

2012 Pacifica Local Station Board Delegate Elections Final Report

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1. Introduction

The election process at Pacifica is deeply flawed, and with the resources available nearly impossible to conduct optimally. That being said, however, these elections were fair, and the results were certified as official and final. The purpose of this report is not to rehash everything that went on in these elections, but rather to pass on key information that will allow the organization to learn over time, and allow future elections supervisors to do a better job than was done in 2012.

2. Quorums

The KPFA, KPFT, WBAI, and WPFW Listener and Staff elections exceeded the quorum requirement. The KPFK Listener and Staff elections failed to reach quorum.

The WPFW listener election was particularly close, and only achieved quorum thanks to those members who sent in a blank ballot to help reach quorum even though they expressed no opinion about which candidates should be elected. These blank ballots are deemed by past practice in Pacifica, and by this NES to contribute to the quorum, but are not included in the list of countable ballots in the STV tally as a basis for calculating the winning threshold, since they give no rankings.

Also, note that the calculation of the quorum requirement changed over the duration of the election as eligible members who were not in the original list of members were discovered and added to the voter lists in the process of sending out replacement ballots.

The table below give the final tally of eligible members for each election as of the Sept. 13 Date of Record, the quorum requirement (10% for Listeners, 25% for Staff), and the total number of ballots received in time to be included in the tally.

	KPFA	KPFA	KPFK	KPFK	KPFT	KPFT	WBAI	WBAI	WPFW	WPFW
	Listener	Staff								
Total Membership	19,453	284	18,651	243	6,775	178	15,862	254	10,622	157
Required Quorum	1,946	71	1,866	61	678	45	1,587	64	1,063	40
Total Voted Ballots	3,257	118	X	X	777	54	1,626	74	1,053	49
Quorum Only										
Blank Ballot	7	0	X	X	12	1	8	0	9	0
No First Preference	2	0	X	X	0	1	1	0	3	0
Total Valid Ballots	3,266	118	X	X	789	56	1,635	74	1,065	49
Invalid Ballots	32	0	7	0	0	0	4	0	0	0
Total Ballots	3,298	118	1,512	57	789	56	1,639	74	1,065	49
Quorum Achieved?	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes

The reasons for the quorum failures at KPFK deserves study. From afar, as NES, I am not in a good position for assessing this. Reasons I have heard suggested include such things as lack of support from some staff and management, late scheduling of forums by the LES, and inadequate support for Spanish-speaking members. It is important to take note of the fact that both the Listener AND the Staff elections failed to reach quorum at KPFK, so focusing on problems that are unique to the Listener election but are never part of the staff election, such as forums, may miss the mark.

3. Election Results

The detailed round-by-round tally has been delivered to the Foundation web master, Otis Maclay, and presumably have been posted on the web site. Below are the list of winners for each election and the runners-up in their finishing order (highest ranked first) to be used for filling vacancies as specified in Article 4 Section 10 of the bylaws. The certified results include write-in candidates who typically received one vote or less. However, it is my belief that the bylaws do not anticipate that these non-nominated “candidates” should be in the sequential order for filling vacancies. I am therefore presenting in this final report the winning candidates followed by the un-elected nominated candidates in the order of their finishing (highest ranked first).

KPFA Listener election

ELECTED

Dan Siegel
Craig Alderson
Mark Hernandez
Andrea Prichett
Jose Luis Fuentes-Roman
Laurence H. Shoup
Ramses Teon-Nichols
Carole Travis
Burton White

RUNNERS UP – in order

Barbara Whipperman
Samsarah Morgan
Paula S. Erkkila
Karen Pickett
David Welsh
Kate Gowen
Kate Tanaka
Virginia Browning
Beth Seligman
Oriana Saportas

KPFA Staff election

ELECTED

Brian D. Edwards-Tiekert
Joy Moore
Frank T. Sterling Jr.

RUNNERS Up – in order

Tina Bachemin
David Landau
Kelina N. Lobo

KPFT Listener election

ELECTED

Richard Uzzell
Robert Mark
Nancy Hentschel
Phil Collins
Deana Pollard Sacks
MariaElena Castellanos
Adriana Casenave
Ingrid C. Turner
Hank Lamb

RUNNERS UP – in order

DeWayne Lark
Joseph Kaye
Susie Moreno
Nancy Saibara-Naritomi
Alan Alan Apurim
Michael Zargarov
Mike A. Lewis

KPFT Staff election

ELECTED

Liana Lopez
George Reiter
Leo Gold

RUNNERS UP – in order

Doyle Odom
Joseph Davis
Vinisha Patel
Craig Brooks II

WBAI Listener election

ELECTED

Manijeh Saba
Luis Barrios
Frank LeFever
Cerene Roberts
Ken Laufer
William Heerwagen
Jeremy Taylor
Sharonne Salaam
Patricia Logan

RUNNERS UP – in order

Robert Young
Russell Dale
Murray Gordon
Ebon Charles
Cookie Palmer
Eugene Hamond
Thomas Barton
Mario Mastrandrea
Diana Crowder
Shahid Comrade
Carlos Canales

WBAI Staff election

ELECTED

Janet Coleman
Reggie Johnson
John Riley

RUNNERS UP – in order

Jeannie Hopper
Camille Raneem
Vajra Kilgour

WPFW Listener election

ELECTED – three-year seat

Tony B. Norman
Gloria C. Turner
Acie Byrd
Kea Taylor
Pete Tucker
Jane Zara
Mekonnen A. Seyoum
Benito Diaz
Bruce Wolf

ELECTED – one-year seat

Campbell C. Johnson (one-year seat due to term limit)
Vanessa Dixon-Briggs
Kwame O. Abayomi
Luzette King
Eric Ramey
Jane Gatewood

Abby Charles
Michael Byfield
William S. Martin

RUNNERS UP – in order

Ola Cole Laryea
Marian Douglas-Ungaro
Thomas Raney
Ermias Wosenu
Joe McDonald
Rooj Alwazir
Larry Bryant

WPFW Staff election

ELECTED – three-year seat

Robyn Holden
Lona K. Alias
Keanna C. Faircloth

ELECTED – one-year seat

Jean Yves Point-du-Jour (one-year seat due to term limit)
Oscar M. Fernandez
Katea Stitt

RUNNERS UP – in order

None

4. Three-year and One-Year Terms at WPFW

Because WPFW failed to reach quorum in 2010, all 18 listener delegate seats and all 6 staff delegate seats were up for election in 2012. A number of LSB members had been appointed to fill vacancies, and at least a few members were approaching the 6 year limit on continuous service specified in the bylaws. In order to get back on track with half of the LSB seats coming up each election, it was necessary to assign half of the delegates elected in 2012 to three-year terms and half to one-year terms. The bylaws do not anticipate this situation. However, the bylaws do have a system for dividing elected members between long and short-term seats in the initial transition election (Article 4, Section 7), and this system was the basis for the policy below.

The policy below was proposed by me as NES, and approved by then Executive Director Arlene Engelhardt in August, 2012. The Local Election Supervisor for WPFW, Jon Bush and I informed the interim Executive Director of our intention to implement this policy, and she did not object.

The question is not how to interpret the meaning of the bylaws, but rather what to do in this situation where everybody agrees the bylaws give NO rules on how to allocate 3-year and 1-year seats that are

not the 2003-4 transition election. In this circumstance, it would be possible to adopt a variety of rules...such as having candidates declare at the outset in the nomination process for a three-year seat or a one year seat, or simply declare the total number elected and draw lots to decide who gets what seat, or to use the rule I proposed and that the Foundation, in the person of the ED agreed to, which is... establish the list of winners and then give a one year seat to any winner who is prohibited by the bylaws from serving a full three year term, and then using the order of election to assign the remaining candidates, first to the three-year seats and then to the one-year seats.

This is not the ONLY reasonable way to get WPFW back into the correct rotation of seats, but it is one fair, logical, and reasonable method, and that is all that is necessary. I happen to think it is the fairest, and best method, but nobody has to agree with that assessment to understand that it is not something a judge would throw out, since many reasonable people would agree it is fair, and it violates NO bylaws or legal requirements.

I raised this issue to the Pacifica National Board Elections Committee on July 25 when I sent an email to the full PACELEC list raising the issue (and had the proposal I ended up adopting in the email string below it), and received no input from any of the elections committee members on the matter. As I said in that email, I would take guidance from the ED as the voice of the Foundation on what policy to select, which is what I did.

Policy for designating long and short term seats when necessary

In the event that an election must fill some seats for three year terms and others for one or two year terms (due to extended terms resulting from an election failure due to quorum or other reasons), these procedures shall be used to determine which winning candidates receive which terms. If a winning candidate is currently serving, and a three-year term combined with the years already served consecutively would total more than the term limit mandated in these bylaws in Article 4, Section 8, that winning candidate shall automatically get one of the shorter term seats. If the remaining winning candidates exceed the number of three-year seats left to fill, then the order in which the STV tally establishes winning candidates shall determine which candidates get the three-year seats, with those being elected first getting the three-year seats until no more three-year seats are available, with the remaining winning candidates getting the shorter term seats.

In the case of WPFW in 2012, this meant that in the listener election, Campbell Johnson who would have been the 9th three-year term winner was automatically given a one year seat, and Brian Wolf received that three-year seat. in the WPFW staff election this meant that Jean Yves Point-du-Jour automatically got a one-year seat, and Keanna Faircloth received the three-year term. Note that individuals filling a three or one-year seat are still subject to the six consecutive year term limit.

5. Eligibility to Serve

While it is easily assumed that the definition of eligibility to serve as a delegate is the same as the eligibility to be nominated, this is not the case. A member must be an eligible member of either the listener or staff class as of the Date of Record in order to be nominated and appear on the ballot. However, the bylaws do not require an individual who is elected as a delegate continue to maintain that status after the Date of Record in order to win election or serve out his or her term. The only grounds for removing a serving delegate are because that person becomes a public official or

candidate for such office (this is the only eligibility issue for *servicing*, as opposed to being *nominated*, specified in the bylaws), or is removed by a recall election. Further, since the bylaws do not prohibit write-in candidates, Robert's Rules of Order requires that they be allowed. Thus an individual may be elected as a delegate to represent a particular class regardless of whether that person fits the requirements for nomination for that particular class of members. Thus, listener members may through the write-in process elect staff members as their delegates, and vice versa, though such members may not be nominated and appear on the ballot. In other words, the voters are supreme, and may elect any person of their choosing to represent them as a delegate. Whether a person must be a member of some sort to continue to serve as a delegate is not clear.

6. Filling Vacancies

It is my recommendation that the bylaws be interpreted to allow the LSB to appoint any member from the appropriate class of members (Listener or Staff) to fill vacancies, once the list of nominated Runners Up in the lists above are depleted, rather than reaching down into the list of write-ins.

Although the bylaws specify this order for filling vacancies, this is not an appropriate method for filling vacancies in an STV election, in my opinion. I would recommend that the bylaws be amended to use a more appropriate method. The benefit of the current method is that it is simple and easy to administer, but it undercuts the principle of proportional representation. Rather than thinking of the election as merely selecting a series of individual winners, it is important to understand that proportional representation elects a mixture of members who, as a whole, reflect the diverse preferences of the electorate. When one seat becomes vacant, that seat should, ideally, be filled with a replacement that is similar. When using the list of runners up, it can frequently happen that the assigned replacement is diametrically opposed to the member who vacated the seat, creating a board that no longer fairly represents the electorate.

As an analogy, imagine a recipe for lemonade. If the sugar is removed, that vacancy should not be filled with lime juice, just because it is the next unselected ingredient, but rather with a similar candidate, an alternate sweetener (honey or maple syrup), so that the overall flavor will be somewhat similar. The current vacancy rule may encourage a member, who is not able to fulfill her board functions any more, to refuse to resign, simply to avoid being replaced with a board member of the opposite persuasion.

There are several appropriate vacancy-filling procedures that could be used. One simple option is to have each LSB member designate a replacement in the event they can no longer serve. The more standard method is to re-run the STV tally using the data from the original ballots, but with the vacating candidate excluded. This will effectively allow the voters who favored the vacating candidate to select the replacement. However, this procedure has the potential for not electing one of the candidates who won in the original tally. Therefore it is necessary to hold these previous winners harmless so they cannot be un-elected in the vacancy re-tally. The first new candidate elected by the STV re-run should be offered the vacant seat. If that person declines, the STV tally can be run again excluding that candidate as well. Note that another option, simply going to an open-ended appointment process by the LSB also suffers from the same essential defect of the current

system...the replacement favored by the majority of the full board may be diametrically opposed to the views of the member being replaced.

7. Bylaws Compliance

The election schedule was not in compliance with the bylaws. The bylaws require the Executive Director to appoint a National Elections Supervisor by March. This was not done until June. All of the other election benchmarks specified in the bylaws were pushed back as well. The bylaws allow the Pacifica National Board to adjust the schedule within limits, if that decision is made by a 2/3 vote the year before the elections. This was not done. Throughout the election process an effort was made to abide by the goal of the bylaws-specified schedule, though obviously the actual dates were impossible. Most of the specific bylaws requirements outside the schedule issue were complied with, though with mixed success. Appendix A is my report that summarizes each of the bylaws provisions that govern the election process and whether each of those provisions was complied with or not.

8. Hiring Local Election Supervisors

the primary means of advertising these positions was through Craig's List. I received over 100 applications – many of them quite excellent. Since the Foundation was trying to limit travel expenses, all of the job interviews were conducted by phone or Skype. I was very pleased with the set of finalists. In most cases I had two or three finalists, who had the General Manager meet with, in order to get further feedback. Pacifica was extremely lucky to get the five Local Election Supervisors that it did. While each had his or her own strengths and weaknesses, the overall caliber was stunning. Interestingly the five LESs hired were all racial minorities. This may have been the result of fact that racial minorities were disproportionately harmed by the current national unemployment situation creating an incredibly rich pool of applicants to choose from.

The LESs for 2012 were Aharon Morris at KPFA, Soul Watson at KPFK, Iyo Irabor at KPFT, Teri Graham at WBAI and Jon Bush at WPFW.

9. LES supervision

All of the Local Elections Supervisors were provided with a manual I drafted with another former NES, Kenny Mostern (Appendix F), which lays out all of the tasks of the LESs. Some of the details in that manual were not possible to follow, due to unique station situations, but it is a useful document for any future NES to review and revise. I had weekly conference calls with all of the LESs for the first couple of months. After the reduction in hours and pay for the NES that was negotiated, such conference calls became less frequent; based on specific needs. LESs were required to submit periodic reports on progress and challenges they were facing with regards to getting and auditing voter lists (see Appendix G as an example). The LESs and I exchanged dozens of emails

most days, and conferred by phone as needed. However, with the reduced pay and hours for the NES that were negotiated, the supervision of the LESs was necessarily limited. I basically set out goals, criteria, policies, and advised them on how to interpret the Fair Campaign Provisions, while leaving decisions about implementation at their assigned stations to the individual LESs.

A shortcoming of these elections was the limited ability of the NES to supervise the LESs, especially since the reduction in pay and hours of the NES at the beginning of October. As it happened the LESs did a reasonable job, but this was not inevitable. I would suggest that any future NES work to establish a means of independently assessing LES performance. Most of the information I had about their performance came from the LESs themselves, which has obvious potential problems. It might be possible to find former LSB members from competing slates who would report to the NES on a regular basis on LES performance.

10. Cooperation of Staff and Management

This is an extremely tricky piece of the puzzle. The PNB has adopted an election policy that requires substantial cooperation by station staff and management, but many staff see the elections as a burdensome drag on the radio station, with candidate programming driving down listenership. The relationship between the election supervisors and the station staff and management is murky at best. While all of the GMs expressed support for the election process, none of them were able to assure reliable cooperation from their station staff and management. I will leave it to the Local elections supervisors to be more specific, but certain bottlenecks are worth noting in the national report. Due to allegations of past unfair candidate cart scheduling at KPFT, the NES and LES decided to create a very specific schedule, that would be posted, so that all of the candidates and listeners could monitor compliance. The take-over of candidate cart scheduling at KPFT by the PD nearly scuttled the elections because nobody was able to effectively monitor fairness except after-the-fact. Fortunately the NES, LES and GM were able to rescue the elections through some last-ditch remedial election programming to try and re-balance the unfairness that had occurred through the bulk of the campaign period.

WBAI was frequently slow updating the web site, and it was extremely difficult to get member information from the staff. This was BEFORE Hurricane Sandy (which made completion of the elections extremely challenging).

KPFK did not generate an adequate staff list, which resulted in a lot of emergency ballot distributions late in the election.

KPFA also had a problematic unpaid staff list... but this was due to the unique unpaid staff organization provision in the bylaws combined with station management's recognition of a barely functioning unpaid staff organization that was not even able to provide a reliable list of members with addresses.

WPFW, with all its financial challenges, may have actually had the best record of cooperation.

One of the biggest challenges I faced was getting timely responses and decisions from the interim Executive Director (iED). This is not an assessment of the overall performance of the iED, who doubtlessly was facing countless critical issues, and was aware of a big picture that I was not. Here I am merely reporting on difficulties from the narrow perspective of administering elections. The iED often did not reply to emails and her phone voicemail box was frequently full. Deadlines for decisions or actions by the iED were rarely met. This includes approving the letter that went out with the ballot mailing, recording an election promotion card for all of the stations, sending payments to the ballot company and the National Elections supervisor when due, pre-approving travel expenses as require in the NES contract, etc. Nearly all of these failures or delays had repercussions. For example the failure to pay the ballot company on time prevented the Foundation from using a union printer, since only a non-union printer agreed to meet the rush requirement created by late payment. I don't want to lay personal blame on the iED, as it may simply be that it would have been impossible for any person to handle all of the demands on the time and attention of the iED during this period. All I can say is that from the narrow perspective of conducting elections, this was a serious problem.

11. Voter Lists

One of the greatest sources of problems relating to the just completed Pacifica Local Station Board elections involved the accuracy of the membership rolls and staff lists. It is important to realize that the record-keeping system has not been designed with elections as a high priority. The database system was originally designed to handle things like subscriptions, but not memberships as defined in the Bylaws (including volunteers, waivers, and unpaid staff). Inaccuracies that have no or minimal significance for fund raising or subscription purposes can, however, create difficulties when dealing with voting rights. Some of the membership definitions in the Bylaws that required substantial clean-up in the database include:

- Separating households, in which individuals jointly contributed more than double the minimum contribution amount, into separate memberships, each entitled to a separate vote.
- Removing members who contributed to more than one station from all but a single station's membership list.
- Removing individuals who appeared more than once (such as those who contributed from two addresses, or with variants in the spelling of their name)
- Removing staff members from the listener membership list
- Removing station management from the staff membership list
- Identifying and gathering mailing addresses for volunteer listener members
- Identifying and gathering mailing addresses for unpaid staff
- Identifying paid staff, defined as "employees," as distinct from contract workers
- Removing corporate and gift subscriptions from the member list since they were not the result of contributions from the individual him or herself, and membership is not transferable.

Sadly, these are the identical problems that existed in the first set of Pacifica elections in 2003, and despite resolutions by the Pacifica National Board about fixing these problems, seem to have continued in every election since. Anticipating this as a challenge I had the LESs submit monthly updates on their efforts to get good voter lists. I would urge future NESs to use the update form, an example of which is in appendix G.

Local Election Supervisors attempted to audit the various member lists. This serves two purposes: 1) check the accuracy of the record keeping (were their contributors or staff who were not in the database), to help correct errors and 2) check whether there were any signs of intentional padding or exclusion of eligible members or staff, possibly for the purpose of influencing the election outcomes. This audit was supposed to involve comparing a random sample of database records, with the original records that were the basis for those records. While this was partially possible with standard donors, it was all but impossible for many volunteer listeners and unpaid staff, as at some stations there were virtually no records at all, and these lists had to be cobbled together from scraps of paper and vague staff recollections. The collection and transmission of staff names and addresses at KPFFK was especially problematic. Also, WBAI stood out in the early part of the election process in terms of difficulty for the Local Elections Supervisor gaining access to listener and staff membership lists.

