly double-counted by a teller, generally yields accurate results even under the time pressures and noisy conditions of our convention elections.

The tellers' double-check of the delegation chairs' work was able to catch a few mistakes. A rule change adopted in 2016 made it mandatory to do an on-screen review of the state-by-state results. In many prior years, this step was skipped just to save time. Because of the now-required step, several errors were caught that way this year, allowing us to correct them before the results were announced. These errors included things like: delegation chairs writing votes for Candidate X on the tally sheet line for Candidate Y; misinterpreting what the delegation chairs had written; and data entry errors.

Even so, this year my audit revealed the below errors which were not successfully caught and corrected onsite before results were announced.

On the second ballot of the Vice-Chair election, the tally sheet from New Mexico indicated 7 votes for Joe Hauptmann and 1 vote for Alex Merced for a total of 8 votes. During my audit, there were actually 9 ballots submitted, with 8 votes for Joe Hauptmann and 1 vote for Alex Merced. Had this been caught onsite, the results for that round of balloting would have reported 570 ballots, rather than 569, and each candidate's percentages would have decreased very slightly. Since no candidate achieved a majority in that round of balloting, the outcome was not changed by this error.

The third ballot of the Vice-Chair election was combined on a single tally sheet with the Secretary and Treasurer elections. In the California delegation, 59 delegates turned in ballots. One delegate's ballot only contained a vote for the Secretary race, but no vote for the Vice-Chair or Treasurer races. RONR p. 416-417, as well as footnote 2 on tinted-page 48, explain that it should not be counted as a ballot cast for the two races in which votes were not cast. So in the Secretary's race, the number of ballots cast from California was 59. In the Vice-Chair race, the number of ballots cast should have been 58, though it was recorded as 59 on the state tally sheet and in the onsite results. In the Treasurer's race, the tally sheet again reported 59 ballots, but the Secretary corrected it to be 58. Had the ballot count in the Vice-Chair race been corrected onsite, the results in the third round of the Vice-Chair's race would have reported 657 ballots, rather than 658, and each candidate's percentages would have increased very slightly. Alex Merced would still have won a majority vote, so the outcome was not changed by this error.

On the Pennsylvania tally sheet in the Treasurer's race, initially the delegation chair had written 2 votes for NOTA, but this was then crossed out, was rewritten as 0 votes for NOTA, with the delegation chair's initials

## APPENDIX A – 2018 REPORT OF CONVENTION ELECTION ANOMALIES

beside the change. During data entry at the convention, I noticed their reported votes only added up to 26 votes, but their tally sheet reported 28 votes on 28 ballots. It seemed they hadn't updated their totals when they crossed out the 2 votes for NOTA, so I changed their totals to 26 votes on 26 ballots to match the other information on the tally sheet. During my audit, I found two ballots besides the votes noted on the tally sheet. One of them was blank, thus it does not count as a ballot cast. The other, however, contained 1 vote for NOTA. Their tally sheet should have instead reported 1 vote for NOTA, with a total of 27 votes on 27 ballots. Had this been caught onsite, the results in the Treasurer's race would have included 24 votes for NOTA rather than 23, and 653 ballots rather than 652. NOTA's vote percentage would have very slightly increased, and each other candidate's percentages would have very slightly decreased. Tim Hagan would still have won a majority vote, so the outcome was not changed by this error.

My audit found a few other anomalies which didn't impact any of the numbers reported. For instance, some write-in votes were either too ambiguous to identify as a particular person, or they were for ineligible candidates. RONR tinted-page 48 indicates that these should still be included in the number of votes cast. These should have been reported as either ambiguous or ineligible votes, rather than as valid write-in votes, however during the data entry phase I merely enter the total number of write-ins listed by the delegation chairs without spending the time to ponder each name and segregate the ambiguous/ineligible ones.

Each tally sheet asks the delegation chairs to fill in two blanks as a summary of their votes: "total votes" and "total ballots". In vote-for-one elections, these two numbers should match since each valid ballot would have one name on it. A surprising number of delegation chairs didn't understand what number should be entered in the "total votes" blank. Rather than totaling the number of votes cast for all the candidates combined, many would instead enter the total number of credentialed delegates in that affiliate, which was already pre-printed on their tally sheets anyway. These errors didn't cause any errors in reported results. During data entry it was obvious that the number of votes and ballots didn't match, and we used the correct numbers.

