



NATIONAL MEDIATION BOARD

WASHINGTON, DC 20572

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34 NMB No. 41
September 14, 2007

TO: All Carriers and Labor Organizations
FROM: Mary L. Johnson, General Counsel
RE: Internet Voting Comment Period

On January 29, 2007, the National Mediation Board (Board or NMB) announced that effective October 1, 2007, it would primarily conduct representation elections offering participants both Telephone Electronic Voting (TEV) and Internet Voting. *Introduction of Internet Voting/Mock Election, 34 NMB 71 (2007)*. The announcement provided that the Board would accept comments regarding Internet Voting during a 90-day comment period, running February 1-May 1, 2007. The announcement additionally allowed participants the opportunity to participate in a mock election.

The Board received three responses to its request for comments: one from the Port Authority of New York and New Jersey (Port Authority); one from the International Association of Machinists and Aerospace Workers (IAM); and one from the Sheet Metal Workers International Association (SMWIA). Both the Port Authority and SMWIA participated in the election without any problem and found the system “user-friendly.”

The Port Authority commented that it found the Board’s Telephone and Internet Voting system biased in that the system “provides no clear direction” for those employees selecting no representation. The Port Authority further stated: “The process does not emphasize, and should at the various points where a selection is required, that an employee who is choosing ‘NO REPRESENTATION’ should not cast a vote.”

The IAM “expressed its opposition to the NMB’s proposal to begin using computerized, internet voting.” The IAM relied on a 2003 report authored by Dr. Rebecca Mercuri, who studied electronic voting in the national political setting, and cited potential problems including: denial of service attacks; proper voter authentication; accurate recording of votes; issues of power

outages; and adequate controls over employees who manage the process.¹ The IAM also referred to a 2001 Loyola of Los Angeles Law Review article that theorized that Internet voting could advantage groups of voters with access to and understanding of the Internet, and ultimately disenfranchise those individuals without access or familiarity.

Further, the IAM expressed concern that the NMB has the capability to connect an individual's Voter Identification Number (VIN) to a particular ballot, and stated: "Voters must be certain that the part of the system that verifies their identities is distinct and separate from the part of the system that records their votes, and that there is no communication of voter identity between the two parts."

The IAM disputed that offering TEV and Internet voting would increase voter participation and further commented that it is premature for the Board to offer Internet voting. The Organization stated that, "we would hope that the NMB would still allow for mail balloting for any voter who does not wish to use either telephonic or internet voting." Finally, the IAM noted that the Board needs to be explicit in its instructions to voters on how to access the NMB's election website.

The SMWIA asked the Board to distinguish the federal district court opinion in *Chao v. Allied Pilots Ass'n*, 2007 WL 518586 (N.D. Tex.), which examined a Department of Labor (DOL) challenge to the Allied Pilots Association (APA)'s Internet election procedures. The Court held that the voting system employed in the APA's 2004 national election violated the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U.S.C. § 401 *et seq.*, as it "failed to assure voting by secret ballot." *Chao* at 12. However, on June 13, 2007, as a condition of the parties' settlement agreement, the District Court issued a Consent Decree and Order vacating its February 20, 2007 order. *Chao v. Allied Pilots Ass'n*, Case 4:05-cv-00338 (N.D. Tex. 2007).

¹ The IAM did not provide a copy of Dr. Mercuri's report with its comments.

Discussion

I. Port Authority's Comment

After review of its election procedures, the Board agrees that some clarification to the Voting Instructions is appropriate. Accordingly, the Board is amending its Telephone and Internet Voting Instructions. The Board also points out that its Representation Manual (Manual), at Section 13.304, provides additional guidance regarding valid and void votes.

II. IAM's Comment

The IAM's comment relies in large part on Dr. Mercuri's 2003 report on Internet Voting in the national political setting. The voting scenario described is distinguishable from the TEV and Internet Voting system that the Board is proposing in a number of ways.

A. Security:

There are two kinds of security in voting systems. The first is physical security, which addresses the potential for interested parties to tamper with the underlying equipment through physical access, yet escape detection. The second type is data security, which addresses the potential for interested parties to remotely compromise the data stored in the underlying equipment, again escaping detection.

It should be noted that poll workers in the national political setting are interested in the outcome of the election, because the outcome of the election has a direct bearing on their lives. Neither the Board nor its contractor has any interest in the outcome of a representation election conducted by the Board.

