

# Appendices to Final Report of the National Elections Supervisor Pacifica Foundation 2007-08

## Posted on Elections Website

January 7, 2008

khalsayogi: Pacifica Listener/Sponsor since 1968

Friends...

I can't speak to the apparent problems with WBAI, although I've heard plenty.

Also, since I do not know Dan Siegel, it is inappropriate for me to make any comment as to his integrity.

However, I DO know Casey Peters, and I can state with confidence and conviction that he is absolutely beyond reproach ethically! I have yet to see anyone else work as diligently or with such integrity as he and his wife have against such ridiculously vociferous opposition, while still maintaining a genuine dedication to fairness and honesty in the oversight of all the recent Pacifica station elections. It is a thankless job, and I feel that he has coped as well as anyone could have with some of the agonizing twists and turns of these past elections.

I was present during most of the ballot-counting at KPFA in Berkeley, and witnessed in person the kind of grief Casey had to start sorting out when "certain unfortunate realities" began to be alleged about the goings on within KPFA, in the runup to our elections here in Berkeley. I felt that he handled the situation well, pondered the necessary follow-through actions, and has done a good job of addressing those problems.

According to a personal listener/sponsor friend of mine who still lives down in KPFA-land, there have been similar pains down there, where I used to live and volunteer.

It's amazing to me that we peaceniks still insist on fighting about everything!

There's much more work to be done to straighten out all the kinks, but steady progress is being made, even though the issues involved are complex.

Anyway, please dispense with the name-calling, OK? All that does is make people mad, and certainly doesn't contribute anything toward the "general decorum" of our proceedings... If you have proof, that's something else altogether, but mere mudslinging just drags us all down.

Happy New Year! ! (=

-Guruprem Singh ("GS") Khalsa

## **Email reply to attack by new Executive Director**

November 27, 2007

Hello Nicole.

I tried to make an appointment with you two weeks ago but learned that you prefer not to involve yourself with Pacifica's election process. It was helpful for me to discuss developments with your predecessor Greg Guma, and so neither he nor iED Dan Siegel were taken by surprise by my rulings. Certainly, the jobs of Elections Supervisors (local or national) are designed to be independent of management and station boards. But it is still important to communicate.

I do hope we will be able to meet at some point to discuss the future governance of our foundation.

There certainly are many difficulties with the current process, as evidenced by the complaints not only this year but during every election cycle. One thing we can be glad of is that a new Bylaws amendment has been adopted to allow a more realistic timeline beginning with the 2009 election.

First, I want to make clear that I have been a KPFK listener sponsor since 1971, and that I care very much about the integrity of our network. And, yes, I have already pledged in the Pacifica Archives fund drive.

I have not been involved with the internal politics of the foundation other than during the 1990s when I co-founded the Pacifica Accountability Committee with Lynn Gerry and Vince Ivory.

The reasons that I was tapped as Local Election Supervisor for KPFK in 2003, again in 2006, and as National Elections Supervisor for Pacifica is that I am widely recognized as someone who is assiduously neutral as well an expert in proportional election systems. In order to maintain my aloofness from the election outcomes, I have avoided attending board meetings unless called upon to make a report.

I do not personally support or oppose any candidate or slate. Nor do I oppose any programmers, staff or management. My job is to facilitate the fairest elections possible. But that is a difficult job indeed, given the dearth of clear and comprehensive guidelines, and the intent of candidates and programmers to test the limits by engaging in "gray area" speech and action. Threats of lawsuits abound to interfere in the timely administration of the elections. The biggest problem is the lack of accurate databases, making the distribution of ballots a logistical nightmare.

As difficult as my job is, I don't envy you in your new role, Nicole. But there is a great deal of faith out there on all sides that you will be able to bring the membership together and move the foundation forward.

I wish you, and all of us, the best of luck in facing the challenges ahead.

Casey Peters

National Elections Supervisor

Private responses from Board members:

(1) Greetings Casey,

This is a letter that many would not have the knowledge or courage to write. Hope for the best for you. Continue to do the best that you can do and try to meet with the ED.

(2) Casey,

**THANK YOU!!**

*You have done an excellent job of taking the high road here and I appreciate this very much.*

*I know this election cycle has been terrible for you and the local election supervisors, with each new cycle things seem to be getting worse instead of better. I attribute this to the fact that those bad apples are using their gray matter in devious and corrupt ways.*

*You have hit the nail on the head regarding membership lists and needing a clear cut set of guidelines to follow....one can only hope we will rise to this task and actually come up with something that is fair, uniform and easily implemented.*

*I am completely baffled by the posts that our new "fearless leader" has sent out of late. The tone is both disrespectful and downright nasty, perhaps I'm missing something here.*

*At any rate, thank you for sending this post and for taking on the daunting task of NES.*

*All the best to you and yours....it's almost over (I hope).*

# PACIFICA 2007 ELECTIONS

## summary report

by Casey Peters, National Elections Supervisor

**Election delays:** For a number of reasons, the 2007 election cycle experienced the worst delays of any since the beginning of Pacifica national elections in 2003. WPFW had a lack of candidates, as it did last year, and got a late start that was further slowed by mailing house problems. KPFT was presumed to need extra time to reach quorum, due to a low number of candidates, so we pushed it out the extra two weeks. KPFA had a late Staff vote count because of ever-changing membership lists in the wake of the sudden de-recognition of the Unpaid Staff Organization by management just before the membership close date in August. KPFK was delayed after the PNB vote in November asking for a postponement of the count in response to the first-ever private slate mailer there. Again this was a presumption of lack of quorum on the Election Close Date which turned out to be the case, but the early determination allowed for planning of extra on-air candidate forums and other get-out-the-vote efforts. WBAI was stalled by the infamous injunction ordered on November 16 and is still stuck in court as of the time of this writing on January 21, 2008.

The seminal event that caused the most delay was the departure of Greg Guma as Executive Director just as the elections were starting. Mr. Guma was unable to deal with requests for access to the foundation membership lists for purposes of distributing private slate mailers. When those requests came to the attention of interim Executive Director Dan Siegel, the ten-day turnaround time specified by law had already passed. We were then in a weak position when threatened with lawsuits to invalidate all ballots sent prior to the distribution of the private slate mailers. Therefore, WBAI was delayed by 8 days and KPFK was delayed by 10, triggering additional events that further slowed those elections. The refusal of the newly appointed ED to even discuss the elections, followed by her rapid departure, also complicated matters.

Another factor in slowing the vote counts was a series of technical difficulties with the hardware and software supplied for the vote count. The first vote count conducted was KPFA Listener Sponsors on November 16. The count was skewed by software that eliminated candidates early by treating all write-ins as one cumulative candidate. Other software had trouble reading the Personal Identification Numbers printed on the ballots by mandate of Pacifica Bylaws. It took an additional 14 hours of hand-entering PINs before we could run the results. That grueling work was done mostly by our erudite technical advisor Ilya Evdokimov. He lent us his laptop when it was discovered that the form recognition and vote counting software would not run on Pacifica's computer due to the Vista operating system. When we got to Houston, his XP laptop stopped working, and we did hand counts for both the Staff and Listener Sponsor elections. For the KPFK Listener Sponsor election, our technical team tried to work out a number of bugs that prevented a quick count in Los Angeles. Finally, we had to hand-count nearly 2300 ballots in that election, finishing on December 26. It took the diligent KPFK Elections Work Group until January 6 to complete the computer count, and when its results confirmed those of the hand count, the election was certified.

## CERTIFIED ELECTION RESULTS

**KPFT:** The first station to be complete and certified, on December 2, 2007.

**Staff:** George Reiter, Sandy Weinmann, and Staci Davis are elected with Ron Reynolds as First Alternate.

**Listener Sponsors:** Sandra Rawline, C. Lee Taylor, Ted Weisgal, Deb Shafto, Alberto Luera, Richard Uzzell, Doc Bethune, Melinda Iley-Doan and Mary Dennis are elected with Ester King and David Salerno as First and Second Alternates.

**KPFA:** Both Listener and Staff elections were certified on December 20, 2007.

**Staff:** Shahram Aghmir, Chris Brown, and Brian Edwards-Tiekert are elected with Mary Tilson as First Alternate.

**Listener Sponsors:** Dianne Enriquez, Sherri Gendelman, Matthew Hallinan, Chandra Hauptman, Warren Mar, Susan McDonough, Richard Phelps Tracy Rosenberg, and Sureya Sadayi are elected with Joe Wanzala and Gerald Sanders as First and Second Alternates.

**KPFK:** The Listener Sponsor election was certified on January 6, 2008, after computer count verified the hand count. The Staff election was certified on January 18.

**Staff:** Margaret Prescod, Shawn Casey O'Brien, and Jonathan Alexander are elected with Raymundo Reynoso as First Alternate.

**Listener Sponsors:** Grace Aaron, Donna Warren, Shel Plotkin, Leslie Radford, Summer Reese, Lich Doan, Ricco Ross, Reza Pour, and Israel Feuer are elected with Bayard Condon and Rufina Juarez as 1<sup>st</sup> and 2<sup>nd</sup> Alternates.

## REMAINING STATIONS

**WPFW:** Election Close Date was set for January 18, 2008.

**Staff:** Quorum is 47 ballots. As of this date, 44 had been received.

**Listener Sponsors:** Quorum is about 1350 ballots. As of this date, 1005 ballots had been received.

**WBAI:** Injunction against vote count was ordered on November 16, 2007. Hearing set for January 24, 2008, will determine whether election will proceed or be voided.

**Staff:** Quorum is 64 ballots. No count has yet been made.

**Listener Sponsors:** Quorum is about 1530 ballots. No count has been made.

## LOOKING TO THE FUTURE

We have an obvious need to analyze and improve our foundation's approach to electing Local Station Boards. In 2008, we have no internal elections so this is a good time to set up an Elections Task Force. The PNB would be best served to choose outsiders who are willing to make a close study of the Final Election Reports from 2003 through 2007, and to have a look at what other democratically-run nonprofit organizations are doing. Use of online capabilities to securely deliver digital ballots could save a hundred thousand dollars per election cycle, plus address the lingering problem of replacement ballots. Perhaps it will be possible to develop less confrontational, more productive methods of achieving democratic input of the membership for Pacifica's governance.

## **Pacifica Election Priorities**

### **Recommendations from former National Elections Supervisor Casey Peters**

(1) Publish a schedule of the 2009 election cycle based on the Bylaws Amendment passed in 2007.

(2) Membership Lists are the major problem in the election process.

(a) Listener Sponsor lists require accurate entries and inquiries in MEMSYS and complete volunteer contact information and records of hours worked. Issuance of membership cards with expiration dates would help to clarify voting status.

(b) Staff lists require an accurate list of paid staff (as of the qualifying date) which is surprising hard to get at some stations, minus the list of management (the definition of whom differs station by station). The difficult part which is the main topic of dispute throughout the election process is compilation of a list of unpaid staff. Accurate records do not exist at any station. It is incumbent upon the PNB to find a way to correct this problem before the 2009 election cycle. Do not overlook the fact that the Bylaws require ALL volunteers (not just those involved in producing shows) to have their hours counted toward status as Unpaid Staff.

(3) Replacement Ballots requests have been an ongoing problem from 2003. Many who request them are not issued them because they are not on the Membership Lists. Logistically, it can be difficult to fulfill requests in a timely manner due to lack of direct access to MEMSYS by election supervisors and the physical turnaround time to mail ballots and have them mailed back before the voting deadline. The best approach may be to have ballots accessible to members online in a secure manner to print out and mail in for the vote count. Pacifica should study the way some unions and other nonprofit groups use the internet to conduct their elections.

(4) Election Expenses are a burden on the Foundation. The major cost is the printing and distribution of ballot pamphlets and the ballots themselves. Making all pertinent candidate information available online as well as making printout of ballots possible in a secure manner could save tens of thousands of dollars and reduce wasted paper by not mailing election materials to members who do not want to vote. Of course, paper ballots and candidate statements must be made available upon request for members who do not have internet access. Note that moving much of the ballot distribution process to the internet will require the hiring of a full time web person devoted to the process during the election cycle. This will be far less expensive than the current dependence on mass mailings.

(5) Lawsuits can add a great deal of expense, stress and delay to the election process. These are caused primarily by the inaccurate Membership Lists and by unfulfilled Replacement Ballot requests. Another problem is corporate counsel inviting legal action by folding to demands of anyone threatening a lawsuit or even, as in the Aaron case, agreeing

to the demands even after the plaintiffs have lost their suit. As one safeguard, Pacifica could require candidates to sign a document agreeing that their candidacies (or if elected, their membership on the boards) would be terminated if they become party to a lawsuit against the Foundation or stations, its staff or election supervisors. Some sort of dispute resolution panel should be established to help resolve problems that might otherwise go to the courts.

## **Term Limits**

### **Delegates who may not seek re-election in 2009**

#### **KPFA Listener Sponsors**

Sarv Randhawa

#### **KPFA Staff**

Bonnie Simmons

#### **KPFK Listener Sponsors**

Dave Adelson

Jan Goodman

#### **KPFK Staff**

Sherna Berger Gluck

#### **KPFT Listener Sponsors**

Teresa Allen

Mike Martin

Wendy Schroell

Susan Young

#### **KPFT Staff**

none

#### **WBAI Listener Sponsors**

Carolyn Birden

Steve Brown

Ray LaForest

Lawrence Lucas

Michael Warren

#### **WBAI Staff**

Bob Lederer

Shawn Rhodes

#### **WPFW Listener Sponsors**

Acie Byrd

Billy Ray Edwards

Dan Logan

Rob Robinson

#### **WPFW Staff**

Jim Brown

Ambrose Lane

## **Delegates whose terms expire in February 2010**

### **KPFA**

none

### **KPFK Listener Sponsors**

Grace Aaron

Israel Feuer

### **KPFK Staff**

Margaret Prescod

### **KPFT Listener Sponsors**

Sandra Rawline

Debra Shafto

Richard Uzzell

### **KPFT Staff**

Sandy Weinmann

### **WBAI Listener Sponsors**

none

### **WBAI staff**

R. Paul Martin

### **WPFW Listener Sponsors**

Luzette King

Zarinah Shakir

### **WPFW staff**

Joni Eisenberg

## **REPORT CONCERNING 2007 WPFW-DELEGATE ELECTIONS**

*Submitted by Jane Gatewood, WPFW Listener-Rep 2007 National Elections Committee  
(carrying over, pending election of replacement)*

### **Introduction**

On February 8, 2008, in response to my telephone inquiry, Casey Peters reported that he had been instructed by interim Pacifica ED Siegel that the **2007 WPFW LSB listener-representative election**, having failed to achieve quorum, was officially closed and that, as specified in the Bylaws, all currently seated delegate/members will remain in office until the next election. Vacancies, as they arise, should be filled as per bylaws instructions on this matter. Also at the instruction of Siegel, local election supervisor Lydia Harris was instructed to send ballots for the staff election, which met quorum, to the national supervisor. Peters certified the staff election and posted the results on the Pacifica election website.

### **Affected delegate/members and candidates**

Terms for the following listener delegate/members, scheduled to end in December 2007, were extended to December 2009 by Siegel's ruling:

Ann Hyslop  
Ayo Handy-Kendy  
\* Carletta Fellows  
Carol Wolfe  
\* Gloria Turner  
Jane Gatewood  
\* Luzette King  
Thomas Ruffin  
\* Zarinah Shakir

Members with asterisk (\*) were among the candidates seeking election in the 2007 election.

In January 2008, Carol Wolfe submitted her resignation, creating one opening. The Bylaws state that this seat should be offered to the next highest runner-up from the past election. Lamonte Nichols is the only remaining listener runner-up from this election.

### **Remaining affected candidates**

In addition to the above-cited current LSB members, the following WPFW listener members responded to the call for candidates in this election:

Revelyn T. Gold  
Renee Bowser  
Chuck Hicks  
Lamonte Nichols  
Campbell Johnson  
Marcel Reid

As noted above, the Bylaws specify that candidate Lamonte Nichols should be offered the vacancy created by Wolfe's resignation.

### **Implications of the Ruling**

Siegel's ruling has prompted impromptu discussions among board members, but no formal response has yet been proposed.

Among the concerns are these:

1. while the ruling may address the letter of the law, it does not provide any of the critical context that led to "Failure to reach quorum";
2. it does not offer any guidance to help resolve the underlying problems that led to this failure;
3. if no other action is taken, this ruling will result in a 2009 LSB election in which all 18 listener-member seats will need to be filled.

### **Reference**

The portions of the Pacifica Bylaws that address these matters are Article 4, sections 5 and 10:

#### **Article 4, Section 5. Election Time Frame**

*In a Delegate election year ... 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.*

#### **Article 4, Section 10. Filling Of Vacancies**

*If a Delegate position becomes vacant mid-term, that Delegate shall be replaced for the remainder of his/her term by the highest ranked candidate from the last election of Delegates for that Class of Members for that station who was not elected and who is available and continues to meet the Delegate eligibility requirements as set forth in Section 2(A) or 2(B) of this Article of these Bylaws.*

*In the event that no eligible and available candidate from the last election is found, then the Delegates for that radio station shall appoint a Member of the appropriate class to serve as Delegate and fill the seat for the remainder of the term.*

## **Recount Ruling at KPFK**

### **Introduction**

The issue at hand is not about who was or was not elected to the KPFK Local Station Board, nor about the conduct of the campaign. It is about the national management of the Pacifica Foundation firing the National Elections Supervisor in order to decertify the KPFK vote count in violation of the established procedures. NES Casey Peters was in fact longtime friends and acquaintances with some of the critics calling for a “recount” but stood his ground on the principle that the same rules should apply to all candidates equally. For this he was fired and replaced by a more compliant Election Supervisor. The integrity of future Pacifica elections now stands in question.