The special rule in the bylaws defining unpaid staff membership at stations with recognized unpaid staff organizations created a unique problem at KPFA. I will leave it to the Local Elections Supervisor to describe this issue in his final report. In short, I would recommend that recognition of an unpaid staff organization be contingent at the very least on the ability of such organization to maintain an accurate record of its members including mailing addresses.

The lack of reliable and accurate staff and listener lists from stations meant that a large number of replacement ballots had to be distributed at a substantial added cost and effort. It is also certain that at least some eligible members never did get ballots. The bylaws require the Foundation to make a “reasonable effort” to distribute one ballot to each eligible member. Within the confines of the available member data, this was done, but the quality of that data is the problem.

Station staff were supposed to remove duplicate entries for a single member, with the National Elections Supervisor and ballot mailing company further searching for duplications that spanned more than one station. This de-duping by staff was either not done at all, or done very poorly at most stations. Most duplicates were caught and removed at the national level, but a few duplicate ballots did get mailed (for example, when the member had more than one mailing address). It may be that there is some modification to the process for taking phone pledges that can reduce the number of duplicate database entries, but that is beyond my area of expertise. Also, a better method of keeping track of volunteer labor contributions is an imperative if these members are going to be fully enfranchised.

An alternative practical solution, which I am NOT recommending, but feel should be mentioned, is to amend the bylaws to shift the definition and responsibility for the member list. In other words, like the typical American public voter registration process, donors and volunteers would need to notify the station of their desire to be a voting member of the Foundation by checking a box on a donation form, or some similar method approved by the PNB. This would exclude the vast majority of members as defined by the current bylaws. This would not solve many of the factionalism and other shortcomings of the election process, but would make the administrative task of preparing voter lists more manageable. However, I do not favor this approach, and would refer the reader instead to the sortition proposal in Appendix H.

12. Nomination Process

We attempted to use an online candidate registration and nomination submission process this year, with mixed success. I concluded that it was helpful to have contact information for individual considering running, so we could give them updated information, and opportunities for petition gathering, etc. Therefore we had the candidate packets (see appendix C for the listener packet and appendix D for the staff packet) available only after the individual registered with contact information online.

The first problem was that the web site designed for this purpose was not ready in time for the opening of the nomination period, and many glitches and bugs turned up throughout the nomination period. Rather than detail each of these problems. I will simply say that the Foundation's web guy, Otis Maclay is aware of them, as he made fixes or work-arounds on the fly. Some of these problems ultimately never did get completely fixed. One of the factors was that Otis had multiple responsibilities, such as facilitating national PNB meeting technical needs, and traveling to presidential primary locations for news coverage needs, that competed with Pacifica election needs. I would hope that if this nomination system is used again, that Otis be given specific time to refine the site well before it is needed.

The Local Elections Supervisor at KPFT experimented with a novel means of helping candidates gather nominating petitions "signatures" through an online option. In short, she allowed members to digitally "sign" petitions for a candidates without the necessity of ink on paper. I will leave it to the LES, Iyo Irabor to describe this in her final report.

The decision of the interim Executive Director to postpone the nomination deadline, and then the Record Date caused substantial difficulties and confusion, but the LESs were able to adjust.

13. Voter Education

There are seven common or customary means of voter education about the listener candidates.

1. Candidate statements included with the ballot mailing,
2. On-air candidate forums that include call-in questions from members,
3. Candidate audio statements (carts) broadcast repeatedly over the air,
4. Web site election pages with longer candidate statements, audio statements, questionnaire responses, and even videos,
5. Independent mailings from candidate slates,
6. In-person candidate forums off the air.

Only the first two of these are required by the bylaws. Numbers 3 and 4 are long-standing practices that were repeated in these elections, Number 5 is a problematic practice that undercuts efforts at fair campaign practices by bringing in independent expenditures of money with the goal of swaying the elections. This means of voter "education" is protected by California corporate law, and can't be prevented. The sixth method of voter education was not pursued this time based on negative evaluations from previous Local Election Supervisors who almost universally agreed they were not

worth the effort, since they were poorly attended, and those in attendance were primarily adherents of particular slates who weren't seeking to learn about other candidates.

The booklet mailed with the ballots included short candidate statements (150 words), with a notice that members could find the long statements (500 words) and questionnaire responses on the web site, or call a toll-free number to get a paper version of the long statements mailed to them. Only a few members requested paper long statement booklets.

The Local elections Supervisor at KPFT instituted some innovations that are worth considering for future elections. These include YouTube videos, individual on-air candidate interviews, and an abandoned effort to use Google hang-outs. I refer readers to the KPFT LES final report for more information.

The LESs at stations with slates experienced an unexpected challenge getting candidates scheduled for recording their carts and for the on-air forums. The election supervisors assumed that all of the candidates would want to cooperate in the scheduling, because they would want to get their message out. A lot of cancellations, re-scheduling and no-shows eventually made us suspect that many candidates actively did not want to cooperate, and were in fact hoping to slow down or sabotage these voter education elements. The LESs wasted a lot of time trying to find times where all candidates could participate, under the assumption that the candidates had an incentive to cooperate, and just had busy schedules. As it turns out, many candidates who were part of slates effectively relied on the slate mailers and partisan support outside the official Pacifica voter education scheme. For example, some candidates who didn't record carts, or participate in any forums still won election as part of a slate. Because the LESs kept trying to accommodate these uncooperative candidates the forums kept getting pushed back, until at some stations they were ridiculously late in the election cycle. Ideally the on-air forums required by the bylaws should be within a week of the ballot mailing.

This lack of interest in cooperating by candidates was an important learning experience that I want to pass on to the next set of elections supervisors. The bylaws state that the listener candidates must be given "equal opportunity for equal air time." This does not mean they must actually achieve equal air time. So, rather than wasting time trying to work around schedules of candidates who may have no intention of participating, I suggest that the LES simply establish a series of reasonable time slots, and make them available to all candidates on a first-come first-served basis, and get the carts and forums done at a reasonable time whether all candidates choose to participate or not. As for recording candidate carts, if a candidate did not record one in a reasonable time, the LES simply used an unfamiliar voice to record a minutes-worth from the candidates written statement.

Another aspect of voter education that was not fully achieved was education about how the single transferable vote system worked. While there was information, including a video on the web site, and an explanation was included with the ballot mailing, it had been my intent to also have on-air programs on all of the stations about STV. Once my pay and time were cut, this was one function that had to be jettisoned. I did do interviews that appeared on KPFT and KPFA, but the other stations had essentially no on-air education about the ranked voting method.

A glaring shortcoming in voter education was the inadequacy of Spanish language coverage at KPFK, which has a substantial Spanish-speaking membership. We did print Spanish ballot

instructions on the ballot, and the candidate booklet mailed with the ballot, referred Spanish readers to the web site where we used Google Translate to generate crude translations of candidate statements. The LES also had some late bi-lingual candidate forums. But in the future, additional budget for translators would be a good idea.

14. Fair Campaign Provisions

The Fair Campaign Provisions in the bylaws were expanded as in all past elections with provisions that cover the use of the Internet and other station resources, as adopted by the NES and the PNB. While the intent of assuring equal opportunity for equal access to station resources, including air time are commendable, they are nearly impossible to enforce. The sanctions against staff that are realistic are limited. In one case, the KPFK LES says the program director told him he would not remove an offending staffer (who had referred listeners to a web site with candidate endorsements) from the air, because the staffer was too vital to the station. As it happens this election failed to reach quorum, so the integrity of the election was not ultimately affected, but the difficulty of enforcement is clear.

In some cases there may be a formal “accuser,” but often a member will simply give the LES a “heads up” about a possible violation. I instituted a formal complaint process and complaint form (see appendix E) , where an accuser had to provide specific information in order to relieve the LES from the burden of chasing wild geese. However, it is not necessary to release the name of a member who brings a possible violation to the attention of the LES, when the facts of the situation can speak for themselves.

A number of listener and staff candidates were ultimately disqualified for serious violations, and a number of staff were removed from the air, and had negative comments inserted in their personnel files. When formal allegations of violation were made the LESs investigated and issued rulings, which in some cases were appealed to the NES. An example of an appeal ruling that altered the remedy ordered by the LES is included as an appendix to this report, because it lays out some important principles about interpretation of the Fair Campaign Provisions and appropriate remedies, which might be helpful to future election supervisors.

15. Ballots and Distribution

Pacifica contracted with an independent ballot company, Election Services Corporation (ESC), for the printing, mailing and tallying of ballots this year. I cannot say enough about how amazing they were. I have never worked with a firm that went the extra mile (extra ten miles) that ESC did in creatively solving the countless problems generated by Pacifica’s less-than-adequate member lists, etc. ESC’s professionalism, flexibility were simply astonishing.

Originally the contract also included the option of Internet voting, but this was removed from the contract at the last minute by the interim Executive Director for financial reasons. However, the fact

that Pacifica used a centralized distribution and return location on Long Island, New York, and didn't have an Internet voting option, created a serious challenge for members getting and returning replacement ballots.

Election Services Corporation was contracted to provide a help desk toll-free number for members to request replacement ballots. This was used far more than ESC anticipated, and taxed their capacity. There was also no provision for Spanish in this system, though KPFK LES final report should address the work-around that was developed.

This problem would have been largely eliminated if Internet voting had been allowed. While Internet voting is inherently problematic in high-stakes governmental elections due to risk of large-scale manipulation, this risk seems minimal for an election for a non-profit organization.

The distribution of replacement ballots was particularly challenging at KPFK. In October, I discovered that a large number of both paid and unpaid staff had no mailing address in the database provided by the station. This problem was brought to the attention of station management, and I thought station management had fixed this failure. Not until long after the initial mailing of ballots on November 6, 2012, did I learn that most of the paid staff and many unpaid staff at KPFK were either not on the voter lists provided to ESC or still had no addresses. Once this failure was discovered, we focused on getting ballots to these members, rather than figuring out exactly how it occurred. ESC agreed to email PDF versions of ballots to staff using emails provided by the station. This largely remedied this problem. However, it is definitely worth finding out why station management didn't provide mailing addresses for staff, so that it is not repeated.

Since some eligible members were not on the original voter lists, and some members never received their mailed ballots, some of these members were sent replacement ballots very late. since the bylaws require that members be given "reasonable time" to receive and return their ballots, we accepted these late-distributed ballots for approximately a week past the official election close date for each election.

The paper ballot that I designed was, in my opinion, an excellent and user-friendly design, which I would urge future election supervisors to replicate. However, in any election with 20 or more candidates, a ranked voting ballot is inevitably intimidating for some voters. In the case of the KPFK listener election there were 35 candidates on the ballot. Since it was impractical to design a ballot that allowed 35 distinct rankings, I limited it to 20 (to fit on one side of the ballot paper without unreasonable crowding). However, the fact that voters could give multiple candidates the same ranking number meant that they could still rank all of the candidates if they wished.

16. Ballot Scanning

Ballots were scanned, with observers allowed, by Election Services Corporation at a hotel conference room in Ronkonkoma, NY. Ballots without valid authenticating PINs were not counted. This scanning process generated a graphic image of each ballot. The off-the-shelf form reading software then determined what ranking marks the voter had made. At a certain confidence level cut-off the program operator was asked to verify the interpretation of the software. In other words, stray

marks, cross-outs, write-ins and other oddities prompted an employee of ESC to make a determination of voter intent. This confidence level can have settings for how many pixels within a ranking target (the circle the voter is to fill in) need to be darkened in order to register, etc. These ambiguous ballots were also reviewed by the National Elections Supervisor as part of the audit process.

17. Audit

There were two main parts to the audit process conducted by the National Elections Supervisor. First I conducted a mock election as part of a logic and accuracy test. 30 ballots for a particular election were marked in a unique manner to test a variety of scenarios (duplicate rankings, skipped rankings, stray marks, etc.). I then conducted a hand-count of these ballots using the single transferable vote (STV) algorithm specified in the bylaws. ESC then scanned the ballots and used the software to interpret the marks on the ballots and convert them into ranking strings. This raw data was then run through the Choice Plus Pro open source STV tallying software that Pacifica has used in every election. I then compared the results of my hand-count with the CPro tally. I discovered one discrepancy in how ballots that skipped a bunch of rankings (ranking a first choice, and ranking some other candidates in last place). The bylaws don't specify how such miss-marked ballots should be counted. there are two common methods. In Scottish STV elections, for example, any skipped rankings results in a ballot going to the exhausted pile if the last contiguous ranking is passed. Other jurisdictions, such as most U.S. STV elections simply close up the skips as if the voter had not left any blank rankings in the middle. Choice Plus Pro, by default closes up single skipped rankings (assuming the voter made a simple clerical error, but exhausts a ballot if there is a wide jump from ranked top candidate to bottom ranked candidates. This seemed to me to be the most likely rule to capture voter intent (a voter may have assumed giving a bottom ranking to some candidates was a way of showing DISfavor, and would not want their ballot to end up helping to elect one of those bottom-ranked choices.) When I adjusted my hand count to reflect this ballot interpretation rule used by CPro, the results matched exactly.

The second part of the audit process involved comparing a substantial random sample of ballot graphic images with the corresponding ranking string in the ballot data file. This initially uncovered a few errors (stray marks showing up as rankings, etc.). I had ESC conduct a re-clean of the ballot data with a higher level of confidence required to skip human interpretation. After the ballot data was re-cleaned every single ballot checked was accurate.

I then focused on the ambiguous, or "problem ballots," to be sure my interpretation of voter intent matched ESC's. We achieved 100% agreement. I am certain the accuracy of the Pacifica ballot data in terms of capturing voter intent was substantially better than any public election in the U.S. using scanned ballots, and probably substantially better than any government election hand-count as well (which are highly prone to human error).

18. Vote Tabulation

The STV tabulation was run through the standard Choice Plus Pro software as in all past Pacifica elections. The results and round-by-round results as well as various CPro analytical reports indicating how each ballot transferred from candidate to candidate, etc. were posted on the Pacifica Elections page.

19. Paying for Elections

This was an extremely troubling aspect of these elections. After the first couple of pay checks, the NES was never paid in a timely manner. On several occasions I threatened to quit if I did not receive payment that was owed me. This continued to be a problem even after I offered to cut my base pay in half in October (with a reduction in hours devoted to supervision of the LESSs). This offer was eagerly accepted by the interim Executive Director, and my subsequent invoices were for this reduced rate of pay. However, I never received a revised contract to sign for this reduced rate, despite repeated requests that the contract be signed and sent to me. The signed contract, which is still legally binding, requires the Foundation to pay me an additional \$2,653.75 (being the difference between what the contract requires, and what I invoiced for October, November and December...although, note that as of this writing, I still have not received any payment for my December work.)

The single biggest threat to these elections was Pacifica's failure to pay Election Services Corporation what was owed under their contract by the deadline. In fact ESC took the incredible leap of proceeding with printing materials without having been paid since if they didn't then the election mailing date would be impossible to meet. Finally the necessary payment was wired to ESC late in the afternoon on the last possible day when we would have had to cancel the elections due to non-payment.

Some of the Local Election supervisors also had trouble getting paid on time as specified in their contracts, at some stations.

The financial burden on the Foundation of conducting these elections is one serious argument for moving to an alternate form of democratic governance as discussed in the appendix on sortition.

If the Foundation wants to save as much money as possible in 2013 while conducting elections that are still in compliance with the current bylaws, here is an option: Instead of mailing ballots generally, the Foundation just needs to "make written ballots available." Pacifica could mail a postcard to all members containing a unique password to access an online voting site, but also state on the post card, that the member may request a paper ballot, and/or a paper candidate statement booklet. There would be a substantial savings from the dramatic reduction in the printing and mailing of ballots and candidate booklets, as well as return business reply mail postage. Other substantial costs, such as months of salary for election supervisors, etc. would still exist.

20. Conclusion

These elections were far from optimal, but were conducted in as fair a manner, and in as much compliance with the bylaws as was possible under the circumstances. I hereby certify that these are the true results of the Local Station Board elections for Pacifica Local Station Board Delegates, which closed in December of 2012. I certify these elections as valid. The alternative, either letting current LSB members continue to serve without voter input, or staging entirely new elections, are far less fair. If Pacifica is to continue using elections to select LSB members, there needs to be a complete reform of its record-keeping systems, especially with regards to volunteer members and unpaid staff. My overwhelming recommendation however, is for the Foundation to amend its bylaws to replace Listener elections, and substitute a more democratic and less factionalized sortition model (using randomly selected listener member juries to recruit and appoint Local Station Boards), as described in Appendix H.

Appendix A: Bylaws Compliance Report

2012 Report on compliance with Pacifica bylaws provisions governing election schedule and election process

by Terry Bouricius, National Elections Supervisor

Since the election process, beginning with the appointment of the National Election Process was not started in June, as required by the bylaws, none of the election schedule complies with the bylaws explicitly. This report shows which bylaws provisions were complied with and which were not with a *Yes* or *No* answer to the question “Was this provision complied with?”

Article 3 Section 1: Members defined

Sub-section A Listeners – *Yes with caveat*. The proper definitions were applied, but poorly executed by most stations. The volunteer listener lists were, as a general rule, very poorly maintained.

Sub-section B Staff - *Yes with caveat*. The proper definitions were applied, but also poorly executed. The unpaid staff lists were very poorly maintained, or not maintained at all. The Unpaid Staff Organization at KPFA was barely functional, and arguably should not have been recognized by management as unable to perform the necessary function of providing an accurate staff voting list.

Article 3 Section 2: Term (12 months rolling) - *Yes*

Article 3 Section 3: Membership Affiliation – *No*. “Each Foundation radio station shall maintain a register of its Listener-Sponsor Members and Staff Members.” This was not complied with adequately, with the possible exception of KPFT. This resulted in many members not receiving ballots in the initial mailing, and a lot of late ballot distribution being necessary by the election services company.

Article 3 Section 4: Waiver requirements - *Yes*. This is an option of the LSBs, and not all stations LSBs pursued this option. Those that did followed appropriate guidelines.

Article 3 Section 5: Member right to vote – *Yes, but marginally*. the bylaws state: “All Members shall have all rights granted to them by law or by these Bylaws, including without limit the right to vote, on the terms and in the manner set forth in these Bylaws...” By offering a replacement and late ballot option, all members had the ability to vote, though it was not evenly convincement, since most members received ballots automatically, but some had to request a ballot.

Article 3 Section 7: Quorum – *Yes*

Article 3 Section 8: Voting: Voting by Written Ballot

Written ballot to be distributed to each member – *Marginal*. While 100% perfection is impossible, Pacifica fell far short of what a reasonable person would expect.

Sub-section A Eligibility to vote: *Marginal* Record date conforms with Article 3 Section 10 requirements but not Article 4 Section 5.

Sub-section B distribution of ballots: “The foundation shall make reasonable efforts to distribute...” – *Perhaps*, although what constitutes “reasonable” is subjective.

Sub-section C Number of votes and approval required:– *Yes*

Sub-section D Validity of written ballot (PINs): - *Yes*

Sub-section E Election and voting Supervision: - *Yes*

Article 3 Section 9: Manner of Notice – *Yes*

Article 3 Section 10: Record Date as it relates to distribution of ballots: - *Yes*... the 45 –60 day window for distribution of the first ballot was met.

Article 3 Section 11: Proxies - *Yes*

Article 4 Section 2: Eligibility; Nomination of Delegates – *Yes*

Article 4 Section 3: Election of Delegates - *Yes*

Article 4 Section 4: Election supervisors – *Yes, EXCEPT for the timing*. the bylaws state: “In March of each year in which there will be an election of Delegates by the Members, or by a date no less than 90 days before nominations are set to open, whichever is earlier, the Executive Director shall appoint a national elections supervisor...”