Providing physical security in the national political setting is indeed a large problem, especially if one or more voting machines must be installed in every precinct. Each jurisdiction would be using its own system on an infrequent basis, and would likely be staffed at election time by volunteers who are not trained in physical security procedures. The resulting uneven application of physical security methods and procedures can easily lead to questions of vote-tampering.

This situation is not present in the Board's TEV and Internet Voting system. The physical infrastructure for the system is housed and maintained in a locked and access-controlled facility by the Board's contractor. Elections are conducted through the contractor's facility on a continuous basis, and alerts are sent immediately to contractor personnel if any interruption to the normal operation of the system is detected.

Data security in the national political setting also presents significant challenges, given the large number of data streams that must be merged to produce the tallies. Again, the presence of so many jurisdictions infrequently running their individual systems can serve to prevent detection of vote-tampering within the jurisdictions.

This situation is not present in the Board's TEV and Internet Voting system. Because all telephone and Internet equipment resides in a single facility, merging of data streams is not required. All votes are received directly inside the system's firewall, and are stored there. Further, the system maintains multiple, detailed, independent audit trails which allow the contractor to substantiate election results and address election challenges. If someone broke through the firewall and gained direct access to the system database with the intent to manipulate stored votes, the manipulation would be easily detected by comparing the several independent audit trails with the database. There has never been a single, substantiated challenge to any TEV-based election conducted by the Board.

To access the TEV and Internet Voting system, the user must enter a confidential, randomly assigned, six digit VIN, and a confidential, randomly assigned, four digit Personal Identification Number (PIN). A VIN/PIN combination is assigned to a single voter in a single representation election conducted by the Board, and is never used again. A voter's name, VIN, and PIN are known only to the voter and to the Election Administrator at the NMB. The confidential VIN and PIN are mailed directly to employees' homes. Requests for duplicate VINs and PINs must be made in writing and signed by the individual employee.

The TEV/Internet Voting system locks out a user after repeated incorrect VIN/PIN entries. This lockout prevents hackers from "programmatically" discovering user VIN/PIN combinations. As an example, if we assume there

are 1000 credentialed voters in a Board election, then a hacker has 1000 valid VIN/PIN combinations to attempt to enter, out of a possible ten billion, i.e., a one in ten million chance of guessing a valid VIN/PIN. After a few incorrect guesses, the hacker is locked out. Even if the hacker successfully enters the system and votes on behalf of someone else, all failed actions are logged, and can be identified during an investigation. Additionally, if the intended voter then attempts to vote, the system announces that a vote has already been cast using that VIN/PIN. In this case, the voter may contact the Board to report the situation and obtain a remedy. Note that use of another voter's VIN and/or PIN is prohibited by 18 U.S.C. § 1001.

B. Potential to Link an Individual with their Vote:

All NMB voting is by secret ballot. Each voter is assigned a confidential VIN and a confidential PIN. The contractor knows only a list of VINs and associated PINs for a given election; the contractor is not given the names associated with the VINs. Further, Board Investigators do not have access to employees' VINs and PINs at any point during the investigation. If a determination is made that a challenged employee should be removed from the List of Eligible Voters, the Investigator gives the name to the Election Administrator who goes into the system and removes that individual. The NMB does not receive from the contractor any voter-identifying information in the ballot tally.

C. Vote Verification:

The Board TEV and proposed Internet Voting systems notify voters when they have successfully cast or recorded their vote. The NMB's election system does not allow an employee to re-enter the voting system after successfully casting their vote – either to verify or change their selection.

D. National Political Election vs. NMB Election:

Dr. Mercuri was analyzing one-day, high profile national political elections, in which voters cast their votes primarily through the Internet. In a one-day election, power outages or Internet glitches could have an effect on the outcome of an election. Further, hackers would have more motivation to affect the outcome of such an important and publicized election.

Board elections will continue to offer employees the option of voting either with TEV or through the Internet. The election system operated by our contractor has several backup power and computer systems. If one system fails, another system would pick up. This seamless process ensures that any system failure will not affect a voter's ability to vote. Further, the Board's elections run for a period of three weeks minimum, allowing participants many opportunities to access the Internet or to use the telephone.

