Supervisors' Reports

Concerning the

2006 Pacifica Elections

Les Radke – National Election Supervisor
Tracy Rosenberg – KPFA Local Election Supervisor
Casey Peters – KPFK Local Election Supervisor
Tucker Bradley – KPFT Local Election Supervisor
Attieno Davis – WBAI Local Election Supervisor
Ikeso Austen – WPFW Local Election Supervisor

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The success of the Pacifica Elections depends on many, many people.

First and foremost are the Local Election Supervisors (LES), who are the ones to suffer the slings and

arrows of all those who feel that the election process is unfair. These folks have to be politically astute enough to, as Tucker Bradley put it, "listen to everyone but take advice from no one. This is … because Pacificans are sensitive and real people who each care deeply for the Pacifica mission but frequently for different personal reasons, most of which have real merit, although they are not always in alignment with each other."

The LESs also need to be event planners, organizing outreach events to recruit and publicize candidates, as well as organizing on-air forums, preparing carts, learning to work in ego-filled and unstructured environments with people passionate about peace and social justice. In addition, these LESs need to work with technologies that are not uniform across the network – web pages, e-mail programs, MEMSYS.

I therefore am willing to give an unequivocal letter of recommendation to each of the Local Election Supervisors, and hope that folks recommend these folks for non-profit jobs that are available – after all, they are now out of a job. They can be contacted at ballot@googlegroups.com and I have their resumes.

You'll see that the LESs were not potted plants. We agree in general on most changes in bylaws, and our disagreements stem from the complexities of operating in a political climate that is toxic – I'm referring to both the climate external and internal to Pacifica.

Tracy Rosenberg   KPFA Local Election Supervisor
Casey Peters   KPFK Local Election Supervisor
Tucker Bradley   KPFT Local Election Supervisor
Attieno Davis   WBAI Local Election Supervisor
Ikeso Alston   WPFW Local Election Supervisor

One who has more than questions about Pacifica's electoral process and yet was its strong supporter from the beginning in terms of actions is Greg Guma, the Pacifica Executive Director. Strong praise needs to go to one who raises valid questions about a process and yet does what they can to support such democratic processes. Phil Osegueda not only listened to my many complaints but was also helpful in sorting through various problems, as did Lynn Mango.

The National Election Committee also attempted to keep me grounded, although they only partially succeeded. But these volunteers all are concerned about improving and maintaining the election process, and should be carefully listened to. They are a glue for the electoral process. While parts of these meetings were sometimes contentious (which means they were Pacifica meetings) the care they gave to this process is admirable. Carolyn Birden chaired the Committee and was always available for consulting. Other members of this committee were also helpful in giving advice and suggestions for the election, in particular LaVarn Williams, Richard Phelps, Don White, Terry Goodman, Harrison Weil, Patty Heffley, Cerene Roberts, Mary Berg, Melinda Iley-Dohn, Ted Weisgal, Carol Wolfe (thank you again for the use of your apartment in DC) and Jane Gatewood.

The technical group at KPFA , led by Dan Albers, was at times an integral part of the National Election process. Chris Stehlik not only cheerfully answered my many questions in the middle of his work, but created the prototype for a manual to debug the databases. Michael Manoochehri also helped

in countless ways, answering questions and creating scripts to help manage the election.

An important thanks also needs to be extended to the KPFK Elections Working Group, the members of which are Fred Blair, A. J. Stasney, Jack VanAken, and Roger Zimmerman. For all things electoral, check out their web page at www.KEWG.org. In particular, A.J. Stasney was instrumental in correcting some problems with the Choice Plus Pro program and giving suggestions for other technical problems I had. All the problems he found were promptly corrected by Steve Willett who is responsible for developing the Choice Plus program.

I also thank all the comrades in the coordinating committee of the Coalition for a democratic Pacifica, Nicole Milner, Max Blanchet, Sally Sommer, Mary Berg, Chaundra Hauptman for helping sustain my commitment, if not my enthusiasm, for this process.

Finally I thank all of you who read, cogitate and interact with those of us who attempted to lead this experiment in media democracy. The report is nothing if folks don't have criticisms, positive and negative, and impart your nuggets to us. As these criticisms come in I'll modify sections of my report that I feel should be changed. If we don't hear from folks, it means we might as well have not written anything!

Introduction

On the way to the democratic functioning of Pacifica something has gone amiss. Policies and programs are pushed into the background as secondary to personal attacks on comrades who have differences with us. Questions as to the purpose of Pacifica are reduced to questions concerning how often and when programs such as Democracy Now! are broadcast and whether or not we should have more or fewer programs on a particular topic. Rarely are the goals or political importance of musical,

cultural or public affairs programming discussed. Needed discussion of the limited programming hours of the network is often reduced to ad hominine attacks. I've heard candidates for the various boards described as Stalinists, fascists, Pinochets, racists of various stripes and even was present at an LSB meeting where a comrade stated that the LSB was worse than the Bush administration.

Many of us who were strong supporters of elections by Pacifica members as a guarantee to maintain the mission of Peace and Social Justice of the Pacifica network are discouraged by the present process. While the energy and commitment of volunteers is admirable, this lack of principled democratic discussion is to be deplored.

I have stated that all the General Managers, in effect, staged a passive boycott of these elections. But this is not exactly correct. On some level, all the General Managers accepted the process and cooperated with the Local Election Supervisors. What is true is that elections are seen as at best a necessary evil.

Those of us who care about this process need to take some, and ONLY some, of the blame for this. We need to advertise what is progressive about this journey in media democracy and how we can use these elections to transform this imperium in which we reside.

1) KPFA has led the way in publicizing proportional representation (Single Transferable Vote) as an alternative to the USs winner take all system. KPFA therefore deserves credit for changes in the electoral system in San Francisco, Berkeley, Oakland and Davis, changes which will allow alternative parties a foothold in challenging the party of the elites, the Democratic and Republican parties. These Local Station Board elections give us the opportunity to educate all the areas in which we live to the advantages for progressives of proportional representation elections.

