

Balloting/Handling Negative Votes

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This module is designed to give you a general overview of ASTM's balloting process and provide useful tips to committee officers to assist in the proper handling of negative votes.

At the end of this module, you will be able to understand:

- the different levels of ASTM's balloting process
- the requirements for each level of balloting
- what ballot actions are appropriate for each level of balloting
- what happens with the results of the ballot and
- how to deal with the results

General Overview of the Balloting Process

ASTM International utilizes a multi level process in the development of its consensus standards. This process allows for a focused technical review by a subcommittee of experts in a specific field and provides the opportunity for a broader review by the main committee and Society at large. After the completion of the technical review by the ASTM membership, documents undergo a final procedural review by the Committee on Standards (an oversight group with representation from several committees) to assure that all procedural requirements were followed.

Subcommittee Ballot

The Subcommittee Ballot is the first and most focused level of review in the ASTM balloting process. Because the subcommittee is comprised of the most qualified technical experts in a given field, this initial level of balloting is primarily used for the initiation of new standards and major revisions to existing standards.

Subcommittee Balloting

Subcommittee ballots are authorized by Subcommittee Chairman or by a motion passed at a subcommittee meeting.

All ballots are prepared by ASTM Headquarters and remain open for a minimum of 30 days from the date of issuance.

A valid subcommittee ballot requires an affirmative vote of at least 2/3 of the affirmative and negative votes cast by voting members; with a minimum of 60% return.

All ballots received after the closing date (or as soon thereafter as a 60% return is achieved) will be considered as not having been returned and may affect a members official voting status. All statements accompanying late ballot returns will be forwarded to the subcommittee for information only.

Subcommittee Ballot Results

ASTM prepares a summary of the ballot results which is posted to the ASTM Website for member review and is provided to the subcommittee chairman and the technical contact along with any negatives and comments received. If a member submits a negative vote on a subcommittee item, the process is halted until the negative vote is technically resolved by the subcommittee.

Negative votes received on subcommittee ballots are considered by the subcommittee that initiated the item either (1) at a meeting of the subcommittee, or (2) by ballot of the subcommittee.

Comments accompanying affirmative or abstaining votes must also be considered by the subcommittee that initiated the item, but they do not stop the balloted item from moving forward.

Six Resolutions of a Negative Vote

The following resolutions are possible for subcommittee and main committee negative votes:

1. Persuasive
2. Withdrawn
3. Withdrawn with Editorial Change(s)
4. Not Related
5. Not Persuasive
6. Previously Considered

Persuasive

Negative votes are considered persuasive if there is agreement of those present that the comments are persuasive, if no motion is offered to find the negative not-persuasive, or if the 2/3 affirmative vote of the voting members required on a motion to find a negative vote not persuasive is not obtained. When a negative vote is found to be persuasive the item is withdrawn from ballot for further work and deliberation

Withdrawn with /without Editorial Change(s)

Negative voters may withdraw their vote at anytime. Many times, negative voters may be satisfied when provided additional information, clarification or with a minor editorial or formatting change. When a negative vote is withdrawn by the voter it is changed to an affirmative (or abstention vote if the voter so indicates) and requires no further consideration.

If editorial changes are involved, they should be incorporated into the revision.

Editorial changes may also be made during final review prior to publication.

Not Persuasive/Not Related

If the subcommittee does not agree with the technical statement of a negative voter, the subcommittee can initiate a not persuasive action. This not persuasive action must begin with a motion specifying the technical reasons that the subcommittee does not agree with

the negative voter. Similarly, a subcommittee may find that the technical comments submitted do not relate to the balloted item or are directed to a section of a standard that was not part of the ballot item.

Both not persuasive and not related dispositions have the following requirements:

- A motion and second for the disposition.
- A rationale specifying the reason for the action.
- An affirmative vote of at least 2/3 of the combined affirmative and negative votes cast
- For a not related action, the subcommittee shall treat the unrelated negative as an item of new business.

When subcommittee ballot negative votes are ruled not persuasive or not related they only need to be considered by the subcommittee initiating the ballot item.

