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Board members have already been sent (included in their packets from the national office) the following reports, used as sources for this report:

Terrill Bouricius, National Elections Supervisor: ***Pacifica Election Improvement Recommendations***; Caleb Kleppner, Assistant National Elections Supervisor: ***Report on Late Ballot Requests with Suggestions for Future Elections***; Terrill Bouricius, National Elections Supervisor: ***Report On The Conduct Of The Elections*** (Confidential); A.J. Stasney, KPFK. ***Report to Pacifica & KPFK on the 2004 Elections Problems Observed & Suggestions re Fixes***; Philip Botwinick, WBAI ***Local Election Supervisor's Report***; Casey Peters, KPFK Elections Supervisor: ***KPFK Elections Process Comments***

Members of the Pacifica Elections Review Committee

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RESOLUTIONS AND RECOMMENDATIONS OF THE PACIFICA ELECTIONS REVIEW COMMITTEE

The National Elections Review Committee recommends that the Pacifica National Board adopt the following policies and recommendations for the conduct of delegate elections:

RESOLVED: That the Board of Directors adopts the following policies governing the conduct of Pacifica Delegate Elections:

1. That the National Elections Supervisor shall have full independent authority to supervise all aspects of the elections, and to direct national and station management and staff, as necessary, as well as the Local Elections Supervisors, to insure that fair elections are conducted in compliance with the requirements of the bylaws.
2. That the National Elections Supervisor shall designate a secure independent audit procedure to verify member database accuracy in compliance with the bylaws, and shall supervise the updating of the subscribers and donors lists, as well as the paid and unpaid staff lists, at each station, to ensure that the membership rolls meet the requirements of the bylaws. The Local Elections Supervisors and local station management and staff shall work under the direction of the National Elections Supervisor to ensure that the membership lists are as accurate and current as possible.
3. That we request of each station that at least once a year in any year in which there is an election, no later than July 31st, the station include an official request for address correction in a regular mailing.
4. That the policy of the Pacifica Foundation is that any unpaid staff "bargaining unit" organization or union that is "recognized" by the station management must include all volunteer/unpaid staff who have worked at least 30 hours in the previous 3 months on the production of any radio program produced for the station.

In computing unpaid staff production time, 9 hours of preparation time per person shall be computed for each hour of airtime.

A paid-staff employee of the station shall be the volunteer supervisor who will create and be responsible for written assignments for each volunteer, giving the date, time and location of the work done, and including the signature of the supervisor attesting to the work completed. Where programs are produced by a collective or group of persons, the collective or group must submit a roster of persons working on each program to the station manager and the unpaid staff organization as well as the supervisor of volunteers; these records may be validated by the Elections Supervisor in determining eligibility to vote as a "staff member."

5. That the National and Local Elections Supervisors' contracts shall include a requirement that written reports be submitted to the National Board of Directors by the National Elections Supervisor and each Local Elections Supervisor at the conclusion of the elections concerning the conduct of the elections, and that they ship the ballots to the Pacifica national office for safekeeping at the conclusion of the elections.
6. That the election supervisors are directed to enforce the Fair Campaign Provisions in a timely manner, determining sanctions within a few days of infractions. In addition, when dealing with a serious infraction that the perpetrator knew, or should have known, was not allowed, it is better to err on the side of strictness, so as to discourage other would-be infringers. When dealing with minor or possibly inadvertent infractions, it is better to err on the side of leniency. When a complaint is filed, the Local Elections Supervisor should promptly notify the candidate, investigate the facts, render a decision, and notify all concerned in writing.
7. That the National Elections supervisor shall notify the board of directors and the local board of the station concerned by confidential memorandum of any staff or management disciplinary decisions made, as well as any difficulties encountered concerning staff or management with regard to enforcement of the fair elections provisions.
8. That the ballots shall be mailed to the members with identifying PIN numbers printed on them, as required by the bylaws, and that a secure list showing the PIN number assigned to each member shall be kept by the National Elections Supervisor so that ballots reported lost or missing can be voided and replaced. To insure the secrecy of the ballot, ballots shall be returned in a double-blind system, within a sealed unmarked envelope further enclosed in a return envelope marked with an identifying PIN number; the list of members' PIN numbers shall be retained for a period of one year in a sealed container in the Archives and released only to Pacifica's attorneys upon the direction of the Pacifica National Board, after which it shall be destroyed.
9. That the mailing of the ballots shall be accompanied by a request for contributions, and any contributions received from this mailing shall be allocated by the stations to help offset the costs of the elections if not otherwise covered.
10. That election booklets include voluntarily-provided information about the ethnic/racial/gender identity, sexual orientation and disability status of candidates.
11. That the final ballot database of the last elections, and all future elections, be made available to the public for inspection and analysis.
12. That the Local and National Elections Supervisors shall develop policies, in consultation with the Executive Director and station managers, for approval by the National Board at the September Board meeting, setting forth detailed expectations of staff and management behavior with regard to the elections and setting forth disciplinary procedures that may be utilized by the elections supervisors to enforce the fair campaign provisions of the bylaws. This policy shall require staff and management to maintain a "hands-off" attitude towards the listener elections, including not mentioning the names of any candidates (or slates of candidates) except in a neutral manner as part of an election supervisor approved candidate program, and shall also prohibit any listener candidate from appearing or being mentioned on the air on any program at any station where s/he is a candidate following the close of nominations, except as part of an election supervisor approved candidate program.

Resolved: That the Board of Directors makes the following recommendations concerning the conduct of Delegate Elections:

1. That the National Board encourages the Local Station Boards to put the issue of waivers on their agendas at their June meetings.
2. That candidates must speak with the Local Elections Supervisor before their nominations are validated so that the Local Elections Supervisor can verify membership eligibility and ensure that potential candidates fully understand the nominations and elections requirements and deadlines.
3. That the Local and National Elections Supervisors shall develop station web-site and on-air requirements concerning the elections, with content approval by the elections supervisors, as soon as possible.
4. That all ballots must be clearly marked "Ballot" on the outside. The envelopes should be color-coded to make clear to which of the ten simultaneous Pacifica elections (a listener-sponsor and a staff election at each station) they belong.
5. That the explanation of the best STV voting strategy included with the ballot nationwide be based upon the following:
Rank your favorite candidate first, your second-favorite candidate second, your third-favorite candidate third, and so on, and rank as many candidates as possible, provided that you prefer all those you rank to any you fail to rank.
The explanation should further clarify that ranking a larger number of candidates increases the chances that your vote will matter, but that ranking more than seven is seldom necessary.
6. That the Board recommends giving special consideration to professional supervisors of contested union elections for positions as Local Elections Supervisors.
7. That the Board recommends mailing the ballots by first class mail with postage paid return envelopes and a request for members to use their own stamps.
8. That advanced pre-planning be done to ensure that the facilities, hardware, software, and labor power needed to conduct the vote count are available.
9. That the Governance Committee should address, and determine an appropriate response to, the issue of the unfair advantage obtained by candidates with extensive on-air name recognition who are able to run as listeners.
10. That those issues recommended by the National and Local Elections Supervisors for suggested changes in the Bylaws be referred to the Governance Committee for consideration.
11. That by August 20th the Governance Committee should review Terrill Bouricius's conclusions on the status of write-in candidates under the Bylaws, i.e., whether they are allowed and what rules apply to them--in particular, how the Fair Campaign Provisions apply.
12. That the Board recommends that memberships be tracked with a database system that permanently records all changes to prevent fraud.

NATIONAL ELECTION SUMMARY — PROBLEMS AND SOLUTIONS

by Michael Lubin, with helpful input from Carolyn Birden and Carol Spooner

One: Problems with the listener-sponsor member lists

There were numerous problems across all five stations with the listener-sponsor member lists, primarily:

- 1) Members being listed more than once due to variants in name or address;
- 2) Lack of record-keeping indicating those who qualified by volunteering at least three hours;
- 3) Lack of record-keeping indicating joint memberships for joint contributions;
- 4) To a lesser extent, lack of record-keeping indicating those who qualified by paying \$25 or more;
- 5) Gift subscriptions, not allowed by the bylaws, but usually not distinguished from proper memberships by the existing records;
- 6) The presence of staff members on the listener-sponsor lists;
- 7) The inclusion of people also listed as members on another station's list.