This was not done by the then Executive Director. My appointment as NES was made about three months late, on June 14, 2012.

Article 4 Section 5: Election time Frame – *No*. The length of time for each stage was adhered to, but none of the actual dates. Also, the change of the nomination deadline and then the Record Date by the interim Executive Director had no authority under the bylaws. Already being outside the timeframe set in the bylaws, as a contractor for the Foundation, I respected the date changes of the Executive Director, who according to my contract was the voice of the Foundation.

The provisions that were *not* complied with are in underlined below:

“In a Delegate election year, the nominations period for seats being vacated shall open on June 1 and remain open for thirty (30) days, closing on June 30. 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 August 15 (or the following day if August 15 is a mail holiday). To be counted a ballot must be received on or before September 30 (the "Election Close Date").

All ballots shall be held sealed until the Election Close Date. If the required quorum of ballots is not received by the Elections Close Date, then the Elections Close Date shall be extended by up to four additional weeks until closed by the National Election Supervisor. The national and local elections supervisors shall have up to 15 days after the Election Close Date to count the ballots and to certify the results to the LSBs, the Board, and the Members, which results must be reported by October 15 or, if the Election Close Date was extended, by 15 days after the extended Election Close Date, and shall be posted on the Foundation's and the radio stations' websites. If no quorum of ballots is

obtained by the extended date, then those Delegates whose terms would have expired upon the election of new Delegates shall remain in office until the next regularly scheduled Delegate election.

If in the year preceding Delegate elections, the Pacifica National Board determines by a 2/3 vote of the total number of Directors conducted by email or paper ballot, that the schedule above cannot be executed due to exigent circumstances, they may by November 30 adopt a schedule subject to the constraints herein:

- 1) Avoids where possible conflicts between major fund drives and the period between the close of nominations and the election close date
- 2) Includes a period of not less than 30 days for nomination of candidates;
- 3) Allows no less than 35 days after the mailing of ballots, on or before which completed ballots must be received to be counted ("Election Close Date")
- 4) Provides that all other intervals within the timeline remain as stated in the preceding paragraph, and

5) Allows for seating in December as provided for in Article 7, Section 6 (B). *Yes for KPFA, KPFT, and WPFW, but not for WBAI and KPFK due to extensions of the close date to achieve quorum, and time for auditing and tallying the ballots.*

Article 4 Section 6: Fair Campaign Provisions – Mostly at most stations

Not all staff signed statements as required. Indeed, at most stations it was not clear who the staff were, and there was no practical means of distributing the FCP statement to all staff. As for adherence, there were serious problems at some stations. One Listener candidate at KPFK and two staff candidates at WPFW were disqualified for violations. The KPFK disqualification had to do with a Listener candidate being interviewed on a program, using air time that no other candidate had an equal opportunity to have. The WPFW disqualifications had to do with staff candidates going on air specifically to influence the listener election by referring listeners to a web site they knew endorsed a specific list of listener candidates. One of the most difficult violations of the equal opportunity for equal air time occurred at KPFT. KPFT also had numerous innovative voter education programs that had not been used at any other station, including substantial one-on-one interviews with candidates, and YouTube candidate statements linked from the web site, etc. these "extras" diluted the significance of the unfair candidate cart rotation to some extent. The Program Director did not allow the Local Election Supervisor to play a meaningful role in either scheduling candidate carts, or monitoring staff compliance. The result is that there was a substantial failure to provide listener candidates with an equal opportunity for equal air time during the bulk of the campaign period. The primary shortcoming had to do with the scheduling and staff follow through with the airing of candidate carts. At the end of the campaign, station management agreed to remedial election programming to try and balance out the inequality to that point. While perfect equality could not be achieved at this point (a large number of members had already sent in their ballots), the remedial election programming with candidates who had been under-exposed up to that point improved the situation to the point that the Local Elections Supervisor and the National Elections Supervisor concluded it was possible to certify the election as "fair," though far from optimal. It is also possible that NOT certifying the KPFT listener election, thus either prompting a

new election, or leaving the current board members in place, would be in some sense even more unfair.

Article 15 Section 1: Voting Methods – *Yes.* STV was properly administered and the algorithm specified in the bylaws was followed.

Appendix B: Election Supervision Manual

PACIFICA FOUNDATION

**MANUAL FOR CONDUCTING ELECTIONS
TO THE LOCAL STATIONS BOARDS**

Prepared by current National Election Supervisor Terry Bouricius
and former National Election Supervisor Kenneth Mostern

Revised, July 2012

[January, 2013 Note: a number of bylaws provisions and election dates mentioned in this manual may be incorrect. The bylaws were amended since the original version of this manual was written, and those changes may not have been caught and incorporated into the 2012 version of this manual.]

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Introduction

The following manual contains a step-by-step guide for implementing the bylaws of the Pacifica National Foundation mandating the election of its five Local Station Boards. The manual is based primarily on the materials written and collected by the Foundation's first two National Election Supervisors, with additional points derived from more recent elections. It is intended to be read by the National Election Supervisor prior to her/him starting the job, and by the Local Election Supervisors at the start of their jobs.

This step-by-step guide includes

- Quotations from and glosses on the bylaws relevant to the election. These quotations are given in red
- Policies put in effect by the first two election supervisors
- Problem issues that, with the experience of two elections behind us, have been identified. In a few cases, especially with to the election timeline, these problems require immediate attention, because it is essentially impossible to carry out the dictates in this manual according to current rules.

It should become a part of the job of National Election Supervisor, worked into her/his contract from the start, to revise this manual at the end of every election cycle. These revisions should be based on bylaws or policy changes that have been put in place during the previous cycle.

2012 Election Timetable

Pacifica Foundation elections for Local Station Board take place in the fall two out of every three years. During each election, 12 seats on the Local Station Boards of each Pacific radio station are available – three to staff members of the radio stations, and nine to listener-sponsors members of the radio stations. The next years that Foundation elections will take place are:

2006 2007 2009 2010 2012 2013 2015 2016 2018 2019

and so on.

For 2012, the election process was not started, and cannot be completed according to the schedule set forth in the Bylaws. Instead, the Executive Director and Pacifica National Board have agreed to this alternate schedule, which will be followed in 2012.

June 15	National Election Supervisor starts
July 15	Local Election Supervisors start
August 1	Nomination Period Begins
August 30	Nomination Period Ends; Membership list initial audit due
September 1	“Record Date” for election (close date to join the foundation if you intend to vote in that year’s election)
October 15	Ballots Mailed
November 30	Due date for return of ballots, unless quorum is not met
December 15	Certification of election, if quorum has been met
TBD	Due date for return of ballots if an extension has been called

A problem, is that if the election deadline is extended and certification does not take place until after December 15, the seating of the new Local Station Board and the election of the members of the Pacifica National Board may not be able to happen in December, as is mandated by the bylaws. In this instance, the new Pacifica National Board may be elected in January, and seated in February.

Chapter 1. Start-up processes

1.1. *Hiring of National Election Supervisor*

The bylaws state that “In March of each year in which there will be an election of Delegates by the Members, the Executive Director shall appoint a national elections supervisor The national elections supervisor should be experienced with election procedures and supervision and preferably recommended by an organization experienced in elections procedures and supervision. . . . Upon the completion of, and certification of the results for, all of the elections, the national elections supervisor’s term shall end.”

In the first two elections, the National Elections Supervisor was chosen on the basis of a recommendation from the Center for Voting and Democracy.

1.1.a. *Job description of the National Election Supervisor.*

The bylaws state that the job of the National Election Supervisor is “to oversee and certify the fairness of the Delegates elections in each station area and to confirm said elections’ compliance with these Bylaws. 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.”

There are thus four bylaws based duties of the National Election Supervisor:

- Overseeing the Fair Campaign Practices
- Overseeing the Nomination Process
- Overseeing the preparation and counting of ballots
- Writing of the Final Report

In order to be able to complete these four duties, the National Election Supervisor also has to:

- Oversee the gathering and auditing of the membership lists
- Hire the Local Election Supervisors
- Oversee the distribution of information about the election

Naturally, the primary criteria for the hiring of the National Election Supervisor should be detailed understanding of all aspects of the electoral process, from nominations and membership list audits to interpreting fair campaign practices and overseeing STV vote counting.

1.1.b. *Independence of National Election Supervisor.*

The bylaws are clear that the National Election Supervisor must be a neutral outsider. “To be eligible for appointment to the position of the national elections supervisor, said person shall not be an employee of the Foundation or any Foundation radio station or a Delegate, Officer, or Director of the Foundation or any LSB, or a radio station staff member, paid or unpaid. . . . The national elections supervisor does not have to be a Member of the Foundation.” The bylaws say nothing – here or at other relevant points – about the existence of factions within the Foundation or of slates within the Foundation elections. However, in light of the factionalization of the Foundation membership, and the consequences of this factionalization for maintaining the fairness of the election, it is of particular importance that the National Election Supervisor be at a remove from the politics of the Foundation. It is recommended that, in general, the National Election Supervisor not be a member of the Foundation.

1.2. *Reading of Previous Year’s Reports*

The first task of the newly appointed National Election Supervisor is to carefully read the reports and supplementary materials from the previous election. Without thorough knowledge of the contents of these reports, it will be impossible for the National Election Supervisor to conduct the election.

1.3. Making Acquaintance with staff at radio stations

In order to successfully run the Foundation election, the National Election Supervisor and the Local Election Supervisors will from time to time need to have relationships with the following people:

- The Foundation CEO and CFO
- The person who write the checks
- The General Managers of the five radio stations
- The Webmaster of the Foundation, and of the five radio stations
- The Membership Coordinator, or the person who maintains the membership database, at each of the five stations
- The Volunteer Coordinator at each of the five stations
- The Program Director or Traffic Coordinator at each of the five stations
- The leadership of each recognized staff organization/union or the person at each station responsible for tracking of unpaid staff, etc.]

The National Election Supervisor should acquire or create a list with contact information for all of these individuals immediately upon taking the job, and should attempt to correspond by phone or email with each, outlining what s/he will be needing over the course of the next six months.

1.4. Review of bylaws

The National Election Supervisor, and the Local Elections Supervisors, should, immediately upon being hired read carefully and commit to memory all sections of the bylaws pertaining to:

- Membership in the Foundation
- Conduct of the Elections

Articles three and four of the bylaws cover these issues.

1.5. Hiring of local election supervisors

The most time consuming and difficult job of the National Election Supervisor, upon beginning in June of the Election year, is to hire Local Election Supervisors for the five radio stations. Because the nomination period begins on July 25, and it is the first job of the Local Election Supervisors to prepare and distribute nomination packets, the Local Election Supervisors must be able to start around July 15.

The Executive Director of the Foundation must approve the appointment of all Local Election Supervisors.

1.5.a. Job Description of the Local Election Supervisors

According to the bylaws, the local election supervisors “**should be experienced with election procedures and supervision. 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 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. . . . The local elections supervisors do not have to be Members of the Foundation. Upon the completion of, and certification of the results for, the elections s/he supervised, each local elections supervisor’s term shall end.**”

There are thus six bylaws derived duties for the Local Election Supervisor:

- Ensuring a fair election at the radio station they are assigned to;
- Preparing the nomination petitions
- Reviewing completed nomination petitions
- Overseeing the preparation and distribution of the ballots
- Closing the election
- Counting and assisting with the ballot counting

In practice, these are not precisely the duties that the Local Election Supervisors have taken on. Because of the need for uniformity and national oversight of the nomination petitions and the ballots, the design of the nomination petitions and ballots has been done primarily by the National Election Supervisor. Likewise, the distribution of the ballots has been done by a single mail house, arranged by the National Election Supervisor. The bylaws have been followed in the following way: because the Local Election Supervisors certify the nomination petitions, they are primarily responsible for the assurance that the correct individuals appear on every ballot. They therefore have been responsible for ensuring that the petitions and ballots designed by the National Election Supervisor have the correct local information, including addresses, phone numbers, websites, and candidate names, on them.

On the other hand, because of the bylaws requirement that the Local Election Supervisors have to ensure fair elections, the job of the Local Election Supervisor has also expanded to include the following:

- Auditing the membership lists of the radio station they are assigned to
- Publicity about the election, both on and off air
- Assistance in the organization of on and off air candidate forums

These are tasks the bylaws do not assign. The National Election Supervisor puts in place the mechanisms for auditing membership lists, but does not personally do all the auditing. Likewise, the National Election Supervisor issues, consistent with the bylaws, the Fair Campaign Provisions, and is the court of last resort that interprets the Provisions. However, on the ground enforcement is done by the Local Election Supervisor. This necessitates her/his involvement in forums and publicity.

1.5.b. Independence of Local Election Supervisors

The bylaws are clear that the Local Election Supervisors must be neutral outsiders: “A local elections supervisor may not be an employee of the Foundation or any Foundation radio station or a Delegate, Officer, or Director of the Foundation or any LSB, or a radio station staff member, paid or unpaid.” The bylaws say nothing – here or at other relevant points – about the existence of factions within the Foundation or of slates within the Foundation elections. However, in light of the factionalization of the Foundation membership, and the consequences of this factionalization for maintaining the fairness of the election, it is of particular importance that the Local Election Supervisors be at a remove from the politics of the Foundation. It is recommended that, in general, the Local Election Supervisors not be members of the Foundation.

1.5.c. Criteria for Selecting Local Election Supervisors

The hiring of the Local Election Supervisors was done differently during the first two elections conducted under the present bylaws. In the first election it was done by word of mouth through contacts within the Foundation. The result was that several people with election experience were hired, but also that there were significant charges of bias during the election. In the second election, the hiring was done by public advertisement through craigslist.org. The result was the hiring of people with little or not experience in the conduct of elections, but who had no prior political position within the Foundation.

Because the National Election Supervisor makes policy, it is necessary that the National Election Supervisor have election experience. By contrast, the Local Election Supervisors do not make policy. As long as they are capable of following and enforcing administrative rules, they do not need election experience. The following kinds of experience are equally apt for this position: management of administrative paperwork in business offices, at colleges and universities, and in settings where precisely accurate paperwork is needed.

Additionally, the Local Election Supervisors should have some familiarity with radio, because they have to engage directly with on air publicity and forums, and also with review of play logs. These kinds of experience are far more important to the task of the Local Election Supervisor than direct experience in conducting elections.

Six weeks is an extremely tight time-frame for hiring local election supervisors in an open search. It is possible only when the entire search is done electronically and remotely, with the job posted to various internet job sites, with applications accepted by email, and with interviews conducted by phone.

1.6. Appointment of Local Election Boards

The bylaws state that “To assist him/her in the conduct and oversight of the election, each local elections supervisor may appoint a committee of volunteer Members, all of which volunteer Members the local elections supervisor must, in good faith and in his/her sole discretion, believe to be neutral individuals. Said committee shall consist of that number of volunteer Members the local elections supervisor deems necessary.” In fact the work of the Local Election Supervisor cannot be done alone, and such committees are absolutely necessary for the work to get done. However, finding a committee that is neutral with regard to the politics of the Local Station Boards and management has proven difficult in the extreme at most radio stations. There have been two problems:

- On the one hand, at those stations which have had Standing or ongoing Local Election Committees, these committees have assumed that they have a power over the election process which the bylaws grant to the Local and National Election Supervisors. They have attempted to wield this extralegal power in ways that have not been neutral.
- On the other hand, at those stations which had not had Standing Committees, finding a group of neutral volunteers eager to work on the election but perceived to be otherwise unconnected to the politics of the radio stations has proven very difficult.

It is recommended that the Local Election Supervisors not recognize Standing Local Election Committees of the Local Station Boards, or of particular factions within those Boards. Instead, they should interview the members of these Boards and determine which of these individuals they prefer to work with, and which they do not. Further, it is recommended that the Local Election Supervisors use the available volunteer lists of the stations to recruit other members of their volunteer committees, and that they contact the League of Women Voters or other groups in their localities which are engaged in making fair elections, and ask for volunteer help when needed.

1.7. Familiarity with Choice Plus Pro software

In most cases, the National Election Supervisor, upon her/his appointment, will not be familiar with the software that the Foundation uses for counting STV ballots, Choice Plus Pro. The National Election Supervisor should contact Steve Willett of Voting Solutions, the consultant who works with Pacifica, to get help in learning the software.

1.8. Phone and email for the election supervisors

In general, the election supervisors need to have phone extensions at the Foundation or at the radio stations, and need to have email addresses with @pacifica.org, @kpfa.org, etc. domain names. These must be supplied immediately upon hiring, and these phones and addresses should be posted to the Foundation websites in order to ensure that members know where to direct election related correspondence and concerns.

Chapter 2. Nomination Process

2.1. Who May be nominated to a Local Station Board

According to the bylaws, the following individuals are qualified to run for Local Station Board:

“Any Listener-Sponsor Member in good standing, except radio station management personnel or Foundation management personnel or staff members, may be nominated for the position of Listener-Sponsor Delegate for the Foundation radio station with which s/he is affiliated by the signatures of fifteen (15) Listener-Sponsor Members in good standing who are also affiliated with that radio station, provided, however, that 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. A Delegate shall be deemed to have resigned the position of Delegate if s/he becomes a candidate for public office or accepts a political appointment during his or her term as a Delegate. This restriction shall not apply to civil service employment by governmental agencies.

Any Staff Member in good standing may be nominated for the office of Staff Delegate for the Foundation radio station with which s/he is affiliated by the signatures of five (5) Staff Members in good standing who are also affiliated with that radio station, provided, however, that 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. A Delegate shall be deemed to have resigned the position of Delegate if s/he becomes a candidate for public office or accepts a political appointment during his or her term as a Delegate. This restriction shall not apply to civil service employment by governmental agencies.”

2.2. Bylaws requirements for prospective candidates

According to the bylaws, each Member seeking to be a nominee shall submit: “(1) the required number of nominating signatures on the form provided by the local elections supervisor; (2) a statement of whether the candidate is running for election as a Listener-Sponsor Delegate or a Staff Delegate; (3) a written statement of up to 500 words in length by the candidate introducing himself/herself and his/her interest in, or qualifications for, serving as a Delegate, which statement shall be distributed, or otherwise made available, to the Members entitled to vote along with the written ballot; and (4) a statement acknowledging that s/he has read and understood the “Fair Campaign Provisions” set forth in Section 6 of this Article of the Bylaws. The names of up to five (5) of the candidate’s nominators may be listed at the end of a candidate’s statement. Each candidate also may, but is not required to, for informational purposes indicate his/her gender and racial or ethnic heritage.”

2.3. Nomination Package

The National Election Supervisor shall prepare nomination packages to be distributed to prospective candidates in time for the opening of the nomination period on July 25 of an election year. A nomination packet, which in form resembles a grant application or a college application, consists of:

- A **Checklist/Instruction Sheet**, informing the prospective candidate of all the things s/he must turn in to become a nominee and to have their name appear on the ballot, as well as the methods of turning in a completed nomination package and the date and time the nomination period ends;
- An **Election Timeline**;
- A **Description of the Election Process**, both the logistics of the specific election and a general description of Single Transferable Voting, the vote counting system used by Pacifica;
- A **Job Description** for the office nominations are being taken for;
- A statement of the need to reach **quorum**;
- **Pacifica’s Mission Statement**
- A **Cover Sheet** asking candidates for basic contact information and other questions considered pertinent by the National Election Supervisor
- A sheet for turning in the **Candidate Statement**; it is recommended strongly that this be requested electronically if possible;
- A statement of the **Fair Campaign Provisions**, with a signature line at the bottom, since candidates must by rule sign that they have read and understood the Fair Campaign Provisions;

- At least one **Petition Sheet**, on which candidates can collect signatures
- . The nomination packet provided should specifically state that it is the responsibility of the prospective candidate to check the web site or contact the Local Election Supervisor immediately following the nomination deadline to find out if s/he has qualified.