Items that have passed subcommittee ballot without any negatives will automatically be forwarded to Main Committee Ballot and Society Review.

Items that have had all negatives withdrawn or found not persuasive/not related and have no other outstanding negatives will proceed to the Main Committee / Society Review ballot level.

Main Committee Ballot

Once an item has passed at the subcommittee level or has undergone sufficient review that it now warrants broader review, the item will be sent to the main committee ballot.

Initiation of Main Committee Ballots

Each main committee ballot item submittal shall include a cover letter explaining the rationale for the proposed action and a tally of the subcommittee ballot results. If this item progressed from the subcommittee to the main committee because negative votes were found non-persuasive or not-related, the ballot item submittal shall also include the name and affiliation of all negative voters, the statements accompanying negative votes, and the disposition of all negative votes including reasons.

All ballots are prepared by ASTM Headquarters and remain open for a minimum of 30 days from the date of issuance.

Concurrent Ballots

A Concurrent Ballot can be issued for minor revisions, or new standards and major revisions that have undergone at least one subcommittee ballot. Issuance of a Concurrent Ballot must have subcommittee and main committee chairman approval and include a cover letter containing a rationale for balloting concurrently and background information regarding the proposed ballot action.

Items submitted for main committee or concurrent ballot will also appear on Society Review. Reapproval of standards are issued to main committee ballot and Society Review.

Qualifications for Valid Main Committee / Concurrent Ballots

A valid Main Committee or Concurrent ballot requires an affirmative vote of at least 90% of the combined affirmative and negative votes cast by voting members; with a minimum of 60% return.

All ballots received after the closing date (or as soon thereafter as a 60% return is achieved) will be considered as not having been returned and may affect a member's official voting status. All statements accompanying late ballot returns will be forwarded to the subcommittee for information only.

ASTM Headquarters will provide a Closing Report of the ballot results to the subcommittee chairman and the technical contact with copies of all negatives and comments.

Negative votes received on main committee or concurrent ballots are to be considered by the subcommittee that initiated the item either (1) at a meeting of the subcommittee, or (2) by ballot of the subcommittee. The subcommittee chairman should complete the "Negative Vote Resolution Form" that is generated for each negative vote on a main ballot item and return it to the staff manager.

When a subcommittee has declared a negative vote from a main committee ballot, concurrent ballot or Society Review to be not persuasive or not related, this action shall be reported to the main committee together with a vote record and the reasons for the action taken by the subcommittee. Acceptance of the subcommittee recommendation by the main committee requires an affirmative vote of at least 2/3 of the combined affirmative and negative votes cast by the voting members at a meeting or by ballot.

The comments submitted with affirmative votes must also be considered by the subcommittee that initiated the item but do not prevent the item from moving forward.

Any negative voter whose negative has been found not persuasive by the vote of the subcommittee at a meeting, and then upheld by the vote of the main committee at a meeting, may request in writing a confirming ballot of the subcommittee having jurisdiction. This request shall be made to ASTM International Headquarters within 30 days after notification of the disposition of the negative.

Society Review

Society Review is conducted in tandem with main committee and concurrent ballots. The ASTM International website contains a section titled "Society Review of Main Committee Ballots" which allows each member of the Society to vote on these items. Negative votes received on Society Review of main committee ballot items are considered by the originating subcommittee in the same way main committee negative votes are handled.

The deadline date for receipt of Society Review comments or negatives will be posted on the website.

Written statements accompanying affirmative or negative votes, received by the deadline date will be considered by the subcommittee that initiated the ballot item. Written statements accompanying affirmative or negative votes, received after the deadline will be forwarded to the subcommittee for information only and the voter will be notified of this action.

Committee on Standards (COS)

Committee on Standards (COS) is a nine member standing committee of the ASTM Board that ensures due process and only rules on procedural matters. Disputes of a technical nature must be handled at the committee level in the normal course of the balloting process.

Negative voters who feel they have not received due process or that there was a procedural violation may appeal to COS within 30 days of being notified about the resolution of their negative vote. In the case of a formal appeal, both the negative voter and representatives of the committee may be present and participate in the discussion.