### Vote-for-Multiple Elections

The larger number of human errors happens during elections in which delegates can vote for multiple candidates in the same race. These are at the end of our convention when there is high pressure to get things done in a hurry, and the convention continues to adopt resolutions while delegations are attempting to cast and tally their votes. Unlike the vote-for-one races, the ballots cannot just be sorted into a pile for each candidate because almost all of the ballots have multiple candidates on them, and using manual tally sheets takes more time and provides more opportunities for mistakes.

In 2016, the At-Large race had 418 delegates voting for 19 nominated candidates, and the Judicial Committee race had 365 delegates voting for 19 nominated candidates.

In 2018, the At-Large race had 603 delegates voting for 35 nominated candidates, and the Judicial Committee race had 501 delegates voting for 21 nominated candidates. It takes longer to tally votes manually when there are more delegates and candidates.

I note the following data found by my post-convention audits:

Year	Election	# of Ballots Cast	# of Affiliates Reporting	# of Affiliates with Errors on Tally Sheets	% of Affiliates with Errors on Tally Sheets
2014	At-Large	299	40	5	12.50%
2014	Judicial Committee	206	33	5	15.15%
2016	At-Large	418	46	13	28.26%
2016	Judicial Committee	365	46	12	26.09%
2018	At-Large	603	48	13	27.08%
2018	Judicial Committee	501	48	14	29.17%

Luckily, none of these errors changed the outcome of the elections, though they easily could have if the errors had happened to Candidate X rather than Candidate Y.

In addition to errors made by delegation chairs, mistakes happen during data entry. My 2018 audit found three data entry errors made in the originally reported At-Large results, and 0 made in the Judicial Committee results.

The extra review steps we have added to our processes catch some, but not yet all, of these human errors before results are announced.

In a few delegations, many of the delegates tended to “sign” their ballots, though they often just printed their own name, rather than using a cursive signature. Sometimes the delegates made little effort to distinguish the list of people for whom they were voting from the name of the delegate casting the ballot. This caused some problems for the tellers, making it hard to know whether or not a name was a write-in vote, and often requiring several repeat attempts to tally the same set of ballots.

### At-Large Election

This year, the initial At-Large tally was done under very different circumstances from those of the Judicial Committee tally, and the difference in the audit results is quite revealing. The At-Large tally started in the convention hall, with the adjournment clock quickly ticking away, with delegates conducting other business in the background, and delegates themselves complaining about the high levels of noise in the hall. Part of the way through the At-Large tally, we had to pause the process, distribute the ballots for the Judicial Committee, collect the ballots for the Judicial Committee, and then circle back to the At-Large tally. The convention adjourned when the Secretary’s tally had completed about 40 of the 48 reporting states.

Though tellers attempted to double-check the work of the delegation chairs, many mistakes still went undetected until the results were audited after the convention. Below is a listing of errors that were found only by the audit.

#### Data Entry Errors by the Secretary:

- IA – The tally sheets totals of 0 votes for NOTA and 1 write-in for Joe Hauptmann were mistakenly reversed to show 1 vote for NOTA and 0 write-ins
- NC – tally sheet reported 5 votes for Shipley, mistakenly entered as 6 votes
- PA – The tally sheet totals of 0 votes for NOTA and 2 write-ins were mistakenly reversed to show 2 votes for NOTA and 0 write-ins.

#### Errors by Delegation Chairs:

- CO – reported 24 ballots cast, actual was 23
- CO – tally sheet had 17 hash marks beside Joe Buchman’s name, but delegation chair wrote 12 in the blank for his vote total, actual total is 17
- CO – a vote for “Smith” without specifying whether it was for Heide Alejandro-Smith or for Joshua Smith was not included at all on the state tally sheet. RONR tinted-page 48 says the ambiguous vote does count in the total number of votes.
- CT – reported 3 votes for Henschman, actual was 2
- CT – reported 2 votes for Khosh-Sirat, actual was 3
- FL – reported 24 ballots cast, actual was 23
- FL – a vote for “Smith” without specifying whether it was for Heide Alejandro-Smith or for Joshua Smith was marked by the delegation as being ambiguous, but it was mistakenly credited to Joshua Smith rather than listed as ambiguous
- NC – reported 3 votes for Khosh-Sirat, actual was 4
- NC – reported 1 vote for Alejandro-Smith, actual was 3
- NC – reported 4 votes for Joshua Smith, actual was 3
- NC – tally sheet shows 0 votes for Heide Alejandro-Smith and 7 votes for Joshua Smith, actual is 1 vote for Heide Alejandro Smith and 6 votes for Joshua Smith
- PA – one ballot contains an utterly indecipherable entry which was not reported in their totals. RONR tinted-page 48 says the ambiguous vote does count in the total number of votes.
- SC – reported 0 votes for Drew Layda, actual was 1