In addition to this, it is acceptable, though not required, for the Election Supervisors to require other information in any given year. Such information could include, but is not limited to, answers to standard questions on a questionnaire; information regarding the candidate's ethnic background or other sociological information about the candidates; or other information considered pertinent to the election.

2.4. *Distribution of Nomination Packets*

Nomination packages are distributed to individuals who are seeking election to the Local Station Board any time during the month of August in 2012. These packages may be distributed by paper copy, electronic copy, or both, but in all cases they should be distributed *only by the Local Election Supervisor*, or through an online registration process approved by the Election Supervisors, and *not* by station staff, volunteers, or members of slates running for office. When distributing a nomination package, the Local Election Supervisor must collect the name and contact information (including phone and email addresses) of the prospective candidate taking the packet. This ensures that all notices related to the election, including rule adjustments, logistics for collecting nomination packages, and other communications, reach all prospective candidates.

2.5. *Publicity About Election Nominations*

The Local Election Supervisors, working in conjunction with station programming staff, must record a 30-second cart for play on the air announcing the fact that the elections are coming up, and that nomination packages are available. The Pacifica National Board adopted a resolution in 2009 establishing expectations for staff airing of PSAs and candidate statements. These expectations need to be discussed among the Election Supervisors and station staff and management to establish requirements for the 2012 election cycle.

Some stations have active slates that do their own candidate recruitment. It is important to encourage independent candidates as well, however.

It is also necessary to organize (and publicize on-air) a few Petition-Signing Events, around the listening area as well as at the station, where listeners can meet prospective candidates in person and candidates can solicit petition signatures. LESs for stations that have historically had a hard time coming up with enough candidates (such as WPFW), or that have an exceptional number of candidates needed in 2012 (also WPFW, due to a quorum failure in 2010), should put a major focus on candidate recruitment, and may need to hold a large number of such petition signing opportunities. In addition, it may be possible to have volunteers who you have brought together as an Election Committee agree to sign petitions of any candidate that seems suitable in order to ease the petition gathering challenges of independent candidates.

2.6. *Collection of Nomination Packets*

Standard procedures for the collection of nomination packets should be set by the National Election Supervisor, after discussions with the Local Election Supervisors. In general, it is advisable that

- There be a mail box, away from the radio station (to avoid any suspicion of tampering), where individuals may mail completed nomination packages;
- There be specified hours during which the Local Election Supervisor will be available to receive completed nomination packages at the radio station during the last three days before the packages are due; prospective candidates should be notified of these dates and times by phone or email one week prior to the deadline.

In addition, it is permissible for the National or Local Election Supervisors to choose to:

- Create remote locations and times for nomination package pick up, especially in large metropolitan areas where it is difficult for candidates to get to the stations

- Deputize trusted volunteers to pick up nomination packages;
- Otherwise make it more convenient for candidates to turn in their packages.

However, the failure or inability of the Election Supervisors to increase the convenience of methods of dropping off nomination packages is not grounds for anyone to protest the election. As long as instructions have been given concerning how to turn in the packet, candidates who fail to follow those instructions will not have their names appear on the ballot.

2.7. Verification of Nomination Packets and Certification of Ballot-Qualified Candidates

The Local Election Supervisor, upon receipt of the completed nomination packages, must verify the qualifications of all candidates. In particular, the Local Election Supervisor must carefully inspect the materials s/he has received, and the membership lists of the Foundation, to ascertain that:

- a. The candidate is a member in good standing of the Foundation, in the category (Listener-Sponsor or Staff) for which they are running for Local Station Board;
- b. The 15 signatories of the Candidate's nomination petition are all members in good standing of the Foundation;
- c. The candidate has turned in her/his statement of no more than 500 words;
- d. The candidate has signed the Fair Campaign Provisions;
- e. The candidate has turned in any other papers or answered any other questions that have been included in the nomination package for that year.

Once the nomination packages have been collected and all nominations have been certified, the Local Election Supervisors must turn in to the National Election Supervisor, on paper and electronically, a sheet listing the names of all certified candidates and attesting to the fact that the Local Election Supervisor has verified all information about the candidates. The paper copy should be signed, dated, and filed, for it is the legal basis of the election.

2.8. Notification of Ballot-Qualified Candidates

The nomination-to-ballot printing time crunch in the past has been the most challenging part of the entire election schedule. A bylaws amendment has substantially improved this problem. However, the Local Supervisor will be much too busy to spend time trying to notify rejected and accepted candidates individually. A complete list of qualified candidates should be posted on the station web site as soon as possible. The nomination packet provided should specifically state that it is the responsibility of the prospective candidate to check the web site or contact the Local Election Supervisor immediately following the nomination deadline to find out if s/he has qualified. During the period when the Local Supervisor is certifying petitions, and other required paperwork, the supervisor should attempt to contact prospective candidates with technical defects prior to the deadline if practical, in order to give the prospective candidate opportunity to remedy the defect. However, it needs to be made clear that this is only a courtesy performed as time permits, and not grounds for protesting the disqualification of a prospective candidate.

Chapter 3. Auditing the Foundation Membership Lists

3.1. Why we do an audit

No audit of the membership lists is directly required by the Foundation bylaws. However, in order for any election to be certified, it must be possible for the individual involved in the certification to assert that all those who are qualified to vote were given the opportunity to vote, and that no individuals have cast duplicate ballots. In order for the National Election Supervisor to assert this, an audit of the Foundation's membership lists must be performed every election.

Unfortunately, membership in the Foundation, as defined in the bylaws, is extremely complicated. There is as of this writing no uniform means for collecting membership information. In particular, there are five radio stations, with their own varying organizational structures, and at least six different ways of being a member, each of which requires collecting separate data. The staff people who collect donation data are not the same as the staff people who collect volunteer data, and there is not guarantee that a single individual collects data about all the various groups of people who volunteer – the people who arrange for volunteers to take phone calls during fund drives are not the same people who arrange for volunteers to work on LSB committees, or on the Pacifica Archives. In short, there are likely to be 30 or more different people (six types of lists at five different stations) who possess lists of members, and these lists must be collected and combined simply to audit them.

The previous National Election Supervisors have asked the Foundation's management to create better data collection structures, so it is possible that some of the information in this chapter will be obsolete by the time of the next election. However, this is written with the likelihood that future election supervisors will have the same struggle collecting membership lists that the previous ones have had.

3.2. Record Date

The bylaws state that “The record date for purposes of determining the Members entitled to receive notice of any meeting, entitled to vote by written ballot or entitled to exercise any other lawful membership action, shall be forty-five (45) days before the date of the special meeting, 45 days before the day on which the first written ballot is distributed, or made available, to the Members, or 45 days before the taking of any other action, as applicable.” Due to the two month delay of the start of the election process in 2012, the date set by the Foundation by which someone must be a member in order to vote in the 2012 election is September 1.

3.3. Membership categories.

The Foundation bylaws lay out the following categories of members:

A. LISTENER-SPONSOR MEMBERS

"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 contribution shall be considered non-refundable. 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. Where a contribution is made jointly by two individuals and the contribution is in an amount equal to or more than the annual membership contribution required for two memberships (as set by the Board from time to time), then each of the joint donors shall be considered an individual and separate Listener-Sponsor Member. (For example, if John and Mary Smith jointly contribute \$50.00 or more, then John Smith and Mary Smith will each be Members and will each have individual and separate Membership rights. However, if John and Mary Smith jointly contribute \$40.00, then they shall jointly share one membership.)

B. STAFF MEMBERS

"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.

The first thing that is noteworthy is that voting membership in the Foundation is possible only through membership in one of the five radio stations of the Foundation. All membership, and all voting in this election, is local. Individuals who have contributed to the National Foundation are not, according to the bylaws, members of the Foundation.

More importantly, from the point of view of the Local Station Boards, there are two types of members – listener-sponsors, and staff. These are the categories of ballots for the election (one either votes in the listener-sponsor election, or in the staff election, but not both), and these are the categories recognized as significant once on the Board.

However, from the point of view of the election supervisors, there are actually seven classes of members, and records of their membership are kept in six different ways:

Listener-Sponsor Members include those who:

- 1) have contributed a minimum of \$25 to any Foundation radio station; or
- 2) have contributed \$25 as part of a joint contribution of \$50 or more where that a contribution has been made by two individuals; or
- 3) have volunteered a minimum of three hours of service to any Foundation radio station under the supervision of the Foundation radio station management; or
- 4) have received a waiver from the Local Station Board of both payment and volunteer time as the result of a determination that the proposed member is genuinely unable to afford the contribution amount or to volunteer the minimum 3 hours of service.”

Staff Members include those who are:

- 1) non-management full-time or part-time paid employees 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
- 3) 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, under the supervision of the Foundation radio station management and shall not include volunteer work on committees of a Local Station Board.

3.4. Identifying Station Staff to Obtain Lists from

The National and Local Election Supervisors, in order to conduct a legitimate election, must create the membership list of all of these people. This involves collecting information from the following sources at each radio stations:

1) The Memsys Database, which is kept by the station’s Development Director or Membership Director, and which includes all data about donations to the Foundation radio stations. This is the source of information about listener-sponsor categories #1 and #2. It is important to note that it takes some doing to get two separate names out of one record in the Memsys database. In order to get these two categories of names out of the database, a database operator must (a) separate the database into those records which have only one name, and those which have two names; (b) search for all records with one name where an individual has contributed \$25 or more between September 1, 2011 and September 1, 2012, and include those names on the voting list; (c) search for all records where a couple has contributed \$50 or more between September 1 of the previous year and September 1 of this year, and include both of those names as separate records (so that they receive two ballots) on the voting list.

- 2) All individuals who maintain volunteer lists – not just the Volunteer Coordinator, but any programmer or staff person who utilizes volunteers in the service of the station. It is frequently impossible for the Election Supervisors to determine who exactly this includes.
- 3) Whoever is responsible for collecting information about membership waivers. In most cases where waivers are granted, this is a member of the Local Station Board. (Please note that not all stations have a waiver policy in place. Given the potential of waivers to be a means of padding the voting rolls, the National Election Supervisor is advised to refuse to accept waivers from any station that does not have an established procedure for granting waivers consistent with the bylaws, or is not strictly enforcing such a procedure.)
- 4) The member of station management responsible for Personnel, who maintains the paid staff list.
- 5) The member of the unpaid staff who maintains the rolls of the Unpaid Staff Organization, or
- 6) If there is no unpaid staff organization, the member of management who accredits individual as unpaid staff.

The procedure for identifying the individuals that need to provide names for the membership list and for gathering the lists is as follows.

In June, the National Election Supervisor meets with the Executive Director and the Station Managers to discuss the need for data collection. S/he collects the names of management, staff and volunteers who maintain lists that must be part of this data collection.

In July, as soon as they start, the Local Election Supervisors make contact with all management, staff, and volunteers who maintain lists, and arrange to have first drafts of these lists electronically submitted to them. Because this is still prior to the record date, the submitted lists will not be the final lists used for the election. However, since the Local Election Supervisors need to spend considerable time auditing the lists, they will begin the audits in August, using the first draft lists.

As soon as possible following the record date of September 1, the Local Election Supervisors return to all the individuals who supplied data for the audit and request their updates of the list. The Local Election Supervisors, with the assistance of the National Election Supervisor, then spend the period until September 25 eliminating duplicates from the final version of the membership list. By September 25, the final list of record must be complete so that nomination petitions can be checked against it.

3.5. What to do when perfect information isn't available

In general, there will be members of the Foundation unaccounted for in this list collection process. As a result, it is incumbent on the election supervisors to:

- Create a cart, which will be played an as yet undetermined number of times a day on the radio stations during the month of August, asking volunteers, people with waivers, and others who believe they are voting members for reasons other than donation to call the Local Election Supervisor and make sure they are in fact on the membership list. Such individuals will be asked to provide the name of a supervisor to ensure that they are volunteers, or to provide their credentials as a member with a waiver.
- Post to all staff bulletin boards at the radio stations the staff list, and invite people who believe that they qualify as staff, but are not on the list, to call the Local Election Supervisor and present their credentials.

3.6. Conducting the audit and submitting the audit report

a. Auditing the donor list. The donor list is far and away the longest of the lists the Local Election Supervisor will receive. It should be audited as follows:

Procedure one.

Skim for

- (a) duplicates
- (b) households with multiple members

If they are accurate, the membership databases

SHOULD NOT contain duplicate entries, but

SHOULD contain multiple records for households with multiple members.

If the databases have not been properly prepared, you will find the opposite to be the case.

In a database that is not properly prepared, there are a large enough number of errors of this sort that simply by skimming the first few hundred names, you can determine whether the database has been properly prepared for you. What you should do is as follows:

First, sort the records in alphabetical order by last name.

Second, skim the address field for multiple records with the same address.

- What you should not find is two separate entries for Bob Smith, and Robert Smith, at the same address. If you find this, then the database that you are using has not been searched for duplicates, and you should return it to the membership director as incomplete.
- What you should find is cases where two different people of the same last name and address are listed separately. This means (in most cases) that they have been properly split off from the same membership record and that they will receive separate ballots. If you find no instances of this, most likely this is because the database has not been searched for pairs of individuals who gave \$50 or more dollars, and you should return it to the members director as incomplete.

Third, skim the last and first name fields for multiple instances of the same name.

- In most cases, if you find separate records for two individuals with the same name at different addresses, probably what you are seeing is a duplicate membership record of someone who has moved, and has contributed from two different addresses. Obviously, if the name is Bob Smith, this may not be the case, but if the name is uncommon it is probably a dupe. If you find cases of this kind of duplicate, return the list to the membership director and inform her/him to do another check for dupes.

Procedure two.

When you have a list in which duplicates have been eliminated, and in which family members sharing a membership record have been extracted, you are ready to do the paper audit.

I would like all membership databases to be subject to a one percent audit. In other words, if there are 20,000 members at your station, you need to audit 200 records. You should proceed as follows:

First, take .5% of the pledge cards for the record year at random and check them for accuracy of input: Is the address correct? Is the phone number correct? Does the number of members at that address (1 or 2) match the paper record?

Second, take .5% of the membership records in the database and locate the paper record associated with the membership record. At KPFA, where the paper records are kept in date order, this should not be that difficult. If you are doing your audit and you discover that paper records have not been kept in date order, then inform me immediately of the situation of the paper records and we'll assess what to do next. Once again, determine whether information has been entered accurately.

Please note that the reason for the second of these two steps is that we are trying to determine whether a significant number of names have been entered into the database without documentation. If we find that one or two out of a hundred do not have a paper trail, we will assume that the pledge card has been lost. If we find that ten or twenty do not have a paper trail, it is at least plausible that names have been entered fraudulently and we will have to investigate further.

b. Auditing the volunteer lists.

Step one.

Do an audit of 5% of names, but in any event no fewer than 10 records, against paper records. (A volunteer list will be 100-300 names, in all likelihood.) In most cases, these paper records will be lists of people who participated in particular fund drives. Please note the following in particular:

Did they volunteer during the previous 12 months?

Are there cases where there are no paper records?

Step two.

Do an audit of 5% of names, but in any event no fewer than 10 records, by telephone.

First, call the named volunteer and ask:

Did you volunteer at [radio station] in the last 12 months?

When, and in what capacity?

Who was your supervisor at the station?

Second, call the supervisor and confirm the information you have received.

c. Members who receive waivers.

If proper procedures have been followed in the issuing of waivers, there should be a paper record of all individuals who have written to the radio station attesting that they sincerely wish to be members of the Foundation, but that they cannot afford either \$25 or three hours of volunteer time.

It is pointless to set a minimum number of waivers that should be checked against the paper documentation to determine whether the date the membership is offered is within the record year. If at any time more than 50 members with waivers are presented to a Local Election Supervisor, s/he should audit 10 of them against paper records.

d. Paid Staff Members

The tricky part here is to make sure that paid staff who are defined as “management” are not on the voting list. The Foundation Executive Director should provide a list of management job titles. There may also be unusual cases, such as interns that need careful examination to determine their appropriate status.

e. Members of Unpaid Staff Organizations

The Bylaws give the Election Supervisors no power to audit the lists of management recognized Unpaid Staff Organizations. They merely state that any member of an Unpaid Staff Organization is a staff member of the Foundation. The Election Supervisor should therefore ascertain from the steward of the Unpaid Staff Organization that the membership list submitted is certified correct according to the bylaws of the USO. Having obtained such assurance, the Election Supervisor should accept the list.

f. Unpaid Staff Members at Stations Having No Unpaid Staff Organization, and therefore Following Criteria in the Bylaws

For these stations, the Local Election Supervisor should audit the Unpaid Staff List according to the identical procedure stated for Volunteer Lists, above.

After conducting the audit of the membership lists, in any event no later than September 1, the Local Election Supervisor must submit a report to the National Election Supervisor containing the results of these audits. These reports should also be submitted to the Pacifica National Board and to the management of the Foundation, as they are part of the official record of the election. If the National Election Supervisor finds severe inaccuracies in the membership lists, this could be a reason that s/he would have to refrain from certifying the election.

3.7. *National Election Supervisor's removal of duplicates from the combined lists.*

The above audits are conducted on the first draft of the membership lists by the Local Election Supervisors. Assuming that the audits showed reasonable accuracy, the Local Election Supervisors must submit the results of their work to the National Election Supervisor, who will prepare the full list to go to the mailing house no later than October 8 (since the ballots are to be mailed on October 15). Upon receipt of the various lists, the National Election Supervisor or ballot company contracted to mail the ballots must:

- Ensure that no duplicates to the membership list have been created by combining the donor and volunteer lists;
- Ensure that there are no individuals who appear on both listener and staff lists; according to the bylaws, anyone who is qualified to be staff must vote in the staff election and only in the staff election;
- And finally, ensure that there are no duplicates across radio stations. The Foundation bylaws allow members to vote in only one station election.

According to the present bylaws, which give the National Election Supervisor an unbelievably constricted amount of time to get the ballots in the mail, it is exceptionally difficult for the National Election Supervisor to spend adequate time doing these de-duping tasks.

Chapter 4. Design, Production, and Mailing of Ballots and Replacement Ballots

4.1. Who Does What?

The bylaws use essentially identical language to describe the work of both the National and Local Election Supervisor with regard to the ballot: in Section 4.4.B, it states that the National Election Supervisor must “**oversee . . . the preparation of the ballots,**” while stating that the Local Elections Supervisors are responsible for “**overseeing the preparation and distribution of the election ballot.**” This is confusing in two ways. First, by stating that both the NES and LES “oversee” the preparation of the ballot, it fails to state who is responsible for actually designing and producing the ballot. Second, by stating that the Local Election Supervisors are responsible for the distribution of the ballot, it implies (but does not state) that the ballots have to be mailed separately, from each locality.

In fact the distribution of labor has not been resolved this way for the first two elections under these bylaws. Both National Election Supervisors came to the same conclusion: that the ballots at the five stations need to have a standard design, and that cost efficiency demands that the ballots are printed and mailed from one central location. These two considerations meant that the National Election Supervisor became the person primarily responsible for all aspects of ballot design and preparation, and the role of the Local Election Supervisor, with regard to the ballot, was simply to proofread the candidate names to ensure that candidates are properly listed on the ballot.

[Given, also, that the Local Election Supervisors have very steep workloads during the ballot preparation period, auditing the lists, verifying the nomination packets, and organizing publicity for the elections, it is also most sensible from the point of view of distribution of the work that ballot design and production be in the hands of the National Election Supervisor.]

This manual cannot, legally, dictate that the National Election Supervisor is responsible for ballot design and production, because the bylaws do not support that. However, given the ambiguity of the bylaws, it is strongly urged that the National Election Supervisor take as large a part of this job as possible. It is recommended that the National Supervisor obtain explicit delegation of responsibility for ballot production and distribution from each Local Supervisor to eliminate the ambiguity.