### **Background**

At the January PNB meeting in Newark, a resolution was allegedly passed in executive session (though no written report was ever issued) commanding the National Elections Supervisor to reverse a ruling made upholding the certification of the KPFK Listener Sponsor vote count. Although the NES was present in the building, he was excluded from the secret session and never consulted as to the circumstances and reasons for the certification and ruling.

The newly seated PNB used extremely poor judgment in deciding to cast such a vote in ignorance when the primary party who could shed light on the situation was standing by. In fact, the new PNB met in secrecy so much that weekend that the NES never got to deliver his full report with question-and-answer session as scheduled.

Furthermore, neither the PNB nor Foundation management have the right to issue orders to the Election Supervisors in the independent conduct of Pacifica elections.

What follows here is some of the information regarding the KPFK Recount Ruling and possible consequences of violating election certification.

### **What a recount would bring:**

- (1) undermining of authority of future Election Supervisors
- (2) possible new lawsuit(s) by unseated Delegates or by displaced Alternates
- (3) probable calls for recount at KPFA where invalid ballots may have been counted and where several ballot-listed candidates were eliminated out of order before elimination of write-in candidates

### **Radford withdrawal and reversal**

On December 13, 2007 (KPFK's Election Close Date), Listener Sponsor candidate Leslie Radford announced her withdrawal from consideration and asked that votes for her be counted for each voter's subsequent choice. On December 16, as ballots were still being verified, Ms. Radford again contacted the Election Supervisors to say that colleagues has persuaded her to stay in the race and to serve on the board if elected.

In response, the National Elections Supervisor notified Ms. Radford that if she were to change her mind again and withdraw after the vote count her votes would not be redistributed. If she had been declared elected, her seat would be declared vacant under

Pacifica Bylaws Article 4 Section Ten and treated accordingly. If she had not been elected, her place among the Alternates would be filled by the next Alternate.

Part of the rationale for this ruling is that allowing a redistribution of ballots after the results of the vote count were announced would open the floodgates to slates attempting to manipulate the outcome of the election. Candidates would be able to drop out for the purpose of boosting the chances of electing slatemates to the board. This could be done either (as it turned out in Ms. Radford's case) by a candidate who was elected as Delegate to step aside with the prospect of elevating two slatemates to the board, or for two or more candidates with few votes to give a slatemate an early boost above other candidates so they would not be eliminated until a later round and thus benefit from redistribution of votes of candidates eliminated earlier than in the original vote count.

### **Ruling preventing recount**

It turned out that another KPFK candidate withdrew after having been declared elected. After LSB members raised a challenge to write-in candidate Ahjamu Makalini's membership status, and it was determined that he had not been a member for at least a decade, he withdrew his candidacy. The NES announced that the same ruling that was made in regard to Leslie Radford also applied in the case of Delegate-elect Ahjamu Makalani.

Upon hearing about the demand for redistribution of the withdrawn candidate's votes, corporate counsel Dan Siegel asked the NES: "Why would you do a recount?" Subsequently, he bent to political pressure and convinced the PNB in secret session to pass a resolution to decertify the election without hearing the NES' viewpoint.

However, the lawsuit filed by Grace Aaron and others was not well received by Los Angeles Superior Court, and the judge upheld the authority of the Election Supervisor, citing California Corporation Code Section 5152.

### **Judge David Yaffe's ruling in Aaron v. Pacifica (BC383600)**

The written tentative ruling stated: "Said election is determined to be void and of no force or effect because the fairness of the election was fatally compromised when Plaintiffs demanded and were granted postponement of the election in order to enable them to engage in further campaigning for their slate of candidates.

"The unfairness of the election was then aggravated because the slate proposed by the Plaintiffs included a candidate who was ineligible to run for office because he was not a member in good standing of the corporation, and because he was permitted to run despite the fact that he had not been nominated by 15 members in direct violation of [Article 4] Section 2 of the corporate Bylaws.

"The Court will further order that a new election be held, or that the delegates that held office at the time of said election of delegates [will remain in office], after the parties have been given the opportunity to agree which of said alternatives will best protect the voting rights of the members of the corporation."

In open court, Judge Yaffe read aloud from the NES's brief, stating it provided the basis for his ruling: "In October 2007, Grace Aaron and her attorney at the time, Carol Spooner, threatened to sue the Pacifica Foundation if the KPFK Local Station Board ballots were mailed on October 15 in keeping with the requirements of Pacifica's Bylaws. Ms. Aaron was putting together a slate mailer to be sent to the voting members of KPFK, and wanted it to have full impact by arriving at the same time as the ballots. Attorney Spooner's email communication states that if Pacifica does not meet her client's conditions, Grace (Aaron) will be seeking a court order invalidating any KPFK listener ballots.

"No slate mailer had ever been done in previous KPFK elections, and this would give Ms. Aaron's slate an undeniable unfair advantage over independent candidates. Despite the fact that no KPFK candidates other than her slate were sending mailers to the voters, Ms. Aaron indicated that she would sue Pacifica if an additional advantage were not granted by violating the Bylaws and delaying the mailing of KPFK ballots. Pacifica's counsel agreed to acquiesce in an effort to avoid the expense and delay of litigation."

## **email reply to Grace Aaron on January 6**

**Re: Please let's avoid a lawsuit**

**From:** [Casey Peters](#)

**Date:** 1/6/2008 4:19:34 PM

**Cc:** [DanMSiegel@aol.com](mailto:DanMSiegel@aol.com), [danSiegel@siegelyee.com](mailto:danSiegel@siegelyee.com), [wildrose@pon.net](mailto:wildrose@pon.net), [janjerry2@gmail.com](mailto:janjerry2@gmail.com), [RoyUlrich2001@yahoo.com](mailto:RoyUlrich2001@yahoo.com), [kenaaron@ca.rr.com](mailto:kenaaron@ca.rr.com), [jlafferty@kpfk.org](mailto:jlafferty@kpfk.org)

Hello Grace.

I wanted to clear some misconceptions that you seem to have about the KPFK Listener Sponsor election.

First, your assertion that it was my responsibility to make sure that Mr. Makalani was a member is not accurate. He did not qualify as a candidate on September 25 because he turned in only 12 signatures. Therefore, the Local Election Supervisor did not verify his membership because it was a moot point. When Mr. Makalani subsequently campaigned as a write-in candidate, the LES still did not check his name on the membership list, a fact that came to my attention just a week ago (December 30, 2007).

Your husband, Ken Aaron, who worked for Mr. Makalani's slate, was present at the vote count and gave many suggestions as to procedure but he did not make any mention that Mr. Makalani's membership may be in question and should be confirmed prior to the vote count.

After he was declared elected and his status was challenged by a board member, I gave Mr. Makalani sufficient time to produce some proof of membership, and he was unable to do so. According to KPFK's subscriptions department, Ahjamu Makalani last pledged in 1996 and did not pay that pledge. Similarly, you wanted permission for another nonmember to run for the board based on his having appeared as a guest on a radio program. How does electing non-

members to the board strengthen KPFK? The real responsibility lies with the organizers of the slate to make sure that their candidates actually support the Pacifica Foundation.

Second, your assertion that I was prepared to “re-count” Leslie Radford’s votes if she dropped out as a candidate is patently false. How you arrived at such a conclusion is beyond my comprehension. As you may know, Ms. Radford announced prior to the vote count that she was withdrawing from the race. The following day, before any votes had been counted, she contacted me to say she had been persuaded to change her mind. I alerted Ms. Radford to the fact that once the votes were counted there would be no opportunity to redistribute her votes, and that were she to change her mind again and vacate her seat if elected as a Delegate, the First Alternate would fill the vacancy.

Third, your assertion that I intend to “throw out” ten percent of the votes shows a lack of understanding of the Pacifica Bylaws and of the Single Transferable Vote (STV). The Bylaws establish a method of filling vacancies that does not involve redistribution of votes. Rather, Article Four Section 10 provides for any vacancy to be filled by “the highest-ranked candidate from the last election of Delegates.” If you disagree with this provision, you should work to adopt a Bylaws amendment for a redistribution method. STV is designed to minimize, not eliminate, the phenomenon of wasted votes. When nine seats are to be filled, the threshold for election is 10% plus one vote. Multiply that threshold times nine seats, and you see that nearly ten percent of ballots may not help elect a candidate. In the case of Mr. Makalani, over 20% of the value of his votes were already redistributed as a fractional value of each of his ballots after he was declared elected. The remainder of less than 79% value is nearly compensated for in the support shown in the final round of the vote count for the First Alternate, Israel Feuer.

Fourth, your assertion that the rule counting write-ins as first place votes has disenfranchised voters is not the case. Our volunteers went painstakingly through all of Mr. Makalani’s votes to ferret out those that indicated they did not wish to choose him as their first place preference, and those ballots were distributed to the first preference indicated by each voter.

Fifth, your assertion that you would win a lawsuit forcing a recount is based on your presumption that you will find a judge willing to disregard the foundation Bylaws. A threatened lawsuit by you earlier in the election process forced an unwarranted delay in the mailing of the ballots. I acquiesced under the advisement of our foundation counsel. That decision led to the delay of the KPFK vote count and to an injunction against the WBAI vote count. In this instance, foundation counsel sees no need for a recount, and it is highly unlikely that a court would intervene.

The ruling on this matter is posted at <http://www.pacificafoundation.org/elections/general-election-news/>

Note that it is written in a discrete manner, not publicly airing some of the unpleasanties mentioned above.

Please be gracious enough to recognize your slate’s errors, to comply with Pacifica Bylaws, to accept your slate’s victory in a majority of the seats, and to implement the platform on which you campaigned.

Casey Peters  
National Elections Supervisor  
Pacifica Foundation

<-----Original Message----->

>From: Grace Aaron [graceaaron@ca.rr.com]

>Sent: 1/5/2008 6:14:11 PM

>To: pacifica@mail2casey.com

>Cc:

>DanMSiegel@aol.com; danSiegel@siegelyee.com; wildrose@pon.net; janjerry2@gmail.com; RoyUlrich2001@yahoo.com; kenaaron@ca.rr.com

>Subject: Re: Please let's avoid a lawsuit

>

>Dear Casey,

>

>We have already started drafting a letter to you threatening to file suit in  
>L.A. County if you do not redistribute and recount the ballots. Please save us  
>the time and trouble this would cause by doing the right thing to ensure that  
>KPFK voters are not disenfranchised.

>

>We're not asking for anything unusual -- just that the will of the voters be  
>given the highest priority.

>

>You will recall that I never (nor anyone from our Committee) protested your  
>intent to recount Leslie Radford's ballots after she resigned. We have been  
>fair and not placed our personal interests above the will of the voters. We  
>also did not challenge Leslie's re-entrance to the election. We expect the same  
>spirit of fair play from you.

>

>The outcome will be the same. The ball is in your court. No pun intended.

>

>Do you want to have to do the recount before or AFTER a court challenge?

>

>Trying to feel peaceful,

>

>Grace Aaron

### **Brief response to Ken Aaron's email of March 2, 2008**

The husband of Grace Aaron sent an email on March 2 that was rife with disinformation. The National Elections Supervisor was too busy preparing for the WBAI vote count to respond.

Now for the record, here is a cursory reply to some of the charges:

- (1) “KPFK Local Election Supervisor Liliana Sanchez was fired just prior to the counting of the ballots.” This is a total lie by Ken Aaron. Ms. Sanchez in fact had an extension of her contract after the vote count in order to complete her final report.
- (2) “There was no log of events.” Every round of the vote count was carefully recorded, in keeping with prior practice at Pacifica vote counts.
- (3) “Verification of votes was based on a secret process.” The Election Supervisors protect the privacy of our members and do not disclose the Personal Identification Numbers assigned to any individual.
- (4) “Inadequate security of ballots.” Responsible persons were present with the ballot box at all times, and no tampering was reported.
- (5) “Hand counting is not appropriate with a large STV election.” Cambridge, Massachusetts used a hand count of the Single Transferable Vote to elect its City Council for six decades. At KPFK it proved considerably faster than and just as accurate as the computer count. The transparency of a hand count makes it easier to understand than the opaque mystery of a computer count. A hand count of the first round of the Listener-Sponsor count and of the entire Staff election should always be done to assure the voters that the computer count is not crooked.
- (6) NES Casey Peters “stalled the completion of the count, taking off time for personal activities, leaving in the middle to handle a flap in Berkeley.” The KPFK computer count was stalled due to technical difficulties the KPFK Elections Work Group (EWG) had with scanning ballots for verification. Peters took one day off for oral surgery and a second day to recover. Otherwise, Peters seldom had a whole day off during 11 months of service to Pacifica. The KPFA Staff election was counted as scheduled one week after the KPFK count began, then Peters returned to Los Angeles to complete the vote count. The EWG was still experiencing problems, so a hand count was undertaken and completed in 2 days (December 24 & 26). The EWG finished the computer count with the same result on January 6.
- (7) Aaron claims the Staff election was flawed although he did not attend the well-noticed count. More ballots were received in the re-vote than in the first election, and there were only two invalid ballots compared with 22 invalid in the first vote. The hand count took only an hour, and the results were beyond reproach.
- (8) Ken Aaron submitted a declaration to the court that consisted of perjury, but his attempt to mislead the judge failed and his wife's case was dismissed in favor of the Pacifica Foundation and National Elections Supervisor Casey Peters.

ADD: fractional values

**Re: Abuse of Local Elections Supervisor**

From: Vote WBAI Date: 10/15/2007 11:52:44 AM

To: pacifica2007@googlegroups.com

Thanks Casey.

On 10/15/07, Casey Peters <pacifica@mail2casey.com> wrote:

Sometimes when we try to be neutral,  
people who are very partisan confuse that with being opposed to their side.  
It is in the nature of this job that we cannot please everybody all the time.  
There are certain people who are so caught up in this institution  
that they live and breathe it, and write long rambling emails  
(often sending them out to people all over the country)  
with the expectation that our entire job is to answer them personally  
no matter what other demands our multi-tasking positions may hold.  
Probably the best approach is just to try to be pleasant to everyone  
and to ignore any back-biting commentary.  
If it starts getting to you, go out for some fresh air and perspective.  
-- Casey

<-----Original Message----->

>From: Vote WBAI [votewbai@gmail.com]

>Sent: 10/15/2007 10:11:08 AM

>To: pacifica2007@googlegroups.com

>Subject: Re: Abuse of Local Elections Supervisor

>

>

>Hi Casey and gang,

>

>How much abuse is it acceptable to leverage onto the local elections supervisor?

>

>One of my staff candidates (Casey, guess who?) has taken to calling me "Mr.

>Doesn't return my e-mails/tells me not to write" around the station when I am

>around. Okay it only happened once but she is making it clear that she is not

>interested in reconciliation when I try.

>

>Of course the reason I don't respond to her e-mails is that they are frequent,

>long, grandstanding and filled with commands.

>

>Best,

>

>Dale

>

**KPFA 2007 Local Election Supervisor report**  
by JaNay Jenkins

"A pessimist sees the difficulty in every opportunity;  
an optimist sees the opportunity in every difficulty."

-Winston Churchill

I came aboard to facilitate the 2007 LSB elections September 6, 2007 - three months after the election process began per the Bylaws-mandated election timetable. This was the first and biggest challenge. This challenge had a huge impact on my performance as Local Election Supervisor as limited time was equivalent to limited power. Not to mention I am the third person to take on the role as LES this year.

Upon taking on this role, my personal mission was to try and change the perception of the LSB elections so that it will reflect a more progressive, less scrutinized light. It wasn't until driving home after the Listener-Sponsor vote count when I realized that: 1) This is definitely not an overnight process; 2) Although I have good intentions it will take more than myself to complete this courageous task.

Being that I began in the middle of elections, I had to hit the ground running, faster.

With this report I plan to provide readers with a practical, realistic view of the election process from my role as Local Election Supervisor. You will also notice that I will not place blame on any particular person/process. This report will include nothing more than constructive criticism on how to improve the process in the future. I will also refer to road blocks and obstacles as "challenges" and will provide a recommendation to such.

I will follow the 2006 LES report. At times I may even echo some of the thoughts indicated in reports of my fellow LES' of Pacifica.

## **PRE-ELECTION (GETTING EDUCATED)**

"You have to learn the rules of the game. And then you have to play better than anyone else." - Albert Einstein

### **BYLAWS**

It is very necessary for the Local Election Supervisor to become familiar with the bylaws. This will help you in your understanding of Pacifica and its mission. The bylaws, in my opinion should be the nucleus of this election.

You will find that some will use their own interpretations of what the bylaws mean and represent. If you have any questions I suggest that you consult with your National Elections Supervisor for clarity.

## **SINGLE TRANSFERABLE VOTE**

If you are not familiar with how STV works, please refer to [www.accuratedemocracy.com](http://www.accuratedemocracy.com) as there are numerous sites that provide information of proportional representation, I found this site to be most practical, and helpful.