2) The elections give an opportunity to remind progressive organizations that they have responsibility to keep Pacifica alive and well. We are not an afterthought to publicize their events, but a vital part of the progressive community in building a movement of those with little voice.

3) The elections are an opportunity to entice leadership of communities that are not integrated into our listenership to run for the Local Station Board, as well as to reach out and deepen our integration to communities of color and to youth groups.

To illustrate the power that enthusiasm can give to the election process, we need only look at the Washington DC election. There were almost no carts played leading up to the September 25th deadline for the election, with the result that only 1 listener candidate had turned in their papers. After I extended the election 2 weeks, on the same grounds used 2 years ago that quorum would be impossible to reach with 1 listener candidate, Ron Pinchback rallied the staff to publicize the election. In one week 14 candidates had all their paperwork in, whereas the previous 2 months of limited carts had garnered only 1.

There are those who want to reduce the quorum for the election, and those who want to eliminate totally or in part the election of the LSBs. I would argue that we need to broaden the scope of the election and encourage more participation in the process by both the management and the staff of the stations. I would also argue that if we DON'T do that, we might as well consider dropping our present election structure.

This NESs and the LESs are therefore not recommending that the election process be eliminated. We

need to remember the process that began in 1993 by the Pacifica National Board to 'professionalize' Pacifica and to replace member contributions with foundation grants. The argument was framed by the 1990s PNB as the "hippy-dippy"s wanting to transform Pacifica into a mimeograph machine versus that board wanting a large and expanding audience. The "hippy-dippies", as we were sometimes referred to, framed the struggle with the old board as wanting to enlarge our audience by deepening our analysis of the US imperium, including the role of the Democratic Party in eliminating our social network and maintaining an aggressive foreign policy, versus the PNB wishing to eliminate overtly radical voices from the network to appeal to a broader non-progressive audience . All of this occurred during the period when Reagan's Mountain was shifting the political landscape of the US to its present right-wing landslide.

Opposition to Pacifica's realigning itself to this rightward shift increased, particularly after the firing of dozens of programmers from KPFA in 1995.

As opposition to the PNB increased, it voted in 1999 to eliminate even the Local Station Boards from electing representatives to the PNB. This would allow the self-nominating Board the power to do whatever it wished without institutional opposition, including selling Pacifica stations.

As this self-appointed board began firing those who questioned its decisions, opposition increased to the point where the PNB locked out and arrested staff and listeners from KPFA, beginning a nation-wide struggle to reclaim the network.

The thousands of staff and listeners of the network won a legal and political struggle to reverse many of the changes that were made to our little but significantly important network, and just in time. As the Democrats drove their party more and more in a conservative direction, a voice for the powerless was needed more than ever. The codification of the political struggle was in new bylaws that were agreed to by 3 of the Local Advisory Boards (KPFA, KPFK, and WBAI) and opposed by 2 of the LABs (KPFT and WPFW). A key provision of these bylaws was to have members of the Foundation actually directly elect Local Station Boards, which would in turn elect the governing body of the Foundation, the Pacifica National Board.

But this PNB was left with a network of stations suspicious, and rightly so, of any central direction, not only to programming, but to control of the functioning of the local stations in terms of any national programming, web pages, mailing lists, etc. As an example, the bylaws state that membership is open to those who contribute $25 to a station or who contribute 3 hours of volunteer work to a station. Yet even these clearly stated provisions are seen as guidelines – for example KPFT states that membership is open to those who contribute $35 a year.

The situation with all aspects of the infrastructure is similar. It is in this climate that all of us, including the Local Election and National Election supervisors, are operating.

While I have no solution for the negative nature of the campaigning that has now become a part of this process, I do have some recommendations for improving the logistics. If the logistics AREN'T improved, the election process will quite frankly remain as sloppy as it has been for the last 3 elections.

Timeline

The first recommendation is one that all National Election Supervisors have made – change the timeline for the elections.

The Timetable Question:

Recommendation:

Hire of National Election Supervisor December 2007

Start Date for National Election Supervisor Beginning of January
Start Date for Local Election Supervisors February 15
Opening of Nomination Period March 1
Closing of Nomination Period April 1

Record Date for Voters in Election April 1

Ballot Mailing May 15 (May 16 if May 15 falls on a Sunday)

Close Date for Election June 30
Dates during which Election Supervisor can extend the election in order to meet quorum,

at her/his discretion: June 15 to July

This is similar to the timetable recommended by the previous 2 National Election Supervisors, Terry Bouricious from the 2003 election and Kenny Mostern from the 2004 election.

Rationale:

There are 4 reasons to change the timeline:

1 The fall competes with all stations fund drives as well as a variety of national and/or state and/or local elections. While some activists argue that the fund drive is an opportunity to advertise the elections, the fact is that the staff of no station sees it that way. We start with the understanding that only 10-20%, at most, of the contributing voters vote in the best of years. People in general contribute to the station because they support the station's programming, or at least the mission of peace and social justice of the Pacifica network. As it is, an hour program spends approximately 40 minutes in programming and 20 minutes hawking for funds. Putting the burden on Local Election Supervisors to struggle with the staff and management of a station to include candidate carts and forums which cut into fundraising activities is to force a confrontation with the staff for ANY type of cooperation. As it is, moral persuasion is about the only real tool the LES's have to get intensive coverage of the election.