COS receives a monthly ballot of all Main Committee or Society Review negative votes that were considered as non-persuasive or not related.

Once the nine COS members have unanimously determined that the action on each negative vote has met the procedural requirements of the Society, the standard is approved for publication.

The Three- Step Approach to Handling Negative Votes

Communication: The most fundamental method of resolving negatives is for the subcommittee chairman or technical contact to contact the negative voter and discuss the negative in advance of the meeting. Often, simple clarification of the ballot item or an editorial clarification may result in the withdrawal of the negative. Should the negative vote be withdrawn prior to a committee meeting, the subcommittee chairman should immediately inform their staff manager. The removal of the negative vote will then enable the ballot item to proceed through the balloting process toward approval.

Consideration: The ASTM Regulations mandate that all negative votes must be considered and that due process be afforded to all negative voters. The negative voter shall be notified of the time and place where the negative votes will be considered no later than 30 days after the close of the ballot.

All points of the negative should be addressed separately based on technical merit. (This is especially helpful when the negative is lengthy.) The subcommittee chairman's report at the main meeting must include these negative votes and the subcommittee's consideration of them, including the reasons for any action taken and vote counts. At the

main meeting, the committee chairman must allow discussion before taking a vote on any motions to uphold the actions of the subcommittee.

Documentation: A majority of the problems associated with negatives during COS review stem from inadequate documentation of the committee's action(s). The Negative Vote Resolution Forms (attached to each negative vote) and minutes should fully reflect the consideration given to negative votes. When "not persuasive" or "not related" actions are taken on negative votes, it is very important that the following are documented:

- Name and affiliation of the voter
- Content of the negative vote
- Action taken on the negative vote with detailed rationale (address each portion of the negative vote)
- Vote tallies reflecting the count of affirmative, negative, or abstaining votes by voting members

It is important that the rationale for finding a negative vote "not persuasive" or "not related" addresses each portion of the negative vote and that the rationale is thoroughly recorded. The negative voters are notified as to the disposition of their negative votes.

Communication/Consideration/Documentation: Subcommittee

Lets review the three-step approach to handling negative votes on subcommittee ballots:

- Communication about negative votes should occur through meeting agendas, minutes, correspondence and direct contact between the negative voter and the subcommittee chairman or technical contact.
- Consideration of negative votes on subcommittee ballots are handled by the subcommittee initiating the ballot item at a meeting or by subcommittee ballot.
- Documentation of the subcommittee's action on negative votes, including the vote record and accompanying subcommittee reasons shall be recorded in the minutes. The negative voters shall be notified of these actions through correspondence or minutes.

Communication/Consideration/Documentation: Main Committee/Society

Lets review the three-step approach to handling negative votes on a main committee ballots/Society Review:

- Negative votes on main committee ballots/Society Review require a completed and signed Negative Vote Resolution Form to be returned to the staff manager in addition to communication through meeting agendas, minutes, correspondence and direct contact between the negative voter and the subcommittee chairman or technical contact.
- Negative votes on main committee ballots/Society Review require consideration by both the subcommittee initiating the ballot item and the main committee at a meeting or by ballot.

- Documentation of the actions on negative votes from main committee ballots/Society Review including the vote record and accompanying subcommittee reasons shall be recorded on the Negative Vote Resolution Form and in the minutes and through correspondence. The negative voters shall be notified of these actions.

Helpful Hints

- Ballot controversial sections of a document as separate ballot items.
- Use good judgment when balloting sections separately.
- Provide a clear and informative cover letter for ballot items.
- Try to contact the negative voter prior to the meeting to expedite the resolution of negative votes. Do not rely on the negative voter attending.

More Hints

- Dissect each portion of the negative vote into distinct, separate issues and address each point separately based on technical merit.
- Negative votes ruled persuasive remove the item from ballot.
- Submit editorially revised document with the Negative Vote Resolution Form to the staff manager, at the meeting if possible.

Conclusion

Please contact your committee Staff Manager if you have any questions or would like to discuss this topic in additional detail.