These problems seem to have four primary solutions:

- 1) Acquire a database system that tracks all changes to prevent fraud;
- 2) Implement an improved system to keep track of donations and volunteering, tailored to the bylaws definition of listener-sponsor members;
- 3) Conduct a clean-up of the listener-sponsor lists, making use of a national member mailing, which should be able to pay for itself by soliciting donations;
- 4) Mandate the vetting of member lists by election supervisors.

Note that #2 needs to already have been implemented to avoid serious problems in the next election, since members join throughout the year. In fact, those eligible to vote in the next election will include all those who became members from September 2003 through August 2004. Since the passage of the bylaws was not confirmed until September 15, 2003, and since adjustment of record-keeping may not have taken place until later, we will not necessarily be free of the membership problems inherited from the first election, although they can be expected to be much less severe this time.

Another problem is that the bylaws do not always prevent someone with on-air name recognition from qualifying as a listener. This could only be addressed by a very carefully constructed bylaws amendment.

Two: Problems with the staff member lists

The problems with the staff member lists were fewer, but thorny—especially:

- 1) The records often did not clearly indicate who had worked sufficient hours to qualify as a staff member;
- 2) It was sometimes tricky to differentiate paid staff “employees” from contract workers;
- 3) Members of station management needed to be distinguished from staff and removed from the lists;
- 4) The bylaws provisions concerning the date or time period when requirements must be met to qualify a person as staff are ambiguous.

The primary solution corresponds to solution #2 for listener-sponsor members, i.e., tailoring the system for keeping track of station workers to the bylaws definition of staff membership. Also, a uniform policy to clarify who is a listener and who a staff member should be created in time to be implemented in the coming election.

Three: Problems with the ballot mailing

Most observers agree that the ballot mailing was one of the most problematic aspects of the election. To save money, the ballots were sent by bulk mail, and all of them were mailed from one location in Southern California. USPS does not guarantee the speed of bulk mail delivery. Such mailings have low priority, and are sometimes allowed to pile up when the post office is particularly busy. Furthermore, since most members live fairly near the station they subscribe to, in four of five stations they were a long way from the place of the mailing. However, even at KPFK, despite the proximity to the mailing, there were numerous complaints about ballots not received in time. Therefore, and bearing in mind the one month period between the mailing of ballots and the required receipt of completed ballots, in future elections, all ballots should be mailed first class. To increase turnout, first class return postage should be prepaid through the use of a “No postage necessary” return envelope; to reduce costs, the envelope should also bear a message reminding people that voluntarily using a stamp will save Pacifica money.

The PIN number system was designed to absolutely assure a secret ballot. No record was kept of which member received which PIN number, and only the PIN number appeared on the ballot and return envelope, not the name or address of the voter. This system caused problems when voters asked for replacement ballots; if a ballot had already been sent to the correct address, there was no way to determine whether the voter was telling the truth or trying to vote twice, and therefore no ballot could be re-mailed, even though it was clear that many members legitimately failed to receive their ballots in time. Also, any ballots that were somehow improperly obtained could have been cast with impunity. For these reasons, the next election should use a system in which a PIN number is linked to the name and address of a specific member on a secret list kept by the National Elections Supervisor, so that uncast ballots reported lost or missing can be voided and replaced.

Another problem with the mailing is that some voters thought they had not actually received a ballot, even throwing them away, because the ballots were not clearly marked “Ballot” on the outside. This should clearly be remedied. In addition, there are effectively ten elections going on at Pacifica at one time—a listener-sponsor and a staff election at each station—and this produced some confusions; to avoid these in future, each envelope should be color-coded to indicate which of the ten elections it is for.

Four: Problems with the vote count

Most stations had difficulty in getting enough people to do the counting and to perform the technical work around the counting. There were also hardware and software problems, particularly involving the need to use ChoicePlus Pro, instead of ChoicePlus Lite, because the latter does not count duplicate rankings correctly. ChoicePlus Pro requires Java Run Time, which was not available on some of the computers slated for ballot

tabulation, creating further problems. These problems threatened, but did not prevent, the timely and accurate completion of the elections. But it seems clear that more advanced pre-planning would be beneficial nationwide, in addressing both the computer and personnel issues. Also, it may be necessary to hire temps to do much of the work, instead of relying on volunteers.

It does not seem that there were any significant problems with the fairness of the count itself at any station.

Five: Problems with candidate certification, informing the electorate, and enforcing the Fair Campaign Provisions

In general, these problems varied enormously from station to station, but there were some national issues. One question that should definitely be resolved on a national level is that of write-in candidates. Are they allowed? And if so, what rules apply to them? Terry Bouricius formulated a thoughtful response to these questions, which needs to be discussed and adopted, replaced, or amended, whether by a future National Elections Supervisor or by a PNB policy or bylaws amendment.

Due to the last-minute rush in creating the election process, candidates in at least some stations had insufficient preparation for filing their applications, and voters in at least some stations were insufficiently alerted to the nature and significance of the election campaign. Some candidates were insufficiently informed or aware of the election rules, deadlines, events, etc., primarily due to lack of personal contact with the elections supervisors. Candidates frequently got their candidates packets off the internet, without contacting the elections supervisor, and then turned them in on the last day possible, so that the supervisors were rushed in validating their eligibility in order to prepare the ballots. Solutions should involve a greater degree of pre-planning, a larger role for committees that help local supervisors, and more vigorous on-air promotion of the elections. It would be better for candidates to get their candidate packages from local supervisors, rather than the internet, to allow supervisors to personally inform candidates of rules and requirements, verify their contact data, and gather information to validate their eligibility earlier in the process.

Another issue is that many people find STV confusing. The explanation of STV included with the ballot was the same nationwide, and, while adequate and informative, it did not clearly spell out the best strategy for voting by STV. This would be easy to remedy, because the best strategy is in fact very simple: rank your favorite candidate first, your second-favorite candidate second, your third-favorite candidate third, and so on, and rank as many candidates as possible, provided that you prefer all those you rank to any you fail to rank. A longer and easier to follow restatement of these principles, preferably including an example or two, should be incorporated into future mailings.

If a national generalization could be made about the enforcement of the Fair Campaign Provisions, it is that supervisors seemed too reluctant to levy heavy penalties. The substantial shenanigans on the part of some candidates and some members of staff and management that went on at some stations might have been reduced if one or two serious offenders had been penalized severely early in the campaign. In future, a consistent, fair, but somewhat stricter approach would seem in order.

KPFA ELECTION SUMMARY — PROBLEMS AND SOLUTIONS

by Michael Lubin, reviewed and with a suggestion by Carol Spooner

Most of the problems with the KPFA election were the same member list and ballot mailing problems that existed networkwide. Only one significant problem was distinctive to KPFA, and it involved membership in the Unpaid Staff Organization (UPS0).

Article 3.1.B of the bylaws states:

"Staff Members" shall be: (1) any non-management full-time or part-time paid employee of a Foundation radio station; or (2) any member of a Foundation radio station "Unpaid Staff Organization" or "Unpaid Staff Collective Bargaining Unit" which has been recognized by station management, or, if the station has neither such organization or bargaining unit, then any volunteer or unpaid staff member of a Foundation radio station who has worked for said radio station at least 30 hours in the preceding 3 months, exclusive of fundraising marathon telephone room volunteer time. Said volunteer work shall be performed under the supervision of the Foundation radio station management and shall not include volunteer work on committees of a Local Station Board. Radio station management employees and Foundation staff employees who are not employed at a Foundation radio station shall not qualify as Staff Members, however, such employees may qualify as Listener-Sponsor Members by contributing the requisite minimum dollar amount as set forth in Section 1(A) of this Article of these Bylaws.