4.2. Ballot design and counting choices

In the second Pacifica election, an election administration company was contracted to produce the ballots in accordance with their optical scan balloting system. In general, if the ballot is produced by a regular print house, or by the National Election Supervisor her/himself, only manual data entry of the votes in the election is possible. Hand counts, however, are labor intensive, have lower accuracy than optical scan, and are much harder to document. In many ways, optical scan, though expensive, ideally meets the particular needs of the Pacifica Foundation for transparency and auditability, as well as for accuracy and quickness of result. Additionally, because the election is counted by the Single Transferable Vote (STV) system, it is much easier to use computers to conduct the count than it is to count by hand.

Hiring an election administration company with optical scan capacity to produce and count the ballots is consistent with the bylaws, and the National Election Supervisor should therefore consider doing so.

If such a company is hired, a testing protocol that ensures that their optical scan software correctly reads the votes and transfers them properly into a format that can be read by Choice Plus Pro is necessary. A mock election in which no fewer than 25 ballots are filled out at random, and run through the software being used, should be conducted, and the results should be compared to a hand count of the same ballots by the National Election Supervisor. If hand data entry is chosen, the National Election Supervisor should become familiar with the program Elect, which is bundled with Choice Plus Pro and provides data entry capacity in support of the Voting Solutions, Inc., software.

The bylaws also permit, though they do not encourage, the use of internet voting: “**The ballots shall be mailed, or notice of the posting of the ballot on the Foundation’s website shall be delivered, to Members at their postal address or electronic mailing address of record. . . . The Foundation may, in its discretion, provide a secure means of voting by electronic means via the internet, provided however that Members shall still have the option of returning written ballots by mail. Any such internet voting shall have a coded system to identify Members and to prevent Members from casting more than one vote electronically or from voting by both mail and by internet.**” Internet voting systems can be done relatively securely, but they do not, as of this writing, appear to have the same transparency and auditability that paper

ballot systems have. To this point, the National Election Supervisors have judged that, as a matter of policy, maintaining transparency and auditability far outweighed the cost savings that come from internet voting. A decision on whether to add an Internet voting option (postal mailed ballots must always be available) will be made by the Pacifica National Board for each election.

4.3. Classes of ballots.

The National Election Supervisor must prepare for 10 different ballot classes – two each (staff and listener-sponsor) for each of the five radio stations.

4.4. Personal Identification Numbers

The bylaws state that “a PIN identification system shall be used, whereby each Member entitled to vote will be assigned a PIN Number that is printed on the ballot. The Foundation is entitled to reject a ballot if the ballot does not bear, or does not bear a valid, PIN Number.” When the ballots are printed, the National Election Supervisor (or ballot printing contractor) must create a list of random numbers that will be printed on ballots. The numbers should then be turned into bar codes. The Foundation owns bar code readers that were used in the first foundation elections, and can be used to read the PINs. (If a ballot printing and counting company is hired, they will read the bar codes as part of the counting of the ballots.)

This requirement of the bylaws creates a difficulty in maintaining the secrecy of the ballot. There are only two choices: (1) Unique PINs may be printed on the ballots, but no record is kept of what PIN number was sent to what individual voter. If this is done, once the ballots are mailed replacement ballots cannot be issued, since there is no way of tracking whether a voter who is issued a replacement ballot is in fact voting twice. (2) Unique PINs may be printed on a tear off sheet, and then, after the PINs are verified, the tear off sheet is separated from the ballot itself. Doing this creates an extra step in the ballot counting procedure, but it allows for the printing of replacement ballots, since the first PIN can be cancelled when the replacement ballot is issued.

Because it is not unusual for ballots to be lost in the mail, or for individuals to make mistakes in filling out their ballots, it is recommended that replacement ballots be available. It is therefore recommended that the second system (a confidential record linking PINs to individual voter names) is used.

A third alternative is to abandon the secret ballot. The bylaws do not require a secret ballot, and many organizations use signatures or other identifiers on ballots. In subsequent elections, it has actually been decided to post the image of each ballot WITH ITS PIN on the Internet to allow each voter (who jotted down their randomly assigned PIN to verify that hi/her ballot was recorded. This reduces the secrecy of the vote, but enhances confidence that the votes were counted. It is suggested that the National Election Supervisor follow the preferences of the National Board in this matter.

4.5. Information that must be printed on the ballot

The bylaws state: “All solicitations of votes by written ballot shall: (1) state the number of responses needed to meet the quorum requirement; (2) state, with respect to ballots other than for the election of Delegates, the percentage of approvals necessary to pass the measure or measures; (3) specify the time by which the ballot must be received in order to be counted; (4) include instructions for where to return the completed ballot; and (5) provide a reasonable time in which to return the ballot to the Foundation. With the exception of ballots related to the election of Delegates, each ballot so distributed shall also: (6) set forth the proposed action; and (7) give the Members an opportunity to specify their approval or disapproval of each proposal. Ballots relating to the election of Delegates shall also: (8) set forth the names of the candidates; and (9) give the Member an opportunity to select his/her choice(s) or rank his/her choices.”

Some of this is not relevant to delegate elections, or is confusing (such as the requirement for “reasonable time” to return the ballots, since the mailing and return schedule for the election is laid out elsewhere in the bylaws). Nevertheless, it is clear that the ballot itself or the accompanying “solicitation” must have the following information:

- quorum for the election (please note that this printed quorum is approximate, as adjustments in the number of ballots counted toward quorum are made after the ballots are printed; see section 7.4 of this manual).
- the date by which the ballot must be returned

- the return address for the ballot
- contain the names of the candidates
- contain space for the ranking of candidates

In addition, it is strongly recommended that the National Election Supervisor print on the ballot or the solicitation:

- Detailed instructions about how to fill out the ballot
- A basic description of the Single Transferable Voting system of vote counting, since this description is essential to understanding why to rank candidates

4.6. Candidate Statements

All candidates were required to turn in candidate statements of up to 500 words in order to qualify for the ballot. The bylaws require “a written statement of up to 500 words in length by the candidate introducing himself/herself and his/her interest in, or qualifications for, serving as a Delegate, which statement shall be distributed, or otherwise made available, to the Members entitled to vote along with the written ballot.”

In the first two Foundation elections, a booklet containing candidate statements was included in the ballot mailing. This is desirable, because it provides the most convenient access to the statements for voters at the time they are holding the ballot. It is also clear that there is a strong sentiment about Foundation activists to continue to print and mail candidate statements. On the other hand, printing and mailing 30-60 candidate statements of 500 words each adds significant expense to the election. The bylaws clearly give the National Election Supervisor the option of “otherwise making available” the candidate statements. It is possible, for example, to post the candidate statements on the web, and print the website address of the candidate statements while offering members the opportunity to request printed candidate statement by mail. It is reasonable for future National Election Supervisors to consider this option.

4.7. Timing

The bylaws currently afford a 45 day period, for the preparation and mailing of the ballots. during this period the election Supervisors must

- Certify the nominations
- Place the candidate names on the ballots
- Produce the final, fully audited and de-duped mailing lists
- Finalize the copy of all other parts of the ballot mailing, as described in sections 4.3 – 4.5.

In preparation for this, the National Election Supervisor should have completed the design of the ballot mailing and the Local and National Elections Supervisors should have done as much list auditing as possible in advance.

4.8. Mailing the Ballots

The election schedule affords a 45 day period between the time that the ballots are mailed, and the date by which they must be returned. Use of non-profit or standard (bulk) mail in 2003 showed that it is simply not reliably delivered in a timely manner. Assuming that voters are to be given at least two weeks with their ballots, this means that the ballots must be mailed First Class.

4.9. Replacement Ballots

4.9.a. Replacement Ballots for individuals who were sent ballots in the initial mailing.

The bylaws do not indicate whether replacement ballots should be supplied to those members who either do not receive their ballots, or receive them and lose them. If anything, the statement “the Foundation shall make reasonable efforts to distribute, or otherwise make available, one written ballot to each Member entitled to vote on the matter” suggests that having mailed a single ballot to each member, “reasonable” effort has been made and a member who does not receive their ballot need not have any special effort made on their behalf.

However, given the unreliability of the past ballot mailings, it is reasonable policy to prepare for the issuance of replacement ballots. As stated in section 4.4, such preparation must include the ability to cancel the PIN number on a particular individual's ballot, so a second ballot can be issued without any risk that that individual will vote twice. In addition, a toll free telephone number with a large voice mail box should be set up by the ballot administration vendor, and the phone number should be advertised heavily on the air, so that members who do not receive their ballots can call and request replacement ballots. Finally, a system for printing new ballots with new PINs must be in place so that replacement ballot requests can be fulfilled.

This system has, in both of the first two elections, required additional staff assistance for the National Election Supervisor. The ballot administration vendor will handle this task for 2012, but the LES will need to verify the eligibility of people who assert that they were eligible, but, for what ever reason, do not appear on the voter lists provided to the ballot administration vendor (see below)

4.9.b. Requests to send ballots from individuals not in the initial ballot mailing. In addition, because of the difficulty of assembling the membership lists, data entry errors among Membership Database staff, and because many individuals believe they are current members of the Foundation when they have not renewed during the record year, the Local Election Supervisor will receive numerous requests forwarded by the ballot administration vendor for "replacement" ballots for individuals who are not on the membership lists. In these instances, the individuals requesting the replacement ballot must:

- indicate on what grounds they are members (i.e. donation, volunteering, etc.), and
- supply proof of membership (such as a cancelled check or credit card statement, or the name of a staff member who can vouch for their volunteer work)

The Local Election Supervisor, or a staff member assigned to this task, must investigate whether the requester is, in fact, a member of the Foundation. If s/he is, the ballot administration vendor must be notified and a ballot must be mailed to that individual.

4.10. Write-in candidates

The bylaws do not indicate whether write-in candidates are permissible. In at least some elections conducted to date write-in candidates were allowed, on the grounds that in all cases where the bylaws are silent, *Robert's Rules of Order* is to be followed, and *Robert's Rules of Order* permits write-in candidates. However, given that there is an elaborate nomination procedure for the Pacifica Election, it is reasonable to argue that allowing for write-in candidacies defeats the purpose of this process. Future National Election Supervisors should consider whether they care to permit write-ins or not.

Chapter 5. Fair Campaign Provisions and Enforcement

5.1. *The Fair Campaign Provisions (FCP)*

5.1.a. *Bylaws-based provisions*

The bylaws state: “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 candidate(s) for election as a Listener-Sponsor Delegate, nor may air time be made available to some Listener-Sponsor Delegate candidate(s) but not to others. 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. No Foundation or radio station management or staff (paid or unpaid) may give any on-air endorsements to any candidate(s) for Listener-Sponsor Delegate. The Board of Directors may not, nor may any LSB nor any committee of the Board or of an LSB, as a body, endorse any candidate(s) for election as a Delegate. However, an individual Director or Delegate who is a Member in good standing may endorse or nominate candidate(s) in his/her individual capacity. 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 candidate(s) and/or suspension from the air of the offending staff person(s) (paid or unpaid) for the remainder of the elections period. All candidates and staff members (paid and unpaid) shall sign a statement certifying that they have read and understood these fair campaign provisions.”

Laid out in a more readable manner, the bylaws state:

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.

These Fair Campaign Provisions have been very difficult to interpret in practice, and have generated a significant amount of what can only be called case law. This manual cannot possibly lay out the intricacies of cases. Reference to the memos and emails of the previous National Election Supervisors may be necessary to gloss past interpretations of these provisions.

5.1.b. *Distinction between the rights of staff and listeners.*

At the center of past interpretations of the bylaws is the fact that staff are clearly seen by the bylaws to have special access to station resources, in particular air time, that listener-sponsors do not have. As a result, the Fair Campaign Practices exist to eliminate the possibility that staff members might use their special access to resources to influence the Listener-Sponsor election. This does not mean that Staff may not endorse Listener-Sponsors, but it does mean that they may not use air time or other special resources they have access to in order

to publicize their endorsements. No similar restriction, however, applies to listener-sponsors, who may use station resources – so long as they have no special access – to publicize their endorsements.

5.1.c. Provisions added that are not in the bylaws, and their interpretations.

The following Provisions were added by the National Elections Supervisors for the first two Pacifica elections:

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.

Provisions 7 and 8 are extensions of the provision preventing staff from using access to resources to endorse listeners. Number 8, however, was extended by the second National Election Supervisor to mean that staff endorsements, as a default position, were *never* to be made via anything that might be considered a station resource, including, for example, candidate statements posted on the website or in the candidate statement booklet, or using email addresses with Pacifica domains (@kpfa.org, etc.). Yet it is not clear that this would be an example of “unequal access,” given that all listener-sponsor candidates have equal access to publish staff endorsements in their candidate statements. This did not have to be interpreted as an unfair use of station resources.

Provision 7, additionally, states that emails are OK, but has been interpreted to mean that they are OK only to the extent that the email lists they are sent to are private and not collected over the air. (In other words, no staff member may say on air, “call me with your email list and I will send you my endorsements.”) The provision against personal attacks does not mean that emails cannot be critical, but merely that they cannot be *ad hominem*.

Provisions 9 and 10 were promulgated in order to prevent unfair participation of individuals who are known to be intended candidates on the air in the months before the election period actually start. It should probably be rewritten by a future election supervisor to indicate that candidates can be retrospectively punished for violations of the Fair Campaign Provisions if they get significant or unfair on air opportunity to talk about themselves after the beginning of the nomination period, and then later announce their candidacies for Local Station Board.

Provision 11 was promulgated to make clear that listener initiative in the organization of campaign events was appreciated, and could result in on air publicity so long as these events were not for the benefit of a single candidate or slate.

The five Fair Campaign Provisions which are not embedded in the bylaws probably require affirmation by the Executive Director as Foundation staff behavior policy, in order to give them power.

5.2. Remedies for violations by listener-sponsors

If a violation has taken place, a remedy must be imposed. Possible remedies for violations of Fair Campaign Provisions include, but are not limited to:

- a. *Warning.* If the violation of the Fair Campaign Provision is not severe – for example, an individual receives an on-air endorsement, and there is no evidence that that individual played an active role in getting the on-air staff member who endorsed to violate the Fair Campaign Provisions – a written warning is adequate. The warning should make clear that it is the responsibility of the candidate to ensure that such a violation does not happen again. The warning should also indicate that another violations, *even if it occurs without the candidate's foreknowledge*, will result in the imposition of censure.
- b. *Censure.* In the case of a more severe violation – such as the receipt of an on-air endorsement where it is clear that the candidate played an active role in the violation – or in the case of repeated lesser violations – censure may be imposed.

A censured candidate will have the following statement, read by the LES, added to the end of their cart: "The Local Election Supervisor has determined that the candidate whose announcement you just heard violated the Fair Campaign Provisions of the Pacifica Foundation, but that the nature of the violation was not severe enough to warrant disqualification as a candidate. Details of the violation can be read on the elections web site."

The same written account of the violation that you submit to the National Election Supervisor will then be posted on the web at the end of the candidate's statement.

- c. *Decrease in allotted airtime.* In the event of a serious violation, or a series of minor violations which occur with the candidate's participation or encouragement, the Local Election Supervisor will have to decrease the amount of airtime allotted to carts and/or eliminate the candidate from on-air forums. The amount of time the candidate loses should be commensurate to the violation. For example, if a candidate is given a 15-minute interview on a show during a prime listening time, and the host of that show is clearly making the interview easy and to the candidate's advantage, merely striking that candidate from a contentious on-air forum is not sufficient. That candidate should lose at least 30 minutes of prime cart play time. If the violation occurs at so late a date that they no longer have 30 minutes of such cart play left, this type of violation could be grounds for disqualification.
- d. *Disqualification.* In general, it is the presumption of these guidelines that disqualification is not a desirable outcome. Disqualification occurs when (1) all lesser remedies have been exhausted, and violations continue to occur, or (2) when a severe violation that would merit a substantial reduction in cart time occurs immediately before the end of the election period. Disqualification can only be imposed in consultation with the National Election Supervisor.

5.3. Remedies for Violations by Staff

The bylaws, Article 4, Section 6, state: **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 candidate(s) and/or suspension from the air of the offending staff person(s) (paid or unpaid) for the remainder of the elections period.**

In general, the Local Election Supervisor is a supervisor of candidates, and has the right to sanction or disqualify a candidate in the election. However, in general the Local Election Supervisor is not a supervisor of staff, and cannot sanction a staff member in the way that a Station Manager or other executive of the Foundation can do so. Yet the bylaws clearly state that the Election Supervisors can suspend a staff person from the air for the length of the election. It should therefore be assumed that this is the *only* power that the National Election Supervisor has in regard to staff

members who are not candidates, and who violate the Fair Campaign Provisions. That being the case, staff violations must be treated more harshly, more immediately, than candidate violations. A staff member who violates the Fair Campaign Provisions once should be warned, and in case of three violations should be removed from the air for the duration of the election period, and replaced with election related carts, forums, or other election enhancing programming.

However, there may be union contracts or other legal Foundation rules that effectively override the Election Supervisors' ability to take enforcement action against staff. This is where Foundation staff behavior policy must come in to play.

5.4. *Enforcement procedures*

An action is a violation of Fair Campaign Provisions *only if it specifically violates the Fair Campaign Provisions* that candidates sign in order to become candidates, or if it violates an additional rule interpretation that has been added subsequent to their signing of that statement. (Any such additional rules adopted will be distributed to all candidates individually by email or fax, in addition to being posted on all websites.) An inappropriate, dishonorable, or unfair action is not necessarily a violation. A violation occurs only when an action *violates the specific language of the Fair Campaign Provisions*.

To determine whether such an action is a violation, Local Election Supervisors (LES) should take the following steps:

- First, the LES must hear from any people who s/he believes have information or facts to help understand what occurred.
- Second, the LES should review documentary evidence – especially recordings of the occurrence, if available, or station logs containing descriptions of the occurrence, if relevant. The burden for providing this documentation cannot fall on the Election Supervisor, but rather on the person making the allegation.
- Third, if it is the opinion of the LES that a violation has occurred, s/he must write a brief summary of the violation *which quotes from the exact provision of the Fair Campaign Provisions has been violated*. A copy of this statement should be sent to the National Election Supervisor immediately.

The Local Election Supervisor is strongly advised to consult the National Election Supervisor for assistance in interpreting the Fair Campaign Provisions. In the event of a challenge to the decision of the Local Election Supervisor, the National Election Supervisor will review the decision. The National Election Supervisor is the court of last resort within the Foundation; no decision of the NES may be reviewed.

5.5. *Publicizing the enforcement of the FCP*

Any remedy for a violation of the Fair Campaign Provisions must be publicized. In order to ensure that candidates understand the rules and work to avoid further violations, all candidates should receive the brief summary of the decision, and the decision should be posted to the website of the station where the violation took place.

Chapter 6. Candidate Forums and the Promotion of the Election On- and Off-Air

6.1. Job of the Local Election Supervisor

There is nothing in the bylaws that suggest that any election supervisor, national or local, is responsible for publicity about the election. In fact, the best of all worlds would be one in which the Local Election Supervisors at the various radio stations appoint a volunteer Local Election Committee (as suggested in the bylaws), and that committee becomes responsible for election publicity. However, in practice during all past elections, the Local Election Supervisor has been the individual effectively responsible for publicity around the elections. In fact, it is this additional workload, on top of all the other aspects of the LES's job, that can make the job somewhat overwhelming. To the extent that this job remains in the hands of the Local Election Supervisors, it means that during the key weeks— the job is at least a full-time job.

The rest of this section is written with the assumption that the Local Election Supervisors, and not Local Election Committees, are responsible for election publicity.

6.2. On air publicity for the election

The primary publicity for election occurs on the air. It has many different aspects.

6.2.a. Carts announcing the dates, election rules, etc.