2 The question of Fall elections has 2 problems. First, some potential candidates are candidates for third party offices and in accordance with the bylaws cannot run for a Local Station Board:

3 "no person who holds any elected or appointed public office at any level of government , federal, state, or local , or is a candidate for such office shall be eligible for election to the position of Delegate". (Article Four, Pacifica bylaws). This is a needed provision of the bylaws, to prevent the type of situation where a Mary Francis Berry, appointed to be head of the US Civil Rights Commission by President Clinton, became the chair of the Pacifica National Board. However as more comrades run for offices to help the progressive movement grow, these folks are deprived needlessly from running for the Local Station Boards. Secondly, most

of us who are politically active are involved in these other campaigns to some extent and this certainly affects the turnout for both outreach events and the number of people voting.

4 The timeline as mandated by the bylaws is not a viable timeline. Let's examine this timeline: "the nominations for vacating seats shall open on July 25th and remain open for sixty-two (62) days, closing on September 25th. The national and local election supervisors shall thereafter prepare the written ballots for each radio station, listing all of the candidates and setting forth all other information required by these Bylaws. Ballots shall be mailed, or otherwise made available, to the Members on October 15th (or the following day if October 15th is a mail holiday). To be counted a ballot must be received on or before November 15th ."

To print the 90 some thousand candidate booklets, have them proofed by the National Election Supervisor, stuff them in bar coded envelopes and mail them, the completed proofs must be in to the printers by October 5th. When this competes, as it did this year, with the zillions of pieces of mail during an election, even this scenario is optimistic.

This leaves less than 10 days for the Local Election Supervisor to verify the names on the nominating petitions of the candidates, proofread or even put into electronic form the candidate statements and questionnaires (as many candidates hand in hand-written statements.). The statements are also to be checked for violations of the Fair Campaign Pledge. (For example, having staff endorse listener candidates or making statements in their statement which are clearly libelous – demonstrably untrue and harmful to other candidates that are mentioned.)

There are then over 150 candidate statements that have to be proofed by the National Election Supervisor and sent to the printing house to have the candidate statements put into a somewhat pleasing graphic format. These are then to be again proofed by the NES to make sure all the names have been set correctly, and made into final galley proofs which also have to be proofed.

This would be less difficult if almost all the candidate papers would be turned in early – unfortunately in all the years I've been involved with this (2 years with only KPFA having an election, and 3 national elections) most of the candidates turn in their papers only at the last minute – many near midnight of the day the papers are due if the Local Election Supervisor allows it.

Because of this haste mistakes are made. This year a first name was left off the ballot in Houston as all three names didn't fit the first graphic design of the ballot, and endorsements of one candidate were scrambled in the KPFA candidate booklet in the process of correcting other mistakes.

However, in addition to handling the mailing the LESs and the NES need to co-ordinate putting material on the web pages, work around the fund raisers to get carts produced and aired, and set up forums and outreach events to allow Pacifica members the opportunity to meet the candidates. The campaign period is too short for the number of candidates we have, particularly as many if not most of the candidates are not known to the listeners who are voting.

Thus the recommendation: move the election process to start in January, shorten the nomination period

to 31 weeks from 62 days, and extend the campaign period.

One recommendation from Kenny Mostern from the 2004 I would emphatically NOT make is to change the date of record in relationship to the mailing date. Politically we collectively need to be aware of takeover attempts by groups not in support of Pacifica's mission. While timelines are not a complete answer to this problem, not allowing individuals and groups to join after the campaign period begins certainly prevents the campaign period from being a race to register new and perhaps unknown members.

Local Election Supervisors
Recommendation:

The duties of the Local Election Supervisor should be rewritten to exclude overlap with the National Election Supervisor and to include outreach as an important part of their job.

One possible rewrite:

Under the direction and supervision of the National Elections Supervisor, each local election supervisor shall coordinate the elections of the Delegates for the radio station area to which s/he is assigned to ensure a fair election in compliance with the terms of these Bylaws. His/her duties shall include , reviewing each potential candidate's nomination papers for eligibility and completeness, organizing outreach events, and organizing candidate statements, carts and on-air and off-air forums for the candidates, as well as assisting with ballot counting, as requested.

Rationale:

This is a national election, and therefore the preparation of the election documents is under the direct supervision of the National Election Supervisor. The duties of the NES and LES overlap in the bylaws:

To wit (from the bylaws, Article Four):

Local Election Supervisor:

"His/her duties shall include preparing a nomination petition form for use by all potential nominees, reviewing each potential candidate's nomination papers for eligibility and completeness, overseeing the preparation and distribution of the election ballot, closing the election, and counting and assisting with ballot counting, as requested."

National Election Supervisor:

"The national elections supervisor shall also oversee the nominations process, the preparation of the ballots and the counting of the ballots and shall prepare a written statement reporting the results of every election for distribution to the Members or posting on the Foundation's and radio station's

websites."

This section of the bylaws is not followed. The petition form and all documents dealing with the election, as well as the " preparation and distribution of the election ballot" are the province of the National Election Supervisor.

There is something about a bylaw that isn't followed that doesn't please me.

In addition, the fact is that the Local Election Supervisor is the nearest we have to an outreach coordinator. To actually inspire people to vote and to be involved in the governance of the network the LES needs to cajole the staff of the stations to publicize these elections, as well as to attempt to involve as many members of the community as possible.

Recommendation:

Each station should be required to have a coordinator appointed to orient and work with the Local Election Supervisor.

A word about the hiring of the Local Election Supervisors. I regard this as not simply a technical position, but a position that requires political understanding, political skills and a genuine commitment to fairness in the electoral process.

It's for this reason I hired as Local Election Supervisors people who loved the network, were not involved in factional politics of the station but saw themselves as integral to the progressive movement. To hire the Local Election Supervisors I not only put notices on the web pages of the different stations, but contacted Global Exchange, [Women's color] , Committees of Correspondence, Free Speech Radio News, anti-war groups, etc. for recommendations

Mailing Lists

There are questions concerning staff lists and listener membership lists. As these are somewhat separate questions, they should be addressed separately.

Paid Staff

Recommendation: That the definition of paid staff be clarified.