As can be seen, if a station has a "Unpaid Staff Organization" or "Unpaid Staff Collective Bargaining Unit," the other rules do not apply: someone is an unpaid staff member if and only if she belongs to this organization. Even the bylaws date of record does not govern the organization. Thus, everything revolves around KPFA's independent UPS0, which has a long history of poor recordkeeping in this area, since membership simply wasn't an important issue prior to the passage of the bylaws.

As of the listener date of record, KPFA's official staff membership was the smallest of any in Pacifica, despite the fact that its listenership and paid staff are the largest. This was obviously incongruous and incorrect, reflecting the fact that large numbers of unpaid staffers had not signed up for formal UPS0 membership. Notices posted around the station were widely ignored by many who simply went in, did their shows, and left.

To include as many people as possible, Les Radke, the KPFA Local Election Supervisor, determined that the date of record for the unpaid staff would be the latest possible date, i.e., the day before ballots were sent out. The day of ballot mailing was itself delayed a week, as was the due date for ballots, to give time to increase membership. In the meantime, a first class mailing went out to all unpaid staffers, saying that they had to sign up to participate in the election. E-mail contact was also used. The net result was a much expanded membership at the time of the election, and probably a boosted turnout rate due to the attention called to the election by the membership campaign.

The upshot of the large-scale effort to make unpaid staff aware of their membership rights is that the problem faced in this election has been effectively solved. Not only is the member base much increased, but UPS0 has subsequently conducted two subsequent elections—one for their officers, one for the Program Council—without encountering similar problems.

The only other noteworthy local snag in the KPFA election process: because the original staff ballots left off the name of one of the candidates, and had not been sent to all staff members, they were declared null and void, and new, mimeographed ballots were sent out.

Summary Report to Pacifica & KPFK on the 2004 Elections

By Grace Aaron, Member PNB Elections Review Committee

(in conjunction with Julie Rodriguez and Bill Gallegos, also members of the PNB Elections Review Committee from KPFK)

Two excellent reports about the KPFK LSB election were submitted by Casey Peters, the KPFK election coordinator, and Art Stasney, a volunteer who provided technical support during the election. They are attached for easy reference. These reports are valuable because of their comprehensiveness and specificity and also because they propose practical solutions.

There is one other point brought up by a number of KPFK listeners and LSB members that should be addressed in future elections. This is the question of diversity. This has come up more than any other concern, to my knowledge. This falls into 2 categories. First, should there affirmative action standards or quotas be mandated as part of KPFK elections? If so, how might this be done? Also, can it be done legally? Second, the question arises about giving free memberships to low income, minority and underrepresented groups. This is seen as a way to help solve problems in creating a diverse board. How would this be done? Although KPFK has the policy of granting volunteer memberships to anyone volunteering for 3 hours or more, it is acknowledged that geographical and other problems can make this an inadequate way to ameliorate lack of diversity issues.

To briefly summarize the election problems delineated by Eva Georgia, KPFK General Manager, Casey Peters, Election Coordinator and Art Stasney, Election Volunteer, they are:

The general lack of adequate time between different elements of the election process. This has led to problems that include: members not receiving ballots in time, candidates not submitting statements in a timely manner, etc.

Technical breakdowns, mostly caused by computer hardware and software failures.

Inadequate staffing for the election.

A lack of a clearly delineated job description for the election coordinator.

A lack of clearly defined roles and policy for the interface between the election coordinator and KPFK staff.

A lack of clearly delineated guidelines for candidates and for the election itself. This is not to say that there was no policy, and no guidelines, but they were not sufficiently thought out causing extra work, confusion and stress for both the election coordinator and KPFK staff and volunteers.

Suggested Solutions:

For the next election, budget enough money to hire 2 election coordinators as our experience has shown us that the job is too much for one person to coordinate.

Clearly delineate the job description of the election coordinator, including specific tasks he needs to perform, how s/he will coordinate those tasks with the station staff, etc.

The time frame for the events leading up to and including the election and election follow-up should be longer. Candidate recruitment and preparation could be done in 1 month and the mailing of ballots and the election could be given 2 months. One month for the election itself was too short.

A very clearly delineated time line which gives ample time to recruit candidates, create candidate statements, questionnaires, 60 second spots, etc., mail out ballots, handle any problem with the balloting or mailing, gives ample time for subscribers to vote and for the election to be tallied. Candidates should have to provide candidate statements, answers

to questionnaires, 60 minute spots, etc., in a timely fashion or be disqualified. The criteria for being accepted as a candidate should be made very clear at the beginning of the process.

Make sure that the computers used to tally the votes are in good working order. Make sure that the software is adequate for the job and is reliable. Line up volunteers and a venue for tallying the votes well enough in advance.

KPFK has about 2,000 people in its database that have given money, but less than \$25 per year. We suggest that people who fall in that category who have donated any sum at least twice and at least in two separate calendar years be mailed a fee waiver form and instructions on how to fill it out and how obtaining a membership this way will give them voting privileges. This would help to create more diversity in our membership and on our board.

No election should overlap the LSB election the way the Interim Program Council did at KPFK.

Policy should be created to allow the questioning of blocks of votes (either by faction, group, geography, etc.) that indicate a malevolent attempt at a take-over of the board. Let's say 10% of the final vote tally. This is only a vague suggestion as this is very problematical. But there should be some method to prevent or invalidate a take-over of the station board. And some policy should be put in place before a take-over is attempted. The ballots that are mailed out may have to have a double envelope system so that the ballot is placed in a sealed envelope and then that envelope is placed into another envelope that identifies the sender. This way voters can be traced by a neutral third party if a group or faction of votes is in question.

Sufficient mailings need to be done to maintain the integrity of the mailing lists and the database needs to be kept up-to-date.

Candidate statement, ballots, etc., should be translated into Spanish.

Part of the job description of the Election Coordinator(s) should be to write an election report after the election for the LSB.

REPORT: SUMMARY OF ISSUES AND PROPOSALS FOR SOLUTIONS TO PROBLEMS ARISING FROM THE ELECTIONS AT WBAI

INTRODUCTION

The following summary of issues at WBAI is based on the report from the local elections supervisor; reports from the Education, Functional, and Rules work groups of the local LSB; and information from two reports of the National Elections Supervisor Terrill Bouricius, as well as from conversations, notes, and minutes of meetings. The report was compiled by Carolyn Birden, with help from Michael Lubin and Miguel Maldonado.

This report does not include issues discussed in the report NATIONAL ELECTION SUMMARY -- PROBLEMS AND SOLUTIONS, which describes problems experienced by all five stations.

The attached reports from work groups of the Local Station Board include some recommendations reflected within this report, especially those reports from the Education, Functional, and Rules work groups, and are attached at the requests of the individual committees. Although some recommendations from the Rules, Functional, and Education work groups have been included in this summary report and in the resolutions and recommendations presented to the Pacifica National Board, none of these recommendations have been voted on by the WBAI Election Review Committee or the Local Station Board.

I. PROBLEMS WITH THE DATABASE

There are several problems with the database at WBAI:

- A. The local supervisors did not have oversight of the database or the process of updating it.
- B. It is not known how secure the database is: the question was raised as to whether a copy of the membership database was extracted for use by the supervisors at a certain point.
- C. No chain of responsibility exists to validate status of volunteers who may have earned membership status, or to validate updates to the list, entries of donors, accuracy of data entries.
- D. Data entry varies with the person taking down the information and/or entering it into the database.
- E. Access to the database is not restricted to confidential employees.

Proposals for local solution include making one paid-staff member responsible for all data concerning volunteers, in order to validate their status as members; hiring an independent auditor, ideally the same one used by the National Elections Supervisor, to audit and validate the station list annually and at the same time to train staff in uniform procedures; and after the list is audited, validated, and updated, redesign the data entry forms and create a uniform data collection and entry process.

II. PROBLEMS WITH VALIDATING STAFF MEMBERS

Most problems with validating staff status stemmed from inaccurate, out of date, or missing database information, and ultimately from lack of information from management and the unions. (See I above) At WBAI there are two unions, one for unpaid staff and one for paid staff. Additionally, the process for defining the members lacks verifiability.