## **PACIFICA'S ELECTION TIME TABLE**

Challenge: We are not following the time table mandated by Pacifica, we were continuously outside of guidelines.

Explanation: Adhering to each date indicated on the timeline was most difficult. The election suffered a domino effect as the NES had to find a replacement LES for the third time.

Due dates and timelines were severed as a result. This was also due to the transition as I am new to the internal KPFA community.

Recommendation: When hiring/interviewing prospective Local Election Supervisor(s) please provide a clear definition of what the job will entail. I often found myself responsible for projects/task far outside of my stated duties. The LES role is a full time position with part time pay. I often found myself performing election duties of some sort 40-60 hours per week.

Also, the LES is contractual. It should be treated as such. If there is any breach in the contract, then the party that creates the breach should be penalized.

There has to be some level of commitment. It will make a huge difference.

## **START UP PROCESS**

"Tell me and I'll forget, show me I may remember, involve me and I'll understand." -Chinese Proverb

It is very important to get to know the staff. It is imperative that you build a good relationship with them as you will soon be the liaison between management and the candidates.

Without the help of these key staff members it would have been impossible to complete this project. The following individuals that I found most helpful were:

Webmaster: Michael Manochehri

Database Manager: Chris Stehlik

Business Manager and Bookkeeping: Lois Withers and Belinda Ricketts

Production Coordinator: Dev Ross

Program Director: Sasha Liley

General Manager: LemLem Riggio

In order to perform your job more effectively, I advise that you schedule to meet with each of them collectively and individually and establish the best lines of communications and what days you will choose to meet with them throughout elections.

Challenge: With the webmaster out on vacation, how can we update the website as needed?

Explanation: I cannot express more the effect that getting off to a late start had on this entire process. I had no formal training/orientation. Before leaving on vacation the webmaster went over updating the website in brief. When it was time to actually apply some of the info I was given, I did not feel confident in doing so and was advised not to do such updating without guidance from the webmaster as I might "mess something up."

There was also no one available to assist me in the updating on the website, or to trouble shoot any challenges I may have come across.

Recommendation: While I feel that there is nothing wrong with the webmaster on vacation during election heights, I believe if thoroughly trained via job shadowing or hands on experience I would have been able to independently make necessary changes to the website.

To minimize commotion at the station, it will be most helpful if the Webmaster had someone to fill in for him while he is out of the office.

The LES should also schedule a time to meet up with the Production Coordinator so that carts may be recorded outside of business hours if candidates are available only after business hours.

Challenge: Where do I sit?

Recommendation: The LES should be provided with adequate office space, a locking file cabinet and a phone line with extension that is accessible to the stations paging system. At times I became a walking file cabinet with the personal info such as email addresses, phone numbers, etc in my possession.

Also, some matters discussed on conference calls with fellow LES' and the NES are more than often private and confidential. Thus, a quiet office space will be most helpful.

Note: The LES needs a consistent support system. If the LES is out sick, who will cover for he/she? Sometimes it is expected for the LES to be in two places at one time.

## **ELECTIONS**

"If you have no critics you'll likely have no success" - Malcolm X

### **NOMINATION PACKETS-DEADLINES**

Challenge: Availability of LES during business hours

Explanation: Per the election timetable the LES is required to stay until midnight to accommodate candidates on deadline dates. I came into the station at 6pm and stayed until midnight. I was accessible and useful to candidates who needed to drop their packets off in the evening.

On the other hand, I failed to put a procedure in place to ensure that candidates who were only available between the hours of 9am-6pm would be able to drop packets off. With no information on the website, and little knowledge and guidance on how to communicate effectively with potential candidates things got off to a rough start.

\* Special thanks to Steve Conley for constructive criticism on how to improve and publicize info for the next deadline\*

Recommendation: An election team/ support system is vital so that in the absence of the LES the process won't come to a halt. An ideal support system/team will be able to direct election traffic, make and return phone calls, answer questions or record messages for the LES to follow up upon arrival.

Note: Packets need to be received no later than September 25th and pre audited by the LES. The LES needs to submit these packets no later than October 1st for a second level review of auditing/editing (if necessary). This will filter out any grammar correction, as well as catch any fair campaign violations.

## MEMBERSHIP LIST/AUDITING

Challenge: Inequitable list- KPFA's membership list or lack of had a negative impact on the entire election

Recommendation (Volunteers)

1. A log of hours MUST be kept and a receipt given to those who volunteer. The receipt will be used to certify the hours worked and will cut down some of the frustration when a name needs to be verified for eligibility. The log will indicate the printed name of the volunteer, current address and telephone number so that MEMSYS may be updated.
2. The log must be submitted from the Subscriptions manager and the Crafts coordinator, to the database manager immediately following every event.
3. Volunteers MUST be made aware that if they do not record their name, then we will have no record of hours worked.

Recommendation (STAFF):

Staffers need to submit their most current mailing address in which they want their ballot sent no later than September 1st. This should help cut down the amount of replacement ballots for issuance. I would advise each department head or programmer to maintain a log with individuals most update information and encourage them to contact them if any info changes. This log should be submitted to the LES no later than September 1<sup>st</sup> to ensure proper mailing.

Recommendation (UNPAID STAFF):

There needs to be some formal ruling in regards to how the unpaid staff list is compiled. This list has created some thick tension once again between management and staff. This leaves the LES in a very tough position.

There is the previous practice which states the LES and the UPSO council shall compile the list and if there are still any questions to contact the Program Director.

Members of the unpaid staff were asked to fill out a questionnaire to validate their eligibility. For future reference, the questionnaire needs to have a defined meaning of "said work" for the radio station as mentioned in the bylaws.

Once this questionnaire is completed and submitted by the said due date, the LES will sit down with the General manager and Program Director (as was instructed by the NES for this years election) to make a final determination as to who is eligible.

There should be a rebuttal process in place if an individual's eligibility is declined. The rebuttal process should have a 24-48 hour turn around time prior to September 15th. If the rebuttal is not answered in the 24-48 hour time frame than it is should be assumed that the individual is a

member of Unpaid Staff.

Any corrections to the list should be made by the LES.

Note: At KPFA the final unpaid staff list was posted just days before the staff election count on December 18th 2007.

## **BALLOTS**

Challenge: No plan in place to ensure that voters with a disability may vote properly

Recommendation: In short, voters with a disability of any sort need to be included in the voting process. If the voter is visually impaired, provisions need to be made for a larger font ballot and/or a ballot in Braille.

If an individual is unable to physically cast their vote than they need to contact the LES directly so that he/she may accommodate them.

## **EMAILED BALLOTS**

Recommendation: Emailed ballots were accepted on a case by case basis and was left up to the discretion of the LES and the LES only. While the LES cannot vote for another; if a letter of authorization was received, along with a selection in which the voter would like to cast their vote- the LES then filled the ballot out for the individual per their request.

Note: I do not typically promote the idea of emailed ballots, but special circumstances and emergencies do arise. In KPFA's case, voters still did not receive replacement ballots after numerous request and inquiries.

## **FAIR CAMPAIGN PROVISIONS**

Challenge: Multiple complaints/remedies created not carried out

Recommendations:

1. The NES will probably elaborate on this subject... Any party that signs the fair campaign provision and violates it **MUST** be penalized. It is up to the LES to determine if it were in fact a violation and depending on the severity of the violation the matter shall be escalated up to the NES to issue a remedy.
2. All fair campaign violations need to go to a separate address to be managed more effectively. For example: faircampaign@kpfa.org .
3. There should be a 48 hour time window in which a violation should be reported. There should also be a 48 hour turnaround time in which the NES/LES has to respond to a violation alert. This should cut down on multiple alerts on the same violation.

## **PROMOTION AND PUBLICITY OF ELECTIONS**

"The media's the most powerful entity on earth..." -Malcolm X

## **CART RECORDING/CART PLAY**

Challenge: Allotted time for candidate statements were changed from 60 seconds to 45 seconds.

Explanation: With accurate editing room in mind, I believe that the production coordinator set the time to 45 seconds to record a cart. Not to disgruntle the candidates but to make sure he had enough room to edit/ add background music, pauses, etc.

Recommendation: The election time table and previous practices do state that the candidates may record up to a 60 second statement. It is unclear if that means, with intro and outro music or any introduction of that sort. The reasoning for a 45 second recording needs to be properly communicated to the candidates.

Challenge: No carts being played during the fund drive.

Recommendations:

1. An easy fix would be to stagger the election and fund drive so the two won't upstage one another -running simultaneously creates pressure for both the candidates and those involved in the planning of the fund drive.
2. The LES and station manager need to sit down and try to meet one another halfway. The fund drive comes at a crucial time in the election, not to mention that there are several holidays in which mailings are delayed as well.
3. During the management report, the LES should make a guest appearance to discuss election news, taking a call or two from listeners.

Challenge: After the fund drive carts still not played on the air immediately

Explanation: There were various reasons as to why the carts were not played immediately. Part of the reasoning as explained to me was because all candidates still had not recorded their carts. Some carts were in violation and needed to be edited. Other carts had misinformation such as incorrect webpage info.

Recommendation: All candidates **MUST** sign up for a recording no later than September 25th. The candidates should be given a deadline of October 5th to complete the cart recording and one make up day. Any candidate cart not recorded on or prior to the make up date shall be penalized.

## ON AIR FORUMS

Challenge: Schedule of candidate appearances

Explanation: When creating scheduling for the order of candidate appearance, I noticed that it would be very difficult to please everyone. In efforts to promote fairness, I tried to accommodate each candidate per their availability. This was impossible! Other than a few glitches with timing and one unexpected visitor, the forums went rather smooth.

There were some violations in question, but for the most part the forums went smooth.

\*Special thanks to Jim Bennet and Kris Welch for hosting and board operating\*

Recommendation: In scheduling candidate appearances, I suggest the simplistic method of pulling names out of a hat. If one forum is heavy slated, I suggest rearranging some names. As far as content, I found that some of the candidates preferred a "debate style" forum. The forums

we conducted this year were more structured and less free flowing. Perhaps, the next LES can ask the candidates to formulate some questions that will be asked at random. It would be rather interesting to see what questions arise.

## **OFF-AIR FORUMS**

Challenge: High demand for multiple on air forums, so little time

Explanation: Time is once again of the essence. Timing is everything. It was very difficult to get the majority of candidates to agree on one specific date.

I had two off air forums (KPFA sponsored) scheduled. We were able to successfully complete one forum, the other arrangement with New College in San Francisco, Ca was unable to happen. We did have one successful forum, nearly 50 people showed up on this night at the Church of the Cross.

\*Special thanks to Virginia Browning for her help in coordinating this event\*

Recommendation: Encourage candidates that they may host their own off-air forums. They may host as many as they like but if they would like KPFA to publicize and/or sponsor the event, it has to fall within the following guidelines:

1. All candidates must be invited and treated equally
2. All candidates must be given equal opportunity to speak
3. Fundraising at these events to support candidates, and or slates are prohibited

Note: As previously stated by the former LES, a weekly "open house" should be scheduled once a work week for two hours in the evening. This will give listener and candidates to meet and greet one another and promote election consistency.

## **FINAL STAGES**

"It is not so important who starts the game but who finishes it." - John Wooden

## **COMPLETED BALLOTS**

Both staff and listener sponsor ballots that were collected by the deadline were placed in a box where observers witnessed me seal it up; obtain the signatures of three or more witnesses. Three or more observers and witnesses agreed that the ballots were safe to store at my home. Ballots were also kept at the USPS of Berkeley, Ca at a P.O box. I was the only person authorized a key.

## **LISTENER-SPONSOR TABULATION**

On November 16th in the presence of numerous witnesses, I cleared all ballots received by the USPS of Berkeley, Ca. They then sealed and taken to the Bay Area Alternative Press to tabulate. Volunteers help open and count envelopes to make sure quorum was reached.. Within these envelopes were several checks for donations.

The vote count was interrupted and possibly postponed when I informed the NES that a remedy he issues was never carried out. The remedy was a result in a fair campaign violation that could possible handicap some candidates, as previously stated by the NES.

The ballot count resumed as the NES verbally issued a promise ensuring other candidates emailed access to send out a statement as well. The candidates agreed and formulated statements to represent each slate.

To this date, the remedy prescribed by the NES has not yet been carried out.

There were roughly 3,400 ballots that were hand counted and scanned. Some ballots could not be scanned and were entered manually as a result into the system. This entire process took over 24 hours to complete.

## STAFF TABULATION

Ballot counting took place December 18th, 2007 in KPFA's performance studio. Tabulation was done by hand count and began at 12 noon.

The vote count lasted over 10 hours. At this time there were still issues surrounding the final staff list and its validity.

Unfortunately fifteen ballots submitted were disregarded as the ballots were sent via email to myself and to a third party not authorized to collect ballots. Twelve ballots were also removed as their pins were unverifiable.

On December 20th, 2007 at 10:09pm, both elections were certified by the National Elections Supervisor, Casey Peters.

## OTHER THOUGHTS ON ELECTIONS

"Test drive" an election in April to try and gauge participation.

The election supervisor should create a "suggestion box" that will be held up at the receptionist desk. Once a week, the suggestion and plan of action (if any) should be publicized on the website.

It wouldn't be a bad idea to post a "fair campaign provision" section on the website. It makes the voters aware of what is going on and should also minimize the amount of violations.

Ballots must have instructions on how to correct a mistake (white out vs.. striking with pen and initialing mistakes)

There has to be some sort of penalty as a result of the NES/LES not responding back to a fair campaign violation inquiry

The job description of the LES should be more defined

The unpaid staff list should be ready upon the arrival of the LES

Given the amount of time contributed to ballot tabulation, KPFA's next election vote count should be broken down into two days/phases. For example:

December 17th, 2007- PHASE 1. Envelope counting and opening/verify ballot pins

December 18th, 2007- PHASE 2. Ballot scanning/manual count and ballot tabulation

## OTHER THOUGHTS ON KPFA

I listened to everyone else's opinions about KPFA from its management style to its programmers, but took advice from no one. In doing this I was able to create and build my own relationship with the staff at KPFA. Some staff was more helpful than others, but for the most part everyone was cordial, polite and respectable.

In my observation of KPFA, the one thing that it is missing is our future. Where are the youth? They can bring so much color and energy through those doors with them. This is so vital and important within our community. We have to educate our youth early as they are the passport to the future-tomorrow belongs to those who prepare for it today.

It also wouldn't hurt to see KPFA with more booths at our community events, not just the traditional festivals, pick a place where we've never attended.

Lastly, it's time to hear more laughter throughout the radio station. This is supposed to be fun, not so stressful. It should warm the heart to know that we all are contributing and working towards something we believe in.

In closing, this is my first internal experience with KPFA and to date this goes in my book as one of the most memorable.

It is not so important who starts the game but who finishes it.

Special thanks to Casey Peters who hired me to take on this task as he saw neutrality, equality, impartialness, and most of all a strong willed individual in me.

All of the above mentioned characteristics are MANDATORY to serve as Local Election Supervisor.

I'd also like to thank Chris Stehlik, Jan Etre, Lewis Sawyer, Anastasia Russell, Dev Ross, Michael Manochehri, Marilyn Peters, Sasha Liley, Lem Lem Rijjio, Lois Withers, JR Valrey, Les Radke and Ben Garcia for giving me a warm welcome all the while showing me "the ropes."

Last but not least I'd like to thank all the Listener Sponsor candidates and Staff candidates for being patient with me and not so patient with me at times as it gave me strength and new sense of urgency that I didn't know I possessed.

I hope you all find this report transparent, sincere and most of all resourceful. If I failed to answer any questions you have specifically, please feel free to contact me.

Respectfully submitted,

JaNay Jenkins

2007 Local Election Supervisor - KPFA Berkeley, CA

# **2007 KPFK REPORT**

**by Liliana Sanchez, Local Election Supervisor**

## **My introduction to KPFK and how I got hired.**

A couple of years ago I was listening to the radio in the morning and while changing from station to station I came across KPFK, I started listening and could not get myself to stop, because what was being said just made common sense to me. Sometimes when I used to compare stations I was thankful to KPFK for opening my eyes to the other side of politics and other subjects. Prior to coming across this radio station I never listened to talk radio because it used to bore me. Needless to say I was a fan of the station before I was hired as Local Election Supervisor.

My chronicle of experiences begins when I applied to a posting on Craig's List and after a couple of interviews Casey Peters, the National Elections Supervisor decided I was the best candidate for the job. Thereafter he told me to meet him at the station so he could introduce me to the staff. My reception was not very friendly and a couple of people even gave me their condolences, when I look back on that I laugh because now I know what they meant. When I was introduced to Terry Guy he asked Casey if I had a real idea about the job? Casey smiled and said no. He probably figured that it was better to not tell me too much. The same day I was introduced to General Manager Eva Georgia, we had an interview with her which was not expected by either Casey or me, she was tough but Casey thought I had done well. After this she still wanted me to go through another interview with some members of the Local Board. A couple of days later I went to the Peace Center to meet with Lydia Brazon, Jack VanAken, herself and another board member. They just asked me a couple of questions luckily Lydia approved of me, so everyone else did too.

## **Overall Experiences And Recommendations**

### **Recording Carts and Voting Lists**

Once hired I read the Pacifica bylaws and the Fair Campaign Practices. The first two assignments on the election timetable were to start on the voting lists and to record a cart. I thought to myself, carts what in the world are carts and how do I go about doing them? Once I found out, I went down to the station to record my first cart. I was nervous but Matt was so helpful and very very patient with me. I must say that getting use to the idea of constantly hearing your voice on the airwaves of a station that you are a listener of is a surreal experience.