From the middle of July until the close of the election, 60-second carts with information about the election must be played a set number of times per day on all foundation stations. The texts of these carts may be drafted by the National Election Supervisor, and adapted for each station by the Local Election Supervisor. The voice on the carts could be either that of the Local Election Supervisor, or that of a member of the station production staff who is otherwise widely agreed to be neutral on the election. Alternatively, well known Pacifica radio personalities might be recruited to record such PSA. At various points, these carts should include:

- information about nomination packets and processes
- information about the mailing of ballots
- information about how to fill out ballots
- information about how to request a replacement ballot
- information about the close of the election and the counting dates and sites
- information about election rules

It is up to the best judgment of the National Election Supervisor, in consultation with the Local Election Supervisors, to determine what information is most necessary at what moments. This must be done, also, with a respect for the staff members at the various radio stations who are involved in the production of the carts, as their recording time needs to be scheduled as much in advance as possible.

6.2.b. Candidate carts

Each candidate for office must have the opportunity to record a 60-cart (approximately 45 seconds of the candidate's voice plus intro and outro material), the script of which may be a modification of their written candidate statement. This cart will be played in regular rotation during the period from October 18 (a few days following the mail insertion) until November 30. It is the responsibility of the Local Election Supervisors, in collaboration with the programming staff at the various stations, to oversee that candidate carts are getting equal and regular play, and that specific candidates are being heard at different times during the day. Exactly how often candidate carts are played depends, of course, on the number of candidates, as the entire programming of the station should not be hijacked by the playing of election related materials.

It is not necessary to have candidate carts for staff candidates, because the general listening audience is not part of the voting pool for staff candidates.

6.2.c. Announcements of forums and events

Periodically during the election on- and off-air forums and events regarding the election will be conducted. These forums and events should be publicized during the station's on-air events calendars, and through 10 or 15 second announcements, to the greatest extent possible.

6.2.d. On-air forums

During the election period, on-air forums should be conducted, giving each candidate the opportunity to make statements and to answer questions from callers. These forums are free speech opportunities, during which time things that otherwise could not be said on air (i.e. "I am endorsed by the following staff members") can be said.

It is the responsibility of the National and Local Election Supervisors to collaborate on rules that ensure that candidates have equal access to these forums. The exact number of forums necessary, and how many candidates will appear on each, is dependent on how many candidates are running for election. Typically no more than six candidates should appear on a single program so that the audience can form an impression of each. A sample procedure for the scheduling of candidates for on-air forums is as follows:

1. Dates and times for candidate forums are chosen.
2. Candidates are requested to rank time slots of separate candidate forum programs in order of preference, as many as they want.
3. All candidates are assigned a random number, and candidate assignments are made in order from lowest to highest random number.
4. Among candidates who submit preferences, each candidate is assigned to their highest available choice, to a specified maximum of people per show.
5. Candidates who do not submit preferences are stuck in the first slot that is available.
6. Candidates who submit a ranking but whose choices are all taken are put at the top of the list of people who didn't submit rankings.

It is important that the Local Election Supervisor ensure that hosts for on-air forums are widely accepted as neutral. In some cases, this might mean that the Local Election Supervisor her/himself should host these forums. It is also important that there be agreement in advance about the rules, including length of time that candidates will get to speak at the start and end of the forum, and length of answers to questions. It is important that these rules be uniform for all candidate forums. Finally, it is urgent that the Local Election Supervisor ensure that the individual who is selecting callers to ask questions on the air is a neutral individual and is doing so at random.

It is not necessary to have on air forums for staff candidates, because the general listening audience is not part of the voting pool for staff candidates.

6.2.e. Statements by radio station staff.

In general, the election administration should ask programmers to make election oriented announcements that are restricted to rules, dates, announcements of forums and events that are nonpartisan, etc.

Programmers who make announcements regarding specific candidate, or concerning their overall opinions about the election, should be asked to refrain from continuing to do so. Programmers who violate the Fair Campaign Provisions should be warned and, in repeat cases, taken off the air for the length of the election.

6.3. Radio station websites

Local election supervisors must ensure that up to date election information is posted to the website of the radio station they are supervising. This may be done on a central Pacifica web site, linked from each station home page. Such information may include:

- The election timeline
- Nomination packet information, including how to register to obtain a candidate packet.
- Announcements about upcoming forums and events
- Contact information for election officials
- Election rules, including memos written by the National Election Supervisor

- Candidate statements, and if used, candidate questionnaires
- Fair Campaign Provision rulings
- Dates and times of ballot counting
- Election Results
- Other material of public interest regarding the election

The Local Election Supervisor will arrange with the webmaster to directly post documents to it.

6.4. Off air publicity for the elections

Over the course of the election period, a certain number of off-air events may be organized during which listeners may get the opportunity to meet the candidates, and during which other election related processes (like the signing of candidate petitions) may occur. To the greatest extent possible these events should be placed in diverse locations and among diverse constituencies, to ensure maximum participation of all station listeners in the election.

These forums are frequently not that well-attended, with “the usual suspects” being the ones most likely to attend. Election Supervisors should encourage interested community members, especially from diverse and underrepresented communities, to set up these forums, and should assist to the greatest extent possible. However, on air publicity and website publicity have been found to be the principle means of getting information about the election out, and election supervisors should concentrate on these.

Chapter 7. Receipt of Ballots and Ballot Counting

7.1. Handling Completed Ballots

In 2012, this will be handled centrally by the election ballot administration vendor.

7.2. Presence of Election Officials at Ballot Counting

As the individual who certifies the election, the National Election Supervisor may be present at all ballot counting unless s/he specifically deputizes another individual, such as the National Election Supervisor to take her/his place for a specific count. At the ballot counting, the National Election Supervisor is responsible for all procedures and logistics directly relating to the counting of votes.

7.3. Setting Dates and Locations for Ballot Counting

The bylaws allow the National Election Supervisor to designate where ballots will be counted, which means a centralized count for all stations is possible. The efficiency and security this allows must be balanced against the transparency and desire for candidates and others to conveniently observe the count directly. In the first two election cycles, separate counts were done within each of the five stations areas.

The dates and locations of the ballot counting shall be announced publicly on carts played on the various radio stations, and on the radio station websites. Candidates should receive emails informing them of the ballot count location.

7.4. Checking for Quorum and Extension of the Election

The Pacifica bylaws state that “**For purposes of any election or written ballot, a quorum of the Listener-Sponsor Members shall be ten percent (10%) of those Listener-Sponsor Members entitled to vote on the matter as of the applicable record date. A quorum of the Staff Members shall be one-fourth (1/4) of those Staff Members entitled to vote on the matter, as of the applicable record date.**”

The bylaws further state that “**If the required quorum of ballots is not received by the Elections Close Date, then the Elections Close Date shall be extended by two additional weeks.**”

- The ballot administration vendor should report to the National Election Supervisor about the number of ballots received at the post office box (and cast online, in the event of a hybrid election) every 2-3 days during the two weeks before the close date of the election.
- If there is a significant shortfall in the number of ballots received on any given date, or in the rate of receipt of new ballots, then a serious get out the vote drive must be put into place. Radio stations must play carts urging members to vote every hour. The email lists of the radio stations should be used to send reminder emails to members. Election supervisors should appear, to the greatest extent possible, on call-in shows and news shows to urge members to vote.
- At the earliest possible moment that the National Election Supervisor can foresee the likely failure to achieve quorum at a particular radio station, s/he should announce a two week extension. In general, the ballots should not be moved to a count site, unpacked, and assembled for counting unless it is already known that quorum has been reached.

The following standards shall be applied when judging whether quorum has been reached:

- *Number of ballots mailed.* Duplicate ballots discovered after mailing, and ballots returned to sender because of a deceased voter, should be subtracted from the number of ballots sent for the purpose of setting the denominator for quorum. Replacement ballots sent to individuals who show proof of membership after the initial ballot mailing must be added to the number of ballots sent for the purpose of setting the denominator for quorum.

- *Number of ballots returned.* Blank ballots, empty envelopes, and other spoiled ballots shall be counted toward quorum as long as a valid PIN is enclosed.

When judging whether quorum is likely to be reached, election officials should be aware that some returned ballot envelopes will contain two or more legal ballots, while others will contain no legal PIN. In general, experience has shown that 1000 envelopes will yield something in the area of 1050 legal ballots.

7.5. Public Admission to the Ballot Counting Area

In general, members of the Foundation are permitted to witness the counting of the ballots. In all cases, a gallery shall be set up in the room where the ballots are counted where Foundation members can observe the counting. Additionally, to the extent that it is practical, safe and fair, members of the Foundation should be allowed, a few at a time, into the ballot counting area to observe. A member of the Foundation may forfeit her/his right to witness the election as a result of violent, insulting or abusive actions directed at a ballot counter or election official. In consultation with the ballot administration vendor, the National Election Supervisor should adopt a policy for ballot tally observation that all observers are presented and agree to prior to the count.

7.6. Opening the ballot envelope and checking the bar code or PIN

The ballot envelope may contain questionnaire responses, checks or other materials in addition to a ballot. A procedure for separating and collecting this material must be arranged in advance. Ballots without PINS, or that otherwise appear to be fraudulent, should also be set aside in a safe place, and not intermingled with valid ballots. *7.7. Ensuring the secrecy of the ballot*

In the situation where the PIN number is attached to the name of a specific person, and attached by perforation to the ballot, the stub with the PIN must be separated from the ballot before it can be counted. In this instance, the stubs should be set aside to be stored as part of the election archive.

7.8. Counting the ballot

Once the PINs have been verified, the quorum has been certified, and the stubs have been separated from the ballot (if this type of ballot is used), the votes recorded on the ballot can be counted, by whatever means (optical scan, manual data entry, etc.) has been adopted for this election.

7.9. Running the STV count

The Pacifica Foundation owns the software “Choice Plus Pro,” from Voting Solutions, Inc., and uses this software for performing the vote counting and vote transferring that is required to produce winners according to the “Single Transferable Vote” system of vote counting. The National Election Supervisor should be familiar with how to use this software long before the ballot counting. After the ballot information has been entered into a text file in the format necessary for using Choice Plus, the National Election Supervisor shall run the Choice Plus program to determine the winners of the election.

Chapter 8. Certification of Results

8.1. Preparation of certification documents.

If the National Election Supervisor is present at the ballot counting, it will often be the case that solid results can be announced publicly on the spot. If the National Election Supervisor is not at the ballot counting, it will be necessary for her/him to receive detailed reports from the deputy who witnessed the count and conducted the STV count, and to carefully consider the result s/he receives.

In either event, the election is certified only when the National Election Supervisor writes, prints and signs a document which:

1. States the number of valid ballots received and counted, the number of ballots necessary for quorum, and demonstrates that the former is larger than the latter;
2. States the final round results of the STV count, thus naming the nine individuals (in the listener-sponsor election) or three individuals (in the staff election) who were elected to office;
3. Concludes with the statement “I hereby certify that these are the true results of the Local Station Board election for [radio station] which closed on [election close date].”

8.2. Preparation of final reports.

After the election is certified, the National and Local Election Supervisors are required to submit detailed final reports documenting the election. The content of these reports may follow the structure of this manual, with the National and Local Election Supervisors documenting how each of the steps requires of them was completed and making recommendations for future changes. The National Election Supervisor should also present recommended bylaws changes to the Pacifica National Board on the basis of the documentation in the final reports.

8.3. Storage of the election archive

The bylaws state, “**All ballots related to the election, and the removal, of any and all Delegates shall be filed with the Foundation Secretary and maintained with the corporate records for a period of three (3) years.**” At the conclusion of the ballot counting, it is the responsibility of the National Election Supervisor to assure that the ballot administration vendor bundles the ballots and ships them to the Pacifica Foundation corporate office.

Appendix C: Listener Nomination Package

KPFA 94.1 FM RADIO 2012 LOCAL STATION BOARD ELECTIONS Candidate Information Packet for Listener-Sponsor Members

Candidates and those interested in the election of listener representatives to the KPFA Local Station Board (or LSB) will find the following documents in this package:

CHECKLIST OF NOMINATION MATERIALS FOR SUBMISSION.....	2
2012 ELECTIONS TIMELINE.....	3
OVERVIEW OF THE ELECTION OF THE STATION BOARD.....	3
DESCRIPTION OF THE ROLE OF THE LOCAL STATION BOARD.....	4
PACIFICA'S MISSION STATEMENT.....	5
NOMINATION COVER SHEET.....	6
CANDIDATE STATEMENT.....	7
CANDIDATE QUESTIONNAIRE.....	7
2012 FAIR CAMPAIGN PROVISIONS.....	8
LOCAL STATION BOARD DELEGATE NOMINATION PETITION	10

Prospective candidates are **strongly** encouraged to register immediately with their contact information, and submit their “candidate statements” and questionnaire responses online at <http://elections.pacifica.org/>

Your Cover Sheet with the signed Fair Campaign Provisions statement, and your petition signatures should be hand delivered, or mailed to:

Aharon Morris Local Election Supervisor
704 39th Street
Oakland, CA 94609.

All materials must be received by the Local Election Supervisor no later than 5:00 PM on September 13, 2012. Postmarks are not adequate. Please note that submissions that are incomplete will cause you to fail to qualify for the ballot. It is the candidate’s responsibility to ensure that her/his nomination materials are complete.

Prospective candidates must notify the Election Supervisor of their intent to file at the earliest possible point by registering online at <http://elections.pacifica.org/> or calling 510.848.6767 ext. 212. The Election Supervisor will provide a nomination packet, and advise candidates of regional signature-gathering events that may be arranged during the nomination period.

To facilitate the gathering of petition signatures, note that you should submit a statement of up to 500 words immediately, online at <http://elections.pacifica.org/> This will be posted on the KPFA election web site for listeners to browse, contact you with questions, or offer to sign your petition. This statement can later become your candidate statement if you run, or

you may submit a revised statement for distribution with the ballots.

- The KPFA Election Supervisor can be reached at 510.848.6767 ext. 212
- or by e-mail at election@KPFA.org
- To find these documents on line, and for more information on the Station Board, visit the elections website at <http://elections.pacifica.org/>

**CHECKLIST OF NOMINATION MATERIAL
CANDIDATES MUST SUBMIT ALL OF THE FOLLOWING, UNLESS IT IS MARKED
“OPTIONAL”**

- Completed Cover sheet including signed statement that you have read and understand the 2012 Pacifica Fair Campaign Provisions (postal mail or hand deliver to Local Election Supervisor).
- Nomination Petition with 15 Valid Signatures Provisions (postal mail or hand deliver to Local Election Supervisor).
- Candidate Statement of up to 500 words. This will be made available to voters online. (fill out online at <http://elections.pacifica.org/>)
- Short Statement of up to 150 words. (optional) This will be mailed with the ballots to voters (fill out online at <http://elections.pacifica.org/>)
- Candidate Questionnaire. (optional) This will be made available to voters online. (fill out online at <http://elections.pacifica.org/>)

It is the responsibility of the Candidate to ensure that all required documents, and all required fields within the documents, are submitted properly by 5:00 p.m. on Thursday, September 13, 2012, the deadline for nominations for this election. If you submit your documents early, and you have left out any required information, or have an invalid petition signature, the Local Election Supervisor may be able to contact you and ask you to remedy the problem. If you submit your documents at the last minute and they are incomplete, you can be certain that you will not be contacted, and that your nomination will simply be rejected.

Please submit complete nomination material online, and forms with signatures to:

Aharon Morris
Local Election Supervisor
KPFA
704 39th Street
Oakland, CA 94609

Please keep a copy of all materials you submit for your records.

LOCAL STATION BOARD ELECTIONS TIMELINE

- Nominations for candidates open August 1, 2012
- Nominations for candidates close September 13, 2012 at 5 pm
- Deadline to become a voting member (Record Date) September 1, 2012
- Campaign period begins September 1, 2012
- Ballots mailed to eligible voters October 15, 2012
- Deadline for ballots returned by voters November 30, 2012
- New LSB members seated December 2012

OVERVIEW OF THE ELECTION OF THE KPFA STATION BOARD

Half of the 24 Local Station Board seats are up for election, for 3-year terms. There will be separate but parallel elections for nine Listener Delegates elected by Listener members, and three Staff Delegates elected by Staff members.

Voting will be conducted using the Single Transferable Vote method of proportional representation (STV). Votes will be able to rank as many candidates as they wish in the order of preference. Information about this voting method is available at <http://elections.pacifica.org/> and at the web site of FairVote: The Center for Voting and Democracy at www.fairvote.org

One function of the board is to see that the needs of the station and the community are being met, from programming to budgets. A second function is to report on and represent the station to the Pacifica National Governing Board through appointed representatives.

There are two main ways to qualify to vote as a "Listener-Sponsor Member."

SUBSCRIBER: Contribute at least \$25 to the station during the year preceding September 1, 2012.

VOLUNTEER: Complete 3 or more verifiable volunteer hours, such as answering phones during a fund drive, at KPFA during the same period.

Nominations will be accepted through September 13, 2012 at 5:00 p.m.. Candidates must be qualified voters and submit Nominating Petitions with 15 signatures of qualified voters in support of the candidate. From now until the close of the nomination period, the Election Supervisor and Election Committee may hold nomination events where candidates and voters can meet and sign petitions.

To facilitate the gathering of petition signatures, note that you should submit a statement of up to 500 words immediately, which will be posted on the station's election web site for listeners to browse, contact you with questions, or offer to sign your petition. This statement can later become your candidate statement if you run, or you may submit a revised statement for distribution with the ballots.

We'll post candidate information on-line and after the nomination process is complete, host on-air candidate forums.

The Role of the LOCAL STATION BOARD (LSB)

(extracted from Pacifica Bylaws, Article 7)

The purpose of the LSB is make sure that the needs of the community being served by the station are being met. The LSB has the following powers, duties and responsibilities under the direction and supervision of the Pacifica Foundation's National Board (PNB):

- To review and approve that station's budget and make quarterly reports to the PNB
- To screen and select a pool of candidates for the position of General Manager from which the Executive Director shall hire, to prepare an annual written evaluation of the station's General Manager.
- Both the Executive Director and/or an LSB may initiate the process to fire a station General Manager.
- To screen and select a pool of candidates for the position of station Program Director from which the Executive Director shall hire, to prepare an annual written evaluation of the station's Program Director.
- To work with station management to ensure that station programming fulfills the purposes of the Foundation and is responsive to the diverse needs of the listeners (demographic) and communities (geographic) served by the station, and that station policies and procedures for making programming decisions and for program evaluation are working in a fair, collaborative and respectful manner to provide quality programming.
- To conduct "Town Hall" style meetings at least twice a year, for hearing listeners views, needs, concerns
- To assist in station fundraising activities.
- To actively reach out to underrepresented communities
- To perform community needs assessments, or see to it that separate "Community Advisory Committees" are formed to do so.
- To ensure that the station works diligently towards the goal of diversity in staffing at all levels and maintenance of a discrimination-free atmosphere in the workplace.
- To exercise all of its powers and duties with care, loyalty, diligence and sound business judgment consistent with the manner in which those terms are generally defined under applicable California law.

PACIFICA FOUNDATION'S MISSION STATEMENT

- (a) To establish a Foundation organized and operated exclusively for educational purposes no part of the net earnings of which inures to the benefit of any member of the Foundation.
- (b) To establish and operate for educational purposes, in such a manner that the facilities involved shall be as nearly self-sustaining as possible, one or more radio broadcasting stations licensed by the Federal Communications Commission and subject in their operation to the regulatory actions of the Commission under the Communications Act of 1934, As Amended.
- (c) In radio broadcasting operations to encourage and provide outlets for the creative skills and energies of the community; to conduct classes and workshops in the writing and producing of drama; to establish awards and scholarships for creative writing; to offer performance facilities to amateur instrumentalists, choral groups, orchestral groups and music students; and to promote and aid other creative activities which will serve the cultural welfare of the community.
- (d) In radio broadcasting operations to engage in any activity that shall contribute to a lasting understanding between nations and between the individual of all nations, races, creeds and colors; to gather and disseminate information on the causes of conflict between any and all such groups; and through any and all means compatible with the purposes of this corporation to promote the study of political and economic problems and of the causes of religious, philosophical and racial antagonisms.
- (e) In radio broadcasting operations to promote the full distribution of public information; to obtain access to sources of news not commonly brought together in the same medium; and to employ such varied sources in the public presentation of accurate, objective, comprehensive news on all matters vitally affecting the community.