E. Disenfranchising Voters:

Since the Board implemented TEV Voting in 2002, there has not been one allegation that employees do not have access to telephones. By offering an additional medium to vote, the Board is not disenfranchising voters. On the contrary, the ability to vote through the Internet will give enhanced access to national guard/reserve employees and other employees temporarily working overseas.

F. Use of Mail Ballot Elections:

In general, the NMB will be conducting elections using TEV and Internet Voting. The Board may use other appropriate methods, including mail ballots, as is permitted under Section 2, Ninth.

G. Access to NMB Voting Website:

In the NMB's mock election, participants were able to access the election website either by typing in the web address provided in the Instructions or by accessing the link on the NMB's website. The Board will offer employees the same choice when it begins to offer elections through TEV and Internet Voting.

III. SMWIA's Comment

In *Chao v. Allied Pilots Ass'n*, 2007 WL 518586 (N.D. Tex.), the DOL challenged an APA election procedure that allowed members to vote for national officers on the Internet on the grounds that it violated the LMRDA by failing to ensure ballot secrecy. Although the court denied the DOL's Motion for Summary Judgment, it found that the electronic voting system which used number identification markers to link the membership database to the vote database and provided staff with access to the employee identification numbers

(EINs) and PINs required to cast an electronic ballot violated the LMRDA and DOL requirements for ballot secrecy. After an exhaustive investigation, the DOL found no specific instance where any member's vote was actually compromised or where personnel had improperly accessed the voting system to see how a member had voted. *Chao* at 5.

However, on June 13, 2007, as a condition of the parties' settlement agreement, the District Court issued a Consent Decree and Order vacating its February 20, 2007 Order denying Summary Judgment. *Chao v. Allied Pilots Ass'n*, Case 4:05-cv-00338 (N.D. Tex. 2007). Therefore, the discussion in the Court's prior rulings no longer has any legal significance. However, the Board will still address the statutory and procedural reasons why the electronic voting system found flawed in *Chao, above*, is distinguishable and inapposite from the TEV and Internet Voting system proposed by the NMB.

A. Statutory Difference Between LMRDA and RLA:

The APA is subject to the election requirements of the LMRDA. Section 481(a) of the LMRDA requires that "every national or international labor organization . . . shall elect its national officers . . . by secret ballot." The statute, §402(k), defines a secret ballot as: "the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, *which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.*" (Emphasis added.) Further, the DOL regulations addressing LMRDA elections provide that a secret ballot "must not contain any markings which upon examination would enable one to identify it with the voter." 29 C.F.R. § 452.97; *see also Marshall v. Local Union 12447, United Steel Workers of America*, 591 F.2d 199, 204 (3rd Cir. 1978) (holding "a local union is required to take all reasonable steps to assure that every voter marks his ballot in secret").

The language of the RLA gives the Board broad discretion in conducting representation elections. Section 2, Ninth provides that the Board "shall be authorized to take a secret ballot of the employees involved, **or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives,**" and further that the Board may "establish the rules to govern the election." (Emphasis added.) In addition, the Courts have construed this directive broadly and recognized the

Board's wide latitude in its jurisdiction over representation elections. See *Brotherhood of Ry. & S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650, 661-62 (1965); *Continental Airlines, Inc. v. Nat'l Mediation Bd.*, 793 F. Supp. 330 (D.D.C. 1991), *aff'd*, 957 F.2d 911 (D.C. Cir. 1992), *cert. denied*, 506 U.S. 837 (1992); *USAir, Inc. v. NMB*, 711 F. Supp. 285, 291 (E.D. Va. 1989), *aff'd*, 894 F.2d 403 (4th Cir. 1989).

B. Procedural Differences:

Although the RLA and the Courts give the Board broad discretion in conducting representation elections, it is worth mentioning the significant procedural differences between the Board's election procedures and the election procedures used by the American Arbitration Association (AAA) in *Chao v. Allied Pilots Ass'n*, 2007 WL 518586 (N.D. Tex.).

Handling of Voting Credentials

In *Chao, above*, all APA members had access to each other's EIN, as the APA published a list of its members and their EINs on its website. In the words of the *Chao* court: "[E]very members' EIN was published on [APA's] website for any [APA] member who had access to that website to view. Thus from the outset, members' EINs were already compromised." *Id.* at 8. The APA members' PINs were randomly generated and mailed to their home addresses. The EINs and PINs were also listed in a printed book that was available to several election workers at AAA. In addition, members' names and PINs were sent to the printing company used by AAA.