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- TX – reported 18 votes for Hayes, actual was 19
- TX – reported 31 votes for Scheetz, but actual was 30 because one ballot voted for Scheetz twice
- TX – reported 9 votes for Shipley, actual was 11
- TX – reported 11 votes for Slowinski, actual was 10
- WI – reported 2 votes for Heide Alejandro-Smith, actual was 3
- WI – reported 6 votes for Joshua Smith, actual was 7
- WI – reported 4 votes for Thrasher, actual was 5
- WI – reported 5 votes for Vohra, actual was 7
- WI – mistake made in adding total votes, reported 137 though tally sheet showed 142; add the 5 vote increases above and actual total was 147

There were two items which were found to need a category shift during the audit. RONR tinted-page 48 indicates that votes for ambiguous or ineligible candidates should not actually be credited to those candidates, though they should be included in the total numbers of votes cast. The following two items are instances where a write-in vote was credited to an ineligible candidate, and it really should be categorized as an ambiguous/ineligible vote. These re-categorizations do not change the total number of votes reported.

- NH - Write-in for Zane Sarwark
- TX – Two write-in votes, one each for "Your Mom" and "Taxation is Theft"

After the convention, the LNC adopted a motion directing that two tellers appointed by the LNC Chair conduct a second audit of the At-Large election results. The Chair appointed Duke Van Horn and Richard Longstreth as tellers, and the second audit was also conducted with the original physical ballots cast by the delegates and the original physical state delegation tally sheets. Their subsequent audit found the following one additional issue:

- WA – a delegate had cast a vote for "Joe Benchman". With a handwritten misspelling, both the state delegation and I had credited this vote to Joe Buchman. The tellers in the second audit noted that the same delegate had already voted for Joe Buchman, and it was more likely that the delegate intended to vote for Joe Bishop-Henchman. I agreed with their assessment.

Had these errors all been caught before the initial results were reported, the actual results would have been as follows with 602 total ballots cast:

Candidate	Votes	Percent
Sam Goldstein	327	54.319%
Joe Bishop-Henchman	312	51.827%
Joshua Smith	267	44.352%
Bill Redpath	267	44.352%
Alicia Mattson	231	38.372%
Steve Scheetz	229	38.040%
Daniel Hayes	228	37.874%
Joe Buchman	219	36.379%
Reza Khosh-Sirat	205	34.053%
Christopher Thrasher	185	30.731%
Ernest Hancock	120	19.934%
Arvin Vohra	117	19.435%
Heide Alejandro-Smith	117	19.435%
Brian Ellison	113	18.771%
Michael Pickens	110	18.272%
Justin O'Donnell	102	16.944%
Ben Farmer	97	16.113%
Mike Shipley	91	15.116%
Jesse Fullington	83	13.787%
James Weeks	80	13.289%
Drew Layda	76	12.625%

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Clayton Hunt	70	11.628%
Tyler Danke	55	9.136%
Traci Baker	53	8.804%
Brian Slowinski	51	8.472%
Andy Jacobs	51	8.472%
Marc Padilla	51	8.472%
Caitlin Cloven	46	7.641%
Susan Overeem	39	6.478%
Ben Leder	30	4.983%
Tony D'Orazio	20	3.322%
Victor Kocher	20	3.322%
Matt Schutter	19	3.156%
Joe Paschal	15	2.492%
Steven Brenize	10	1.661%
Write-In	9	1.495%
Ambiguous / Ineligible	6	0.997%
NOTA	1	0.166%

### Judicial Committee Election

Following the At-Large results, I attended the post-convention LNC meeting, and then assembled a team of tellers to help conduct the Judicial Committee tally. The Judicial Committee tally was conducted with no time pressures, no interruptions, and no background noise in a quiet room.

Following the convention, I audited the Judicial Committee results to see how accurate the tally had been, I found ZERO real errors made during the Judicial Committee tally. The only thing that I found was that two of the write-ins are clearly ineligible, so they should just be re-classified as "ambiguous / ineligible" rather than as a valid "write-in", though they still get included in the totals.

Those of us doing that tally, late at night, after the post-convention LNC meeting, were all very tired, yet we achieved a perfect result when the conditions were favorable. Delegation chairs had been subjected to time pressures and noise of the convention hall, and they made a comparable number of errors on the state tally sheets. However, the tellers successfully caught and corrected all those errors before the results were aggregated and released.