

Proposed By-Law 18 is a Terrible Idea

Proposed By-Law 18 Protects the Wrong People

Fred Hopengarten, Esq., K1VR

Past New England Division Director

Past Member, Executive Committee

Past Chairman, Ethics & Elections Committee

Maxim Society Donor, Diamond Club Donor

January 2, 2025

When I first heard about revisions to By-Law 18, I asked myself: “What problem is this proposal trying to solve?” After reading it in detail, the answer jumped out at me: It is designed to protect incumbent ARRL Directors from challengers in elections. Put another way: It is designed to continue the “good ole boy” culture.

Here’s what we can conclude about the members of the *ARRL Special Committee on By-Law 46 Revisions*, by reading their *Proposed By-Law 18*¹:

- For ARRL elections, they don’t believe in the wisdom of the electorate. Those voters must be protected in many ways.²
- They believe that second-home ownership or rental (living there sometimes) in another Division, or travel outside the Division should make a challenger ineligible.³ Why not simply use the criteria Connecticut uses to decide if you are eligible to represent Connecticut in the U.S. Senate or the House of Representatives? (“An inhabitant of the state when elected.” [U.S. Constitution Art. 1, §3, cl. 3](#) (Senate), or cl.2 (House)) The voters should be trusted to select their whoever they wish.
- They don’t believe in asking any practicing lawyers to review the language of their proposals for signs of stupidity, like requiring FULL-TIME residency in a division. If “full-time” means that you *are* allowed some vacation, some travel, a second home, then Proposed By-Law 18 doesn’t say that.⁴

¹ The full text of Proposed By-Law 18 may be found at <https://www.arrrl.org/files/file/About%20ARRL/By-Laws/Proposed/121724%20Proposed%20Revised%20Bylaw%2018.pdf>

² Proposed By-Law 18, *passim*.

³ Proposed By-Law 18.c.i.: “[C]andidates must . . . liv[e] full-time within the division.” “Ownership of property or part time residency within a division does not satisfy this eligibility requirement.” (K1VR: So, according to 18.c.i., living in the Division for 300 days per year – i.e., less than full-time – would not satisfy the eligibility requirement of “full-time” residency. Please tell me if you know any Board members who have second homes outside the Division, or who travel – at any time, so a complaint can be filed.)

⁴ The Committee has only one lawyer, W6ROD, a nice and honorable man, and a pleasure to deal with in every way. He is a retired municipal court judge (elevated to the superior court by unification of the separate court systems). He was appointed to the bench in 1990 (34 years ago). While on the bench, his assignments generally involved a high volume calendar, especially low-level criminal matters, light on decision writing. He retired from the Superior Court in 2009 (15 years ago). [Judicial Profile: Rodney Stafford | Law.com](#) Since 2009 he has been listed by the California Bar as “inactive.” [Rodney Jay Stafford # 54613 - Attorney Licensee Search](#) It would be hard to convince me that Rod read Proposed By-Law 18 closely, and considered its implications.

Proposed By-Law 18 is a Terrible Idea

- They don't believe in proof-reading.⁵
- They don't believe in widespread public discussion, to include public debate at conventions, of By-Law changes they propose.⁶ In case you hadn't noticed, the holiday season of Christmas, Chanukah, Kwanzaa, and New Year's celebrations all occur between the release and the vote. During those 30 days there are no ham radio conventions where it can be the subject of a forum, discussion, or debate.
- They don't want voters to know how an incumbent has voted. Nor may a challenger criticize an incumbent "directly or indirectly."⁷
- To enhance the power of incumbency, they won't allow fund-raising outside the division. You can't even raise funds for campaign mailing by using "services such as GoFundme" even if you limit contributions to donors within the division.⁸
- To enhance the power of incumbency, a challenger can't even ask his brother who lives in another division for financial help in running for Director.⁹
- To enhance the power of incumbency, no Board member "may become involved in an election that is outside of their own division. This includes providing financial support, providing testimonials, campaigning for candidates, and actively engaging and supporting potential candidates."¹⁰ Query: If you want thoughts on how you might vote, who knows better about the performance of an incumbent than another Board member who "was in the room"?
- To enhance the power of incumbency, no Board member can provide information to a challenger unless the information is shared with the entire Board and "vetted" (which means what?) "in advance" (which introduces how much delay?) by E&E.¹¹
- No challenger can use Facebook, TikTok, LinkedIn, MyARRLVoice, the CWOps, YCCC or PVRC websites, traffic handler's/VHF/satellite/AM/repeater websites, or reflectors with members outside the Division to promote a candidacy.¹² By the way, this suggests a perfect way to disqualify a challenger. If the challenger is asking for votes on any particular website, unbeknownst to the challenger, solicit someone outside the Division to join the website or reflector!