Under the Board's TEV and Internet Voting rules, the randomly generated VIN and PIN are mailed only to the participating employee at the employee's home address, and are not revealed to anyone other than the Board's Election Administrator and the voting system contractor. The voting system contractor does not, however, receive any information that would permit linking a VIN/PIN to the identity of the voter. Conversely, in no case does the Board receive any information from the voting system contractor that could be used to link the content of a cast vote with the VIN used to cast the vote. Given these procedures, no one, including the Board Election Administrator, can link the content of a vote to the identity of a voter.

Vote Review

In *Chao, above*, APA members had access to a “change-vote” feature which gave members voting in the election the ability to re-log into the system after having voted. Once logged in with the same credentials used when they initially voted, members could view the contents of their previously cast vote, and optionally, change their votes. No additional authentication was required. The potentially widespread access to a member’s EIN and VIN (through the publication of VINs/PINs in an internal AAA document, and distribution of PINs to the printing contractor) theoretically enabled persons other than the voter to see the content of the vote. While no evidence could be found to show that any voter’s vote was actually viewed in this manner, this was deemed by the DOL to be a violation of the LMRDA, and formed the basis of the lawsuit.

The NMB’s TEV and Internet Voting system does not allow an employee (or anyone posing as an employee) to either review or change the recorded selection after the vote has been successfully cast. The NMB does not receive any information that links a VIN (and therefore a known voter) to a recorded vote.

Conclusion

The Board’s TEV and Internet Voting system will be effective October 1, 2007. Revised Section 13 of the Board’s Representation Manual and revised Sample TEV and Internet Voting Instructions are attached.

-Attachments-

13.0 TELEPHONE AND INTERNET ELECTIONS

13.1 The Notice of Election

The NMB will provide copies of the Notice of Telephone and Internet Voting Instructions (Notice) to the participants at least five (5) calendar days before the Telephone and Internet Voting Instructions (Instructions) are mailed to the eligible voters. The Carrier must post the Notice on Carrier bulletin boards and at all locations where other notices to employees usually are posted. At least one Notice per station must be posted.

13.2 Telephone and Internet Voting

13.201 Telephone and Internet Voting Instructions

The Instructions consist of the Telephone and Internet Voting Instructions, a Voter Identification Number (VIN), and a Personal Identification Number (PIN).

It is NMB practice to list the incumbent, the applicant and then the intervenor in descending order on the Instructions. If there is no incumbent and more than one applicant, the Investigator will determine the placement of the names.

The Investigator will establish a time period for voting. The number of eligible voters, the number of stations involved, and the geographical distribution of the voters will be considered when determining the appropriate voting period. Participants may request additional time for the voting period. This request must be filed in writing with the Investigator prior to the establishment of the voting period. The request must include a detailed explanation of the circumstances requiring an extended voting period. In no event will the Instructions be mailed less than 21 days before the tally. Only NMB agents administer Instructions, VINs, and PINs.

13.202 Voter Identification Numbers

Each voter will be assigned a VIN to be used in conjunction with the voter's PIN. The VIN is a randomly generated six digit confidential number known only to the voter and NMB agents.

13.203 Personal Identification Numbers

Each voter will also be assigned a PIN. The PIN is a randomly generated four digit confidential number known only to the voter and NMB agents.

13.204 Voting with the PIN and VIN

To vote, the voter can either call a toll-free telephone number or access a designated website as explained in the Instructions. Voters can only vote once with their assigned VINS and PINS through either the telephone or the Internet. As the systems are linked, voters are prevented from voting more than once.

Telephone Voting. The voter follows the voice prompts. When the voter's identity is confirmed, the voter will be prompted with voting instructions for the election. The Telephone Electronic Voting (TEV) voice prompt will list the incumbent, the applicant and the intervenor. If there is no incumbent and more than one applicant, the Investigator will determine the placement of the names on the voice prompt.

Internet Voting. After accessing the website, the voter enters his/her assigned VIN and PIN. When the voter's identity is confirmed, a ballot screen will appear for the election in which he/she is eligible to vote. The incumbent, applicant, and intervenor will be listed in descending order. If there is no incumbent and more than one applicant, the Investigator will determine the placement of the names on the ballot screen.

The PIN and VIN ensure the confidentiality and the integrity of the election by eliminating unauthorized votes.