Rationale:

The bylaws state: that paid staff is " any non-management full-time or part-time paid employee of a Foundation radio station". Perhaps it is implied that there is a regular paycheck being issued for the some period of the election year, but it is not stated. Questions came up as to the eligibility of work-study students and folks who work part of the year but not at the date of record.

I became aware of the problem of the definition of paid staff when the list of paid staff from the Pacifica National Office was almost 40 people larger than listed at KPFA (which clearly was the more accurate list and the one I accepted). The folks who were part of the Pacifica National Office list who weren't on the paid staff the preceding 3 months before the Date of Record I eliminated. I accepted the lists that came direct from the other 4 stations.

Unpaid Staff

We need to keep in mind that resolutions have been passed by the PNB to deal with many of the problems concerning the unpaid staff. To wit:

Unpaid Staff Record Keeping

Passed by PNB Elections Committee September 18, 2005

RESOLVED

A) That the General Managers of each Pacifica station shall maintain a roster, updated monthly and retained for 12 months, of the individuals who qualify as staff members under the bylaws criteria for stations with no Unpaid Staff organization or Unpaid Staff Collective Bargaining Unit. Authority over sections of this unpaid staff roster may be delegated, but primary responsibility rests with the General Manager. (An amendment that the iED (read Interim Executive Director) shall implement a standardized process throughout the network was added without objection.)

B) That the General Managers of each Pacifica station with a recognized Unpaid Staff Organization or Unpaid Staff Collective Bargaining Unit shall maintain a roster, updated monthly and retained for 12 months, of the individuals who have been qualified as staff members by that Organization or Unit and the basis of the qualification in each case. Primary responsibility for the maintenance of this roster shall be assigned to an individual designated by the Unpaid Staff Organization or Unpaid Staff Collective Bargaining Unit, but the General Manager may exercise authority to ensure its accuracy.

Neither of these resolutions were followed by any of the stations. Resolutions that are chewed only by gums should be avoided. If there are no consequences, this should be explicitly stated in the resolution so that everyone knows the resolution can be ignored.

Recommendation:

1 The standard for Unpaid Staff be made the same for all stations.
2 All regular programmers and producers be considered staff regardless of hours

worked. A regular program is a program that does not have a scheduled start and stop date.

    3   The coordinator of a collective be considered a member of the unpaid staff. If the collective produces a regular program, the programmers and producers be considered members of the unpaid staff. If the collective is producing programs for a limited period, programmers and producers would be considered members of the Unpaid Staff if they worked for a radio station at least 30 hours in the preceding 3 months.

    4   For purposes of defining hours worked, every hour of programming for a public affairs programming should assume 9 hours of time to produce it, and for every hour of programming for a primarily music program should assume 6 hours of production time.

Rationale:

The struggle to even get the NAMES of the unpaid staff took an enormous amount of time. The problem is connected to the definition of unpaid staff in the bylaws:

"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 "

The bylaws of KPFA state that a member of the Unpaid Staff Organization is one who has worked 30 hours in the preceding 12 months of the date of record AND one who is certified by the council of the Unpaid Staff organization.

The bylaws of WBAI mandate 20 hours in the last 3 months preceding the date of record for membership.

The other stations require 30 hours in 3 months, and if one has fewer hours than that 30 hours, even if one has been on a regular program for years, you are not considered a member of the unpaid staff. Clearly this is not what the original drafters of the bylaws had in mind.

On a general level there is always a contradiction between a service giver and as service receiver - in this case between the programmers and staffs of the Pacifica stations and their listeners. To level the field between listeners the bylaws create the 2 separate categories of listeners and staff, and the bylaws attempt to make listener campaigns fair by not allowing station resources to be used to campaign for listeners. This separation is particularly important as there are listener candidates who advocate changes in programming and are often perceived as not supporting some , and other candidates who are perceived as generally supportive of some of the staff. This section of the bylaws was designed to not have staff *using station resources* involved in the listener election.

But if regular programmers by virtue of not having sufficient hours are designated as listeners, they can

run at a decided advantage over other candidates. Thus regular programmers should be automatically designated staff.

The question of membership in Unpaid Staff Organizations (UPSO) should be separated from the question of voting in elections. I'll highlight a couple of problems at KPFA and WBAI to illustrate some problems with the present system.

Several problems surfaced at KPFA because of the Unpaid Staff Organization there. The bylaws of the Unpaid Staff Organization of KPFA state that the elected UPSO council determines membership. Because of a political dispute among members of the Unpaid Staff Organization, the UPSO council refused to meet to verify the unpaid staff until after the printing of the candidate statements had already begun. In addition the Interim General manager proposed her own list of Unpaid Staff members, which list used neither the definition of 30 hours of work in the preceding 3 months nor the 30 hours in a year in accordance with the KPFA UPSO bylaws.

This resulted in a struggle by Tracy Rosenberg, the Local Election Supervisor, to have the UPSO compile a list in accordance with the bylaws. It resulted in appeals as to the fairness of the selection process. The last NES felt he had to abide by the letter of the bylaws: From the 2004 report: " Right now the bylaws assert that "any member of a Foundation radio station 'Unpaid Staff Organization' or 'Unpaid Staff Collective Bargaining Unit' which has been recognized by station management" is a staff member of the station. Effectively, this means that the Election Supervisor gets the list of USO members from a responsible person in the organization, and has no ability to audit or question how the list was generated. "

This seems to violate the spirit of the bylaws, but in any case it would have been impossible to implement at KPFA.

I asked Dan Siegel, the attorney for Pacifica, for a legal ruling on several aspects of determining membership in UPSOs. One of his responses was:

"**2. May the election supervisors validate the accuracy of the lists of unpaid staff members and the eligibility of unpaid staff members to vote in elections for local station boards?**

Answer: Yes. The election supervisors are responsible for insuring that only eligible persons vote in the elections for local station boards. Accordingly, they may inspect records or speak with the paid or unpaid staff members to insure that they meet eligibility requirements."