⁵ Proposed By-Law 18.d.iv.: "A candidate may not make any comments, directly or indirectly, referring to their opponent(s) in any campaign communication, oral or written. Candidates participating in a debate may mutually agree to *wave [sic]* this provision for the duration of the debate."

⁶ Proposed By-Law 18 was released on December 18, 2024. The Board is scheduled to vote on it at the January 17-18, 2025 meeting.

⁷ Proposed By-Law 18.d.iv.: "A candidate may not make any comments, directly or indirectly, referring to *their [sic]* opponent(s) in any campaign communication, oral or written."

⁸ Proposed By-Law 18.d.v.: "[E]lection campaigning and fundraising [shall] take place entirely within the division holding an election. Candidates may not solicit or accept financial support of any kind from outside of their division by any means. This includes using services such as GoFundMe or by using an intermediary." In addition to GoFundMe, a challenger could not use Classy, Fundly, Double the Donation, Kindful, Fundable. Do you know any more?

⁹ Proposed By-Law 18.d.v.: "Candidates may not solicit or accept financial support of any kind from outside of their division . . ."

¹⁰ Proposed By-Law 18.d.v.

¹¹ Proposed By-Law 18.d.v.: "Board members may provide information to candidates, if asked by a candidate, only if that information is shared with all candidates and *vetted in advance* by E&E." *[Emphasis added.]*

¹² Proposed By-Law 18.d.v i.: "Candidates may not use communications vehicles that carry campaigning or other election related comments outside of their division during the election period other than personal websites or webpages."

Proposed By-Law 18 is a Terrible Idea

- Only incumbent Board members can use the ARRL email address list to communicate with Division members.¹³
- ALL campaign material must be sent to David Minster, NA2AA.¹⁴ The proposal doesn't describe limits on what he can do with the material. Query: What could he do with this material if he doesn't favor your candidacy? Could he offer thoughts to an incumbent? Or to E&E?
- A challenger cannot distinguish himself in any way from the incumbent.¹⁵
- ARRL Board elections are holy, sacred or saintly. [Are you kidding me?]¹⁶
- Challengers cannot tell the voters about dirty tricks complaints to E&E.¹⁷

As best I understand it, Arthur I. Zygielbaum, KOAIZ, ARRL Midwest Division Director, and Associate Professor Emeritus at the University of Nebraska – Lincoln, is the driving force behind *the ARRL Special Committee on By-Law 46 Revisions*. According to the [Institute of Agriculture and Natural Resources](#) website, his title is: Emeritus Remote Sensing Specialist.¹⁸ In addition, we are told, the committee includes these members:

- ARRL International Affairs Vice President Rod Stafford, W6ROD, Chair
- First Vice President Kristen McIntyre, K6WX (a former E&E Chair)
- Dakota Division Director Bill Lippert, AC0W
- Delta Division Director David Norris, K5UZ
- Central Division Director Carl Luetzelschwab, K9LA [subsequently retired from the Board]
- Rocky Mountain Division Director Jeff Ryan, K0RM
- Southeastern Division Director Mickey Baker, N4MB (current E&E Chair)
- Great Lakes Division Director Scott Yonally, N8SY

Asked to suggest revisions to By-Law 46, this Committee has proposed substantial revisions to By-Laws 18, 20, 42 and 46. Their suggested changes were published in final form, for circulation and