The lists, the famous voting lists are a complete mess. They are not continuously and adequately updated, they are a headache, period!

### **Recommendations**

The staff responsible for the different lists should be required to keep adequate and current records, it can be a tedious task but in the long run it will be very helpful because it is crucial for the elections. It would save everybody a headache and the next Election Supervisor from having to ask a million times for the information, like I did with one staff member. I think that it took him a very very long time to give me the list he was responsible for because he just did not have the correct information.

A one day hands-on introduction to radio and how it works would also be helpful not only for recording carts but for the special election shows and the on-air candidate forums.

## **Election On-Air Shows**

The next big assignment was to invite guests to a live show. I decided to invite Mr. VanAken as the Chair of the local station board and asked him if he would suggest someone to be the host. He gladly accepted and he decided that another board member who is a programmer would be the best person. It was the two of them and myself plus Margaret Prescod and Casey as call-in guests. Once everyone was confirmed I decided to call them the night before to go over what we were going to talk about. When I spoke with the board member who agreed to be the host, before I could get a word in she started telling me what a bad idea it was to have a membership deadline party for listeners who were not sponsors to come in and become members, so they could have a chance to vote in this election and to come meet potential candidates and pick-up packets. An idea that Casey liked so much that he had the other Election Supervisors implement at their stations, and he also included it in the new time line for the next elections. For KPFK this membership party went very well it was well attended and some people drove from very far to become listener-sponsors, we got a total of seven new listener-sponsors. Getting back to my conversation with the host I was surprised by her comments, but I just decided to let it go because it was the night before the show and I wanted things to go as well as possible. The following morning I got to the station very early met with Mr. VanAken and Sherna Gluck, the host whom I met in person for the first time. Things were a little tense but I decided to forget about last night and focus on the show. I did make the extra effort to show my respect to them as board members because I thought that would put things at ease. The show began as planned talking about what the board does and why they decided to run to become board members. Part of the plan was to invite listeners to the August 31 party, Casey and I did, but the host decided to discourage the listeners from coming. I was not happy about the way things had gone so I asked Casey if I could do another show which of course he definitely agreed too because needless to say he was also upset at the host.

After I got air time for the second show somebody at the station let Mr. VanAken know about it, but Casey and I decided to invite different people so we could get a different perspective. I felt bad about calling Mr. VanAken to tell him that I was going to invite different people this time but I had to do it. He did not take the news very well, he was very offended and started to raise his voice. He also told me that he had already invited a guest and that it was better that I have him on the show. Mr. VanAken was very upset, I tried to calm things down by telling him that I respected his position as Chair of the local board and if he really wanted to be a guest that he could. He got more offended, I did manage to ask him if the person that he invited would respect the next party I was trying to promote because I just wanted things to go well. He said that this guest would not say anything negative on the air. The day of the show I was very nervous, I did not know weather the guest was actually going to show up or not. I told Casey what had happened and so he said that he would be at the station. I did not know how the tension with the guest was going to be, luckily I found out minutes before the show that he had also invited Alan Minsky. Fortunately the guest Mr. VanAken told me about was Dave Adelson, although I did not know him or what position he had in Pacifica he was very friendly, immediately took charge and definitely knew what was the best thing to inform the listeners about. A couple of days later I was shocked because I got copied on a letter sent to Casey, staff and Dan Siegel written by Mr. VanAken with the intention of getting me fired. A letter that was very demoralizing to me which made me want to quit. Casey said he was not going to fire me and so I decided to remain on the job because I am not a quitter and to reinforce my efforts. A couple of months later I thought it would be a good idea to have another show to inform the listeners on how to vote. Once again Mr. VanAken was invited without my knowledge. This time I had no problem at all because I knew that he understood the voting process. The guests were Casey and Mr. VanAken. The show went well.

## **Recommendations**

I strongly recommend that the staff and board members be reminded of the role of the Elections Supervisor. Although I know perfectly well that no one works alone in a radio station setting, and that everyone especially board members like Mr. VanAken want things to go as smoothly as possible, I find it crucial for the good of the ultimate results that everybody respects each other's position.

## **On-Air Candidate Forums**

Scheduling thirty people is not an easy task. Specially when some people don't want to be on with other candidates because they just don't get along or when they tell you that they feel physically threatened by the other person.

The first set of on-air forums were a challenge to me. I knew that I could not let the candidates say anything out of line on the air waves, it was not easy but I quickly figured out the candidates I had to monitor. On one of the days a candidate said on the air that this election had no validity that it was a joke. I completely thought that was out of line, so I spoke to him in the hall way in a very strong but respectful manner, telling him that he was a very smart man and he knew that those comments were completely out of line and if he was going to continue in that line I was not going to allow him to go back into the studio. He calmed down but some people from the station were surprised at my reaction, because the word was that I did not have enough backbone for this job, they really did not know how to react. In this position you quickly learn that you are criticized for not living up to the job and criticized if you do. It is a situation you cannot take personally.

The second set of candidate on-air forums were much less stressful, because I learned from the first experience that the best way to go about it this time was to set strong rules before they went on air. That definitely worked.

The Spanish forums were very long. Some candidates got tired after a while and left. The translator that I had confirmed canceled at the very last minute, luckily Programming Assistant Jennifer Kiser through her contacts in the translation field was able to get someone to come in.

### **Recommendations**

My recommendation to the next Elections Supervisor is to set strong rules before each forum.

In regards to the Spanish forums I think it would be a good idea to take the time to prepare forums with simultaneous Spanish translation instead of doing them separately.

## **Community Candidate Forums**

I was determined to have community forums during this election since I was told that last time they did not occur due to lack of cooperation. In the first candidate forum we only had two audience members and the candidates. I decided to make a round table instead of canceling the event. The experience was an eye opener to the politics that exists within KPFK. During another forum the situation got very very tense for me due to the racial comments of extreme nonconformity of one person in the audience. I became the target of his comments, something I was not emotionally prepared for.

Towards the end of the campaign I thought of organizing a forum with a conflict resolution specialist but I later changed my mind thinking the idea was too naive.

### **Recommendation**

Community Candidate forums need to be given more publicity on the radio to create more momentum amongst the listeners and for better attendance. Although I did not go through with the idea of having a conflict resolution specialist at one of the community forums, now that I look back I don't think it's such a bad idea because most of the time the candidates ended fighting amongst themselves.

## **Candidate Complaints**

The candidate complaints started since day one and continued to the very last and beyond, some with a constant threat of a lawsuit. It is something I had to get used to because it is part of the bigger picture as Elections Supervisor. It was my duty to monitor fair elections. I must say that at the beginning it was intimidating to receive complaints from professors and people with impressive resumes. I did my best to remedy the legitimate complaints but as time goes on you begin to see that some, but not all, candidates are experts at trying to twist the rules in their favor. Overall I had to understand the nervousness of the candidates, which many times it was not just paranoia.

## **Recommendations**

Two legitimate constant complaints I received from many candidates where unequal on air play of candidate recorded carts and of KPFK website information postings.

### **unequal exposure**

I believe that so many candidates legitimately complained about unequal play on the air, was due to some programmers' unfair hand in only playing the recorded carts of their favorite candidates. Hopefully a strong measure is taken in the next election to monitor this problem.

### **KPFK website**

To prevent any kind of he said, she said, I sent you this, I did not receive it, kind of misunderstandings. It is best in my opinion for a neutral party to handle the KPFK website candidate and election information.

## **Ballot Distribution**

Distribution of ballots for five stations by only one person is an overwhelming task. Mr. Les Radke, the person Casey hired to help him with the job, had a stroke. I believe that it was due to the stress of this job, because the doctors could not figure out why he had all the symptoms of a stroke but they could not find anything wrong with him. Ultimately many listener-sponsors and staff never received ballot.

## **Recommendation**

Local distribution of the ballots and the proper upkeep of the lists by staff would prevent the recurrence of listener sponsors and staff never getting ballots. This happens in every election as I have been told. Hopefully it will not be the case during the next elections. I also hope that many of these listener sponsors do not lose interest in KPFK due to this problem. Especially given the fact that membership is down.

## **Harmful Gossip**

The environment at KPFK is such that rumors spread faster than the speed of light. It is difficult to explain all that happened and it is not really worth it or relevant to go into exact details of a harmful false rumor I was a target of. All I can say is that for a little over a month towards the end of the campaign my job was not made any easier; the hostility was tremendous.

## **Recommendation**

I hope that strong measures will be enforced in the immediate future to prevent any kind of harassment and gossip within the working environment at Pacifica.

## **Powers and Responsibilities of the Local Election Supervisor**

The role of the Local Elections Supervisor is a very difficult position to play. People expect you to have enough power at certain times when it's convenient to them and less when it's not to their benefit. Two experiences stand out in my mind: one had to do whether to allow a person who was banned from the station to run for the board, and the other about the preemption of a show. With the first experience I got so many real passionate complaints from some staff members about how they feared for their safety when this person was around, that I thought it was not the most prudent decision given the circumstances to allow him to run. I felt safety came first, so when I mentioned that I was thinking about taking this matter to the Chair of the National Board all of a sudden it was not so serious. My other experience had to do with the preemption of a show. When Casey and I decided we had to preempt a show due to the violations committed by the programmer, some people were beside themselves. I told Casey to be firm and not to give in to the person's pleas because it was going to make both of us look weak, that I was going to be firm on the decision.

### **Recommendations**

I believe that the powers and responsibilities of the Local Election Supervisor should be defined in as much detail possible from the beginning of such a difficult undertaking. It is not convenient for the Local Election Supervisor to have some people feel that if they do not like a decision made they can automatically go to the National Elections Supervisor because they had or have some sort of relationship with the person. This posture taken by some people undermines the authority and respect needed in order to be taken seriously in the position as Local Election Supervisor. The powers and responsibilities once defined should be strictly enforced by the Local Elections Supervisor and most of all by the National Elections Supervisor.

### **Meeting Quorum**

I was looking at meeting quorum as the only option. I called the mail drop house about two and a half weeks before the deadline and only two to three ballots were coming in per day, but I needed about 800 to come in if quorum was going to be met. I worked for this to happen by trying to get the programmers involved. It took me a little over a week because it was not an easy thing to accomplish. After a couple of days I got the Program Director and the Interim Manager to write a letter to the programmers but I was not pleased at all. The letter was done in a very dismissive manner, I then began to understand the reluctance on the part of the staff to make this possible. I realized that they had their politics but I really wanted to meet quorum. I had to strongly impose my will to make this take place because getting the programmers involved was the only way I saw as viable in order to meet quorum. They finally agreed to do it. In the last week just before the deadline when the majority of programmers got involved more than eight-hundred ballots came in. Quorum had been surpassed.

### **Recommendations**

Fortunately a new election time frame has been passed which will definitely ease the pressure of meeting quorum. I also think that the new election time schedule will help the next Local Supervisor with the constant battle it can sometimes be to get air time for the promotion of the election, because it will not have to coincide with the fund drive. Getting the programmers involved created excellent momentum with the listener sponsors it made them feel part of the real governance of KPDK, I hope this continues in future elections for a long time. I think the manager should emphatically remind staff and volunteers of why Pacifica decided on the importance of having elections, it would make things much easier for everyone.

## **Unforgivable Mistake**

I was so excited about meeting quorum! that the last day when I gave out the replacement ballots I was just not thinking, and did not write twenty names of the staff members I gave ballots to. I cried for two straight days when I realized the consequences of my mistake. I later tried to have Casey validate the staff election because I was told that there was a possibility to do so because the results remained the same with or without the twenty ballots, but Casey decided for the good of the election to redo it. His decision is not an excuse for my mistake. I should have known better. It was an absolute careless, idiotic, and unforgivable mistake. I formally apologize to everyone.

## **Recommendation**

I can only say that I hope the next Local Election Supervisor takes the time to better understand the voting method, and I recommend to him or her to never undervalue the importance of keeping record of any ballot distribution that may be done. Please pay close attention to the smallest of details.

## **Training Recommendations**

This is a position in which you have to have much initiative, self motivation, and creativity without much guidance and supervision, an experience I did enjoy. Although if I can make one recommendation, I think it would be a good idea to possibly consider having two National Election Supervisors. It is not an easy job at all to have to deal with the politics, different personalities, and administrative work of five stations while trying to guide five Local Election Supervisors. It is a monumental task for anyone. A short training for the five new Local Election Supervisors would be in order for them to get an overall sense of the position and of the big picture. I believe it would be of much help and result in fewer mistakes and complications during the election period. It would give them more confidence in the role they must execute.

## **Closing Statement**

The experience of being Local Election Supervisor for KPFK has been an overall great learning experience for me. It is one that I am very grateful for, a difficult job for anyone especially for an outsider but a totally unexpected good experience. It has given me a real outlook on the dynamics of activism, a journey in which you must have much endurance for the long road ahead, without losing perspective of the end goal. It has reignited the activist in me. This experience has also made me realize the areas in which I need to improve myself.

Thank you.

## **WBAI Final Report**

**by Dale Ratner, Local Elections Supervisor-WBAI**

I would like to thank everyone who helped me with this difficult process with advice, support, and personal effort. I could not have done this job without Casey Peters, Les Radke, my fellow local elections supervisors, Tucker Bradley, Janet Coleman, Robert Scott Adams, Dred Scott Keyes, Shawn Rhodes, Paul Ashby, Michael Haskins, Sheila Hamanaka, Kathy Davis, Vera Osborne, and many other people.

I applied for this job and was hired in June 2007. I applied through this job from a posting on Craig's List. I did not listen to WBAI but knew of its existence and thought it was a valuable resource in the New York City-Metropolitan area. Casey Peters hired me after two phone interviews. One was a brief fifteen minutes and the second interview was more in-depth. The interviews covered the various responsibilities of the local elections supervisor and the time commitment it would take to do this job successfully. I informed Casey Peters that I was in graduate school and that my classes would be a priority but he still thought I was the best candidate for the job.

Casey Peters did inform me of some troubling aspects during the second interview. He told me that the 2006 Local Elections Supervisor, Attieno Davis was the first person to ever make it full election cycle without resigning or being. He also informed me of the racial tensions at WBAI. Casey Peters said that the local station board was divided into two factions one that was largely "black" and the other faction was largely "white." The actual situation is much more complicated and both factions on the WBAI board are fairly diverse and almost evenly sized. However I did not find out the truth about the nature of the boards factionalism until October 2007 and this made the job more difficult, Not that it would have been easier if I knew the true nature of the factionalized fights.

I started doing work on the election by reading Pacifica's bylaws, the Fair Campaign Practices and the 2006 election report and speaking with the previous local elections supervisor. Her report was very alarming and made the job seem like a Sisyphean task. The tensions between both sides on the board seemed much more dire than Casey Peters made them out to be. Speaking with Attieno Davis did not do anything to calm me down.

I also went down to the station to introduce myself to the staff and found out the Robert Scott Adams was on emergency sick leave and canceled our meeting without telling me. I was also supposed to meet with Program Director Bernard White but he also did not show up for work on the day of our meeting. I met other other staff members but they were wary because they did not know who I was. There was an LSB meeting scheduled and I tried to attend and introduce myself but was kicked out Adam Clayton Powell State Office Building because I did not know that the meeting space was reserved under a different name.

Local Station Board chair, Vajra Kilgour apologized for this and informed me that the next meeting would be in Newark, New Jersey on Saturday July 14<sup>th</sup>. I also got into contact with

USOC steward Ken Nash and asked him to help me start preparing the unpaid staff list so ballots can be mailed out.

Casey Peters wanted me to look into local mailing houses and find out rates for mailing out the ballots and campaign materials from New York, I started doing so and found many mailing houses. Attineo Davis tried to get me in contact with people who do the ballot mailings for some local unions but I never got a response back from her contacts at the unions and ended up doing all the work on my own. It was incredibly hard to try and find people to volunteer and intern for the WBAI election. I sent e-mails to various colleges around New York City and to Craig's list and did not get any responses.

There was also a lot of terminology that I did not know. People kept on telling me that I would need to record carts at various points during the election to introduce myself and publicize various aspects of the election. However no one told me what a cart was or how to make one until I asked and then was introduced to master engineer Dred Scott Keyes and he helped me record my introductory carts to be played on the air.

I eventually was able to meet with Robert Scott Adams and Bernard White. Both were very friendly and agreed to help me but Bernard White had many reservations about the election process and the idea of having a local station board at all. Robert Scott Adams sent out an e-mail to the staff and requested that they help me in any way that was necessary and needed. This was very helpful because many staff members were wary of me when I first came into the office and asked that I show them a photo I.D. to identify myself. He also helped me get access to get a security card for the building and set me up with an office space in the back.

Around this time many staff members especially paid staff members began to express reservations about the elections process. AFTRA steward and News Director Jose Santiago said that many people in his union always have trouble receiving ballots and implied that there was a conspiracy theory. There were also many complaints about how much power the Unpaid Staff Organization (USOC) wielded. People began making accusations about certain people they found to be professional malcontents and destructive forces. These complaints will be handled later in the report.