Tracy Rosenberg had to spend countless hours dealing with this problem. An example is her ruling issued concerning several appeals:

"In accordance with these instructions, I have reviewed the following appeals that have been received and evaluated.

Here are the results: Please see detail below for specific notes regarding each appeal:

In accordance with these instructions, I have reviewed the following appeals that have been received and evaluated.

Here are the results: Please see detail below for specific notes regarding each appeal:

1. Name: Jude Fletcher   Request: Add to UPSO Voter Rolls for 2005-2006
   Date: September 28, 2006   Result: Granted

2. Name: Steve Zeltzer   Request: Add to UPSO Voter Rolls for 2005-2006
   Date: August 21, 2006   Result: Granted

3. Name: Steve Zeltzer   Request: Remove from UPSO Voter Rolls
   Date: September 26, 2006   Result: Unable to Fulfill Request

4. Name: Nancy Keilor   Request: Add to UPSO Voter Rolls for 2005-2006
   Date: September 29, 2006   Result: Unable to Fulfill Request

I'd like to highlight in particular the request by Steve Zeltzer to illustrate the difficulty in having the Council of an UPSO determine eligibility for membership.

Text of Appeal [of Steve Zeltzer]:

I have just learned that I have been excluded from a list of unpaid staff eligible to run for unpaid staff positions in the upcoming elections.

I protest the exclusion and challenge the action by the Program Council in banning myself and all other members of the KFPA Labor Collective from presenting programming proposals for one year without a hearing on the charges against us. At the same time, people who made this decision were also running against us for positions on the program council in an election that was scheduled last October.

This flagrant conflict of interest by the program council and endorsed by KFPA management puts the election qualifications for unpaid staff positions in question. I and others from the KFPA Labor Collective have provided hundreds of hours of labor for programming at KFPA and now due to these actions we have been disenfranchised from running in the election for program council and the Local Station Board.

We have also filed grievances with the station management and Pacifica for the refusal of the UPSO Council members to call required meetings for the UPSO members and also the refusal to conduct the election last year for the program council representatives. Both Ms. Rijio and Mr. Guma have been aware of these violations and have failed to take action to rectify these violations of the UPSO bylaws and the discriminatory treatment against the KPFA Labor Collective.

I believe this is a violation of the KPFA and Pacifica bylaws and you should take action to rectify this decision.

To this Tracy replied:

"Appeal #2   Steve Zeltzer

Hours Claimed: Mr. Zeltzer's appeal is non-specific – claiming "hundreds of hours".
(See text below).

The Election Supervisor listened to the following Labor Collective programs:

September 5, 2005	7pm to midnight	Labor Day Special
October 29, 2005	10am to 12 noon	Special Election Coverage

[Tracy then annotated all the programs that Steve produced]

On-Air Hours recorded in KPFA Archives: 3.5 hours

Attached Preparation Time: 31.5

Total UPSO-eligible hours: 35.00
Request: Granted

Appeal #3   Steve Zeltzer

Note: This appeal requested removal from the UPSO voter eligibility list for 2005-2006 "

Part of Steve's appeal of his appeal were due to the Council not having originally approved his eligibility, as the UPSO bylaws state, and therefore the hours of programming he was involved with were irrelevant.

_____

This is no way to run even a comedy show.

The problems at WBAI also concerned strained relations between management and the Unpaid Staff Organization. At WBAI the mistrust was such that the UPSO sent me the list of the unpaid staff only on the condition that I not share the phone numbers and addresses with the management.

In both cases the bylaws give little choice but to accept the names [And I would argue the conditions] of the UPSO.

There were numbers of appeals to the list that the WBAI UPSO provided.

One concerned the question of collectives. But the bylaws don't mention collectives, only 30 hours in 3 months for KPFK, KPFT and WPFW, and the authority of the UPSO for KPFA and WBAI. Attieno, the Local Election Supervisor at WBAI, did remove several members of collectives who didn't have the necessary hours to be included in the UPSO, but generally we found that the members mentioned should be included in the voting lists.

The problems with the other stations are also related to the bylaws. Sherna Gluck at KPFK in Los Angeles, for example, was concerned that in the 2003 election she had to run as a listener, as she worked less than 30 hours in 3 months, even though she was a regular member of a collective that produced programs, and that in many ways she identified herself as staff (she ran as a staff candidate this year).

The solution is, of course, to not ONLY look at hours of work, but also if a program is a regular feature of the radio station.

Another example involved Noelle Hanrahan from KPFA. As the producer of segments concerning Mumia for the Prison Project, she clearly was known by political activists not only here, but nation-wide, as a programmer. Yet the bylaws mandated that she run as a listener (and was elected as such to the LSB).

Even if a person is not directly related to a station, they should be considered staff if they regularly produce programs for Pacifica, in my sorry judgment!

Listener Mailing Lists

Recommendation:

1. That the motions passed by the PNB concerning membership lists be implemented. These motions concern the maintenance of the mailing lists as well as procedures that should be followed nationally.
2. That a manual for the maintenance of the listener mailing lists be uniform throughout the network.
3. That procedures be established to protect the security and integrity of the mailing lists.

Rationale:

The question of membership lists has and continues to be vexing. Why this is so relates to the dysfunctional infrastructure of Pacifica.

Over 1000 first class mailings to listeners were returned to the Pacifica office – most with "No Forwarding Address" on the envelope, some with forwarding address expired, and others "Deceased

for the last 5 years – Please remove from the mailing list".

This is a fairly simple problem to resolve. For example, placing a Z in the mail function of MEMSYS and eliminating it as a valid mailing address for the person.

Most of the other problems can also be resolved with a manual that evidently doesn't exist. Mandatory training in MEMSYS should also be required.