- A. Definition of unpaid staff is circular, vague, conflicting, not validated: "unpaid staff position" is ill defined (unpaid staff are those who fill unpaid staff positions) and the term evidently was never defined at the station, with criteria applied inconsistently, without record keeping or opportunity for validation. Staff data that should have been available from management and the union was not complete.
- B. Status of candidates (listener/staff) was argued and arguable, with criteria being inconsistently (re national criteria) applied: see below re Candidate Validation.

C. No independent validation of the process for certifying staff exists, either within the unions or within any of the station or Board committees.

Solutions proposed include clarifying the language of the bylaws regarding union, management, and Election Supervisor (ES) responsibilities regarding the relationships among these entities; revising the Bylaws (Article 3 Section B) regarding definition of staff. Temporary (before the 2004 elections) measures should be determined by the National Elections Supervisor (NES).

III. PROBLEMS WITH THE BALLOTS AND BALLOTING

A. Many members did not understand the election process and did not get clarification on how to vote, what to do about errors in ballots (not received, duplicates, missing).

B. A process for handling lost ballot complaints was not well advertised to members, and not enough time was scheduled to remedy this.

C. Because there is no chain of command for correcting the database, it was not possible to verify corrections uniformly.

D. Carts announcing procedures for choice-voting procedures and for replacing lost ballots were not run often enough.

E. Using volunteers to count ballots was problematic: not all were neutral, which was not known to the supervisor, and they were not organized, so were not reliable enough: temp workers eventually had to be retained, which improved efficiency.

Possible solutions: In addition to the solutions that address the source of the problems, i.e. the database and mailing systems, possible solutions proposed are to use the period before the nominations begin to air carts to explain the following: the importance of elections; the value of renewing memberships; the process of running for the board; and the philosophy and method of choice voting itself. The ES could use airtime to explain the process, take listener phone calls, and create a positive climate both to educate the voters and make effective use of the campaign period.

IV. PROBLEMS WITH THE CAMPAIGN PROCESS AND VIOLATIONS OF FAIR CAMPAIGN RULES : CANDIDATE VALIDATION

The process initiated by the ES created some confusion, and candidates submitted information that was incomplete: responses to these applications, however, were inconsistent, and the candidates were not sure of all of the rules regarding valid applications. Some candidate information was posted on a website that was, however, not updated frequently, causing more confusion. The air was not used to inform members or candidates of the rules. The orientation sessions were not mandatory, and so some candidates missed essential information, excuses used later to justify actions that were clear violations of the rules.

It is unclear how the ES validated candidate application information, but candidates had late and little information about the process and the requirements, which were administered under great time pressure. There was too little time allotted for the ES to validate applications, and too little time for candidates to correct incorrect, missing, or questionable data. The ES was overworked, and appointed her own committee which, however, was not always available as necessary to give advice and support to the candidates and would-be candidates.

At WBAI, there were several issues that should be resolved before the next election. A producer for a show produced off-site was classified as a listener and became a listener-candidate despite his extensive name-recognition factor. Two listener candidates appeared as frequent guests on a program: does this make them part of the production staff? When a person changes categories, i.e. leaves the air or joins a program, and his or her category changes, should s/he have to run in the new category at the next election? According to the bylaws this person must leave the Board if already elected and stand for re-election in the new category.

Proposed remedies include the following:

1. The ES, rather than a website or committee members, should be the only source of application forms, information, and clarification of rules.
2. Time for validation of applications and correction of data should be lengthened.

3. Responsibility for supplying active contact information including a working (mandatory) e-mail account rests with the applicant, not the ES. Exceptions may be made for people with disabilities that preclude the use of computers.
4. The ES must have access to the updated membership database in order to validate candidate information (and, later, voter queries)
5. The ES should have, before the certification period, definitions of staff and member status that are well defined by the National ES and the PNB, so there is no ambiguity about the status of applicants.
6. F.. Candidates who have appeared on the air during the last year should be classified as staff,
7. Candidates who are producing shows or part of collectives doing so should be classified as staff
8. Candidates must sign and be held responsible for every article of the Fair Campaign Release form.

IV. PROBLEMS WITH THE CAMPAIGN PROCESS AND VIOLATIONS OF FAIR CAMPAIGN RULES: VIOLATIONS OF FAIR CAMPAIGN RULES

The Report by Philip Botwinick details the violations of fair campaign rules at WBAI, which can be categorized as follows:

1. Some candidates claimed not to understand the document they had signed outlining the Fair Campaign Rules.
2. A process for registering complaints about violations by candidates was not clearly stated or issued.
3. Complaints were treated differently, complainants were not kept apprised of the status of the complaints, and decisions were not communicated to parties (including the listeners) in an equitable way.
4. The concept that any air time at all, whether by the candidate or by supporters, requires equivalent airtime by all candidates, was not used as a basis for evaluating the seriousness of violations.
5. Some candidates had access to station resources that were not available to others.
6. Poor communication between supervisors and candidates resulted in candidates not knowing or doing what was necessary, and in live forum events being of uneven quality.
7. Supervisors took far too much time to make decisions about campaign violations and remedies, and did not communicate the process, rationale, or results evenhandedly.
8. Volunteers for the ballot counting were in short supply, which meant that partisans had to be used at first.
9. No sanctions or remedies were available for producers and management personnel who violated the rules either by their on-air behavior or their tacit approval of on-air violations.
10. Serious problems arose from the interpretation of ambiguous definitions of staff and listener status and the lack of validation of lists of staff members issued by various authorities.
11. Carts by individual candidates were produced late in the timetable, scheduling was not fairly distributed over the broadcast day, and candidates had uneven on-air exposure.
12. Confusion over the rules regarding access to public events resulted in hostile dealings between supervisors and some candidates.

Proposed remedies include the following:

1. The station should offer to send one combined mailing to the membership to which all candidates would be invited to contribute a single sheet of paper, to be funded by the station, by a fundraising appeal specifically for this purpose, and by appeals to the candidates.
2. The LES should devise a policy for evaluating complaints about fair-campaign violations that includes notifying the complainant and the subject, evaluating the evidence, issuing a prompt decision, notifying all concerned, and posting the decision on the air and on the station website.
3. The LES should establish communication channels with both management and members/candidates that are well delineated and used competently.
4. Plans for the ballot counting, including location, personnel, and computers, should be made well in advance of the election.
5. Management and union personnel should work together to make definitions and determinations of staff and listener status well in advance of the nomination period.
6. Management and the LES should plan airtime for election information, candidate appearances, and carts as early in the process as possible. Such exposure should be equitable, spread over the broadcast day, and well advertised.
7. The LES should clarify early in the process rules for holding public events, both on air and live.

May 28, 2004

**WBAI LSB WORK GROUP REPORTS:
FUNCTIONAL, EDUCATION, RULES, AND WAIVERS WORK GROUPS**

William E. Murawski

530 West 50th Street Apt. 5A New York, New York 10019

Info@BillMurawski.com (212) 246-9331

May 20, 2004

WBAI Local Station Board and Station Management
120 Wall Street
New York, NY 10005

To All:

It has been a pleasure to have been involved in the process of reviewing, analyzing and making recommendations to WBAI as a member of the WBAI Elections Review Committee (ERC). For that I thank all of you for your time patience and input that went into the final analysis report of the Functional Work Group of the ERC, which is attached for your convenience and review.

Knowing that the ERC is an ad-hoc committee of the LSB and the elections will soon be upon us, it is unfortunate that the report is not as complete that it could have been. There has been no time afforded for review of the MEMSYS application program and its database or review of written procedures of which reasons escape me. However, should the management and or the board members of WBAI seek further assistance in researching and reviewing the process of elections, memberships and fundraising procedures, I would be glad to offer further assistance if called upon.

Sincerely,

William E. Murawski

Analysis Report from the Functional Work Group of WBAI Election Review Committee

Date of Report: May 20, 2004
Author: William E. Murawski

Overview

This analysis report is compiled based on attendance of one WBAI Local Board Meeting held at the Musician's Union; two Functional Work Group meetings; many in-depth discussions; three Election Review Committee (ERC) meetings; email conversations; and a cursory review of the MEMSYS application. This report is considered incomplete in part due to the inability to review any and all documents, written procedures, in-person observations of the fundraising and membership processes, and finally, a review of the MEMSYS application operated and managed at WBAI.