I then started to work on assembling the various voting lists. Ken Nash and USOC put out a sheet for their members to fill out. I asked Financial Director Indra Hardat for the names and addresses of the paid staff. She told me that the national office would have that information and I sent the request to Casey Peters. This proved to be problematic later on and it took a long time to get information. I needed to make several requests for the paid staff information. Eventually Pacifica sent the order back to Indra and she made an excel spreadsheet for me. However Indra's had many incorrect addresses for people. She also had two addresses for several paid staff members and both addresses were incorrect.

I was unsure about how to create the listener-sponsor list for eligible voters. There did not seem to be any good way to do so. Casey Peters informed the local elections supervisors during a phone conference that there could be many duplicates for various reasons and we needed to check on them. I asked Membership Director Evelyn Adino-Rosa how previous election

supervisors created the voting list. She informed me that everyone would set in front of memsys and create the voting list one person at a time. This did not seem correct but I started to do so. However I quickly decided that it would be too time consuming to do so and I would not be able to focus on my other responsibilities. Memsys contains information going back to the early 90s. It would take a team of people working full-time to create an accurate elections list.

Paul Ashby informed me that it was possible to get memsys to run a macro for the information and I eventually got a spreadsheet with the requested parameters. However it still took a long time to comb through the spreadsheet for duplications and other potential irregularities. Based upon reading the reports for the 2006 election and speaking to other local elections supervisors, I determined that it is possible for memsys to create an accurate voter list if the parameters are understood. However I also determined that Evelyn Adino-Rosa does not understand how to use the system very well. This was confirmed later when Les Radke informed me that she was offered free training in 2006 but refused to take it.

In mid-September I was able to get a full voting list from Evelyn Adino-Rosa and I sent it to Casey Peters and Les Radke in California. However the list was inflated by around 12,000 names because duplicates were not removed. Casey and Les had to work hard and fast in California to create an accurate voter list.

I introduced myself at a local station board meeting held on Saturday, July 14<sup>th</sup> in Newark, New Jersey. Many board members were friendly on a one-on-one basis. There were not enough board members to reach quorum but the meeting was held anyway. I introduced myself and answered a few questions from various board members. And then I stuck around for about two hours and watched the board in action. It was a very dysfunctional sight and almost every point of business broke down into a fight. The contentious nature of the factions and relationships at WBAI became more apparent.

In order to kick off the 2007 election, Casey Peters recommended that each local election supervisor do a live radio show and explain what board members do, how to become a candidate, who can vote, and why it is important to support Pacifica. I arranged a time slot with Bernard White and asked for recommendations for a host. He recommended Art Director and host Janet Coleman. I also wanted two board members to appear on air with me to explain what they do and give it a more personal feel and answer questions from the audience. Janet thought that staff member Shawn Rhodes would be a good choice and he agreed to do the forum. Listener Sponsor LSB member Nia Bediako also joined in the radio forum.

The show went very well and Janet suggested doing another one later in August closer to the election cut-off date of August 31<sup>st</sup>, 2007. I was the only guest on that show. The 2<sup>nd</sup> show did not go as well because we had some hecklers call in and act disruptively but Janet got rid of them very quickly.

One of my early tasks was informing certain members of the board that they were not up for reelection in 2007 because of term limits. However it was very hard for me to determine who these people were. I asked several different people at WBAI but no one seemed to know the names of the entire board or when they were elected. They certainly did not know how to get in

contact with them. Luckily I ran into Carolyn Birden at the station and she showed me where to find a full list of all WBAI LSB members on a yahoo group. This yahoo group had the information that I needed.

I got in contact with board members who were ineligible for reelection and informed them of this and why very politely. This was very controversial. Many of said board members rejected the idea and began protesting to me, Casey Peters, and corporate counsel Dan Siegel. Dan Siegel and Casey Peters quickly changed their mind and decided that all board members would be able to run for reelection even if it meant they would serve more than the maximum six years dictated in the National By-Laws. More consideration should have gone into this before asking the local elections supervisors to inform board members that they would be ineligible for reelection. By making us tell people this and then recanting and apologizing we lost some of our power as local elections supervisors because it indicated that any decision an election supervisor made was reversible if the complaining was loud enough.

The volunteer lists were a mess at WBAI. Most of the information from the date of record was missing and would not be found until October. The information that I had was incomplete and very hard to read because of poor and sloppy handwriting. People also did not leave complete information.

There was a membership party on August 31<sup>st</sup>, 2007. This party was very successful for WBAI. About 40 people came to pick-up packets and gather signatures on their petitions. Or to sign petitions and meet potential candidates. I stayed until about 8 PM.

The next big deadline was September 15<sup>th</sup>, 2007 when candidate packets were due. I was at the station from 7 PM until Midnight. I validated petitions for 23 listener-sponsor candidates and 7 staff candidates and informed on this on September 16<sup>th</sup>. One potential listener-sponsor candidate failed to turn in a petition and was ruled ineligible to run by Casey Peters.

Around this time Carolyn Birden sent Casey and I a challenge to the staff status of Cerene Roberts who was running for reelection. Cerene Roberts is an unpaid staff member on the LSB and a very controversial figure at WBAI. People either love her or hate her. And people that hate her see Cerene as a threat to the well-being and future of WBAI. I informed Cerene Roberts that a challenge has been issued to her status as a staff member and asked her for information on what she did for WBAI and when she did it. I also informed USOC stewards Ken Nash and Marquis Osson. Cerene Roberts grandstanded my attempts to get information from her several times and became very aggressive whenever Casey or I asked her to provide the information we needed to make a decision on whether she deserved unpaid staff status based upon the agreement between USOC and Pacifica. Eventually she gave us statements from Sharan Harper and Hugh Hamilton that proved she did enough and proper work towards being a member of USOC.

The first round of radio debates for listener sponsor candidates were held during the first week of October 2007 before the fall fund drive. I picked Janet Coleman and Michael Haskins to be my moderators for these debates. They largely went well and people in both factions praised the moderators for their fairness and decency. However there were also several complaints from Justice and Unity supporters on my choice of moderators.

There was not much on-air activity for the elections during the fund drive. I held to live meet and greet events for the candidates that were poorly attended. One was at Adam Clayton Powell State Office Building in Harlem and the other was at the Nyack Public Library in Rockland County. A group on Long Island called Peacesmiths wanted to have a candidate event but they were unable to book a space and needed to cancel.

There was a bit of confusion about when the ballots were going to be mailed. I informed people that ballots should be mailed on or around October 15<sup>th</sup> and they should expect them within a week of that date. However they were not mailed then. Stephen Brown wanted to send a mailer supporting a group of candidates and threatened to sue if the ballots were sent before his mailer. Casey Peters and Dan Siegel relented to his demand and the ballots were delayed for WBAI.

However the candidate statements were placed on the election website around this time. Lisa Davis and Nia Bediako complained about Albert Solomon's candidate statement and claimed it was offensive and Albert should be disqualified as a candidate. I spoke with Casey Peters about this and we both felt that Albert's statement was offensive but we could not disqualify him as a candidate because the 1<sup>st</sup> amendment allows for all speech. However we also felt that most Pacifica voters were mature and responsible adults who would be put off by Albert Solomon's offensive juvenilia and not vote for him. I explained this to Lisa Davis and Casey Peters offered to speak to her but she did not accept and the National Board threatened to intervene. Casey and I thought that we would give Albert Solomon the chance to save face and resign. I contacted James Ross and Mitchell Cohen because I thought Albert Solomon would take the news better from his allies than from the local elections supervisor. Albert choose not to return any phone calls. Eventually Casey Peters disqualified him as a candidate because he did not make a proper candidate statement. While this decision made some people very happy, it also further eroded the power of the local elections supervisor.

The WBAI ballots were mailed out from California around October 23<sup>rd</sup>, 2007. Casey Peters and I began discussing prospects of extending the election in several phone conversations. We decided to stick with the initial November 15<sup>th</sup> deadline because WBAI has never had a problem reaching quorum and extending the deadline would put us at the start of the Holiday season and very few people would want to come to help tally ballots during the season.

People began to call and send me e-mails about not receiving their ballots in mid-October. I told them to be patient and wait for a week before requesting a replacement. Many of these people called back. Some of the problems regarding staff ballots and improperly kept volunteer ballots were mentioned above. I took down the names and numbers of people who did not receive ballots and sent them to Casey Peters and Les Radke in California. There were still many problems. Several listener-sponsor, paid staff, and unpaid staff members made multiple complaints about not receiving ballots. I find it hard to believe that this could happen to the same people over and over again. Les Radke informed me that WBAI usually had the most examples of people voting more than once.

Steve Brown's mailer was very controversial for several reasons. It contained many allegations of physical violence at WBAI, offered a free "truth torch", asked for a monetary donation to offset costs, alleged that Justice and Unity members were against Amy Goodman and airing

Democracy Now, and said that his candidates were endorsed by several current and former WBAI staff members like Gary Null and Bobby Knight and Carol “Hero to Pacifica” Spooner (Steve Brown’s words.) California Law forbid Casey and I from seeing Steve Brown’s mailing before it was sent out. The Justice and Unity candidates sent us a long complaint requesting that we either disqualify all the candidates endorsed by Steve Brown’s mailer or we invalidate all the ballots and start the voting process from scratch. Casey and I thought both options were unacceptable. Disqualifying the endorsed candidates would equal guilt by association and that is not democratic or just. Mailing out a completely new set of ballots would have been disastrous because it would confuse and anger many voters. We both thought it would be impossible to achieve quorum with a new set of ballots.

However Casey did ask me to write and record two correctional carts. One stated that the truth torch was not an official WBAI offer but all proceeds would be donated to WBAI. And the other stating that Amy Goodman’s contract was renewed in September by a unanimous vote of the Pacifica National Board. These carts played daily until November 16<sup>th</sup>, 2007. This decision made no one happy and therefore was probably the correct decision.

There was another incident involving Cerene Roberts on October 31<sup>st</sup>. She allegedly assaulted board member Andrea Fishman in the tally room around midnight or 1 AM. This was a clear violation of the fair campaign provisions and I began to investigate. However there was only one witness and it was impossible to get in touch with him. He refused to return phone calls made by me and by general manager Robert Scott Adams. Andrea Fishman filed a police report. I was unable to make any ruling against Cerene Roberts because all I had was Andrea’s word. I did not approach Cerene Roberts because I wanted to hear from the third party first. Robert Scott Adams asked Cerene about the incident and she refused to comply. He banned her from the building for nine months on December 7<sup>th</sup>, 2007.

Listener Sponsor board member Father Lawrence Lucas was a guest on the Karen Lewish Show in early November and he made several swipes against the non-Justice and Unity candidates. I believed that Karen Lewis should have known better and not allowed Mr. Lucas to make those comments and that it was a violation of the fair campaign provisions. I sent an e-mail to Robert Scott Adams and Bernard White and told them that her show should be taken off the air three times before January 2008. Robert Scott Adams was agreeable but Bernard White resisted the idea. I am not sure if this happened or not.

The second round of radio debates were held in the first week of November. These debates were more contentious and less civil than the first round because the deadline for voting was rapidly approaching. I was unable to find a moderator for two of the five debates and ended up moderating them. These were two of the most civil debates in the entire campaign session. Les Radke and Casey Peters strongly encouraged finding outside moderators to all local election supervisors so we could just listen for violations of the fair campaign provisions. However considering the highly politicized nature of WBAI’s elections, it might be a good idea for the local elections supervisor to moderate all debates if they can keep a cool and focused head.

There were numerous problems in trying to find a neutral space to count ballots. I asked Nia Bediako and Carolyn Birden to work together and find a neutral space but they ended up fighting

with each other over e-mail. I ended up needing to find a space on my own without any help. I looked into several progressive organizations and academic institutions such as Gay Men's Health Crisis, The Brennan Center for Justice, Judson Memorial Church, Brooklyn Law School, etc. The best deal was at New York Law School in lower Manhattan. Nia Bediako did not like that this would cost money and protested. Casey and I denied her complaint.

There were multiple requests to extend the election due date from people in both factions. Casey Peters decided to grant Carolyn Birden's request to extend the election for one week. I sent out an unofficial announcement of this on November 15<sup>th</sup> and an official statement from Casey on November 16<sup>th</sup> around 2:15 PM. I was at WBAI on Friday, November 16<sup>th</sup> from noon to midnight to issue emergency replacement ballots and collect ballots from voters. I also recorded a cart announcing the election would be extended by one week.

I was served with a summons and injunction on Friday, November 16<sup>th</sup> around 6:15 PM. The defendants in the lawsuit are Pacifica, WBAI-FM, Casey Peters, and myself. The plaintiffs are Mitchell Cohen, James Ross, Gail Blaise, Frank LeFever, Robert Goldberg, and Linda Zises. They claim to have never received ballots and see a conspiracy theory.

The injunction ordered me to box and seal all ballots and place them in storage. I did this on Monday, November 19<sup>th</sup>. My witnesses were Nia Bediako, Carolyn Birden, and Jennifer Jager.

We tried to reach a settlement in late November but failed. The next hearing is on Thursday, January 24<sup>th</sup>. Counsel Dan Silverman has filed a motion to dismiss. If the motion fails, the trial will be in April 2008. On December 7<sup>th</sup>, Casey Peters and I emptied the mailbox a second time and placed those ballots in storage.

### **Conclusion and Recommendations:**

1. The election process is understaffed and under budgeted. Each Pacifica station should have a local elections supervisor to deal with campaign and political issues and a local elections administrator to deal with issues like membership lists, replacement ballots, etc.
2. Future election workers should be hired from outside of Pacifica but they should be sympathetic to the Pacifica mission statement. Many people on both slates at WBAI said I was the most fair and honest elections supervisor they have known including the plaintiffs in the lawsuit. I believe this is true because they see me as sympathetic outsider.
3. WBAI needs to keep much better and more frequently updated lists for membership, paid and unpaid staff and volunteers. The lists were a mess and all had problems with incomplete information, outdated information, or a combination of the two. People move very frequently in the New York metropolitan area and it one of the most common reasons people did not receive their ballots was that WBAI had the wrong address.

4. The powers and responsibilities of the local election supervisor need to be defined more clearly. People wanted me to have a lot of power when it suited them and they wanted me to have very little power when it suited them. As far as I can tell the national by-laws allow them to see the job and position in this way. People need to understand that the local elections supervisor cannot be the prosecutor, judge, and executioner for campaign violations. If someone thinks there was a fair campaign violation, they need to bring the evidence to the local elections supervisor and then we can look at it and make an appropriate and just decision.
  
5. WBAI needs conflict resolution especially among the paid and unpaid staff. I was unable to rely on staff as often as I liked because of the highly contentious nature of politics at WBAI. Everyone is associated with one faction or another, If I made a request to Person X, Person Y would accuse me of bias. Pacifica and WBAI are great resources and give a voice to people would not be heard otherwise. And I believe that most WBAI listeners are kind, compassionate, and mature adults. However these listeners are disgusted by the toxic nature of the factionalism at WBAI and the station is rapidly losing membership. I believe that there were strong, intelligent, and capable candidates on both sides of the 2007 election. I also believe that many WBAI listeners feel the same way and they split their ballots between the factions.

Dale Ratner

Local Election Supervisor-WBAI

January 4<sup>th</sup>, 2008.

## **Memorandum**

To: Casey Peters, National Election Supervisor, 2007

From: Lydia Harris, WPFW Local Election Supervisor

Re: WPFW Local Station Board Election Final Report

Date: January 31, 2008

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The following report outlines the activities of the WPFW Local Station Board Elections.

WPFW. The Local Elections began August 9, 2007 and though not completed, a staff vote count was held January 25<sup>th</sup>, 2008. The report will discuss the process of the Nomination Period, the campaign period and the vote count.

### **General Comments**

There is a very low interest in this years' election. Many thought that an election had just taken place a year ago and were dismayed that another election was taking place.

The most difficult part was rallying candidates. Most people approached offered to do anything for the election process **except** participate on the board. The lack of interest lead to two extensions of the nomination period as well as to numerous extensions of the election. This lack of interest is evidenced in the low number of candidates to fill the board positions and the inability to meet election quorum for listener sponsors.

### **Part I: The Nomination Period Staff, Board, and Volunteers**

I was given access to email addresses of previous Local Elections Supervisor by WPFW staff but was not able to make direct communications. What was available was the 2004 report which I utilized as a guideline for this election. Fortunately, this information allowed me to see upcoming deterrents and pitfalls as well as details for success.

Though I was received well, the general discussions about the elections around the station were that it was futile process and that the low interest in the becoming part of the board was because of the board itself. This belief was expressed by some staff and volunteers.

### **Candidate Recruitment**

Days into my arrival, the GM hosted a program to discuss the election, its importance and the need for candidates. I immediately began producing carts announcing the call for candidates. These announcements ran consistently through the Nomination Period. Ron Pinchback, Casey Peters and I did a one hour show on Aug 27<sup>th</sup> and information was sent onto the website that week as well. Candidate packets were made available by website and stacks were completed by the Office Manager Gerrie Mahdi and kept at the reception area for pick-up. To garner interest in the elections, three weeks into the candidate recruitment, the station hosted a Membership Party. The response was abysmal. Various Carts were run heavily for 2 weeks to encourage candidacy. To be in keeping with the time table, a Station Party Cart stating the close of the nomination period was run to urge candidacy.