KPFA LISTENER-SPONSOR DELEGATE NOMINATION COVER SHEET

Printed Name _____

Mailing Address _____

City / State / Zip _____

Your name exactly as you wish it to appear on the ballot. (no titles, degrees, etc. whether earned or honorary)

Preferred phone _____ best times ___daytime ___evening

Other phone _____ best times ___daytime ___evening

Email _____

Complete contact information is REQUIRED. If we are unable to contact you, you will not appear on the ballot.

I am an eligible Listener-Sponsor Member in good standing. I am 16 years of age or older. I do not hold an elected or appointed public office at any level of government, nor am I a candidate for such office (this does not include the civil service). I have read and understand the 2012 Pacifica fair campaign provisions. (in this packet)

X _____

Date _____

The following demographic information is requested to help pursue Pacifica's diversity goals, but is not required:

What is your gender? _____

What is your race or ethnicity? _____

What is your sexuality? _____

Do you have any physical Disabilities? _____

This must be received by Local Election Supervisor no later than 5 pm Sept. 13, 2012

CANDIDATE STATEMENTS

You may submit two statements: a candidate statement of up to 500 words, which will be made available to every voter online; and a shorter statement of up to 150 words, which will be mailed with the ballots to every voter. **You are required to submit a candidate statement in order to be placed on the ballot. Candidates who do not submit a statement will be disqualified. If you do not submit a short statement, the first 150 words of your longer statement will be included with the ballot mailing.**

(Note that your statement can be posted before you are officially nominated to facilitate listeners' ability to find candidates whose petitions they want to sign.)

In drafting your statement, **you must begin with your name**, try to include your main theme or qualification you want to stress in your opening paragraph, as this is all many voters may read. As part of your 500 word maximum, at the end of your statement you may also list the names of up to 5 of your petition nominators if you wish. (Note: this may not be staff, since they are not allowed to nominate -- sign petitions for -- Listener candidates).

You should submit your statements immediately to facilitate gathering nominating signatures, **but the final version of your candidate statements must be entered online at <http://elections.pacifica.org/> or received by the Election Supervisor no later that 5:00 p.m. on September 13, 2012.** If possible an electronic version should be submitted to avoid the need to retype it (with the potential typos).

KPFA CANDIDATE QUESTIONNAIRE

Candidates are encouraged to answer the following questions online if possible at <http://elections.pacifica.org/> Please keep your answers as brief as possible. The online form limits each response to 1000 characters (approx. 150 words). You may find yourself repeating themes in your candidate statement. That's fine. The questionnaire format helps voters compare candidates.

1. In what ways is KPFA moving in a positive direction, that you would want to continue or perhaps improve?
2. In what ways is KPFA moving in a negative direction, that you would want to stop or change? What changes would you work for?
3. What key experience, connections, skills or traits would you bring to the Local Station Board to advance the station's mission?
4. What ideas do you have for helping the station and the Pacifica Foundation meet the financial challenges currently being faced?

2012 FAIR CAMPAIGN PROVISIONS

The bylaws require every candidate and staff member (paid and unpaid) to sign the statement that they have read and understand these fair campaign provisions. Candidates must submit signed statements to the Election Supervisor no later than 5 pm Sept. 13, 2012.

The goal of these provisions is to ensure fair elections. Their purpose is to prevent staff, who have access to station resources, from having undue influence on listener elections.

2012 FAIR CAMPAIGN PROVISIONS for the Pacifica Foundation's Delegate Elections (Revised July 18, 2012 by NES)

There are two types of Fair Campaign Provisions: those mandated by the Bylaws, and those proposed by the National Election Supervisor and adopted by the management of the Foundation and the radio station as a matter of policy.

Fair Campaign Provisions mandated by the Bylaws: (edited and numbered for clarity)

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 the 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.

Additional Fair Campaign Provisions proposed by the National Election Supervisor and adopted by the Foundation Executive Director and station General Managers.

7. Internet endorsements (meaning for or against any named candidate): All staff and management that maintain a website with station logos, call letters and/or references to station programs are subject to, and shall be bound by these rules:
 - a) Endorsements of candidates or prospective candidates on any official Pacifica web sites are not permitted, either explicitly or via hyperlink to another web-page.

- b) Endorsements of candidates or prospective candidates on any websites hyperlinked from official station web sites are not permitted.
 - c) Any website not linked from an official web site, which any station or Foundation staff or management maintain or contribute to, bearing the logo, names or partial names of an official Pacifica website but which is, in fact, independent of any Pacifica station, can endorse candidates but must include the following disclaimer (point d. below) prominently, on any page that mentions a listener candidate, in order to make clear that the website is not an official Pacifica website.
 - d) Disclaimer to be used on any website bearing the names or partial names of an official Pacifica website but independent of any Pacifica station. "DISCLAIMER: This is not an official Pacifica Foundation website nor an official website of any of the five Pacifica Radio Stations (KPFA Radio, KPFK Radio, KPFT Radio, WBAI Radio, WPFW Radio). Opinions and facts alleged on this site belong to the author(s) of the website only and should NOT be assumed to be true or to reflect the editorial stance or policy of the Pacifica Foundation, or any of the five Pacifica Radio Stations (KPFA Radio, KPFK Radio, KPFT Radio, WBAI Radio, WPFW Radio), or the opinions of its management, Pacifica National Board, station staff or other listener members."
 - e) Endorsement emails (web-based & list serve) are permitted only if the email addresses were not gathered by the use of any station resources or web sites.
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) 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.
 - b) For all Foundation and station staff and management, the Fair Campaign Provisions commence on August 1, 2012 with the opening of the nomination period, and apply to both active candidates and prospective candidates described in section 9 a. above.
10. 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.
11. The Foundation and stations will not allow the expression of libelous or slanderous statements about candidates through any of its resources, whether on-air, web sites, or otherwise.
12. The Foundation and stations will not allow the expression of potentially libelous or slanderous statements about candidates through any of its resources, whether on-air, web sites, or otherwise.
13. Candidates are not permitted to call in to shows even if they do not use their names, since not all candidates can be included in a call-in show.

Appendix D: Staff Nomination Package

KPFA 94.1 FM RADIO 2012 LOCAL STATION BOARD ELECTIONS Candidate Information Packet for Staff Members (Paid or Unpaid)

Candidates and those interested in the staff election of staff representatives to the KPFA Local Station Board (or LSB) will find the following documents in this package:

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NOMINATION COVER SHEET.....	6
CANDIDATE STATEMENT.....	7
CANDIDATE QUESTIONNAIRE.....	7
2012 FAIR CAMPAIGN PROVISIONS.....	8
LOCAL STATION BOARD DELEGATE STAFF NOMINATION PETITION ...	10

Prospective candidates are **strongly** encouraged to register immediately with their contact information, and submit their “candidate statements” and questionnaire responses online at <http://elections.pacifica.org/>.

Your Cover Sheet with the signed Fair Campaign Provisions statement, and your petition signatures should be hand delivered, or mailed to:

Aharon Morris
KPFA Local Election Supervisor
704 39th Street
Oakland, CA 94609.

All materials must be received by the Local Election Supervisor no later than 5:00 PM on September 13, 2012. Postmarks are not adequate. Please note that submissions that are incomplete will cause you to fail to qualify for the ballot. It is the candidate's responsibility to ensure that her/his nomination materials are complete.

Prospective candidates must notify the Election Supervisor of their intent to file at the earliest possible point by registering online at <http://elections.pacifica.org/> or calling 510.848.6767 ext. 212. The Local Election Supervisor will provide a nomination packet, and advise candidates of signature-gathering events that may be arranged during the nomination period.

To facilitate the gathering of petition signatures, note that you should submit a statement of up to 500 words immediately, online at <http://elections.pacifica.org/>. This will be posted on the KPFA election web site for other staff to browse, contact you with questions, or offer to sign your petition. This statement can later become your candidate statement if you run, or you may submit a revised statement for distribution with the ballots.

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- or by e-mail at election@KPFA.org
- To find these documents on line, and for more information on the Station Board, visit the elections website at <http://elections.pacifica.org/>

**CHECKLIST OF NOMINATION MATERIAL
CANDIDATES MUST SUBMIT ALL OF THE FOLLOWING, UNLESS IT IS MARKED
“OPTIONAL”**

- Completed Cover sheet including signed statement that you have read and understand the 2012 Pacifica Fair Campaign Provisions (postal mail or hand deliver to Local Election Supervisor).
- Nomination Petition with 5 Valid Signatures (postal mail or hand deliver to Local Election Supervisor).
- Candidate Statement of up to 500 words. This will be made available to voters online. (fill out online at <http://elections.pacifica.org/>)
- Short Statement of up to 150 words. (optional) This will be mailed with the ballots to voters (fill out online at <http://elections.pacifica.org/>)
- Candidate Questionnaire. (optional) This will be made available to voters online. (fill out online at <http://elections.pacifica.org/>)

It is the responsibility of the Candidate to ensure that all required documents, and all required fields within the documents, are submitted properly by 5 PM on September 13, 2012, the deadline for nominations for this election. If you submit your documents early, and you have left out any required information, or have an invalid petition signature, the Local Election Supervisor may be able to contact you and ask you to remedy the problem. If you submit your documents at the last minute and they are incomplete, you can be certain that you will not be contacted, and that your nomination will simply be rejected.

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Oakland, CA
94609

Please keep a copy of all materials you submit for your records.

LOCAL STATION BOARD ELECTIONS TIMELINE

- Nominations for candidates open August 1, 2012
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- Deadline to become a voting member (Record Date) September 1, 2012
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- Ballots mailed to eligible voters October 15, 2012
- Deadline for ballots returned by voters November 30, 2012
- New LSB members seated December 2012

OVERVIEW OF THE ELECTION OF THE KPFA STATION BOARD

Half of the 24 Local Station Board seats are up for election, for 3-year terms. There will be separate but parallel elections for nine Listener Delegates elected by Listener members, and three Staff Delegates elected by Staff members (paid and unpaid).

Voting will be conducted using the Single Transferable Vote method of proportional representation (STV). Votes will be able to rank as many candidates as they wish in the order of preference. Information about this voting method is available at <http://elections.pacifica.org/> and at the web site of FairVote: The Center for Voting and Democracy at www.fairvote.org

One function of the board is to see that the needs of the station and the community are being met, from programming to budgets. A second function is to report on and represent the station to the Pacifica National Governing Board through appointed representatives.

There are two ways to qualify to vote as a "Staff Member."

Paid Staff: non-management full or part-time paid staff on the payroll

Unpaid Volunteer Staff : KPFA has an "Unpaid Staff Organization or Unpaid Staff Collective Bargaining Unit" and thus, according to the bylaws, the rules of this organization determine who is an unpaid staff member eligible to participate in the staff election.

Nominations will be accepted through September 13, 2012 at 5:00 p.m. Candidates must be qualified voters and submit Nominating Petitions with 5 signatures of qualified staff voters in support of the candidate. From now until the close of the nomination period, the Election Supervisor and Election Committee may hold nomination events where candidates and staff can meet and sign petitions.

To facilitate the gathering of petition signatures, note that you should submit a statement of up to 500 words immediately, which will be posted on the station's election web site for staff to browse, contact you with questions, or offer to sign your petition. This statement can later become your candidate statement if you run, or you may submit a revised statement for distribution with the ballots.

We'll post candidate information on-line and after the nomination process is complete, host on-air candidate forums.

The Role of the LOCAL STATION BOARD (LSB)

(extracted from Pacifica Bylaws, Article 7)

The purpose of the LSB is make sure that the needs of the community being served by the station are being met. The LSB has the following powers, duties and responsibilities under the direction and supervision of the Pacifica Foundation's National Board (PNB):

- To review and approve that station's budget and make quarterly reports to the PNB
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- Both the Executive Director and/or an LSB may initiate the process to fire a station General Manager.
- To screen and select a pool of candidates for the position of station Program Director from which the Executive Director shall hire, to prepare an annual written evaluation of the station's Program Director.
- To work with station management to ensure that station programming fulfills the purposes of the Foundation and is responsive to the diverse needs of the listeners (demographic) and communities (geographic) served by the station, and that station policies and procedures for making programming decisions and for program evaluation are working in a fair, collaborative and respectful manner to provide quality programming.
- To conduct "Town Hall" style meetings at least twice a year, for hearing listeners views, needs, concerns
- To assist in station fundraising activities.
- To actively reach out to underrepresented communities
- To perform community needs assessments, or see to it that separate "Community Advisory Committees" are formed to do so.
- To ensure that the station works diligently towards the goal of diversity in staffing at all levels and maintenance of a discrimination-free atmosphere in the workplace.
- To exercise all of its powers and duties with care, loyalty, diligence and sound business judgment consistent with the manner in which those terms are generally defined under applicable California law.

PACIFICA FOUNDATION'S MISSION STATEMENT

- (f) To establish a Foundation organized and operated exclusively for educational purposes no part of the net earnings of which inures to the benefit of any member of the Foundation.
- (g) To establish and operate for educational purposes, in such a manner that the facilities involved shall be as nearly self-sustaining as possible, one or more radio broadcasting stations licensed by the Federal Communications Commission and subject in their operation to the regulatory actions of the Commission under the Communications Act of 1934, As Amended.
- (h) In radio broadcasting operations to encourage and provide outlets for the creative skills and energies of the community; to conduct classes and workshops in the writing and producing of drama; to establish awards and scholarships for creative writing; to offer performance facilities to amateur instrumentalists, choral groups, orchestral groups and music students; and to promote and aid other creative activities which will serve the cultural welfare of the community.
- (i) In radio broadcasting operations to engage in any activity that shall contribute to a lasting understanding between nations and between the individual of all nations, races, creeds and colors; to gather and disseminate information on the causes of conflict between any and all such groups; and through any and all means compatible with the purposes of this corporation to promote the study of political and economic problems and of the causes of religious, philosophical and racial antagonisms.
- (j) In radio broadcasting operations to promote the full distribution of public information; to obtain access to sources of news not commonly brought together in the same medium; and to employ such varied sources in the public presentation of accurate, objective, comprehensive news on all matters vitally affecting the community.

KPFA STAFF DELEGATE NOMINATION COVER SHEET

Check one: I am ___Paid Staff ___Unpaid Staff

Printed Name _____

Mailing Address _____

City / State / Zip _____

Your name exactly as you wish it to appear on the ballot. (no titles, degrees, etc. whether earned or honorary)

Preferred phone _____ best times ___daytime ___evening

Other phone _____ best times ___daytime ___evening

Email _____

Complete contact information is REQUIRED. If we are unable to contact you, you will not appear on the ballot.

I am an eligible Staff Member in good standing. I am 16 years of age or older. I do not hold an elected or appointed public office at any level of government, nor am I a candidate for such office (this does not include the civil service). I have read and understand the 2012 Pacifica fair campaign provisions. (included in this packet)

X _____

Date _____

The following demographic information is requested to help pursue Pacifica's diversity goals, but is not required:

What is your gender? _____

What is your race or ethnicity? _____

What is your sexuality? _____

Do you have any physical Disabilities? _____

This must be received by Local Election Supervisor no later than Sept. 13, 2012

CANDIDATE STATEMENTS

You may submit two statements: a candidate statement of up to 500 words, which will be made available to every voter online; and a shorter statement of up to 150 words, which will be mailed with the ballots to every voter. **You are required to submit a candidate statement in order to be placed on the ballot. Candidates who do not submit a statement will be disqualified. If you do not submit a short statement, the first 150 words of your longer statement will be included with the ballot mailing.**

(Note that your statement can be posted before you are officially nominated to facilitate listeners' ability to find candidates whose petitions they want to sign.)

In drafting your statement, **you must begin with your name**, try to include your main theme or qualification you want to stress in your opening paragraph, as this is all many voters may read. As part of your 500 word maximum, at the end of your statement you may also list the names of up to 5 of your petition nominators if you wish. (Note: this may not be staff, since they are not allowed to nominate -- sign petitions for -- Listener candidates).

You should submit your statements immediately to facilitate gathering nominating signatures, **but the final version of your candidate statements must be entered online at <http://elections.pacifica.org/> or received by the Election Supervisor no later than 5:00 p.m. on September 13, 2012.** If possible an electronic version should be submitted to avoid the need to retype it (with the potential typos).

KPFA CANDIDATE QUESTIONNAIRE

Candidates are encouraged to answer the following questions online if possible at <http://elections.pacifica.org/> Please keep your answers as brief as possible. The online form limits each response to 1000 characters (approx. 150 words). You may find yourself repeating themes in your candidate statement. That's fine. The questionnaire format helps voters compare candidates.

1. In what ways is KPFA moving in a positive direction, that you would want to continue or perhaps improve?
2. In what ways is KPFA moving in a negative direction, that you would want to stop or change? What changes would you work for?
3. What key experience, connections, skills or traits would you bring to the Local Station Board to advance the station's mission?
4. What ideas do you have for helping the station and the Pacifica Foundation meet the financial challenges currently being faced?

2012 FAIR CAMPAIGN PROVISIONS

The bylaws require every candidate and staff member (paid and unpaid) to sign the statement that they have read and understand these fair campaign provisions. Candidates must submit signed statements to the Election Supervisor by 5:00 pm on Sept. 13, 2012.

The goal of these provisions is to ensure fair elections. Their purpose is to prevent staff, who have access to station resources, from having undue influence on listener elections.

2012 FAIR CAMPAIGN PROVISIONS for the Pacifica Foundation's Delegate Elections (Revised July 18, 2012 by NES)

There are two types of Fair Campaign Provisions: those mandated by the Bylaws, and those proposed by the National Election Supervisor and adopted by the management of the Foundation and the radio station as a matter of policy.

Fair Campaign Provisions mandated by the Bylaws: (edited and numbered for clarity)

- a) 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 the 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.

Additional Fair Campaign Provisions proposed by the National Election Supervisor and adopted by the Foundation Executive Director and station General Managers.

- 7) Internet endorsements (meaning for or against any named candidate): All staff and management that maintain a website with station logos, call letters and/or references to station programs are subject to, and shall be bound by these rules:
 - a) Endorsements of candidates or prospective candidates on any official Pacifica web sites are not permitted, either explicitly or via hyperlink to another web-page.
 - b) Endorsements of candidates or prospective candidates on any websites hyperlinked from

official station web sites are not permitted.

