

## COMPLAINT PBRC041

3/17/2020 20:03:50

[email address redacted]

IsisFeral

[email address redacted]

Anonymous: No

\*\*\* I sent the following email to the KPFA General Manager and the National Election Supervisor on Friday, March 13, 2020:

On Wednesday KPFA aired a debate about the membership vote on whether or not to accept the proposed bylaws changes that would gut the democratic functioning of Pacifica.

The only reason I know the debate occurred is because someone asked me if I knew where to find it. I was unable to find any mention of the debate anywhere on the KPFA.org site, and no KPFA member I knew had received any announcements for it. There was nothing about it on the homepage, nor on the page about the bylaws vote. At the time it was rumored to have aired, March 11 at 7pm, the archive lists Bay Native Circle. That recording turns out to be the debate, which I never would have known had a couple of us not engaged in a wild goose chase to find it, based entirely on word of mouth.

It is shameful that a community radio station, which at least for now requires that members have the right to participate in its governance, can't be bothered to post alerts about important programming that is relevant to decisions we are tasked to make about our radio network. Debates should have been aired already, along with town halls for community discussion, not at the last moment, as an afterthought, and obscured by misinformation.

Democracy has not yet been abolished at Pacifica. The members have a right to know that a debate was held about the bylaws vote. I ask that the link to the archive be mailed out to the membership immediately, as well as posted to all relevant pages concerning the election, and the listing in the KPFA.org archive be corrected.

\*\*\* I followed up with another email today, Tuesday, March 17:

I never heard back from anyone about this issue of the bylaws debate not being announced to the membership. The page where the debate is archived has still not been corrected (<https://kpfa.org/episode/bay-native-circle-march-11-2020/>). I have since heard that it was apparently decided that no one who already voted should continue receiving any more election mailings, and as a result many of us did not find out about the debate, and have been excluded from mailings from both proponents and opponents of the proposed bylaws as well.

If this is true, it is unclear to me how or why this decision was made, and by whom, but I strongly object to members being excluded from any membership mailings for any reason! Our individual vote is only one way that we participate in the voting process. We also discuss and share information with others who may not have voted already, which is part of what a community does. Our involvement is not limited to marking a ballot. This election is about deciding whether to limit democracy and participation in governance. A top down decision to limit communication with the membership does exactly that, and it is wrong to do so before the election has even been decided.

We are entitled to receive all membership mailings. I would appreciate a response with instructions about how we can access the mailings that were denied us by this arbitrary and undemocratic decision.

\*\*\* I never received any response from the GM, but was told by the NES that the only way this can be resolved is to file an official complaint about this here.

## **Election Inspectors Response:**

The court supervising the Pacifica Restructuring Referendum did not require any broadcast debates or membership notice of debates. The broadcast referenced in this Fair Campaign Complaint was arranged by station management for the benefit of the KPFA membership with the cooperation of the National Elections Supervisor. A protocol was enforced to make the debate balanced. Promotion of the debate was noticed on the elections.pacifica.org website, which is under the control of the NES. Station promotions are under the control of station management. All station websites have had prominent links to the Bylaws Referendum material by linking to the elections.pacifica.org website. More promotion of the bylaws programming would have been desirable, and in future elections should be a goal of the NES in collaboration with station management.

The program titles and listings for recordings in the KPFA online archives are automatically generated. Special programming that pre-empts the regular schedule enters the online archives at each Pacifica station under the title of the regularly scheduled program and remains mislabeled unless and until these entries are manually edited by the station's webmaster. The complainant makes a good point. More effort could be made to have all special election programming re-titled in the archives, and that should be noted in the NES Final Report as a lesson learned, along with notes about deficiencies in the promotion of election programming.

The reason that those who have already voted are removed from the member email lists is that vendors handling the email distributions receive more abuse complaints from members who have already voted. This affects the deliverability of all future campaigns and can have legal consequences (CAN-SPAM act, [www.ftc.gov](http://www.ftc.gov)).

The vendors (mailing houses) for proponents and opponents received the same lists at the same time updated regularly throughout the campaign. We are firm in our belief that this was not only a reasonable policy, but necessary to reduce the abuse complaints received in response to the dozens of e-campaigns that went out over the course of the campaign from both proponents and opponents.

The National Elections Supervisor should have copies of all email sent to members through the two approved vendors during the referendum campaign period. The Elections Inspectors will recommend that the collection be included as an appendix to her final report. No action by the Committee beyond this recommendation is anticipated. Publication of the NES Final Report will be at the discretion of the Pacifica Foundation, but it is likely to appear within sixty days at the elections website, <http://elections.pacifica.org>.