¹³ For two years and seven months (2.58 years, of the three year term), the incumbent can use the privilege of having ARRL send email to Division members at the member's listed email address. But member email addresses are never made available to challengers. Worse, in 2024, E&E allowed Director N2XDD to send an email in July (*during the campaign period*) introducing himself to the membership of his division, using this email privilege. When a member complained that this was improper, E&E allowed it on the grounds that "There is nothing about this email that is targeted at running for election." **But that's not the rule.** The actual rule, which should have been enforced against the incumbent, reads: "*Campaign material is defined as any material that **might reasonably be expected to affect the outcome** of such election*". [Emphasis added.] <https://www.arrl.org/arrl-rules-regulations> (Definitions). Conclusion: If you are an incumbent, E&E may be expected to cut you some slack. If you are a challenger, good luck. N2XDD defeated W2GD by 230 votes. I suggest that the N2XDD letter, distributed to every member with an email address on file with ARRL, may have *affected the outcome*.

¹⁴ Proposed By-Law 18.d.v i.: "An electronic or physical copy of all campaign material shall be sent to the ARRL Secretary."

¹⁵ Proposed By-Law 18.d.iv.: "A candidate may not make any comments, directly or indirectly, referring to **their [sic]** opponent(s) in any campaign communication, oral or written."

¹⁶ Proposed By-Law 18.d.ix. refers to "the sanctity of the election process". Good grief. Has an ARRL election now been elevated to the level of sacred or holy? Look up the definition of "sanctity."

¹⁷ Proposed By-Law 18.d.ix.: "[C]andidates may not make public statements about complaints."

¹⁸ [Faculty | Our People | School of Natural Resources | University of Nebraska–Lincoln](#)

Proposed By-Law 18 is a Terrible Idea

discussion among ARRL members, on December 18, 2024, allowing just 30 days for discussion among the members, and during the holiday season.

Suggested actions:

- For the 2025 election cycle, these Committee members are up for re-election:
 - Southeast, Director Mickey Baker, N4MB
 - Rocky Mountain, Director Jeff Ryan, KORM
- For the 2026 election cycle, these Committee members are up for re-election, and it is not too soon to start recruiting candidates to run against them:
 - Great Lakes, Scott Yonally, N8SY
 - Dakota Division Director Bill Lippert, AC0W
 - Delta Division Director David Norris, K5UZ
 - Midwest Division Director Arthur Zygielbaum, K0AIZ

If they vote *for* this abomination of a By-Law change (as can be expected because they endorsed it), and run again, you should vote *against* them.

- Search for candidates to oppose this craziness in those Divisions and encourage challengers!
- Ask YOUR Director how he or she intends to vote on By-Law 18 (and the others too).
- Supposedly the then New England Director, AB1OC (he recently lost to K1KI), prepared the business model to justify the most recent dues increase, combined with removing printed QST as included with the dues. Ask YOUR Director if that business model was ever released to the Board. And ask how it worked out. By this I mean ask how many members of ARRL there were before the announcement, and how many members there are now. I don't know the answer – it is a secret. Learn about all the bad things these directors are doing to our ARRL.

CONCLUSION: Proposed By-Law 18 is a terrible idea (as a matter of policy), clearly not ready for prime-time (due to grammar mistakes), obviously designed to protect incumbents (a challenger cannot find fault with the incumbent's voting record), and crafted to limit debate on important issues (all campaign literature must be submitted to David Minster, NA2AA; you can't raise money outside of the Division; and you can't get help from other Board members who actually know what happens in the Board room because the election is too sacred and the candidates are too precious).

Instead of changes to By-Laws 18, 20, 42 and 46, largely designed to discourage new members of the Board with new ideas, the Board should be spending time on:

- Promoting an HOA bill for hams that cannot erect an outdoor antenna
- Modernizing LoTW (how about a \$10/year maintenance fee?)
- Reversing the present monthly declines in membership (likely larger losses than you know – but the real numbers are being secret from the members)
- Pressing forward on a fully electronic VE program
- Assembling a great catalog of video education classes, in easy to find format
- Spectrum defense (can we get back the 2 MHz we lost in the 220 MHz band, now that UPS is not going to use it?)

Proposed By-Law 18 is a Terrible Idea

- Funding more RFI work
- Developing advertisers for QST and other opportunities

QUESTIONS:

- What are the benefits to members for these By-Law changes?
- Will any By-Law change result in more members?