Included in this short report are exhibits, addendums, documentation received at meetings. The information presented in this report also contains observations and opinions based on my professional experience in the computer industry. Attached to this report at the very end, is a copy of that professional experience that should support the opinions and recommendations not necessarily gathered and received from my involvement with the ERC.

Because of such stringent time frames, the enormity of the task at hand, this report is to be considered preliminary. Research will continue to be conducted on my part in the process and a more complete report will be made available to WBAI and its LSB.

Situation Analysis

There are a number of issues that are obvious to the most inexperienced observer. The first is that WBAI utilizes an application program (MEMSYS) for memberships and elections. To date, there has been nothing more than discussions regarding the written procedures, forms or approval authorities to demonstrate some of the conversations. As a result, the aforementioned can only be considered as non-existent.

The in-person evaluation and analysis of an application program and operation is yet another, as is the membership and fundraising processes. Without an in-person evaluation of the process, there cannot be a level of recommendation of which I am accustomed as a business professional.

With regards to the input form and there being "less problematic than suggested" by me, as a professional who has been in the industry for many years, this is a statement that is at issue. Even Microsoft has had problems with computer software that is purchased by the unknowing of the ramification of what is trying to be accomplished to prevent "garbage in, garbage out" syndrome.

At the Work Group Meeting held on May 19, 2004, a two page report was developed for presentation to the ERC. Although there was spirited discussion, all of the items listed on that report in the addendum attached to this report, were ignored. However, the following issues were discussed.

- 1) Language of problems and solutions should be less accusatory. During the discussions, issue was taken to words such as “evidence” which has the implication of a legal action and or wrong-doing. Yes I agree with this, however, the English language does have the ability of getting across a point with the most accurate word possible. In the case of this report, I use the word “exhibit”, which can also have legal implications but it also has an implication of a demonstration.
- 2) During fund drives when taking calls in Tally, it was suggested that when the Tally Coordinator instructs the volunteer to request verification of address and phone number if the caller is a renewing membership. This is a process that is believed to be implemented to prevent from membership problems with mailing, double entrees etc.
- 3) Although some Tally Coordinators may already perform this task, it was suggested that all Tally Coordinators confirm badly written information from the pledge cards. Not suggested regarding this item is an approval signature of the person responsible.
- 4) Before deadline, confirm membership of candidates. Candidates should have time to correct or defend claims of questionable status.
- 5) Education of staff and listeners with regard to elections process. Listeners who volunteer will have accurate information when questions are raised in Tally. Staff will have accurate information when referring to elections either on the air or when persons call with questions off the air.
- 6) Concerns were raised with regard to the disposal/elimination of original pledge cards. Should cards be kept longer than already kept? Is there an IRS consideration to the length of time the record is maintained? It is necessary to maintain the cards for the purpose of a paper-trial audit to resolve any issues.
- 7) Inform Elections Coordinator of both the Tally and subscriptions process. A written procedure would be helpful as well as a training session for refreshing or education on any new developments.

Exhibits and Addendums

Attached to this report is Exhibits A-1 and A-2, which are copies of the pledge form and a copy of a data input screen of the MEMSYS application. Although it is not known the layout of the screen used at WBAI, this is an issue that must be reviewed and documented.

Attached to this report as Exhibits B-1 and B-2 is a copy of information documenting that a person who is a member, did not receive his ballot.

There are other examples that did not arrive to me that demonstrate double billing of premiums as well as a negative donation. These are issues that must be addressed for financial reasons.

The addendum contains a copy of the Functional Work Group document that was provided to the group and ERC on May 13, 2004. The information contained on this document requires addressing in the appropriate manner.

The addendum also contains a copy of the report of the Functional Work Group that was provided to the group and the ERC on May 19, 2004. The information contained on this document requires addressing in the appropriate manner.

Recommendations and Potential Impacts

Based on my involvement as stated herein, it is necessary that the sleeves be rolled up, dig in and solve the issues as described herein, which includes addressing the information attached to this report as Exhibits and addendums. Otherwise, people will continue to be disenfranchised; elections will operate unfairly; listeners and contributors may be lost. And most importantly, the financial success of WBAI may depend on whether the issues are addressed in an appropriate manner.

FUNCTIONAL WORKGROUP

May 13, 2004

Volunteer: Bill Murawski

Objective:

Review and QA integrity of data input for membership and voting issues.

Elements:

- 1) Membership Process
 - a. Identify and review written input procedures used to enter membership into MEMSYS.
 - b. Identify and review ALL forms used for ALL types of memberships.
 - c. What is the approval process for membership and who is responsible?
 - d. Review written procedure for validation of membership database for election requirements.
- 2) How are forms and other written procedures listed in item 1 obtained for review?
- 3) Perform QA analysis for item 1 using known quantities (canned membership data).
- 4) Voting Process
 - a) Identify and review voter list validation process.
 - b) Identify and review voter ballot processing (mailing and tabulation).
- 5) Standardize membership process using MEMSYS if required.
 - a. Recommend multiple membership forms if existing to be streamlined to one with approval signatures.
 - b. Does MEMSYS meet WBAI requirements for membership?
 - c. Does MEMSYS meet WBAI requirements for elections?

Recommendations and Impact:

Forward findings and recommendations to WBAI Election Review Committee

To: All Members of the Election Review Committee
From the Functional Workgroup
Report by Bill Murawski Page 1 of 2
Email: info@BillMurawski.com
Distributed at the ERC Meeting and The Functional Workgroup Meeting of
May 19, 2004

(I) Item 1 through 7 below are initial drafts of questions that will be presented to the staff and management of WBAI to assist the ERC in coming up with a process and recommendations to meet the following objective: Review and QA integrity of data input for membership and voting issues.

1) A copy of the System Requirements Questionnaire that WBAI used in selecting the MEMSYS program to manage the membership and election needs of the station is requested for review. When an organization begins seeking a software application to manage any part of its operation either by replacing an existing software application or automating a manual process for the first time, it is standard in the computer industry that a System Requirements document is developed that will meet the needs of the organization in accordance to its rules and regulations. In turn, the computer company will respond to the System Requirements Questionnaire to indicate whether or not each and every requirement is met by the standard "off-the-shelf" application developed by the computer company. If any requirement(s) cannot be met that is listed on the System Requirements Questionnaire, the software developer will indicate the cost of implementing such requirement(s). The software developer will also provide the organization of the hardware requirements that are required for proper use of the software application. Should WBAI not have a copy of the System Requirements Questionnaire and the response from the software developer, it can be requested from the software developer, in this case MEMSYS. FYI, in the case of a government agency, or anyone or organization using government funds to procure such a software application, the System Requirements Questionnaire would be included with the Request for Proposal (RFP). In the event that a System Requirements Questionnaire and its response does not exist, it is strongly suggested that the ERC create one yesterday.

2) A copy of the Quality Assurance (QA) test report that insured the application met the System Requirements of WBAI is requested for review by the ERC. Included in the QA test report should include canned test data (known quantities) that would result in a known result. In the event that a QA test report does not exist, it is strongly suggested that the ERC create one yesterday.

3) A copy of the written procedure(s) (scripts perhaps) used in deciding how a membership is determined and or explained to a potential member is requested for the review of ERC. One of the statements one would think that is included in such a procedure is as follows: "Your donation is above the dollar amount. The dollar amount can cover X members. Are there any family members that you would like to offer a membership to?" Of course, the input data entry form would have to conform to the written procedures as would the application software. If there are no written procedures, it is strongly suggested that they be developed by the ERC.

4) A copy or any and all election rules and regulations that was provided to any and all persons (current members, new members, staff of WBAI, volunteers, candidates etc) in preparation for the WBAI election.

