

**PACIFICA FOUNDATION  
COMPLETE FINAL CERTIFICATION AND REPORT  
November 2004 Election**

**Compiled by Kenneth Mostern, National Election Supervisor**

**CONTENTS OF THIS PACKAGE**

1. Certification of Election

KPFA  
KPFK  
KPFT  
WBAI  
WPFW

2. Final Reports

Kenneth Mostern, Pacifica Foundation National Election Supervisor  
Brian Johns, KPFA Local Election Supervisor  
Mary Rosendale, KPFK Local Election Supervisor  
Bobby Muldoon, KPFT Local Election Supervisor  
Caleb Kleppner, WBAI Local Election Supervisor (with the assistance of Teresa Graham,  
WBAI Local Election Administrator  
Angela Lauria, WPFW Local Election Supervisor

3. Audit Reports

The reports about the results of the list audits done by the various elections supervisors are included in this document as Appendix D of the National Election Supervisor's report. Some Local Election Supervisors also chose to include these reports in their final report. As a result, there is some duplication in this complete document.

**KPFA BALLOT COUNT**

**December 6, 2004  
Counting Started at 12:30 PM**

**Location:  
Bay Area Alternative Press  
1847 Alcatraz Avenue  
Berkeley, CA**

**1. Quorum**

	<b>Ballots mailed</b>	<b>Approx. Quorum</b>
<b>Listeners</b>	<b>28308</b>	<b>2831</b>
<b>Staff</b>	<b>231</b>	<b>58</b>
	<b>Undeliverable ballots returned</b>	<b>Adjusted Quorum</b>
<b>Listeners</b>	<b>32</b>	<b>2828</b>
<b>Staff</b>	<b>1</b>	<b>58</b>

**Ballots received:**

<b>Listeners</b>	<b>3421</b>	<b>LISTENER QUORUM MADE</b>
<b>Staff</b>	<b>97</b>	<b>STAFF QUORUM MADE</b>

**2. Disqualified Ballots**

**20 Listener ballots disqualified for being duplicates from the same voter  
1 Staff ballot disqualified for being a duplicate from the same voter  
[above ballots not counted toward quorum]**

**66 Listener ballots disqualified because of failure to include barcode  
0 Staff ballots disqualified because of failure to include barcode  
[above ballots counted toward quorum]**

**15 Listener abstentions (barcodes returned but no ballot enclosed)  
0 Staff abstentions (barcodes returned but no ballot enclosed)**

**total ballots counted:**

<b>listeners</b>	<b>3320</b>
<b>staff</b>	<b>96</b>

### 3. Results

All ballot images were scanned by TrueBallot, Inc., and .in files for both elections were created. Kenneth Mostern, National Election Supervisor for the Pacifica Foundation, formatted the files and ran the raw data through ChoicePlus Pro. The following is the final round STV count.

Listeners:

CANDIDATE	THIS ROUND	TOTAL	STATUS
LaVarn Williams	0	332	ELECTED -- 1st round
Sherry Gendelman	0	332	ELECTED -- 1st round
Chandra Hauptman	0	332	ELECTED -- 8th round
Joe Wanzala	0	332	ELECTED -- 11th round
Ted Friedman	0	332	ELECTED -- 14th round
Annie Hallat	0	332	ELECTED -- 14th round
Richard Phelps	0	332	ELECTED -- 14th round
Rosalinda Palacios	-130.39002	332	ELECTED -- 18th round
Attila A. Nagy	0	379.31897	ELECTED -- 18th round
Mark Hernandez	0	0	DEFEATED -- 17th round
Stan Woods	0	0	DEFEATED -- 13th round
Jane Jackson	0	0	DEFEATED -- 12th round
Gerald Sanders	0	0	DEFEATED -- 10th round
Willie C. Thompson	0	0	DEFEATED -- 9th round
Steve Conley	0	0	DEFEATED -- 7th round
Yasuo Monno	0	0	DEFEATED -- 6th round
Tom Blanks	0	0	DEFEATED -- 5th round
Aaron R.M. Aarons	0	0	DEFEATED -- 4th round
_____ W.	0	0	DEFEATED -- 3rd round
Michael Lubin	0	0	EXCLUDED
<b>EXHAUSTED PILE:</b>	<b>+130.39002</b>	<b>275.68103</b>	

Staff:

<b>CANDIDATE</b>	<b>THIS ROUND</b>	<b>TOTAL</b>	<b>STATUS</b>
<b>Brian Edwards-Tiekert</b>	0	25	ELECTED -- 1st round
<b>Mary Berg</b>	0	25	ELECTED -- 3rd round
<b>Eric Park</b>	-20.93282	25	ELECTED -- 5th round
<b>Miguel Gavilan Molina</b>	0	0	DEFEATED -- 4th round
<b>Solange Echeverria</b>	0	0	DEFEATED -- 2nd round
<b>_____ W.</b>	0	0	DEFEATED -- 2nd round
<b>EXHAUSTED PILE:</b>	+20.93282	21	
<b>TOTALS:</b>	0	96	

I hereby certify that these are the true results of the KPFA election.