For example, one problem with the WBAI mailing list concerned multiple folks, including married people, who contributed more than $50 and yet got only one ballot. Again, this is a relatively simple task to provide a legitimate mailing list for the station. Having a manual allows the person responsible for sending in the list to simply follow a few simple steps to produce an accurate list.

Several other questions:

Volunteer List:

Most volunteers are also paid members, and therefore those lists need to be compared so that volunteers who are also paid members don't get 2 ballots.

Thanks to Gary Niederhoff at KPFA, the volunteer list there is up-to-date and rational. But the volunteer list varies from station to station. At WPFW there is a list of some 1000 names, but it's unclear what the list represents. KPFK has a list of 1200 volunteers, and I ended up with a list that had a mix up of first and last names [it's still unclear what happened in the zipping and unzipping of the list) – a list which therefore couldn't be compared with the paid membership list. Many of those on the KPFK volunteer list therefore got 2 ballots. Again a network wide manual would eliminate this problem.

Gift Memberships

The question came up in New York about the voting rights of people who have gift memberships. Traditionally gift membership is not given for voting rights. Therefore I ruled:

"This is a reminder to all stations that recipients of gift subscriptions are not eligible to vote in our Pacifica elections. The bylaws are quite clear that a member must contribute in her or his name, and it is this active act that is equivalent to registering to vote.

Memsys, our data base program, has a section labeled "gift subscription". This MUST be checked for any person who has a gift subscription in his/her name.

A person who has a gift subscription, who responds to a folio sent to them or to a request for a pledge of $25 or more, will then be eligible to vote.

From Article 3 of the bylaws, Members of the Foundation:

"Listener-Sponsor Members" shall be any natural persons who within the preceding 12-month period:
 (1) have contributed a minimum of $25 to any Foundation radio station, or such minimum amount as the Board of Directors may from time to time decide; or (2) have volunteered a minimum of three (3) hours of service to any Foundation radio station….Said volunteer work shall be performed under the supervision of the Foundation radio station management, and shall include volunteer work on committees of the Local Station Board."

Access to mailing lists

I certainly would like to minimize the use of money in our Pacifica campaigns. Perhaps a ruling that allowed all candidates to send out their literature in one mailing for all the candidates would meet the standard for access to the mailing lists. In any case I had to turn down all appeals about misuse of the mailing because of the following:

I have received several requests regarding the policy of Pacifica regarding the use of Pacifica's mailing lists to send out candidate information. The policy has been consistent since the beginning of our national elections – members can send out information, without censorship, for the reasonable purpose of informing other members about their reasons for running for their Local Station Board.

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"Pacifica has the option of giving the candidate the mailing list of the Local
Station Board for which the candidate is running OR PROVIDING AN "ALTERNATIVE
METHOD WHICH REASONABLY AND IN A TIMELY MANNER ACCOMPLISHES THE PROPER PURPOSE."

We are providing the alternative – candidates may pay for a mailing at their
expense, and we will provide the mailing house with a copy of the mailing list of
the station the candidate wishes to serve.  The candidate will not receive a copy
of the mailing list.

Questions have come up regarding providing phone numbers to candidates – the
argument being that most candidates can't afford to send out mailings, but could
call members.  This will NOT be done.  Pacifica is a California non-profit
organization, and all stations are governed by the California non-profit
Corporation Code, as well as by Pacifica's bylaws.  The California code stipulates
that members can obtain:
"  an alphabetized list of the names, addresses, and voting rights of those members
entitled to vote for the election of directors".

Thus phone numbers are not included in the rights of members of Pacifica.

A further question has to do with sorting the list according to gender, ethnicity,
or according to whether a member voted in the last election.  This also will not be
done – our data base doesn't contain this information, and therefore the request is
unreasonable.




As our data base (MEMSYS) DOES have a provision for printing out members from zip
codes, candidates MAY mail to specified zip codes in their area, under the same
provisions mentioned above:  the candidate pays for the mailing to the members of
the zip code(s) and we provide those zip codes to the mailing house to be mailed.

I enclose the relevant sections of our bylaws and the bylaws of California non-
profit Corporation Code.
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Pacifica Bylaws, Article 12
A. To inspect and copy the record of all Members' names, addresses and voting rights, at reasonable times, upon five (5) business days' prior written demand on the Foundation, which demand shall state the purpose for which the inspection rights are requested. Where the Foundation reasonably believes that the information will be used for an improper purpose, **or where the Foundation provides a reasonable alternative to achieve the Member's articulated purpose,** the Foundation may deny the Member access to its membership list and information;

CORPORATIONS CODE for California

SECTION 6330-6338

6330. (a) Subject to Sections 6331 and 6332, and unless the
corporation provides a reasonable alternative pursuant to subdivision
(c), a member may do either or both of the following as permitted by
subdivision (b):
    (1) Inspect and copy the record of all the members' names,
addresses and voting rights, at reasonable times, upon five business
days' prior written demand upon the corporation which demand shall
state the purpose for which the inspection rights are requested; or
    (2) Obtain from the secretary of the corporation, upon written
demand and tender of a reasonable charge, an alphabetized list of the
names, addresses, and voting rights of those members entitled to
vote for the election of directors, as of the most recent record date
for which it has been compiled or as of a date specified by the
member subsequent to the date of demand. The demand shall state the
purpose for which the list is requested. The membership list shall
be made available on or before the later of 10 business days after
the demand is received or after the date specified therein as the
date as of which the list is to be compiled.
        (b) The rights set forth in subdivision (a) may be exercised by:
    (1) Any member, for a purpose reasonably related to the person's
interest as a member. …
        (c) The corporation may, within 10 business days after receiving a
demand under subdivision (a), deliver to the person or persons
making the demand a written offer of an alternative method of
achieving the purpose identified in the demand without providing
access to or a copy of the membership list. An alternative method
which reasonably and in a timely manner accomplishes the proper
purpose set forth in a demand made under subdivision (a) shall be
deemed a reasonable alternative, unless within a reasonable time
after acceptance of the offer the corporation fails to do those
things which it offered to do. Any rejection of the offer shall be
in writing and shall indicate the reasons the alternative proposed by
the corporation does not meet the proper purpose of the demand made
pursuant to subdivision (a)."