Though my role as the LES included working **in cooperation with** the GM, the LSB and the station community to the greatest degree possible, in its general control of station activities, the board saw fit to delegate its recruitment responsibilities to Local Elections Supervisor rather quickly. There was disconnect with the board to determine our cohesive efforts towards finding new recruits. After a disastrous initial meeting with the board when I was kept waiting 3 hours to introduce myself and establish some type of working relationship with them, I understood the difficulty in their ability to be a team and the indifference the public had in joining a group heavily pathological. After this meeting, it seemed that the only role the board wanted me to have them was accountability to them regarding the election process. It was forgotten by the board that I had not created the election process that my work was independent and neutral. Though they were fully aware that their tenures would be extended on the board if there were not replacements, I only know of one board member who directly encouraged and individuals to join. The LSB was responsive to the need for candidates by making last minute requests for me to participate in their on-air elections discussion and hosted election specific portions of shows on September 19, and October 24. The most direct and effective board member to recruit

individuals was Joni Eisenberg who brought in at least 3-4 members total for both staff and listener candidates.

By the 20<sup>th</sup> of September there were only 4 interested Staff Candidates and 5 Listener Sponsor Candidates. There were drips and drabs of individuals coming forward by the September 25 deadline, but not enough to cover the amount needed for the election. So the nomination process was extended. There were two weeks to promote the elections before the fall pledge drive so all the carts produced for the election also mentioned the fall fund drive. The elections process actually got a boost during the Fall Fund Drive as it put me in direct contact with station volunteers. There was a cadre of volunteers available at the station to ask for support of the elections by signing candidates' petitions or recruiting for forum support. We held another petition party on October 3<sup>rd</sup> and again on Oct 26<sup>th</sup>. In between time there was another on-air hosting by the LSB. We finally did receive the minimum number of candidates needed.

### **Collection of Voter Lists**

(General Overview)

There were four lists that were needed to validate voters; the listener sponsor list and volunteer membership list melted into one list, the paid staff list and the unpaid staff list.

The paid and unpaid staff list was provided by the Office Manager. There were no problems with the paid staff list. The unpaid staff list hours were posted at the station early in the process for individuals to refute or verify their hours. Most of the verification of the unpaid staff list came from the paid staff and the DC Radio Coop coordinator. The most time consuming aspect was getting return phone calls.

The main problem was with the volunteer list. I did have assistance with this from the Volunteer Coordinator. We had to look through the sign in sheets to make certain that there were not duplications of individuals.

The listener sponsor list was kept by the Development Staff and contained few glitches.

According to my initial understanding there were six lists to pull voters from. This included:

1. Listener- Sponsor Members
2. Volunteer Members
3. Paid Staff Members
4. Unpaid Staff Members
5. Unpaid Staff Membership based on Unpaid Staff Organization criteria
6. Members based on waivers.

Each of the lists will be discussed individually.

1. This was the biggest list of subscribers who make financial contribution to the station. The Development Staff keeps the information in Memsys. The software removes donors with less than \$25 in contributions and also tracks which members are not current in their payments. I was not aware of any households with two or more members where each member did not receive a ballot. The system did help when petitions had been signed by individuals that did not show up on the list as paid members of the station by the September 2007 date.
2. The volunteer list was small but the Volunteer Coordinator was able to track most of the members from the hand-written sign-in sheets that were filled out during fund drives. There is a sign-in process for participating in fund drives and we were able to cull names from that sign-in process. There was no way other than word of mouth as to who had volunteered time beyond the fund drives.
3. The Paid Staff members list was kept by Gerrie Mahdi and was straightforward.
4. The Unpaid Staff list was also kept by Gerrie Mahdi. Here is the rough formula for converting hours on-air to hours counted toward qualifying as unpaid staff voters:

1 hour music = 4 work hours

1 hour public affairs = 8 work hours

1 hour news = 30 work hours

These guidelines are intended to be a rule of thumb, as a highly produced show may take longer, and a slapdash show may now require much homework. They were determined at a meeting including the Program Directors from most stations. Often his list had to be verified

through paid staff members. Fortunately paid staff was very cooperative but often judgmental. I sometimes felt as though some individuals did not get the credit of time if the staff person did not like them or their work.

5. Not applicable to WPFW

6. Not applicable to WPFW

The voting that occurred with DC Radio Co-Op was determined inside their ranks. There was no divisiveness with the group and the election process.

## **Staff**

Most of my functional information about the elections was given to me from the staff at WPFW. The staff was accommodating, supportive and responsive to the needs of the elections. They often filled in information that would be overlooked because of my unfamiliarity. Days into my arrival, Ron Pinchback, the GM, got me on air to discuss the election process. The office manager, Gerrie Mahdie was most helpful in providing information, infrastructure and direct assistance to the needs of the position. The head of the Development Department Tiffany Johnson was very accommodating in loaning out the volunteer coordinator to drum up volunteers for the cause of the election. The department would often include election information and rallying as part of their process. For example election email blasts that needed to go out were included in the Gala and Auction blasts. Also, during the drives I was given access to the airwaves and I included requests to support WPFW in the election PSA's. Getting access to memsys was done at request and Sataria Joyner was generous with her time. Inclusively whenever I gave information to Bryan Bernard to put information on the website it was done within a days time.

## **Volunteers**

The few volunteers that were available were genuine in their support and direct in the limits of their involvement in the elections process. The elections process got a boost during the Fall Fund Drive. At that time there was a cadre of volunteers available at the station to ask for support of

the elections either through recruitment or forum support. Though with the numerous extensions of the election, the volunteers and I lost touch the resurgence of interest still surfaced.

### **Nomination Period Recommendations**

1. There was no standard text for all announcements. I created the text for all of the carts that were used for the election except for the candidate statements. Once they had the approval of the program director, they were produced immediately. The program director, Bobby Hill, was always available, interested and responsive in the election process.
2. Because of the immediacy of the need to get the carts aired they were put into rotation within a matter of days. The problem was having them taken *out* of rotation when the deadline had passed. I would often get calls that carts were playing past the end period.
3. The only suggestion regarding candidate statements is that more time be made available for them to record. They were given from 12-4pm daily to record their statements. This seemed restrictive as many people work and need evening time for personal endeavors.
4. Somehow the listener sponsor questionnaires did not get posted to the website. This would be corrected in the future. Each time a request was made to add or change website information, it was done in a matter of days. It would be good to know how many hits the website gets to see what the likelihood is that constituents follow the elections.
5. Toward the end of the process the most consistent PSA's was the one the programmers read on air each hour. If this process is done again I would suggest that most to all the PSA's regarding the election are read by programmers.
6. I also think that I should have met with the group of candidates in total to go through the packet rather than individually. This would have give individuals ability to ask and listen to others questions. Though much of this was done online, the candidates needed too much coaxing to get things done by deadlines.

### **The Campaign Period.**

On Tuesday, September 25, I arrived at the station in the afternoon as I had arranged with the Office Manager that she was to receive any packets that candidates may drop off during the day

and that I would take the shift at 5 pm when she left and stay until midnight. Up until that date I had only received ONE candidates packet. Though I stayed until 11pm there were only about 3 staff candidates packets dropped off that evening. By the 26<sup>th</sup>, I received 4 emails of listener sponsor candidate statements for a total of 7 candidate packets. We had a second Petition Party on October 3<sup>rd</sup> with two more candidates to come forward. A third Petition Party was held on October 26<sup>th</sup> with 3 more candidates coming forth. We ended with a total of 5 staff candidates and 9 listener sponsor candidates.

After receiving each packet I contacted the candidates by phone and email to let them know their packets were received and to discuss any missing items.

During the campaign period I worked with staff and volunteers to write web announcements, created PSA's, flyers, handed out election packets, lead signing parties, and have weekly meetings with Ron Pinchback, and Casey Peters (by phone), the National Election Supervisor.

In a coordinated effort the staff, volunteers and I;

- Edited and posted the 500 word campaign statements to the stations website for candidates in both elections
- Scheduled and assisted in the recording of the candidate 60 second carts
- Organized 2 rounds of on-air forums for staff candidates in the evenings on October 4<sup>th</sup> and 24<sup>th</sup>. Two rounds of on-air forums were held for listener-sponsor candidate on November 8<sup>th</sup> and 13<sup>th</sup>.
- Participated twice on the LSB show

After the first Petition party the board realized that the station was off it mark as to the number of candidates to hold an election. Two board members Jane Gatewood and Carol Wolfe began to rally around the cause of getting petitioners in to sign candidate statements. They assisted with writing a compelling promotion cart announcing the extension of the Petition Signing Party. Carol Wolfe stated that during the previous election they had to extend the nomination period due to insufficient candidates. Their suggestions of getting a printout of only those listener sponsors who live in the Adams-Morgan zip code, and phoning them to increase the likelihood of their dropping by the station to sign petitions was good.

The problem was we needed more CANDIDATES. Board members, save for one, did not recruit individuals to fill their seats.

### ***On-air Forums***

On-air forums were held in the evening at 6pm or 8pm. The programs were moderated by myself, and two other volunteer members, Jennifer Finch and Alvernon Garey. After discussions with the GM Ron Pinchback and the program director, Bobby Hill, it was determined that because of the lack of candidates and the engineering needs of the station, it would be more effective to hold fewer candidate forums and to spread them out. For the listener sponsors there were always 3-5 candidates during the forums. The staff forums had 3 candidates during one forum and 1 candidate during the next forum. The “one person” candidate forum was overshadowed by an LSB meeting that two of the staff candidates needed to attend.

The format used was from previous LES Angie Lauria, and sent to each of the candidates a week before the forum. There would be no surprises for them from me. I figured the public would be the unknown entity.

Though these events were announced on air, the forums would get less than a handful of calls. There was not a list of members available to candidates to campaign by mail. There was such a backlash of negative responses to my emails that it would have been a horrendous if the candidates had access to the general email addresses. In collaboration with the Development department general voting information and encouragement to vote piggybacked on their email blasts regarding the Gala.

### ***Candidate Publicity***

Candidates were notified continuously to schedule a time with the operations manager to record their statements. Once they were completed it was noted by the station manager that many had not identified themselves or stated the purpose of the announcement. To rectify this I made an introduction and exit statement for each of the candidates who recorded. There were three

candidates who did not do recordings; one because of personal loss. The others gave no explanation. The statements were placed into rotation on

Though statements and staff questionnaires were posted on the website, somehow the listener-sponsor questionnaires were excluded.

### ***Fair Campaign violations***

There was one violation of the Fair campaign policy. During a call in show one of the candidates requested the audience vote for him. His cart was pulled out of rotation for 3 rounds.

### **Campaign Recommendations**

1. Though the board had voted on continuing to have elections during this time of the year, the last meeting with them indicated that they were *again* reconsidering their decision. I was questioned as though the decision had been mine. The station election fell during a national election ramp-up, Christmas, Hanukah, Kwanza holidays and the Stations own 30 year Celebration.
2. The station as a whole needs a stronger link with their outreach activities and volunteer participation in grass roots events. This link would create a pool of activities for listeners and campaigners participate in rather than creating a separate “community forum” for campaigners which holds little interest to the listening audience. The campaigners needed more “natural” outlets to have the audience get to know them.
3. Though we attempted to get pictures of all of the candidates to post (there were too few) a visual in combination with an event posted on the website may have made any difference to a constituency that is mostly auditory in its perceptions.
4. Within a different time frame- not the holidays- another round of on- air forums would be held.

### **The Ballots & The Vote Count**

The mail out date for the ballots was December 6. My own ballot, though I did not vote, came on December 13. Since no part of this election went according to the timeline, the receipt of ballots 11 days before Christmas was not unusual. Though candidate statements were running along

with psa voting reminders, by this time WPFW was in full swing for the 30 year GALA held on December 15. Replacement Ballots also arrived December 14. Though I took replacement ballots to the GALA, it was not the right opportunity to record names and numbers. I did place VOTE placards at half of the tables and personally addressed the other half of the seated guests with the reminder to vote in the upcoming election. Since I had received my own ballot one day before, and many other listeners probably had as well; replacement ballots seemed premature.

The Ballots that did arrive had a postmark date of December 28 on them. Most of the ballots received did come before December 28.

Beginning December 20<sup>th</sup> I made the first of many trips to the PO Box with a staff member, Andrew Yorke. We were handed the ballots as the box was inoperable. The ballots were gathered into a large box and then I took them home. Since the hope was that we would receive 1,300 – 1,600 listener sponsor ballots, I kept them in bundles of one hundred. By December 28 there were 800 listener sponsor ballots received, and 24 staff ballots.

Knowing that we were half way there we extended the election again and went back on-air January 10 and promote the return of ballots. By January 18 there were 1026 listener sponsor ballots in receipt and 46 staff ballots. We made quorum for the staff election. We did not make quorum for the listener sponsor election.

On January 24, two volunteers Jennifer Finch and Andrew Finch met me at the Fair Vote offices in Takoma Park, MD to open listener sponsor ballots and assure that no staff ballots had arrived in listener sponsor envelopes. None had. This process took 4 hours. We did remove \$1,295 worth of checks and a money order.

January 25, we met again for the Staff vote count and removed an additional \$20 check.

We completed the staff count that evening and determined winners though we were not able to verify bar codes as the mailing house did not have the information available.

The volunteers and I signed off on the receipt of funding as well as the number of ballots.

Funds were submitted to Tiffany Jordan on January 28.

More ballots trickled in throughout the week including additional staff ballots.

To date, January 30<sup>th</sup>, no announcements or postings have been made as to the staff winners or the finalization of this process.

## **The Ballots, Voting and Vote Count Recommendations**

1. Again, Timing plays such an important role to the success of any endeavor that it is advisable that the board consider and own their decision on this in terms of the next election.
2. There were too many instances of individuals claiming not to have received ballots for me not to consider the mailing house abilities and accuracies. Bulk mailing did not occur from our area and that may have made a difference in the receipt of ballots. Also, the deadline written on the envelope deterred some people from voting, possibly the other half that didn't vote.
3. Had it not been Christmas and the fact that WPFW was basking in the glow of their GALA success, it would be totally appropriate to have inundated the airwaves with reminders to vote immediately after the estimation of ballot receipt.
4. Members seemed to vote appropriately- staff of staff candidates and listeners for listener candidates. It appeared as though RANKING candidates was confusing to some voters. It should probably still continue.

## **General Recommendations**

The passionate chaos repeatedly witnessed at board meetings is too unnerving to even recall.

There are too many ineffective board members; and the public knows this. Though apathetic in comparison to the other stations, the boards' dysfunction is common knowledge to many who come to the station to volunteer. A good mixture of level headed station members who have effected change in the community should be asked to lead the board. Future board leaders need to be researched, targeted and appointed to join by an inside or outside group looking for specific qualifications and a better mix of opposing but effective personalities. Outside the leadership, the

remainder of the group should be divided into committees working with the leaders. Though this seems to be the plan, its execution is dismal.

### **Acknowledgements**

The support of the National Election Supervisor, Casey Peters, the community created through emails and weekly calls with the other local election supervisors was indispensable. Truly, this job would have been exponentially more difficult and significantly less rewarding without them.

I am grateful to the staff of WPFW for being welcoming, professional and accommodating. From Gerrie Mahdi to Ron Pinchback, the volunteer engineers and each staff member in between, thank you.

Thank you as well to the volunteers, Jennifer Finch, Andrew Finch, and Alveron Garey who lent brevity to the process with their small but powerful punch and without whom I could not have completed this process.

## **Final Report**

### **KPFT 2007 Local Station Board Elections**

**Prepared by Mark Muhich**  
**KPFT 2007 Local Election Supervisor**

#### **Introduction**

This is the final report describing the 2007 KPFT Local Station Board elections, as required by the Pacifica Foundation. My contract with Pacifica to serve as KPFT's Local Election Supervisor provided me with the very stimulating opportunity to coordinate the aspirations of our LSB candidates, the broadcast resources of KPFT, the station's professional management, and the KPFT listening community.

The Pacifica elections process offers the possibility for strengthening the culture of the station but also presents the risk of division and real damage to the station and network.

I hope this chronicle of my experiences as KPFT's LES will accurately describe our ultimately successful LSB election, and provide some helpful tips to the next KPFT election supervisor.

Mark Muhich  
Galveston, TX. December 2007

#### **October, 2007**

##### **KPFT Houston, TX**

My friend, Tucker Bradley, KPFT's Local Election Supervisor for Pacifica last year, 2006, had decided for personal reasons to resign her position as this year's LES. She recommended me to Pacifica National Election Supervisor, Casey Peters, as her replacement, and I had agreed to submit my name for consideration.

A delay of nearly a month transpired, as I imagine Casey had hoped to convince Tucker to remain on the job, understandably.

By the time I took up my election responsibilities the final lists of eligible staff voters and listener sponsor member voters were due in only a few days. The volunteer listener and volunteer staff lists were a mess. From the volunteer log books, we could only verify 57 staffers, down from over 200 last year. Tucker and I spent two full days e-mailing programmers requesting that they log in the hours of their assistants and themselves, so that they could be certified as voters, staff candidates and petition signatories.

As I did not know a listener sponsor from a volunteer staffer, from a paid staffer, it goes without saying that my late assumption of LES duties would have been impossible without Tucker Bradley's help.

### **Recommendation**

Either the previous LES or the NES should be available to tutor the incoming LES on the protocols for Pacifica Elections.

### **CONTRACTS**

The submission of my contract with Pacifica was never completed by the NES. Apparently, similar oversights occurred last year. Both Ms. Bradley and I needed to submit our contracts directly to the Pacifica National financial office on our own, in order to receive our first checks, which we found extra-ordinary.