**From the Functional Workgroup
Report by Bill Murawski Page 2 of 2**

Email: info@BillMurawski.com

**Distributed at the ERC Meeting and The Functional Workgroup Meeting of
May 19, 2004**

5) A copy of the training manual as well as the software manual for the MEMSYS application is requested for review.

6) A copy of the written processes by which all members are provided membership. For example: Is there a written procedure for those who volunteer for three hours? For those who volunteer time on the air during fundraising periods? For those who sponsor other members? etc, etc, etc

7) A written copy of the procedure by which the membership list was validated (vetted) for voting in the WBAI election. Included should be the procedure by which the list was created for voting. For example: Was the membership list exported from the MEMSYS application for the election list?

(II) Since there are four separate and distinct issues that were brought up in terms of memberships, double billing of memberships, premiums were provided to people who did not pay for premiums and why were premiums not sent out in a timely manner, I have the following questions and statements to offer for review.

A) Does WBAI maintain a backup of the data entered into the MEMSYS application both on-site and off-site in the event of a catastrophe? What are the timeframes of the backups?

B) A review of the four separate and distinct issues should be reviewed ASAP. They are as follows:

- (1) Double billing of membership -- issue brought up at the last ERC meeting.
- (2) Sending premiums to those who did not pay -- issue brought up at last ERC meeting.
- (3) Members did not receive ballots -- issue brought up at the last ERC meeting.
- (4) Did the people who paid for the premiums last year receive them? This is my issue. There are 20 sets of VHS tapes that were ordered by WBAI through my distributor.

In the event that item "B" listed above does not have sufficient data to examine some of the problem areas, there is a Yahoo Group to collect the data at <http://groups.yahoo.com/group/WBAIelectionProblems/>. To subscribe send an email to WBAIelectionProblems-subscribe@yahoogroups.com and to send a description of the problem, send the email to WBAIelectionProblems-subscribe@yahoogroups.com. If you only want to report the problem, subscribe, send a message that contains the description of the problem and then unsubscribe by sending an email to WBAIelectionProblems-unsubscribe@yahoogroups.com

Report of Education workgroup of the WBAI LSB Elections Review Committee

May 21, 2004

The Education workgroup consisted of Enzo Bard, Ray Laforest, Monroe Litman, Jesse Heiwa, and James Ross. We had two meetings and communicated by phone and email. This report was compiled by James Ross based on our work.

We focused on four main areas: On-air candidates' forums, live candidates forums, on-air carts by candidates, and other programming related to elections.

ON-AIR CANDIDATES FORUMS:

There were 13.5 hours of programming overall devoted to candidate forums. There were two rounds of forums. Each candidate could participate once in each round. Generally the individual shows were 40 minutes to one hour, with 3-4 candidates each.

12/16/03 3:00 PM-5:00 PM
12/17/03 7:00 AM-8:00 AM
12/23/03 9:00 PM-11:00 PM
12/27/03 3:00 PM-5:00 PM
12/29/03 10:00 AM-11:00 AM

1/23/04 11:00 PM-11:30 PM
1/24/04 3:00 PM-5:00 PM
1/24/04 11:00 PM-11:30 PM
1/26/04 11:00 PM-12:00 AM
1/30/04 7:00 PM-8:30 PM

Air time for candidates was at various time of day each round and was not scheduled far in advance.

Problem: there was not enough air time overall for voters to get to know candidates. There was a nominal 15 minutes per candidate, which means probably 10 minutes in reality.

Recommendation: We believe a nominal 30 minutes per candidate is a minimum for candidates to express themselves fully and for voters to learn enough to make an informed choice.

Problem: Bad timing, lack of advance scheduling, irregular scheduling. No on-air forums when most voters were receiving their ballots (around 1/15 in our area).

Recommendation: Time for at least two rounds should be scheduled well in advance. One round should take place when voters are receiving their ballots. All shows within each round should take place at the same time of day -- say 7-9 pm each weeknight for a week -- so that interested members have a chance to hear all the candidates. The two rounds should take

place at different times of day. If there is available air time, there can be more forums, or rebroadcast forums at varied hours.

There needs to be a policy that the station will make adequate time for on-air forums well in advance.

On air forums should be well-advertised with carts.

Problem: Format relied almost totally on listener call-ins -- not all questions were good and some topics were not addressed.

Recommendation: The moderator should be able to pose some pre-scripted questions, edited for quality. Listeners can submit questions in advance via email or to a voicemail box. Some of us would like candidates to be able to ask each other questions; others think this is not a good idea. We also support the idea of the moderator taking questions by email live on air.

Problem: The moderator (Elections supervisor) made some inappropriate statements, perhaps due to nervousness.

Recommendation: Remind moderator not to do this.

Recommendation: Format for all on-air forums should be the same -- same music, etc.

Recommendation: On-air forums should be archived for listening by internet.

LIVE CANDIDATES' EVENTS -- LISTENERS:

There were 15 live events for listeners throughout our area. They were sponsored by the station, community groups, listener groups, and candidate slates.

The most notable problem was the low attendance overall -- probably no more than 200 different listeners attended an event. Two of the events were well attended (forty or more listeners); the others for the most part were not.

Recommendation: Better advertising on air and via groups that sponsor the events. It's not clear that more advertising is the answer, though, since some of the forums were well-advertised.

Problem: "Official" format -- two minute speech and four minutes answering questions -- was limiting.

Possible Recommendation: Use a format as at KPFT (some time spent in conversation circles). However, the large numbers of candidates may not allow this, unless people want to spend all day with the candidates. Or block out some time for socializing (this was done successfully at some of the forums).

Problem: it was not clear whether all candidates were invited to some forums.

Recommendation: Lay out a clear policy early on, and ask sponsors to announce whether the forums are open or restrictive.

Problem: Elections committee members were not always available to moderate. Not clear what the best solution is.

Problem: Carts for at least one event pulled off air.

Recommendation: Need clear policy for carts to publicize events, and adherence from station management.

Problem: Some staff candidates wanted to speak at listener events. The ES did not allow them to.

Solution: Make the policy clear from the beginning that staff candidates cannot speak at listener candidates' events.

LIVE CANDIDATES' EVENTS -- STAFF:

There was one event for staff candidates at the station.

One staff member requested more interaction with staff and staff candidates

CANDIDATES CARTS

Each candidate made a one-minute cart. These carts were played throughout the day. The carts were not made until well into the ballot period.

Recommendations: Ensure that carts are scheduled so that all candidates are favored equally throughout the day. ES should oversee scheduling.

Make and play candidates' carts earlier in the process -- ASAP after nomination period closes.

OTHER ON AIR ELECTIONS PROGRAMMING

Problem: There was little on-air coverage of elections during nomination period and before.

Recommendation: Carts should be played starting before the nomination period that raise awareness of elections, point out the importance of elections to the station's future, etc. The goals should include prompting listeners to bring their memberships up to date and encouraging potential candidates to come forward.

Also there should be some 1/2 hour or hour shows in which the ES explains the process and takes phone calls. These should start before the nomination period and continue through the campaign and balloting periods. Perhaps they should piggy-back with LSB shows.

Summary Report of the Rules Subcommittee of LSB Election Review Committee
May 20, 2004

Over the course of three meetings, the Rules Subcommittee identified several problems with the substance and process of rules regarding fair campaigning in the last election, and developed recommendations for improvements.

1. Equal Air time vs. Coverage of Urgent Public Issues

Problem: Policies for implementing and enforcing the rule requiring equal on-air time for all listener candidates were handled inconsistently among the Pacifica stations. For example, KPFA's Local Election Supervisor allowed for candidates who made legitimate news to be covered by the news without affecting their allotted candidate forum time. At WBAI, candidates who were community spokespeople on issues of urgent public importance were not given any ability to speak on the air about those issues without being held in violation of the equal-time rule.

Recommendation: Given the potential conflict between the Pacifica Foundation's mission of offering coverage of issues of urgent public importance and the need to maintain equal air time for LSB candidates as provided in Article 4, Section 6 of the Pacifica bylaws, the Rules Subcommittee of the WBAI LSB Election Review Committee recommends that in future elections, any listener candidate who believes s/he needs air time to present an issue of urgent public importance should have the right to apply for an exception to the Local Election Supervisor, who shall decide the issue in consultation with the National Election Supervisor in a timely manner, with the decision to be promptly communicated to all candidates and published on the station's website.