13.205 Challenged Individuals

Individuals whose eligibility or ineligibility has been challenged, and for whom no final decision has been made, will be sent Instructions, a VIN and PIN. Their votes, if cast, will be considered challenged votes. Prior to the tally, the eligibility determinations will be made by the NMB election officials and appropriate adjustments to the List of Eligible Voters will be made.

13.206 Requests for Duplicate Telephone and Internet Voting Instructions

Voters may request duplicate Instructions, including a VIN and a PIN, by contacting the NMB in writing. The request must be signed by the voter requesting the Instructions and mailed in an individual envelope; group requests are not accepted. Requests by telephone, facsimile or electronic mail are not accepted. Requests received less than five (5) days before the tally will not be honored. Requests dated or received prior to the mailing of the Instructions will not be honored.

The name of any employee requesting duplicate Instructions will be confidential. The employee will be mailed duplicate Instructions, including a VIN and a PIN, and the Official Eligibility List will be marked to reflect that duplicate Instructions were mailed.

13.207 Undeliverable Telephone and Internet Voting Instructions

Instructions returned to the NMB for incorrect addresses or any other reason, will be checked for accuracy. If a "corrected" address is obtained at least five (5) calendar days prior to the tally, the Instructions will be mailed to the corrected address. Otherwise, the Instructions are undeliverable.

13.208 TTY Communications System Users -- for Telephone Voting

Voters may use the NMB's TTY communications system for Telephone Voting as explained in the Instructions. When the voter uses the TTY communications system, the voter must

identify himself or herself with the correct PIN and VIN. NMB election officials shall assist the voter as necessary.

13.209 Adjustments to the Official Eligibility List

The Investigator will verify the number of eligible voters prior to the tally by making the following adjustments:

- (1) clearing all challenges;
- (2) removing names for those individuals whose Instructions were undeliverable; and
- (3) adjusting for changes in employee status.

13.3 The Tally of Votes

13.301 Location and Time of the Tally of Votes

The voting will close at 2 p.m., Eastern time, unless the Investigator establishes an alternate time. The tally of votes will occur at the NMB's Office, in Washington, DC.

13.302 Request to Postpone the Tally

Absent extraordinary circumstances, requests to postpone the tally must be in writing and received no later than two (2) business days before the scheduled count, directed to the General Counsel, and must be supported by substantive evidence. The Board will consider granting such requests only in extraordinary circumstances. Unless the Investigator is officially advised by the Board to defer or cancel the tally, the Investigator shall tally the votes and overrule requests of participants either to defer or to cancel the tally, even when the applicant desires to withdraw the application.

13.303 Admission and Control of the Tally of Votes

The NMB may allow a reasonable number of representatives from the Organization(s) and the Carrier to observe the tally.

The Investigator will ensure that the observers do not interfere with the tally. Any material or information which might disclose whether particular employees cast votes or refrained from voting must be secured. Some examples of such materials would include marked eligibility lists, requests for duplicate Instructions, and voting records reflecting dates, times, and phone numbers.

13.304 Vote Determinations

13.304-1 Valid Votes

Where the voter's intent to vote for representation is clear, the vote is valid and will be counted as a vote for representation. If there is a majority of votes for representation generally, the organization or individual receiving a majority of votes cast for representation will be certified as the representative even if that individual or organization did not receive votes from a majority of the craft or class.

Valid votes include "write-in" votes which clearly indicate the voter's desire for representation. Where a voter has successfully followed the TEV Instructions for a write-in vote, but has only recorded silence, the silent "write-in" vote will be counted as a valid vote for representation. Similarly with Internet voting, where a voter has selected to submit a write-in vote but has not entered any text and confirms this selection, that blank "write-in" vote will be counted as a valid vote for representation.

13.304-2 Void Votes

The following votes are void and will not be counted:

- (1) votes cast for a carrier or carrier official;
- (2) votes where the voter's intent is unclear;
- (3) votes indicating no desire for representation, such as "write-ins" indicating "No" or "No Union," and;

- (4) votes where the voter has "written in" "self," "self representation" or the equivalent.

13.305 Authority to Tally the Votes

Unless the Investigator is officially advised by the Board to defer or cancel the tally, the Investigator shall tally the votes and overrule requests of participants either to defer or to cancel the tally, even where the applicant desires to withdraw the application.