### **Recommendation**

All LES contracts should be submitted in a timely manner before LES' responsibilities begin.

### **LSB CANDIDATES**

Our initial deadline for certifying both staff and listener sponsor candidates was extended because neither roster contained enough candidates to conduct a robust election. A contributing factor in this deficit was that a number of staff signatories could not be verified as volunteer staff according to the staff list compiled from entries in the volunteer log.

### **Recommendation**

The KPFT Local Station Board should engage itself more vigorously in recruiting LSB candidates, both staff and listener sponsor candidates. A number of LSB members did attend last minute candidate petition parties held at the station, thankfully, but to my mind this is no replacement for developing quality LSB candidates over an extended period of time. The next KPFT election is two years hence; current LSB members should begin now to recruit candidates for the 2009 elections.

### **LISTS AND LOGS**

It seems to have been a long running and contentious matter between volunteer programmers, their associates, other volunteer staff, and KPFT management, whether logging into the station's volunteer books would be necessary and required, or a nicety and an unnecessary restriction of some staffers' imagination. Any number of notes, posters, and e-mails from our KPFT programmer director and volunteer coordinator goading our programmers and volunteers to log their hours began appearing in the KPFT studios in the merry month of May.

I made my decision to postpone the candidate filing date at the KPFT LSB meeting on September 27. This would give us another month to recruit candidates and to verify our lists. Neither policies about station volunteer books nor about membership lists clearly fit under the duties of the LES. However, most of my first month or more of paid consulting as KPFT LES involved these list issues, and candidate recruitment. We do what needs to be done.

A number of very popular and prominent volunteer programmers, with years of broadcast experience, stated emphatically that everyone at the station knew them, that their contributions to the station were well known, and that no one was going to force them to sign the KPFT log books. At least not the LES!

### **Recommendation**

If station policy is that all volunteers, including and especially programmers, sign the station log book, then future contracts between volunteers and station management should stipulate that programmers will log-in. Program evaluations would include completion of KPFT log book entries.

### **BALLOTS, REPLACEMENT BALLOTS, PROVISIONAL BALLOTS, BALLOTS!**

The printing and mailing of our Listener Sponsor ballots were delayed for several weeks because of printing problems in Berkeley, and other reasons that I have little knowledge of. Though we were repeatedly assured that the ballots had been or would soon be mailed on several weekly conference calls, such appeared not to be the case. Finally it was exciting enough to see those blue and yellow (for staff) ballot envelopes piling up in our ballot box behind the counter at the UPS Store on Waugh Dr. It became increasingly apparent that at the rate of our ballot return for KPFT's election we would not meet quorum.

One of my bigger mistakes as LES was to omit the dozen paid KPFT staffers in the staff roster. I thought that I had secured their names in the MEMSYS database, but clearly I did not push the correct button. Upon realizing this error, I immediately requested replacement ballots for these paid staffers on November 8, 2007. These replacement ballots never arrived in Houston.

During one of our conference calls in early November, we submitted requests for provisional ballots to be printed and sent to each station LES. It was only after much cajoling and commanding that I was able to procure these ballots at the last minute. Indeed, without these provisional ballots we may have not met our quorum requirements. I understand that Les Radke, who was working for Pacifica in this area, had suffered some serious medical problems around this time.

Finally I issued provisional staff ballots to all qualified KPFT staffers. One full time employee said that this was the first election he had voted in during the past six years!

### **Recommendation**

The inability to deliver replacement ballots to qualified listeners and staff who had requested such remains a mystery to me. One that should be further explored before another election cycle begins.

It is clear to me that the greatest expense in the Pacifica elections process is the printing of ballots secured with bar codes and personal identification numbers. As these PINs and barcodes proved unworkable at the KPFT ballot counting, (See "Ballot Counting" below") and because the replacement ballot system remains dysfunctional, and aggravating to both LES's and to qualified voters, I suggest that the Pacifica National Board consider developing an electronic voting method for the next election cycle.

If printed ballots remain in use then I would recommend that the mechanism of requesting replacement ballots from the National Office in Berkeley be scrapped. In its place I would advise the issuance of provisional ballots early on to the LES's who then could distribute these to qualified listeners and staff who had requested a replacement ballot. These provisional ballots

would be registered with their individual PIN and the name of the recipient, and secured in the Pacifica National Office.

### **419 LOVETT BLVD.**

The KPFT studios located at 419 Lovett Blvd. Houston, TX served as the nexus for our 2007 LES elections. Many of our candidate petition events, get out the vote parties, ballot drop-off and our ballot counting occurred at the mother ship on Lovett. Many listener sponsors, and interested public revere KPFT, and seemed glad for the opportunity to visit the KPFT facilities. What KPFT may lack in Arbitron ratings, it surely can make up in listener affection, bordering on ardor. I spent many hours at the KPFT studios, listening to the energy, meeting the staff and programmers, and beseeching the management for more airtime to promote our elections. Both Duane Bradley, KPFT General Manager, and especially Ernesto Aguilar, KPFT Program Director were unreservedly supportive of my every request for airtime, PSAs, and get out the vote announcements. If our election was successful it was because of their vigorous support. As documented in the statistics appendix, (over 500 PSAs supporting our elections were broadcast on KPFT over three months!) our electioneering would have met a dismal failure without management's help, especially Ernesto's, who can produce a PSA faster than most of us can say "This is KPFT 90.1 Houston! Radio for Peace!"

Contrary to some theories, I think it is important for the LES to hang around the station for at least a few hours per day. The station has a pulse, and the people producing the programs, are experts in their field. Christiane van den Arbele is a fine web artist; Robin Lewis, coordinating the membership, could not have been more helpful or adept at CONVIO e-blasts or PHONEVITE (the KPFT elections mass PHONE call, reaching about 3,000 listener members, was the first for the station). It is fascinating to watch the changing cultures, languages, points of view, and musical heritage walk through the KPFT door on an hourly basis. I felt my true job as LES was to help this wonderful cornucopia of folk complete this election cycle, and keep our uniquely vibrant airwaves beaming. As our KPFT "Connect the Dots" programmer, Rev. Robert Mohamed is wont to say, "These are your sacred airwaves, KPFT."

### **Recommendation**

The station is the greatest resource in gaining a successful LES election, and management is running the station. I had no compunction about asking Programmer Director Ernesto Aguilar to air an election promo, or replace one announcement with another, not that I did ask him very much, as I think he has a highly developed sense of broadcast aesthetic. Having no experience with other stations, I would recommend making the station studios election central and making nice with the management.

### **SANCTIONS**

That is not to say we must adopt a namby pamby attitude; cases in point.

Previous to the onset of our KPFT election cycle, both GM Duane Bradley and PD Ernesto Aguilar had recorded a number of PSAs describing the general nature of the Pacifica elections. One of Duane's carts emphasized that the duties of an LSB member expressly omitted matters of on-air programming. After the candidate rosters had been finalized, therein containing one candidate whose campaign platform singularly emphasized moving Democracy Now to an

earlier hour. In my capacity as LES, I judged that GM Bradley's cart could be construed as provocative, and therefore requested that his cart not be broadcast. To which Duane agreed immediately and without discussion.

Another sanction that was required regarded the appearance of one of our Listener Sponsor candidates on the KPFT Local News, after Mr. King's candidacy had been announced. Mr. King has been a decades-long civil rights activist, and currently is one of the Houston leaders of the Death Penalty Moratorium movement. KPFT News interviewed Mr. King for about eight (8) minutes on the eve of a high profile public rally against capital punishment. Though I agree with the End the Death Penalty movement in Texas, and agree that the following day's rally was eminently newsworthy, yet, to my mind Mr. King's broadcast appearance was a violation. I had made it abundantly clear to our listener sponsor candidates the importance of avoiding any broadcast appearances during the election cycle. And though I did attend Mr. King's march in downtown Houston, in all fairness, I had to withdraw two (2) of Mr. King's candidate carts from the broadcast sequence. And as I had mistakenly and unforgivably misspelled Mr. King's first name on the ballot, correctly spelled ESTER, one of Mr. King's broadcast carts was placed back into the broadcast sequence. This decision was discussed with Mr. King, and with all of Mr. King's Listener Sponsor fellow candidates, and each seemed to be in accord with the fairness of the decision.

During Ballot Drop-off Day on December 1, 2007, in the meeting room of KPFT, one of our Listener Sponsor candidates, Ted Weisgal, began to introduce himself as a KPFT candidate to voters who were filling out their provisional ballots. Having warned Mr. Weisgal once to refrain from campaigning so close to our ballot box, I requested that he leave the room. Which he did do.

### **Recommendation**

Keep all our lines of communication open. The election rules are very explicit. If an infraction occurs, be decisive, and let everyone else know about the infraction and your decision.

### **QUESTIONNAIRES and CARTS**

Though agreed to by our KPFT candidates in their filing papers, many listener sponsor and staff candidates failed to complete their candidate questionnaires as required. Many of the candidate questionnaires that were submitted in a timely manner and forwarded to the Pacifica Elections website did not appear on the website.

Recording of candidate carts was more successful. Our eleven Listener Sponsor candidates recorded their carts early in the process. In order to better document their cart broadcasts Ernesto Aguilar, KPFT PD, and I agreed to broadcast our candidate carts six times per day during the regular hours of highest listenership.

In what might be a first for Pacifica Elections, several late night programmers felt our scheduling excluded their listenership, and was prejudicial. We agreed to broadcast candidate carts during these diverse programs.

In context, all these election carts were broadcast throughout the three week KPFT fall pledge drive, a commitment that even I had not expected.

### **Recommendation**

The Pacifica candidate questionnaire provides in much greater detail the views and personalities of the candidates than do the candidates' written statement or broadcast cart. If the candidate recruiting process were more robust, the questionnaire might be required at the time of filing for the LSB. But beggars cannot be choosers, and often I felt as LES that I was begging for candidates.

Programmer evaluations should also include the programmers' completion of PSA logs. While reviewing these daily PSA logs to tabulate the number of election PSAs broadcast, I found days worth of missing PSA entries.

### **PARALLEL UNIVERSES?**

Bemoaning my feckless production of Ballots... I stood slouched against the pillar of KPFT's back yard porch. "How to get MORE ballots?" I had known all along this day of reckoning would come, and that I would find an answer or fail, as is so often the case is similar scrapes. An unusual butterfly was perched overhead on a leaf. It caught my eye. It was a buckeye butterfly, "abundant in autumn in Houston". Another buckeye butterfly shot through the KPFT back yard, and the two buckeyes chased each behind KPFT at rocket speed for several minutes. That was the moment that I knew that what I had to do was chase ballots like a buckeye butterfly, and that I could, and that I would.

Later on, on ballot counting day, when the nearly bare minimum of ballots rolled in, and THANK YOU... many of the mailed in envelopes had been stamped with...Buckeye butterfly stamps... go figure!

### **Recommendation**

Depend on nature. Every creature and plant you see has been doing this for a million times longer than we have.

### **BALLOT COUNTING**

Once we had established quorum for both staff and listener elections after a Saturday on air blitz by willing programmers, especially "Spare Change" host Larry Winters, who took time out from the live mike to usher voters through the KPFT front door into the ballot box room, (Thanks, Larry!) we took a deep breath and started our ballot count the next day, Sunday, December 2, at the KPFT studios on Lovett Blvd.

National Election Supervisor, Casey Peters, and his wife Marilyn, paying her own way, had taken the AMTRAK train from Los Angeles to Houston. Tucker Bradley picked them up at the Houston station early Sunday morning, and we began counting ballots about 10am. Soon there arose a problem of scanning the ballots through an electronic counter, and secondly, registering the individual ballots by their unique PIN barcode. It appeared that the printed bar code, identifying the individual voter and the scanning software used to read and register the bar code were at present unworkable due to resolution incompatibility. Casey decided that the single

transferable voting ballot count could be done manually, and that the ballots could be verified once they were sent back to Berkeley.

The Single Transferable Voting (STV) system seems very intricate and sophisticated. Our tabulation of the Listener Sponsor members elected to the LSB required six (6) “rounds” with surplus votes for already elected candidates cascading down to the remaining roster of unelected candidates. Having watched listener sponsor vote their provisional ballots on the preceding day, Saturday, I was convinced that their preferences for the lists of candidates after their first of second selection were random selections. My reservations hearken back to the mathematical concept of “significant figures” as in, choosing the sixth most popular candidate if voters only know one or two of the candidates, may pose a problem of “significance”

Having recently read IF Stone’s “The Trial of Socrates” I was surprised to learn that the Athenian Senate was chosen by lot, amongst the citizens of Athens. I know Ms. Bradley is investigating the potential of this random selection as it might apply to the Pacifica election process. I don’t know that much about elections one way or the other, (except on how to lose the several offices I have run for!) but who could dispute that Athens was the cradle of democracy, and who would dispute that our Pacifica elections process is fatally flawed?

### **Recommendation**

Begin a one-year study of self-governing organizations that would recommend to the Pacifica National Board amendments to the Pacifica by-laws regarding the conduct of elections. This study may include passionate Pacificans, and elections scholars of an academic persuasion, and scholars of ancient Athenian democracy.

I believe the current election process is fatally flawed. Pacifica might take a radically new look at our elections both in methodology and personnel.

### **PACIFICANS**

Congrats! The LES is one lucky job. Maybe at another time, a different station, it is a nightmare, but I have usually been lucky, and have relished this stay with KPFT. We get paid, we have some power, and the best part is that everyone walking through that Pacifica door has a great story to tell, and is an authority in their field. (excluding my own self of course). Take a little time to smell the roses! I loved meeting some of my great fellow Pacificans. We may not have the privilege to meet a greater group of philosophers, musicians, pundits, reporters comics and curmudgeons, anarchists, vegans, deadheads and radio-heads in many a moon.

PAZ

Mark Muhich

2007 KPFT Local Election Supervisor

*December 12, 2007*

## **2007 KPFT Election Report – Addendum**

*by Tucker Bradley*

Allow me to begin by thanking you, Pacifica and KPFT, for the many valuable lessons I've gleaned through my odd fated association as your Election Supervisor. As part of my resignation agreement, I promised to write the part of this election report covering the time that I was employed.

I guess my story picks up shortly after Greg Guma approved my hiring for a second time to facilitate the 2007 elections. I learned before I ever reported to work, that management had lobbied the Foundation to block my employment. My first priority, therefore, was to mend fences with those I was harsh to in my 2006 report and work hard at building relationships of cooperation and compromise to hold a good and peaceful election.

At Casey's instruction, I started telephoning members whose ballots had been returned last year to make address corrections if possible. I produced a promotional cart or two, admittedly my favorite part of this job. I soon discovered, Ernesto had beat me to the punch by prerecording generic election carts with the summer youth group. Those children did an admirable job.

Management removed all of the old Volunteer Logbooks and started a new one to document the hours over the summer that would qualify Programmers for the Staff election with the idea this might facilitate the list making. The GM and I disagreed about the importance of the Listener Volunteer records. In his opinion, the Volunteer records didn't matter because in order to become a member by Volunteering one must first apply to him for a sweat equity membership and nobody had applied all year. With respect to this claim, I still do not recall, this year or last, any advertising to that effect as it pertains to voting in the Listener election.

My goal was to include every qualified voter, including those who recorded at least three volunteer hours during the year and I requested access to the logs that had been removed. In going through the old log pages one by one, I noticed there were Volunteer log-sheets from 2003, 2004, 2005, 2006 and many more did not indicate any year at all. It was impossible to know who volunteered when, in many cases. To make it more frustrating, it didn't appear that any data regarding Volunteers had been entered in the Volunteer database since Fall of 2006.

Over the next weeks which included pointed displays of disapproval and unwelcome, I gave up, and tendered my resignation to the National Election Supervisor. The lists remained a mess. Insofar as my spirit and enthusiasm were concerned, they were down the drain as well.

I was heartened when Mark Muhich agreed to talk to Casey about taking over the job. Not only was I certain that Mark had the people skills, I also knew he would respect the rules and conduct the elections with integrity. It took Casey six weeks to choose Mark. Meanwhile my two-weeks notice came and went several times.

*NOTE: Management support of the LES is critical to holding a good Election. As you have read already, Mark could not have accomplished what he did without the overwhelming cooperation of Ernesto. I am very happy to report their successful collaboration for the love of Pacifica.*

## **RECOMMENDATION**

After two years working on LSB Elections, I've concluded that whoever crafted Pacifica Election bylaws never considered how to make this event attractive, easy, and fair for the voters. Of course, at that time, there was much contention and trauma around the balance of power and it's easy to see why they forgot the rest of us. Has that changed? Here we are, four election cycles down the road, and practically everyone is, in some part, to blame, for the failure of the Foundation to excite and facilitate its members in the call to democratic self governance.

- Recruiting efforts are nil
- Record keeping is a mess
- The mailing lists are sloppy
- Ballots never get mailed
- Deadlines have to be extended
- Ballot tabulation malfunctions
- Some Candidates even try to cheat

This combined dysfunction and expense has perpetuated a Foundation-wide disdain for a process everyone wants to point fingers about and nobody seems to be able to make work. The greatest expense however, is the cost of disenfranchising its members, for whom the Foundation exists, in principle.