2. Endorsements of candidates on staff members' websites

Problem: The rule prohibiting programming from endorsing or disparaging LSB candidates on their websites was inadequately comprehensive, resulting in candidate endorsements being permitted by the National Election Supervisor on the site of one programmer whose web address was frequently announced on that person's program.

Recommendation: No website bearing the name, call letters or logo of a Pacifica or Pacifica affiliate station or anything that could be construed as such, nor any other website hyperlinked to such a site, shall be permitted to include an endorsement or disparagement of any LSB candidate, nor shall any such website be mentioned on the air of a Pacifica station.

3. Funding of mass mailings to membership by candidates

Problem: Not all candidates had equal financial access to mailings to the membership to put forward their candidacies, aside from the official booklet mailed with the ballot, and that therefore the "playing field" was unlevel based on access to funds.

Recommendation: Each Pacifica station should offer to send one combined mailing to the membership during the election period for which all candidates would be invited to submit one piece of (two-sided) paper. Initial funding should be provided by the station as part of its budget, a fundraising appeal should be inserted into the mailing, and the Election Committee and all candidates should be strongly encouraged to work together to raise funds to defray the cost. In addition, no campaign mailing to station membership by any candidate or group of candidates should be sent out without a clear disclaimer that it is not official station literature.

4. Process for Rules Enforcement

Problem: In several cases there was no or late notice to voters about the disposition of complaints alleged violation of campaign rules. In addition, there was sometimes a lack of opportunity for complainants and subjects to present their position to the Election Supervisor.

Recommendation: That whenever a complaint alleging a violation of fair campaign rules is filed with the Local Election Supervisor, the Supervisor should promptly notify the candidate, conduct an investigation of the facts, render a decision, and then notify all candidates and the complainant in writing of the decision, and also publish that decision on the station's website and announce it at the next on-air and in-person candidate forums.

No consensus was reached on whether candidates should have the right to a hearing before a joint public meeting of the Local Election Supervisor and the Election Committee.

There are other issues concerning rules which the subcommittee has not yet had time to examine.

May 20, 2004

Waivers Subcommittee Report

The Waivers Subcommittee was established as a subcommittee of the Elections Review Committee. The Elections Review Committee was established by resolution of WBAI's Local Station as an ad-hoc committee. Per the resolution, the Elections Review Committee and its' subcommittees are scheduled to dissolve on May 30, 2004.

At the same time, nominations for our next election begin in just nine weeks, a very short time in which to review and make recommendations for the November election. Dissolving the Election Review Committee on May 30th would severely limit public and timely recommendations for review by listeners, the Local Station Board and the Pacifica National Board on elections matters. With this in mind, the Waivers Subcommittee joins the Elections Review Committee in strongly recommending that the life of the Elections Review Committee be extended to June 30, 2004.

History:

No waivers were considered for the last election due to the bylaws clause mandating that only Local Station Board approve waivers. At election time no Local Station Board existed.

We believe that the fact that waivers were not considered for the last election does not mean that waivers were not an issue for a huge number of members and supporters then or now. Nor does it mean that waivers are not the business of the Elections Review Committee, a belief supported by an overwhelming vote of Election Review Committee members to keep it under the committee's jurisdiction.

Subcommittee Jurisdiction:

"Resolved, that the Waivers Subcommittee remain under the jurisdiction of the Elections Review Committee."

WBAI Waivers Committee Structure:

"Resolved, that the Waivers Subcommittee of the WBAI LSB Election Review Committee proposes that the following motion be passed by the ERC and then by the LSB:

Resolved that the hardship waivers for membership authorized by Article 3, Section 4 of the Pacifica bylaws may be granted by the following procedure:

1. Upon the appointment of the Local Election Supervisor, the LSB shall establish an Ad Hoc Waiver Committee, consisting of 3 LSB members selected by the LSB, and the Local Elections Supervisor. No LSB member who is a candidate for re-election shall be eligible to serve on said committee; if an LSB member becomes a candidate during the tenure of the committee, she or he must immediately resign.

2. Waiver applicants may self-certify that they are unable to contribute \$25 or volunteer 3 hours due to hardship, and shall submit a brief statement as to their "sincere interest" in becoming a member. No one applying for a waiver shall be asked to provide information regarding their finances, health, or any other personal details. Applicants are not required to appear before the Waivers Committee.

3. Waivers will be granted on a case by case basis as provided in Article 3, Section 4 by a majority vote of the Waiver Committee members present. All applications shall be kept confidential, and all meetings of the Waiver Committee at which individual applications are discussed shall be held in executive session to avoid the disclosure of confidential information about members."

Waivers for People Who are Incarcerated:

People incarcerated in prisons and jails in New York, New Jersey and Connecticut have been among WBAI's most loyal and consistent listeners. During our many pledge drives, they have contributed small donations as evidence of their concern and desire to help sustain the station. Many have expressed their desire to become members of the station although they could not afford full or reduced membership fees. Over the last decade WBAI maintained a policy and practice of allowing a special membership rate of twelve dollars (\$12.00) for people who are incarcerated. The failure to continue this policy and what to do to ensure that this population of listeners receive waivers and membership information in time for the upcoming election occupied much of the committee's discussion.

Incarcerated people cannot access the internet, come to meetings, attend candidate forums, make phone calls at will or otherwise get timely information relating to the station or elections. While these limitations might apply to other populations some of the time, it is a fact that they apply to incarcerated people all of the time. Therefore, the Waivers Subcommittee recommends that WBAI be proactive in its outreach to this population and adopt the below resolution.

"Resolved, that WBAI immediately develop a list of incarcerated people who have made contributions since September 1, 2003, and inform them in writing about the Pacifica waiver option and, as soon as available, send them waiver forms and nominations information."

KPFT ELECTION COMMITTEE REPORT

Robin Lewis, Election Supervisor

ACCOMPLISHMENTS:

Finding an election supervisor

Obtaining names of persons recommended by various KPFT listener members

Contacting persons to see if they were interested in being KPFT's election supervisor. Also contacting True Ballot, a company specializing in conducting elections for labor unions and other organizations

Getting the LAB to agree to peruse persons/organizations interested in election supervisor position and having them make a recommendation to the national election supervisor

Preparing a budget to determine a rough outline of the cost of the election

Collaborating on designing the candidate nomination form which was adopted by the foundation for all other signal areas

Arranging on-air PSAs and press releases and having elections committee members appear live on as many programs as possible to get out the word that LSB elections were pending and potential candidates should contact the elections supervisor and attend „meet and greets% to get petition signatures

Also using the station,s volunteer e-mail list to get the word out

Scheduling numerous „meet and greet% events to help potential candidates collect petition signatures from members

Scheduling 3 candidate forums for listener candidates and 2 for staff candidates at venues willing to let us use their space for no cost

Formats for the forums were:

i. 2 minute statements from the candidates,
then a meet & greet afterwards

ii. 3 questions posed to the candidates, 2 from
the elections committee and 1 randomly chosen written question from the audience

iii. 6 discussion circles consisting of candidates
randomly distributed among the circles and filled out with other attendees to the
forum. After about 20 minutes the candidates are reshuffled among the circles until
all circles have been visited by all candidates

Venues used were:

i. The Center Serving Persons with Mental
Retardation

ii. The Hare Krishna Temple

iii. The Houston GLBT Community Center

Arranging for the production of a folio to go out to all member households featuring all the written statements from the candidates

Committee members designed the folio and researched costs and availability of printers and mail houses for the station. Station paid for folio

Election supervisor arranged for:

13 1-hour long on-air forums each featuring 5 randomly chosen candidates

1 minute recorded candidate statements played in continuous rotation, 24 hours a day for 24 days of the campaign period

Searching for a computer team leader for the ballot counting process

Contacting persons on the station,s volunteer list who indicated that they would be available to help in computer related matters

i. The eventual computer team leader came from a person on this list

Appearing on Technology Bytes show to ask that show,s audience to consider volunteering to be team leader

Researching the cost of renting computers for ballot counting

Creating a list of companies that rent computers and the potential cost of renting

The director of the Houston GLBT Community Center had a contact with Hewlett-Packard who arranged for HP to donate the use of computers for ballot counting

Recommending that the station pay for 10 persons from a temp agency to be readers and ballot entry persons

Contacted volunteers to be observers for each ballot entry team.