Finally there is the question of security and the backup of the membership base. Clearly there should
be a network wide policy on who has the authority to change the database and who can access it. This
should also be included in a manual.

Unfair Campaign Complaints

KPFA 2004 FAIR CAMPAIGN PROVISIONS

The bylaws require every candidate and staff member (paid and unpaid) to sign this statement
that they have read and understand these fair campaign provisions. Candidates must submit
signed statements to the Election Supervisor no later than September 25, 2006.

1. No Foundation or radio station management or staff (paid or unpaid) may use or permit the use

of radio station air time to endorse, campaign or recommend in favor of, or against any candidates for election as a Listener-Sponsor Delegate, nor may air time be made available to some Listener-Sponsor Delegate candidates but not to others.

2 All candidates for election as a Listener-Sponsor Delegate shall be given equal opportunity for equal air time, which air time shall include time for a statement by the candidate and a question and answer period with call in listeners.

3. No foundation or radio station management or staff (paid or unpaid) may give any on-air endorsements to any candidates for Listener-Sponsor Delegate.

4. The Board of Directors may not, nor may neither LSB nor any committee of the Board or of an LSB, as a body, endorse any candidates for election as a Delegate. However, an individual Director or Delegate who is a Member in good standing may endorse or nominate candidates in his/her individual capacity.

5. In the event of any violation of these provisions for fair campaigning, the local Elections Supervisor and the National Elections Supervisor shall determine, in good faith and at their sole discretion, an appropriate remedy, up to and including disqualification of the candidates and/or suspension from the air of the offending staff persons (paid or unpaid) for the remainder of the elections period.

6. All candidate, programmers and staff members (paid or unpaid) shall sign a statement certifying that they have read and understood these fair campaign provisions. In addition to the foregoing provisions, in order to certify a fair election the National Elections Supervisor has adopted the following rules:

7. Website endorsements: All programmers that maintain a website with KPFA logos and/or references to their own KPFA programming are subject to, and shall be bound by these rules:

   a. Programmer Website candidate endorsements are not permitted. Any programmer Website reference to a specific candidate is not permitted, either explicitly or via hyperlink to another web page. This directive includes all programmer Websites linked through www.KPFA.org
   b. Endorsement emails (web-based & list serve) are permitted.
   c. Email endorsements shall be fact based and contain no personal attacks.

8. Station Resources: No station resources, including, but not limited to staff services, equipment, and meeting space may be provided unequally to some candidates but not others.

9. When Fair Campaign Provisions Begin: A listener member will be deemed a candidate, and thus subject to the fair campaign provisions, once the individual has requested a nomination packet from the Local Election Supervisor. The Local Election Supervisor will provide to the General Manager, and post on the elections web site, a list of all Listener-Sponsor Delegate Candidates. Staff will be expected to check this list before scheduling any guests, or participating in a call-in show, etc. in order to assure compliance with the fair campaign provisions.

10. Prospective candidates: Pacifica and station staff and management are prohibited from making endorsements on the air, or on any Pacifica or station identified web site, or at any other Pacifica controlled venue or facility, of either prospective candidates before the nomination deadline, or actual candidates after the nominations are closed.

11. Listener-organized meeting announcements: Any listeners may organize community meetings to bring together listeners and prospective candidates for the purpose of learning about prospective candidates and collecting petition signatures. Any such events may be announced
on-air provided they have been approved by the Local Election Supervisor, are open to any listener, are in a handicap-accessible location, do not endorse any candidates, and do not raise money for any candidates, or promote events to raise money for any candidates.

"I have read & understand the above KPFA fair campaign provisions."
 X_____
 Date _____
 Printed name:_____
 ____Candidate _____ Paid Staff _____ Unpaid Staff

  PLEASE BE ADVISED THAT THESE 2006 FAIR CAMPAIGN PROVISIONS ARE
  SUBJECT TO CHANGE PER THE NATIONAL ELECTION SUPERVISOR

These are the same rules that have governed all the national elections.

 I agree in general with Tracy Rosenberg: "In the opinion of this Local Election Supervisor, the
majority of the complaints   received during the campaign did not prove to be valid violations of the
Fair Campaign Provisions as written, or did not rise beyond the level of a written warning."

The Fair Campaign Pledge doesn't relate to non-station activities (activities that are not advertised
using station resources) .

Some categories of complaints:

1) Staff and LSB member endorsements of listeners.

There were several categories of complaints:

   i)   Staff people or LSB members were present at events not advertised using station resources
           and endorsed listener candidates. This is called free speech, and the Fair Campaign Pledge
           doesn't cover this.
   ii)   Staff peoples' and LSB members' endorsements were mentioned on e-mail lists, leaflets
           that were sent out, or web pages not connected to the station or linked by the station's
           webpage. Again, this is free speech.

   iii)   Folks were heard regularly on the station who were not members of the station staff or the
           Pacifica staff and endorsed listener candidates. This is actually a valid complaint, in my
           opinion, but there is nothing in the Fair Campaign Pledge that covers this situation.

2) Use of e-mail lists and the Pacifica membership list

   i)   Folks used e-mail lists outside of the station to endorse candidates, and the complaint is that
           these lists were stolen from the station. The difficulty here is proof that the e-mail list used
           has been purloined from the station. Those of us who are long time activists have collected
           e-mail lists from a variety of Pacifica sources. I felt any ruling I made would be arbitrary
           unless there was some way to show that the lists were identical to the stations. I never had
           such proof.
   ii)   It was unfair for folks who had the money to use this to send a mailing to a station's mailing
           list to endorse candidates. I believe it is. Unfortunately, the California non-profit bylaws
           and the Pacifica bylaws are clear that members are to have access to the mailing lists, either
           directly or by having a mailing house use them to mail a members leaflets.