13.306 Tally of Votes

Following any adjustments to the list of eligible voters, the NMB agents will enter the website, tally the votes, print the tally and provide copies to the Organization(s) and the Carrier.



TELEPHONE AND INTERNET VOTING INSTRUCTIONS

UNITED STATES OF AMERICA
NATIONAL MEDIATION BOARD
NMB Case No. R-7117

John Q. Sample

VIN (Voter Identification Number): 943032
PIN (Personal Identification Number): 3007

An election is being conducted under the Railway Labor Act (RLA) for the craft or class of **Carmen**, employees of **M&B Railroad, L.L.C.** Sought to be represented by the **M&B Employees' Association**, and presently **UNREPRESENTED**.

No employee is required to vote. If less than a majority of employees cast valid votes, no representative will be certified. Should a majority vote to be represented, the representative that receives a majority of the valid votes cast will be the representative. Under the RLA, a majority of the craft or class of employees has the right to determine their representative. The RLA also states that elections shall be free from interference, influence, or coercion. It is unlawful for a carrier to interfere with the organization of its employees. Alleged violations may be reported in writing to the NATIONAL MEDIATION BOARD (NMB), Office of Legal Affairs, 1301 K Street, NW, Suite 250 East, Washington, DC 20005.

If you choose to vote, you may do so using *either* the telephone or the Internet. If you do not wish to be represented, you do not need to vote. If you select the option of “Any other Organization or Individual” and do not identify any organization or individual – either by not entering text (Internet) or by remaining silent (telephone) – your vote will be counted as a valid vote for representation. If there is a majority of votes cast for representation generally (including the votes described above), the organization or individual receiving a majority of votes cast *for representation* will become your representative even if your vote was not cast for that particular organization or individual. Please follow the Instructions on the next page.

Federal law prohibits knowingly and willfully making materially false, fictitious, or fraudulent statements or representations in any matter within the jurisdiction of the United

States Government. 18 U.S.C. § 1001. **This includes use of another voter's identification numbers. Your VIN and PIN are confidential numbers, known only to you and the NMB. To maintain the confidentiality and integrity of the voting process, do not share your VIN or PIN with anyone.**

National Mediation Board page 2 of 2

Polls Open: 12:01 AM ET, on May 2, 2007
Polls Close: 2:00 PM ET, on May 23, 2007

Using your confidential VIN and PIN shown on the front of this letter,
you may vote using either the telephone or the Internet.

TELEPHONE

Call (toll-free) **1-866-972-8040**. Text Telephone users (TTY) call **1-866-756-2829**.

Enter your confidential **VIN** and **PIN** when prompted to do so. Follow the instructions carefully! Follow the prompts to cast your vote for the **M&B Employees' Association** or **Any Other Organization or Individual**.

You have successfully voted when you hear: **"Your vote has been recorded."**

INTERNET

Go to <https://www.BallotPoint.com/NMB/> or go to the NMB's website at <http://www.nmb.gov/representation/rmenu.html> and click on **"Click here to vote in a representation election."**

Enter your confidential **VIN** and **PIN** and then click: **"Login."** A ballot for the election in which you are eligible to vote will appear on the screen.

Mark your selection for representation by clicking on the checkbox adjacent to your selection; when complete, click: **"Cast Vote."**

A **"Vote Selection Confirmation"** screen will appear which will indicate your selection for representation. To change your vote, click: **"Change Selection."** To confirm your vote, click: **"OK."**

You have successfully voted when you see the message: **"Your Vote was successfully registered."**

Your vote must be cast by 2:00 PM ET on May 23, 2007, the day of the tally.

The telephone and Internet voting systems operate 24 hours a day, 7 days a week, starting at 12:01 AM ET, on **May 2, 2007**. If you do not receive your VIN and PIN by **May 7, 2007**, you may contact the NMB to request a duplicate VIN/PIN. Your request must be in writing and signed by you. The request must be in an individual envelope. No group requests are accepted. Requests by telephone or facsimile are not accepted. Mail the request to: NMB, Office of Legal Affairs, 1301 K Street, NW, Suite 250 East, Washington, DC 20005. No requests will be accepted after **May 18, 2007**. Voting ends at 2:00 PM ET, **May 23, 2007**, the day of the tally.

If you experience any problems with the telephone or Internet voting systems, please call the NMB at 1-800-488-0019 ext. 5040 (Monday through Friday, 8:30 a.m. to 5 p.m. ET).