Arranged for volunteer to scan all ballots for eventual posting to the KPFT web site

THINGS THAT COULD'VE BEEN DONE BETTER

More intense recruitment of candidates from ethnic communities throughout the signal area.

These efforts need to be in high gear months before the election period begins

Arranging for candidate forums in more diverse areas

If the LAB/station had had more successful outreach efforts, relationships could,ve been called on in more diverse areas of the signal area

Being able/willing to pay for use of venues opens up many more possibilities for places to hold forums

Communicating with Pacifica in Berkeley that ballots should NOT be mailed bulk rate as too many people never received them, probably due to Post Office policies not requiring timely delivery of bulk mail.

Suggesting to Program Manager a method to randomize on-air play of 1 minute candidate statements

When the number of statements to be played approached any multiple of 12, the linear rotation would fail to provide a sufficient „bump% forward to ensure that an individual candidate,s statement play times were not stuck in a certain time slot

Recommending to the election supervisor that he/she have a functioning Election Supervisory Panel to handle candidate election infractions.

Recommending that candidates may attend Election Committee meetings and help with events and other work, but they may not add items to the Election Committee agenda or vote on EC motions.

Melinda Iley-DohnPhone
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mail: iley_dohn@yahoo.com

WPFW Election Notes

Following is a very brief summary of comments from WPFW LSB members regarding the election process.

Mike Gillispie

MANY of the administrative issues encountered at WPFW revolve around the local Election Supervisor---supervisors actually, as we had one initially who either left or was asked to leave, and then a second supervisor who was put in place, well into the process. The initial Election Supervisor did not seem to have any time or interest in the process whatsoever; phone calls and email messages went unreturned, and he—Eric Swalwell(sp) did not even attend the public forums nor on-air interviews and presentations. Rules and deadlines seemed to be constantly changing—with extensions that allowed folks who did not meet the initial requirements to participate in the election. Eric's designate, who did show up for forums and on-air sessions was not equipped to answer questions or resolve issues, and so they went unanswered and unresolved. He referred them to Eric, who did not respond as mentioned above.

His replacement did participate in the process and seemed vested in insuring a fair and smooth election---but was brought in too late---after many serious problems were created by Eric.

Suffice to say it is critical that a qualified person be hired, and paid fairly for the amount of work that this position requires. And that resources as needed be made available to that person. It is also critical that the local Election Supervisor be managed----directed, supported and monitored---by the National Elections Supervisor.

I'll go to the outline (thanks for providing this) now so that this information is more manageable--- I'm adding an *asterisk to comments that seem to have been created or not addressed due to the lack of a qualified Election Supervisor being selected and managed at WPFW.

I. Ballots and Voting: Issues Arising from Database

Belief is widespread that many qualified voters did not get Ballots, or in some cases got the wrong ballot (staff vs listener) or got multiple ballots. How widespread this is in fact is a question, as is whether/how much of the problem was with the local database, or at the fulfillment house.

There was a comment made about ballot counting rules, procedures and transparency, in general and specifically as regards the run-off process.

Slates were a big comment topic---exactly how are they allowed, exactly what is allowed as far as referring to other candidates specifically or by slate. There is a need for clear rules on this subject.

There was a comment made stating that in spite of requests we still have not seen a complete tally of the final election results by candidate.

Ia. Candidate Validation: Problems with the Membership Database

No comments were submitted on this topic.

II. Candidate Validation: Problems with the process.

*We had 2 staff candidates that did not make the ballot. At least one did not make it because the Election Supervisor claimed no form with signatures was received. The Election Supervisor, if in fact he tried to contact the candidate at all, did an inadequate job of it (lots of contact data was provided). And the bylaws were quoted as not allowing an overturn of the Election Supervisor's decision to not include the candidate(s). Also the bylaws are quoted as not allowing write-ins, but an exception to this was made so one staff candidate was able to run and be elected. Do the bylaws in fact not allow for either of these possibilities; appeal of Election Supervisor rulings nor write-in voting?

*The 'deadline' for submissions was extended via the late addition of a drop-it-by-the-station day. If this is to be the case then it needs to be specified in the rules at the outset, and not added after the fact, if the process is to be fair.

*There were issues/unresolved questions about who was and wasn't staff, and a reported lack of data summarizing who worked pledge phones and thereby could have qualified as unpaid staff.

IIa. Communication with Membership

*Many ambiguous communications were issued and spawned much dialog that further confused the issues, and no one was home where the buck stopped, as discussed above.

The voting process was confusing and it seems that many members did not understand the process and in some cases didn't vote because of the confusion. Staff candidate statements ran on air mixed in with listener candidate statements, and of course staff were not listed on the listener ballots, adding to the confusion.

A couple respondents suggested advertising/publicizing/promoting the election process outside of the station airwaves; printed 3rd party publications, for example.

III. Election Campaign

*Again here the rules/deadlines changed at the last minute. On or about the 'deadline' for recording candidate statements, the deadline was extended.

Staff and listener statements ran mixed together on air as mentioned above.

*In person forums were poorly attended---mostly attendees were candidates. One LSB member thinks these should include food and drink. Several LSB members question the value of these forums at all, given that it seems unlikely that significant numbers of listeners will take time to attend. Perhaps if the forums were tied to community events; Public Affairs events and/or Jazz events in the case of WPFW, they might be more successful.

*During on air forums, several candidates referenced other candidates and/or slates of candidates. In some cases the moderator stopped candidates from referring to slates or other candidates by name, and in other cases the references were allowed to continue. This issue

as regards to the recorded statements, printed statements and on-air forums (public forums for that matter as well) needs to be clearly addressed in the campaign guidelines.

IV. Supervision: National

This isn't a personal attack but as noted throughout this summary, this didn't seem to be in place, at least not initially when it was really needed.

V. Supervision Local

*Again this was a huge problem at WPFW as mentioned throughout this document.

VI. Security of the Membership Database

Critical issue to be sure---no comments came in about it specifically, but it is certainly a concern and should be addressed in the process.

1. While I accept that "choice" voting is a useful tool in promoting diversity in voting for elective offices in certain electoral environments, I am not sure what determines what produces optimal results for choice voting versus "majority" or "winner-take-all" systems, or other systems.
2. Case in point: in signal areas places like Houston, the "choice" voting system effectively worked to prevent African Americans and underrepresented populations from being elected to the Local Station Board. No one, to my knowledge, has been able to address this travesty of our "choice" voting system.
3. In particular, I am not clear how "choice" voting works where the candidate pool is diverse, the electorate is diverse or in cases where the base of electors is very small.
4. Effectively, we wrote a voting system into the Bylaws without understanding the conditions under which it would achieve certain desired results, as opposed to conditions under which it would produce unintended consequences.
5. Even worse, purchasing software-based voting tabulation systems in which the documentation for the software cannot be verified -- which is what happened in the last election -- resulted in a situation in which no one has any idea what algorithms are being used to process the raw data.
6. The instructions were abysmal. Voters were not informed of the effects of bullet voting; nor of assigning the same numbers -- say a "1" -- to all candidates. We cannot use a system that tends to produce voter error -- which is precisely what happened.
7. The current system is designed to promote politicization of the elections by station managers.
8. The system makes the simplest democratic processes unbelievably cumbersome. The cost alone of this system argues for an amendment to the revised Pacifica Foundation Bylaws. In a recent vote on the LSB, a vote that was cast for me was

invalidated, not because the intent of the voter was not clear, but because the voter had made an error in completing the ballot in accordance with some vague "instructions".

20 May 2004

ADDENDUM:

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