- c) Any website not linked from an official web site, which any station or Foundation staff or management maintain or contribute to, bearing the logo, names or partial names of an official Pacifica website but which is, in fact, independent of any Pacifica station, can endorse candidates but must include the following disclaimer (point d. below) prominently, on any page that mentions a listener candidate, in order to make clear that the website is not an official Pacifica website.
 - d) Disclaimer to be used on any website bearing the names or partial names of an official Pacifica website but independent of any Pacifica station. "DISCLAIMER: This is not an official Pacifica Foundation website nor an official website of any of the five Pacifica Radio Stations (KPFA Radio, KPFK Radio, KPFT Radio, WBAI Radio, WPFW Radio). Opinions and facts alleged on this site belong to the author(s) of the website only and should NOT be assumed to be true or to reflect the editorial stance or policy of the Pacifica Foundation, or any of the five Pacifica Radio Stations (KPFA Radio, KPFK Radio, KPFT Radio, WBAI Radio, WPFW Radio), or the opinions of its management, Pacifica National Board, station staff or other listener members."
 - e) Endorsement emails (web-based & list serve) are permitted only if the email addresses were not gathered by the use of any station resources or web sites.
- 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) 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.
 - b) For all Foundation and station staff and management, the Fair Campaign Provisions commence on August 1, 2012 with the opening of the nomination period, and apply to both active candidates and prospective candidates described in section 9 a. above.
- 10) 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.
- 11) The Foundation and stations will not allow the expression of libelous or slanderous statements about candidates through any of its resources, whether on-air, web sites, or otherwise.
- 12) The Foundation and stations will not allow the expression of potentially libelous or slanderous statements about candidates through any of its resources, whether on-air, web sites, or otherwise.
- 13) Candidates are not permitted to call in to shows even if they do not use their names, since not all candidates can be included in a call-in show.**

Appendix E: Fair Campaign Provision Complaint Form

Pacifica Fair Campaign Provisions Complaint Form

1. Date of Triggering Event (or ongoing) : _____

2. Date this Allegation is filed with Local Election Supervisor: _____

3. The person who is alleged to have violated the Fair Campaign Provisions:

NAME: _____

4. Contact information (if known): _____

5. This person is: Staff__ Management__ Candidate__

6. Name(s) of Listener-Candidate Endorsed (benefited) or Criticized (harmed)

NAME: _____

7. Fair Campaign Provision section number that was allegedly violated: # _____

8. Supporting Documentation (provide audio file, link to archive, link to web site or transcript, etc.)

9. Names and contact information for other “witnesses”

10. Brief description of alleged violation:

11. Name and contact information of person making allegation:

NAME: _____

email address: _____

phone: _____

Appendix F: Sample Fair Campaign Provision Ruling

December 11, 2012

Pacifica National Elections Supervisor Terry Bouricius Ruling on the appeal of the Local Elections Supervisor decision on the violation of the Fair Campaign Provisions by Dutch Merrick in the 2012 KPFK Listener Election

The ruling by Local Elections Supervisor (LES) Soul Watson, on the alleged violation of the Fair Campaign Provisions (FCP) by listener candidate Dutch Merrick was appealed to me as National Elections Supervisor.

I concur with the LES's finding that a violation did occur when Dutch Merrick appeared on an on-air program, which no other candidate had an equal opportunity to do. The primary goal of the FCP is to assure that staff do not grant some listener candidates access to airwaves, that are not made equally available to all Listener candidates. While the focus of the FCP is staff behavior, candidates are expected to cooperate and abide by the rules in the interests of fairness. There are even specific prohibitions against listener candidates seeking to get around the "equal opportunity for equal air time" definition of fairness, without staff awareness, by calling in to programs. It is clear to me that Dutch Merrick intentionally accepted air time that he knew other candidates would not be able to get, and that both he and the staff who facilitated this violated the fundamental goal of the FCP in a rather blatant manner. As a past candidate, and a current LSB member, and someone who signed a statement that he had read and understood the FCP, there is no excuse for this behavior.

Mr. Merrick has argued that appearing as a guest on a program about current events, where he has a valuable or unique contribution to make to public understanding is fundamentally different than calling into a program to promote his candidacy. This argument is not convincing. Whether the unequal access to air time is for campaign purposes, or for other apparent reasons, is not relevant to the FCP prohibition on unequal opportunity for air time. Mr. Merrick even went so far as to argue that he was not in violation because he was "in the studio" rather than calling in to a program, as stated in the FCP. The FCP clearly intend to prohibit unequal access to air time in the studio, and simply add the prohibition on call-in shows to EXPAND the prohibition, rather than narrow it. Mr. Merrick also raised concerns that the audio of his candidate statement that he sent to the station was lost or erased, and his candidate cart, like many of the other candidates' was only his words, read by a neutral voice. While this loss of a candidate's audio cart may also be a violation of the FCP by the staff person responsible, it may have been an accident. If someone can discover what staff person is responsible, they could also be subject to sanctions. However, as the classic saying goes, two wrongs don't make a right. The fact that Dutch Merrick was effectively denied the ability to have his own voice on the candidate cart does not justify self-help grabbing of bonus air-time, that no other candidate had access to.

Therefore the focus of this ruling is the adequacy of the remedy proposed in the LES's ruling to try to restore fairness to the election – the reduction of air-time for Dutch Merrick, and the additional opportunities for air-time provided to all of the other Listener candidates.

If fairness can be restored through such compensation, it is in the interests of the voters to retain the maximum range of choices and their opportunity to choose Dutch Merrick if they wish. However, as National Elections Supervisor, my highest priority is to achieve fairness to all candidates and avoid setting a precedent that allows candidates or staff to get around the “equal opportunity for equal air time” mandate. This violation is not just a matter of unequal time but of blatant disregard of the fundamental intent of the FCP and election fairness. Dutch Merrick was able to use his connection with a station staff member to access resources in a way that no other candidate was allowed. It was not done inadvertently (such as a re-broadcast of an old show), but by two people who did know, or certainly should have known, that it was not allowed.

I think the LES’s effort to re-balance air time by cutting Dutch Merrick’s carts and block his access to added candidate programming (such as the added bi-lingual candidate forums) were admirable and the best hope of restoring fairness while also maximizing voters’ access to a full range of candidate choices. However, we can’t just try to equalize the math of air time. One obvious problem is that as time passes and more voters have already mailed in their ballots, air time may become devalued. This fact could, of course, be addressed by “over-compensating” the harmed candidates with even more air time. But, as I said, it is not just a matter of math. There is also the issue of fairness, precedence, and the quality of the air-time. Being interviewed one-on-one by a supportive staff person who helps put the candidate in a positive light is qualitatively different than being on a forum, or having one’s candidate statement aired (whether in the voice of the candidate, or by an assigned surrogate). If we were just interested in equalizing air time, even taking into account whether it was before or after ballots were being returned, a candidate might happily trade short cart airings for a lengthy and supportive one-on-one interview by a friendly staff person putting the person in an exceptionally positive light. This would not be fair to the other candidates, and would be a dreadful precedent for future elections and respect of the FCP.

I therefore conclude that the only way that fairness can be restored to the KPFK listener election, and reinforce the understanding by staff and candidates this year, and in the future, that the Fair Campaign Provisions must be adhered to, is to disqualify the candidacy of Dutch Merrick. I discussed this ruling with Soul Watson, and after careful consideration he and I now both agree that this remedy is appropriate. Dutch Merrick is hereby disqualified as a candidate for the 2012 KPFK listener election. Any ballots that rank Dutch Merrick will be tallied so as to automatically skip over his name and count for the next candidate ranked by each of those voters. Dutch Merrick will be entitled to run again when the election process is scheduled to start up all over again this coming summer.

Appendix G: Sample Voter List Update Report

WBAI LISTS STATUS REPORTS - September

Donor-Members

1. Do you have regular and easy access to the Memsys donor-member listener database?

I can get information from Memsys but I don't get regular access to it. Whenever I ask for it, I'm told that whatever I need will be retrieved for me. To date I still haven't had access to paper donations and I feel a resistance to letting me have it. I think this is a management thing because I've met with the membership manager and she is more forthcoming but in 2004 I had access to the database and could go through it and compare records without any obstacles.

2. If not, have you had ANY access to the member database?

The membership manager has been on vacation and her schedule conflicts with mine in that she is not in every day and when she is it's usually later in the evening when I am rarely there at that time. I think she may return this week and we can try to work out some schedule but management has a major say in how and when that happens

3. How big is the backlog of un-data-entered donor-member information?

I haven't personally seen un-entered data but Berthold has told me that they are almost finished entering the new donors who tried to join before the last deadline. Now that the deadline has been changed there are many other new people who will need to be entered. The date changes have taken time and attention away from this and I've been working with the data that was entered prior to August 30th.

4. Has that list been de-duped yet (had duplicates of the same member removed)?

No the dupes haven't been removed yet but I've kept a running list of the ones I found. However there may be many or at least a considerable number that occur now that the deadline has changed. We were sort of on course prior to the change but this throws us several steps back.

5. Have multi-member households who gave over \$50 been divided into separate member records for ballot mailing?

This has not happened yet because my access has been limited. But I did find some instances of this and made a note of those records. Again that may well have changed since people have continued donating and will do so with the deadline change.

6. Have you started the audit of the list as described in the manual?

My audit has a ways to go due to lack of access. If I could just have unlimited time to go through the paper records uninterrupted, I could get the audit done.

7. What challenges or obstacles do you need to overcome to end up with a clean list?

My main obstacle is just getting everything in a timely manner. Most people wait until the very last minute to do things and this really isn't a priority for anyone other than myself.

8. What strategy do you have, or what help do you need?

I don't have a strategy. I'm forced to work within the restraints of WBAI and I can't just walk in and gain access. It doesn't work that way with anything there. All I can do is work slowly because any requests are viewed as some as demanding and I don't think asking to see something is demanding.

Volunteer-Members (3 hours per year)

9. Do you have regular and easy access to a computerized list of members who gave at least 3 hours of volunteer work?

I finally got the volunteer lists several weeks ago.

10. Have these volunteer names been checked against the donor-member list so that it ONLY contains additional members to be mailed ballots, (so that nobody gets two ballots)?

I did have access to the paper records after being put off for quite a while. The hardest part is comparing the various records to sort out dupes, which I did but I still don't know the procedure to prevent duplicate ballots from being sent out.

11. Is there a backlog of un-data-entered volunteer-member information?

I think there is a backlog of un-entered data. It's hard to say how much exists because the paper records I saw are matched with the database of records but the paper records are so incomplete.

12. Has that volunteer list been de-duped yet (had duplicates of the same member removed)?

I have gone through the list and highlighted the dupes. Again I don't know how to stop or remove the dupes.

13. Have you started the audit of the list as described in the manual?

I did complete the audit of this list such as it is. I found that most of the paper records had been entered but again there is no one designated to update these records on a regular basis. I heard there is no volunteer coordinator and some records are complete but many are not or at least missing information like sign in and/or sign out time, dates, supervisors.

14. What challenges or obstacles do you need to overcome to end up with a clean list?

I have the list, the quality of the list is beyond my control if there aren't procedures put into place to make sure the records are complete and updated.

15. What strategy do you have, or what help do you need?

With the volunteer list there is really no more I can do. I try when I have some information to contact the volunteer or supervisor to verify information and if I get a response, its usually from the volunteer and not the supervisor.

Waiver-Members

16. Do you have access to a list of members who were granted waivers from the donation and volunteer requirement?

From the emails I've read it seems that there is a waiver committee in place and they have made decisions as to which members qualify for waivers. With deadline changes, I believe they are still in the process of reviewing additional requests and that will be a done deal this week. I do have the names of those already approved.

18. Do you anticipate there will be any new waivers applications before September 1?

I guess this question is now moot. The waiver committee seems to have this under control.

Paid Staff

19. Do you have a list of full and part-time paid employees?

I had been working with the list from 2011 and waiting endlessly for a newly vetted list from the public affairs manager.

20. Do you have a list that removes "management" (the bylaws say they can't participate in the staff election)?

I have a list that includes all staff positions such as Business Manager, Public Affairs, Program Director. I don't think there had been a definitive memo regarding who is considered management.

21. Is the list of who is station "management" obvious and accepted at your station?

I sent an email a while back to the NES about who is considered management and it seems to be a bit inconsistent from one station to another. I have a general idea which titles are management, but there is no designated list.

Unpaid Staff

22. Do you have access to an unpaid staff list?

The staff list is all inclusive and doesn't make any indication about whether the staff person is paid or unpaid.

23. What is your impression of the quality of that list?

This list seems clearer than the one I saw in 2004. I finally received a “vetted” list from the public affairs manager with notes indicating what changes were made such as additions and deletions.

24. Have you posted the unpaid staff list at the station and sent out notices that it is there for checking? (emailed the list around?)

After great reluctance from the public affairs manager, the list was posted by the program director. It has been in the main entrance of the station for several weeks. I sent out emails to the people on the list since receiving the original unvetted list. I haven’t had a chance to post the newer list. I did receive response from some people who said they no longer worked for WBAI either paid or unpaid.

25. What challenges or obstacles do you need to overcome to end up with a clean list?

I think the list is probably pretty good since the public affairs manager took so long to turn it over to me.

26. What strategy do you have, or what help do you need?

I don’t think the staff list is my major problem as far as lists goes. My bigger issues related to the membership list simply because I have such limited access to doing the full audit.

Appendix H: Replacing Elections with Sortition

A Proposal for Better Democratic Governance of Pacifica Through Sortition

by 2012 Pacifica National Elections Supervisor Terry Bouricius

Introduction:

Almost everybody agrees that the elections at Pacifica are too costly, time consuming, factionalized and factionalizing. They interfere with listener-preferred programming, and are exceedingly difficult for staff to administer well. The proportional voting method (STV) can generate LSBs that fairly reflect the diversity of the members, but only if most members take the time to learn about the huge number of candidates, and actually cast their ballots. This has never been the case. In short, Pacifica is not well served by its election process.

There is an affirmative desire to embrace democracy as a key for governance at Pacifica. It is widely assumed that democracy must mean elections. In fact, there are alternative democratic tools that are far more democratic, less expensive and can improve governance, while overcoming factionalism and distrust within the organization.

The problem:

The election process at Pacifica is extremely expensive and extremely divisive, yet does an inadequate job of tapping the incredible skills and knowledge distributed throughout the membership. Many of the most competent and cooperative members simply won't enter the adversarial fray of Pacifica elections. While there are many valuable and skilled members elected to the various LSBs, the nomination and election process acts like a pre-filter that favors self-important ego-driven individuals, skilled at waging battles, while discouraging many mild-mannered and cooperative members of the Foundation who might make excellent board members. Of course some excellent board members get elected, but the election process itself does not assure this. The election process may actually prevent the selection of an optimal set of LSB members. Because of the factionalized nature of adversarial elections, elected members often demonize, or anticipate the worst from others who were elected from competing slates, rather than genuinely working together. This is not a character flaw, but rather an almost inevitable side-effect of competitive elections.

Because mass elections inherently limit the impact of each individual's vote, there is not sufficient motivation for most members to vote, or if they do vote, to learn much about the candidates first. Essentially we have a sub-set (typically a bit over 10%) of members who are not necessarily representative of members generally, and who are generally poorly informed about the candidates choosing between competing slates made up of some excellent candidates mixed with ego-driven zealots and deferential followers, while draining away the Foundation's financial resources, and burdening air-time with election programming of little interest to most members, that may even drive down listenership.

It is possible to come up with all kinds of tweaks in an attempt to overcome one or another shortcoming of the current election process. Pacifica could redefine “members” in its bylaws to exclude most donors who aren’t interested in studying the candidates and voting. Pacifica could grant election supervisors total power over station staff and airwaves during elections to assure fairness, etc.. More money and resources could be devoted to better record keeping of eligible members. Elections could be held less frequently, with board members serving longer terms. Voting might be done over the Internet. The size of the boards could be reduced in hopes of reducing the number of candidates voters need to learn about. And on and on.

But in my expert opinion, while some reforms might make some modest improvement to the voting process, none of them would solve the root problems. In a mass election, most members simply will not take an adequate interest in the elections for election results to fairly reflect the interests of the listenership. Elections are simply not the appropriate democratic tool for Pacifica to use to select Local Station Boards from among its diverse listener membership.

The Democratic Solution of Sortition:

From the time of Classical Athens through the Enlightenment elections were deemed to be inherently aristocratic, since only the powerful, the rich or well-connected generally could win elections. While the selection of public officials by lot was deemed to be the essence of democracy. The original democracy selected most policy-making boards and magistrates by random lot, rather than by election. Creating a genuinely representative cross-section of the membership through a random selection process is called “sortition.” This democratic tool has undergone a dramatic revival in modern democracies around the world, including Canada, Australia, Iceland and the Netherlands. An underlying principle is that often diversity of background and cognitive styles can lead a group to make better decisions than can a relatively homogeneous group of “the best.” There is a growing body of scholarly literature on the democratic advantages of sortition. I would refer readers to the Australian NewDemocracy Foundation as a good resource (www.newdemocracy.com.au).

Of course, randomly selected members might not have the time, interest or knowledge deemed appropriate to serve on a Local Station Board over an extended period of time. On a board of directors there are a certain range of specific skills it is useful to include, and these probably won’t be selected by chance (just as they are not generally selected through elections). But there is a solution. A relatively large Station Listener Council of willing members, who reflect the diversity of the entire membership can be selected by lot, with the task of then recruiting and evaluating members who are willing to serve on the Local Station Board, and on the Pacifica Foundation National Board. This representative body, which I will call a Listener Council would essentially hire a board. Rather than having the skills appropriate for serving on a Local Station Board themselves, they would be statistically representative of the membership, and be given the time and incentives to recruit, learn about to, and select the best possible board members.

An Example of Sortition for Pacifica:

There are countless ways this could be accomplished. Here I will present one example that I think would work well. Instead of appointing a National Elections Supervisor, who recruits local Elections Supervisors, a National Sortition Supervisor (NSS), with experience in scientific sampling and

meeting facilitation is appointed, who appoints similar positions at the local station level - Local Sortition Supervisors (LSS). While these people might continue to administer the low-cost and low-effort staff election process, the cumbersome and costly Listener election process would be eliminated. Instead, the LSSs, under the supervision of the NSS, would conduct a public and verifiable random lottery process to generate a random list of members in good standing. Members from this list would be asked if they are willing to serve on a short-term Listener Council, similar to a large jury, with the primary task of recruiting and evaluating board members.

The size of the Council must be large enough to assure a high statistical likelihood that the diversity of the Council would be fairly close to the diversity of all members who would be willing to assist in this democratic governance process – perhaps 100 members. Once the required number of members have agreed to serve on the Listener Council, the LSS would convene an initial meeting of the Listener Council, whose members would be paid a significant, though not lavish stipend for attendance, along with necessary child-care, and perhaps a meal.

The Council would receive and review reports from the current LSB, station management, staff, listener surveys, and petitions from members. They would weigh this input and decide what sort of individuals they believe would improve the performance of the LSB and PNB, and might work in committees to review any applications from current or would-be board members, and also recruit members with needed skills or other traits, who might not advance their own candidacy. This Council might be able to construct a diverse board that they could appoint unanimously, but the option of using STV voting to assure minority representation should be reserved. Some set portion, (in this example half) of the LSB member seats would come up for selection each year. Once the Council has selected the new LSB members, the Council would disband.

Another shortcoming of the current system is that many highly motivated and competent individuals are effectively ignored if they don't want to run in an election, or lose an election. It would be desirable to create what I shall call "Initiative Panels" made up of any members who volunteer to participate, which would generate proposals for station management, the LSB and PNB to consider. These Initiative Panels would be self-selected, and thus not representative of the membership, therefore they would only be advisory. Formalizing such additional ways for energetic and interested listeners to contribute beyond financial or phone answering during drives could unleash tremendous creativity. Many of their proposals would be terrible, but could also contain nuggets of brilliance. It would be up to the decision making groups to weigh this input. Engaging more members in thinking about how to improve the station is a worthy goal.

Rather than fix the size of the LSB in the bylaws, it might be desirable to allow the Council to decide to expand or contract the overall size of the LSB (based on experience and feedback) by appointing up to 50% more Listener seats than were being vacated, or 50% fewer in any given year. The staff seats could remain fixed in number and elected by staff using STV as at present.

This plan would save the stations a huge amount of money, free up air time for listener-preferred programming, avoid all of the acrimony around fair campaign provision violations, and reduce the factionalism on the various boards, while improving their representativeness and quality. There might be other functions, such as reviewing station programming, that might be optimally performed by a similar randomly selected Listener body, but that is beyond the scope of this particular essay.

Conclusion:

Despite the widespread assumption, democracy does not mean elections. In fact democracy and “self-governance” can be improved without them. It is natural for some current board members, who have succeeded under the current election scheme, to be resistant to such a radical departure. But I urge open-minded consideration. I have drafted bylaws for various organizations, and would be happy to draft a specific bylaws amendment for Pacifica that incorporated sortition, without charge, if there is sufficient interest.