Perhaps it would be more productive to look forward towards exploring better ways of creating a functional sustainable democracy. To paraphrase Prof. Josiah Ober, Prof of Political Science/Ancient History at Stanford, it was the ancient Athenians who established democracy as a universal value: the conviction that whenever people are subjected to power, their views about the exercise of that power must be taken into consideration. Citizens enjoyed freedom as a participation in the political life of the community and, through their actions, sustained its existence and furthered its welfare.\*

I have taken the first step of contacting Josiah Ober in hopes he would be willing to consult with the Foundation. Not only has he graciously agreed to an initial meeting with Nicole Sawaya, he also recommends his book *A Company of Citizens*, by Brook Manville and Josiah Ober, Published 2003 Harvard Business School Press. In Mr. Ober's words, the book describes how insights from Athens could be used to rethink modern organizations. It is a sincere hope, from both Mark and me, that for the sake of the Pacifica Foundation you'll collectively seize this opportunity to explore the alternative ideas for democratic self- governance Mr. Ober is willing to share.

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\* *'Learning from Athens'*, Josiah Ober, *Boston Review*, 2006  
Josiah Ober website <http://politicalscience.stanford.edu/faculty/ober.html>

## **KPFT BALLOTS**

KPFT Listener Sponsor Ballots issued by Pacifica 8610

KPFT Listener Sponsor Ballots voted 919  
(10% or 861 required to achieve quorum)

KPFT Staff Ballots issued by Pacifica 170

KPFT Staff Ballots voted 65  
(25% or 43 required for quorum)

KPFT Listener Sponsor Replacement Ballots requested ~ 50

KPFT Listener Sponsor Replacement Ballots received ~ 0

KPFT Listener Provisional Ballots issued and voted 24

KPFT Staff Provisional Ballots issued and voted 19

## **KPFT Local Station Board Expenses**

Food, Refreshments and musicians \$300

Cell phone upgrades 80

PO Box 55

Local Election Supervisor Salary (Mark) 6,300

Local Election Supervisor Salary (Tucker) 4,000

KPFT Ballot Printing and Mailing 11,426

**Total KPFT LSB 2007 Election Cost \$21,861**

Donations to support KPFT LSB Elections \$ 195.00

Membership renewals associated with KPFT Elections 1,160.00

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KPFT Ballots mailed 8,770

Cost per ballot \$ 1.30

KPFT Ballots voted 974

**Cost per Vote \$22.44**

## **PUBLIC SERVICE ANNOUNCEMENTS and ELECTION BROADCASTS**

KPFT Listener Sponsor Candidates 11  
(for 9 LSB seats)

KPFT Staff Candidates 7  
(for 3 LSB seats) one staff candidate withdrew

Number of Election PSAs produced by KPFT at least 25

Total broadcast plays of KPFT election PSAs at least 513

Total Listener sponsor candidate cart plays 134

Live on air Candidate forums 8

KPFT on-air appearances by Pacifica National Elections Supervisor, Casey Peters 3

KPFT on-air appearances by Local Election Supervisor Mark Muhich 7

Candidate Town Meetings 3

## **List of Recommendations**

1. Either the previous LES or the NES should be available to tutor the incoming LES on the protocols for Pacifica Elections.
2. All LES contracts should be submitted in a timely manner before LES' responsibilities begin.
3. The KPFT Local Station Board should engage itself more vigorously in recruiting LSB candidates, both staff and listener sponsor candidates. A number of LSB members did attend last minute candidate petition parties held at the station, thankfully, but to my mind this is no replacement for developing quality LSB candidates over an extended period of time. The next KPFT election is two years hence; current LSB members should begin now to recruit candidates for the 2009 elections.

4. If station policy is that all volunteers, including and especially programmers, sign the station log book, then future contracts between volunteers and station management should stipulate that programmers will log-in. Program evaluations would include completion of KPFT log book entries.
5. The inability to deliver replacement ballots to qualified listeners and staff who had requested such remains a mystery to me. One that should be further explored before another election cycle begins.

It is clear to me that the greatest expense in the Pacifica elections process is the printing of ballots secured with bar codes and personal identification numbers. As these PINs and barcodes proved unworkable at the KPFT ballot counting, (See "Ballot Counting" below) and because the replacement ballot system remains dysfunctional, and aggravating to both LES's and to qualified voters, I suggest that the Pacifica National Board consider developing an electronic voting method for the next election cycle.

If printed ballots remain in use then I would recommend that the mechanism of requesting replacement ballots from the National Office in Berkeley be scrapped. In its place I would advise the issuance of provisional ballots early on to the LES's who then could distribute these to qualified listeners and staff who had requested a replacement ballot. These provisional ballots would be registered with their individual PIN and the name of the recipient, and secured in the Pacifica National Office.

6. The station is the greatest resource in gaining a successful LES election, and management is running the station. I had no compunction about asking Programmer Director Ernesto Aguilar to air an election promo, or replace one announcement with another, not that I did ask him very much, as I think he has a highly developed sense of broadcast aesthetic. Having no experience with other stations, I would recommend making the station studios election central and making nice with the management.
7. Keep all our lines of communication open. The election rules are very explicit. If an infraction occurs, be decisive, and let everyone else know about the infraction and your decision.
8. The Pacifica candidate questionnaire provides in much greater detail the views and personalities of the candidates than do the candidates' written statement or broadcast cart. If the candidate recruiting process were more robust, the questionnaire might be required at the time of filing for the LSB. But beggars cannot be choosers, and often I felt as LES that I was begging for candidates.
9. Programmer evaluations should also include the programmers' completion of PSA logs. While reviewing these daily PSA logs to tabulate the number of election PSAs broadcast, I found days worth of missing PSA entries.
10. Depend on nature. Every creature and plant you see has been doing this for a million times longer than we have.

11. Begin a one-year study of self-governing organizations that would recommend to the Pacifica National Board amendments to the Pacifica by-laws regarding the conduct of elections. This study may include passionate Pacificans, and elections scholars of an academic persuasion, and scholars of ancient Athenian democracy.

I believe the current election process is fatally flawed. Pacifica should take a radically new approach to our elections both in methodology and personnel.

END

### Lists, Contributions, Voting, and Pacifica's Democracy

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Reply All

**From:** [mavmedia@aol.com](mailto:mavmedia@aol.com)

**Date:** 8/15/2007 11:12:29 AM

**To:** [pnb@pacifica.org](mailto:pnb@pacifica.org)

**Cc:** poc-

[whole@pacifica.org](mailto:whole@pacifica.org), [dominga@pacifica.org](mailto:dominga@pacifica.org), [pacifica@mail2casey.com](mailto:pacifica@mail2casey.com), [christine@pacifica.org](mailto:christine@pacifica.org)

Dear PNB,

My apology for the delay in my response to recent debates and requests regarding election and membership matters. Rather than reply in haste, I wanted to review the range of opinion, do some research, and consider the appropriate response. Clearly, there is more than one issue on the table, and I won't get to all of them here.

I also apologize for the length of what follows, but this is not a simple matter.

#### 1. List Integrity

It's an understatement to say that concerns about the integrity and legitimacy of staff and listener lists have been expressed for several years. A number of people have argued that these issues have been ignored, or at least left unresolved. Clearly, there have been problems verifying the basis for names being included on unpaid staff lists. We are also being told that some contributors may not be added to the listener rolls, and there has recently been a controversial attempt to have some member contributions forwarded to an individual before being delivered to the station.

On the question of staff lists, the conflict between the Bylaws definition of staff members and the definitions used by unpaid staff groups are at the center of the debate. A complicating factor is that the Bylaws are ambiguous on the question of responsibility for certifying the integrity of the database from which the election rolls are created. Clearly, the Foundation has a responsibility to know who works for it, whether paid or unpaid. In this regard, the PNB has passed several resolutions mandating the creating and monthly updating of such lists. However, the requirement has not been met at all stations.

Elections supervisors can evaluate management's diligence in gathering accurate information, maintaining updated and accurate lists, and publishing them. But when unpaid staff organizations create staff lists, there must be a way for management to verify the basis for the names on the lists.

Even if standards for membership are allowed to vary – for example, 30 hours in 3 months preceding the close date (for stations without recognized unpaid staff organizations), or 30 hours in any three consecutive months during the year preceding an election close date – recognition of the staff organization remains at issue, as we are currently seeing at KPFA. But even when recognition is not questioned, management needs standards by which it can validate any staff list's criteria.

In the past, elections supervisors have had to choose between accepting unverified lists and refusing to validate elections. It's not a tenable choice. But if the lists don't become more verifiable, there may well be a legal challenge, possibly in the form of an injunction against a local election.

The primary difference between lists provided by unpaid staff groups and those created by management is the criteria for time worked. The Bylaws require unpaid staff to have put in 30 hours in 3 months preceding the close date; unpaid staff organizations use different criteria. In my opinion, the goal should be for unpaid staff groups to bring their criteria into line with the bylaws. But whatever the solution, the hours and work need to be verifiable and someone needs to sign off. Without that, there will be continual charges of padding, omissions and other practices that people will no doubt label as "corruption." The goal should be to avoid what could become a "constitutional" crisis.

## 2. Listener Contributions

A recent e-mail privately distributed by Steve Brown, along with the responses to it, underlines how volatile the question of voting rights has become. In this case, the focus is listener contributions and eligibility. Stripping away the personal references, the charge raised is that some people aren't getting ballots despite attempts to make contributions. Like the questions being raised about unpaid staff eligibility, this isn't a new complaint. As Wendy Schroell notes, in past elections people have made donations to become members, not received a ballot, and subsequently found that their contribution wasn't recorded.

Having checks sent to an individual is not a real solution for the underlying problem, but neither should Pacifica ignore the contention that some contributions are being lost. This isn't meant as an endorsement of accusations made against individuals or of any assumptions about motivations. It is simply an argument that it would be short-sighted to sweep aside such a concern because it comes from a controversial source. Like any other charge, it deserves a reasonable, timely and affordable investigation.

As far as Steve's attempt to have contributions sent to a personal address before delivery to the station is concerned, I consider the issue unresolved at this point. Although I don't vote in various stations elections, I have personally been solicited for contributions at events and provided checks to individuals – both Board and Staff – that were subsequently passed on to stations. While I have the greatest respect for Dan, his e-mail does not have the force of law, a management decision, or a Board decision. In reviewing his initial response, he did not comment on whether Steve's action warranted disciplinary action. Rather, he opined that there was "potential" for misuse and mishandling of membership funds, and thus told Steve to write to people and say he was "incorrect" to urge them to send their fees to him. What I did not see was a legal rationale for that opinion. While the alternative of using certified or registered mail is certainly fine (though not foolproof), there is not only one right way to handle a contribution. Major donations are often solicited in person and subsequently delivered to organizations. Memberships are obtained at public events by various people and hand-delivered to stations. I will need a more solid legal rationale and more input from the community before I distribute "orders" to Board members or instruct a station to run a cart.

The main problem, in my view, is not how money and memberships reach the station, but the ongoing antagonism between "warring" groups and individuals at various stations. Steve Brown charges staff and political rivals with suppressing the vote, and Lisa Davis accuses Steve of trying to manipulate station membership. Chandra Hauptman calls for a detailed audit, and Ray LaForest calls her motivations biased. Clearly, we have a political dispute here, not something that can be easily disposed of by issuing an edict and putting a cart on the air. What would such a cart say? How would the public airing of a procedural dispute -- or the public criticism of an LSB member -- increase confidence in the integrity of Pacifica's elections?

As I tried to explain in July, the willingness to compromise is essential if Pacifica's democracy is going to function. What we are hearing is charges about fair play. If the essence of the concerns is allowed to be lost due to personal enmity or factional division, the resulting disunity could lead to paralysis. Even before the nomination period has ended, there are charges about fraudulent conduct, vote manipulation, and unethical behavior, along with the suggestion that harsh discipline is in order. But if people who question elements of the election process are sanctioned – or worse, disenfranchised – as a consequence of making complaints, the legitimacy of the organization's elections will be further undermined.

### 3. Voting and Democratic Varieties

I understand that Board members are tired of hearing my criticisms of Pacifica's current governance structure. On the other hand, members also want problems growing from that structure to be addressed. In order to do that, we need some basic agreement about nature of the problem – not simply that the "other side" is dishonest or racist. For what it's worth, one of my conclusions is that the current structure and process encourage competition rather than cooperation.

Therefore, a viable solution should 1) encourage a greater willingness on the part of all to cooperate – to actively seek common ground, 2) create an election process that rewards constructive ideas rather than negative campaigns, and 3) move Pacifica toward a revised structure that balances democracy (in this case, voting people onto Boards) with increased effectiveness (in part, by recruiting some appointed Board members who have needed skills but aren't so engaged in Pacifica's internal political struggles). I know full well that the latter

suggestion will be very controversial. For now, I will only remind everyone that just because a group is elected, that doesn't always mean it makes the best or even the right decisions.

It is important to keep in mind that voting is no magic bullet. It is a mediated form of political engagement, and can sometimes divert energy away from more effective forms of political and social action. Representative democracy isn't participatory democracy. I often hear calls for more people to be consulted in decision-making processes, yet the current structure rewards exclusive, majoritarian alliances of those who are elected.

Pacifica may want to seriously consider an alternative model. One example is some form of open-source governance, an emerging approach that allows policy development to benefit from the collected wisdom of a whole community. This has been called a post-national governing structure. In Pacifica's case, that would mean post-station, since stations are the "nations" in Pacifica's world. In an open-source model, policy-setting would be de-coupled from station management. A small step in this direction would be to maintain all policies – local, national, financial, etc.. – in one accessible public registry and update it regularly.

The current approach at Pacifica seems to be, in part, a form of grassroots democracy. In this model, as much decision-making authority as possible is granted to the lower geographic level of organization. It sounds fine, but it means that in practice power resides with local institutions – stations – not with individuals. In contrast, participatory systems allow people equal access to decision-making regardless of their standing in a local chapter or community. The question here is who and what Pacifica seeks to empower. Shouldn't people who support Pacifica in ways other than working at or contributing to a sister station be allowed to participate in important decisions? From the station point of view, however, they are sometimes viewed as outsiders; at the very least, they are not "members."

In short, claiming to have a democratic structure doesn't end the discussion. What kind do we actually have, what kind does the community actually want, and what kind will work?

#### 4. Relevant Democratic Models (here are 11, but there are more)

**Grassroots** – As I mentioned, this gives decentralized units the authority to make local level, binding decisions. We have elements of this, but there's a tension with a more hierarchical structure that asserts centralized power in areas such as budget control.

**Workplace** – This form emerged as a response to top-down management hierarchy, and often uses lateral approaches like arbitration when problems arise. These days it is usually implemented in some compromise form. But an important element is that important decisions like centralization and management change only happen by request or with overwhelming majority acceptance, and work teams retain the power to resist change. Putting staff on Boards is a bow to this form, but creates some problems, e.g. the perception of conflict of interest.

**Parliamentary** – In this system, the executive branch is typically a cabinet, headed by an individual who is initially elected to the legislature. It's something to consider, since someone who rose to the top would very likely have a strong working coalition.. However, this would also lead Pacifica further in the direction of becoming a political movement and creating a "government," perhaps distracting from its essential media purposes.

**Jacksonian** – This basically means a strong executive branch that asserts itself over the legislative body. Few in Pacifica want this, although there is a sentiment that, once empowered by the legislative branch, the executive should plow ahead. In my experience,

some Pacificans do want a strong executive – until that person does something with which they disagree.

**Democratic Centralism** – In practice, this means debating things and taking a vote. But once the vote has happened, everyone is supposed to follow the decision in public. That's not likely to work in Pacifica, but some groups who participate and have influence do tend toward such a disciplined approach.

**Electronic** – Some institutions are using technology to enhance the democratic process. Pacifica is attempting to do this to some extent, but it's certainly not a panacea and technology can certainly be misused.

**Participatory** – Here the focus is on consensus decision making and greater representation for those who get involved. The advantage is that people have access regardless of their local "standing." But it requires a lot of information if the process is going to work, and therefore, use of technology that empowers.

**Deliberative** – This means hearing out every alternative, from every direction, with enough time to do the research. It sounds great and we sometimes try to apply it, but it has some serious limitations for a media organization in which quick reactions in response to unpleasant but unavoidable market forces are needed.

**Multi-Party/Faction** – This approach gives power to large blocs. The trouble is that they usually can't agree on overarching principles. This appears to be a direction in which the current structure is leading the organization.

**Representative** – This type of democracy is indirect, and power is held by representatives. This is clearly an element of Pacifica's approach, combined with some grassroots, deliberative, and multiparty tendencies.

**Radical/Dialogic** – This approach emphasizes nurturing and tolerating difference and dissent in decision-making. The idea is that oppressive power relations should be out in the open, re-negotiated, and changed. But it can be difficult -- or inefficient -- to make decisions in a group while being tolerant and accepting of dissent and antagonistic views. And it will probably be tough for those making the decisions to acknowledge existing oppressive power relationships. Still, a bit of this could be refreshing.

Alone, any one of these approaches has limitations, but elements of several – along with incentives for cooperation and some appointed Board members -- might be combined in a revised and improved model. In the meantime, Pacifica needs to look at its basic purposes and move away from bureaucratic or rigid responses to disputes, fueled by a structure that is incomplete, inefficient, frustrating, and the result of a tentative political compromise that may not hold much longer.

Greg Guma

\*\*\*\*

Executive Director  
Pacifica Foundation

Radio with conscience for 58 years

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