3) Endorsements

This should have been looked at much more closely than I did. Listeners don't know much about many of the candidates, and endorsements are clearly used by many listeners in voting. The policy in the future needs to be clear that ANY endorsement has to be in writing. This was a problem at several stations, and I didn't have a clear policy on this. When aware of a problem the LESs took action, but we need to insist on written verification of these endorsements. It's probably one of the more important slipups I made, as in close elections endorsements are one of the most important elements some people use in voting.

4) Assault on Local Election Supervisors

This is a problem going back to the first election, where we were advised that while we could sanction such behavior, we couldn't remove the person from the ballot. I would like the PNB to pass a motion that proven assault by a candidate is automatic reason for removal of that candidate.

Technology Questions

1. There were problems with e-mail using the pacifica.org account. This should be explored. I attempted to have everyone have addresses such as ballot@KPFA.org, but these addresses didn't work at WBAI and KPFT. Also I had periodic difficulty communicating with these addresses, and wound up creating a google group at ballot@googlegroups.org. This should be examined.

2. Michael M at KPFA created a php file which sent the name and e-mail address to the Local Election Supervisor of anyone who downloaded the nomination packets. This program was also supposed to send me the names as well, but only worked consistently for KPFA. Again, this should be examined.
3. A manual should be prepared for the web masters at each station dealing with what is needed for the elections. Listeners go to the local station web site for information, but the information was hardly uniform.

4. I wanted Pacifica to own the software that could count the ballots. One mistake I made was to scan the bar codes with the software that read the ballots. This has now changed. Software was prepared by the company that can be loaded on as many computers as we wish, and the bar codes can then be read by a usb bar code scanner. The importance of this is that most of the time to count the votes is spent scanning barcodes and opening envelopes.

5. The software for scanning the ballots works quite well. The problems that arose had to do with determining the scanning properties that worked best. This problem is now resolved. Ikeso Alston, the LES for Washington DC, learned to use the software in under a half hour, and actually did the ballot scanning for that station.

The goal was to maximize the number of ballots counted – the software examines every ballot, and if it is not marked correctly (one candidate marked 1,2,3,4,5,6 – for example) the ballot appears on the screen for interpretation. This combines the best of hand-counting with computer calculation. The

program produces a file which is then read by choice-plus pro, our STV software written by Steve Willett.

I enclose the specs for those who like to read such things.

Statement of Work
for The Pacifica Radio Foundation
September 19, 2006

Contents

System Overview

This complete forms-processing system for The Pacifica Radio Foundation includes and a semi-automated document identification for several document types listed below. The system also includes machine text and hand-printed text recognition, visual tools for text verification, automated rule validation, and check against databases if available. The system includes the latest version of ABBYY FormReader Desktop Edition with FlexiCapture Studio and complete setup, testing, and on-going annual maintenance by WiseTrend development team (www.WiseTrend.com).
In detail, each component of the system includes:

Software
FormReader 6.5 Desktop Edition with FlexiCapture Studio with Unlimited Processing
- Template Editor and Template Designer for template creation and modifications
- Complete processing environment, which includes Scanning, Template Matching
+ Data Recognition, Data Verification, Data Validation, Database Export.
- Automatic page rotation and deskewing
- Background Recognition for multi-tasking, such as recognizing forms and verifying the data on the same machine at the same time
- Visual components (see *Visual Components* section below)
- FormDesigner to create machine-readable forms
- First year of Support, Maintenance, Upgrades
Software cost: $9,000.000

Custom Development
- Template design for up to ten (10) similar document types. Additional logic to be included into templates is to be provided.
- Template testing for up to ten (10) similar document types. This includes template testing to simulate production environment

- Custom export to *.in format per format specifications
- Performance optimization and testing for speed and quality
- Two (2) two-hours online training sessions how to use and maintain the system
- First year of Support, Maintenance, Upgrades
Service cost: $10,750

Options
These options are available per requests and further discussions
- On-site visit for on-site training and maintenance
- Other form templates additions into the same processing environment
- Any other modifications outside of this Statement of Work
Options cost: per request

Visual Components
Batch Summary Information
Page No. Template that was Matches
Overall number of uncertain characters Rules Check
Notes
This main user interface provides batch processing and overall information overview to the Operator. Documents can be added in volume, identified and recognized all at the same time, sorted using any available parameters, verified, and exported. Here the information is provided on the batch-level.
The whole process is being controlled using this user interface, specifically the steps 1, 2, 3, 4, 5 on the toolbar.

Detailed Document Information

Document Image Image Zoom-in Document Text Rule violations
Notes:
This user interface provides detailed information for any specific document. Doubleclicking on any page in main user interface opens these panels. Here the information is provided on a page-level.

Verification Module

Image Zoom-in Field borders Linked Image+Text Recognized Text Notes
This user interface provides all necessary tools for data verification to check data for correctness. This includes verifying of uncertain characters.

"Uncertain characters" are characters that were determined by FormReader to have low confidence. For example, in the case above, FormReader recognized "W" as "W", but with low confidence. For that reason the letter appears in green color. All such uncertain characters are being verified using this convenient user interface.

Optimizations

For maximum performance, the below items are recommended:

- Scanning of images as Black & White at 300 dpi resolution

- Slight re-design of forms to make forms easier to fill in and easier to recognize using any automated software, such as FormReader. This substantially decreases the amount of verification necessary and increases the recognition quality and speed of processing, thus increasing throughput. Recommendations are to a) add frames to the write-in field, and to b) add designated reference marks to the corners of each page.