

COMPLAINT PBRC017

3/5/2020 16:21:58

[email address redacted]

sherry gendelman

[email address redacted]

Anonymous: No

Complaint (These issues are related so are in this same complaint):

1. Numerous carts have been aired that encourage a NO vote on the new Bylaws, without and equal number of carts that encourage a YES vote at the same time. This has especially been a problem at KPFA but we should verify that this is not happening at other stations, and if it has then the dates and numbers of unequal playing of yes and no carts must be determined.

2. The very significant delays of getting the carts in balance (equal number of yes and no carts), along with the fact that many members have already voted (as evidenced by already reaching quorum), means that many members have already voted after hearing on-air information about the new Bylaws that is one-sided and unfair, in clear violation of Judge Roech's order that all information from the stations to the voters must be balanced and fair.

3. There have been inadequate (perhaps zero as we have not heard any) carts that have aired that tell members how they may change their vote by requesting a new ballot. The elections web site at <https://elections.pacifica.org/wordpress/> was finally updated saying that members may "request to reset" their ballot, but it does not specifically say that they may change their vote, so the purpose of a ballot "reset" is unlikely to be clear to voters. Further, we note that the deadline posted there now for such requests is today, March 5 (with no on-air announcements of this arbitrary and unfair deadline). The lack of on-air announcements and the continuing gross imbalance in carts for each side mean that many members have not been fairly informed of both sides, and almost no voters have been told if and how they may change their votes if they already voted, nor even that there was a deadline of March 5 to do so.

Suggested Remedy:

1. Record and air carts with scripts written by member of the Pacifica Restructuring Project PRP, to tell listeners why they should vote YES for the new Bylaws. Because so much time has gone by with on-air promotion being so one-sided and because so many members have already voted after not hearing both sides in a fair manner, the number of carts aired to encourage YES votes should be substantially more than the ones aired already in the voting period, by a factor of at least two. The numbers of air plays of yes and no carts should be tabulated for each station to determine how many more NO carts aired than did YES carts.

2. Immediately after each airing of the carts written by the PRP, another cart should be aired which clearly and simply explains that there was a violation of fair campaign rules that benefited those opposed to Bylaws reform, and telling members how they can change their vote if they wish. The deadline of March 5 for such requests should be rescinded, and members should have as much time to request new ballots and a ballot "reset", starting when the compensatory PRP carts begin airing, as the time during which the unfair cart playing took place.

3. Ensure that all members who have already voted receive a notice (by e-mail if they got e-mail notification of voting credentials) or by USPS mail if they requested a mailed ballot), telling them that a campaign violation has occurred which benefited those opposed to Bylaws reform, telling them how they may change their vote, and encouraging members to go to the web sites for each side (including links to those sites) to learn more about each side.

Election Inspectors Response: No evidence has been received documenting the broadcast of “No” carts. The Pacifica Restructuring Project has submitted audio for “Yes” carts, but a remedy cannot be ordered absent evidence of a violation. The Election Inspectors Committee feels that no rights regarding vote-changing are guaranteed in bylaws or the court's order and that all notices and deadlines regarding ballot resets have impacted both sides equally, so no remedy regarding vote changing is required.