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**Kenneth Mostern, Pacifica Foundation National Election Supervisor**

**KPFK BALLOT COUNT**

**December 4, 2004  
Counting Started at 10:30 AM**

**Location:  
Peace Center  
8124 W. 3<sup>rd</sup> Street, Ground Floor  
Los Angeles, CA**

**1. Quorum**

	<b>Ballots mailed</b>	<b>Approx. Quorum</b>
<b>Listeners</b>	<b>21276</b>	<b>2128</b>
<b>Staff</b>	<b>227</b>	<b>57</b>
	<b>Undeliverable ballots returned</b>	<b>Adjusted Quorum</b>
<b>Listeners</b>	<b>225</b>	<b>2106</b>
<b>Staff</b>	<b>9</b>	<b>54</b>

**Ballots received:**

<b>Listeners</b>	<b>2188</b>	<b>LISTENER QUORUM MADE</b>
<b>Staff</b>	<b>69</b>	<b>STAFF QUORUM MADE</b>

**2. Disqualified Ballots**

**7 Listener ballots disqualified because of failure to include barcode  
1 Staff ballots disqualified because of failure to include barcode**

**43 Listener abstentions (barcodes returned but no ballot enclosed)  
1 Staff abstentions (barcodes returned but no ballots)**

**total ballots counted:**

<b>listeners</b>	<b>2138</b>
<b>staff</b>	<b>67</b>

### 3. Results

All ballot images were scanned by TrueBallot, Inc., and .in files for both elections were created. Kenneth Mostern, National Election Supervisor for the Pacifica Foundation, formatted the files and ran the raw data through ChoicePlus Pro. The following is the final round STV count.

Listeners:

<b>CANDIDATE</b>	<b>THIS ROUND</b>	<b>TOTAL</b>	<b>STATUS</b>
<b>Kimberly King</b>	0	210	ELECTED -- 10th round
<b>Terry Goodman</b>	0	210	ELECTED -- 16th round
<b>Bill Gallegos</b>	0	210	ELECTED -- 18th round
<b>Lamont Yeakey</b>	0	210	ELECTED -- 21st round
<b>Israel Feuer</b>	0	210	ELECTED -- 23rd round
<b>Reza Pour</b>	0	210	ELECTED -- 25th round
<b>Grace Aaron</b>	0	210	ELECTED -- 25th round
<b>Lydia Brazon</b>	-38.82317	210	ELECTED -- 25th round
<b>Arturo Lemus (write-in)</b>	+5.37722	209.40667	ELECTED -- 28th round
<b>Harrison Weil</b>	0	0	DEFEATED -- 24th round
<b>Casey McFall</b>	0	0	DEFEATED -- 22nd round
<b>Leslie Radford</b>	0	0	DEFEATED -- 20th round
<b>Philip Osborn</b>	0	0	DEFEATED -- 19th round
<b>Francisco Flores</b>	0	0	DEFEATED -- 17th round
<b>Learner Goude</b>	0	0	DEFEATED -- 15th round
<b>Rafael Renteria</b>	0	0	DEFEATED -- 14th round
<b>Douglas Barnett</b>	0	0	DEFEATED -- 13th round
<b>Effrom Harrison</b>	0	0	DEFEATED -- 12th round
<b>Other Write In</b>	0	0	DEFEATED -- 11th round
<b>Bella De Soto</b>	0	0	DEFEATED -- 9th round
<b>Joaquin Calderon</b>	0	0	DEFEATED -- 8th round
<b>Aquilina Soriano</b>	0	0	DEFEATED -- 7th round
<b>Wendy Campbell</b>	0	0	DEFEATED -- 6th round
<b>Jerry D. Pierson</b>	0	0	DEFEATED -- 5th round
<b>Roberto Haraldson</b>	0	0	DEFEATED -- 4th round
<b>Jean Boenish</b>	0	0	DEFEATED -- 3rd round
<b>Lawrence Reyes</b>	0	0	DEFEATED -- 2nd round
<b>Luis Garcia (write-in)</b>	0	0	DEFEATED -- 1st round
<b>EXHAUSTED PILE:</b>	+33.44595	205.59333	

Staff:

<b>CANDIDATE</b>	<b>THIS ROUND</b>	<b>TOTAL</b>	<b>STATUS</b>
<b>Maria Armoudian</b>	-11.58333	17	ELECTED -- 1st round
<b>Margaret Prescod</b>	+5.6397	22.22303	ELECTED -- 2nd round
<b>Rodrigo Argueta</b>	+5.33576	17.33576	ELECTED -- 2nd round
<b>Fernando Velazquez</b>	+0.5741	8.15743	DEFEATED -- 2nd round
<b>Wr.</b>	+0.03377	1.28377	DEFEATED -- 2nd round
<b>Arturo Lemus</b>	0	0	EXCLUDED
<b>EXHAUSTED PILE:</b>	0	1	
<b>TOTALS:</b>	0	67	

I hereby certify that these are the true results of the KPFK election.

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**Kenneth Mostern, Pacifica Foundation National Election Supervisor**





**KPFT BALLOT COUNT**

**December 3, 2004  
Counting Started at 10:00 AM**

**Location:  
Houston, TX  
GLBT Community Center  
3400 Montrose Avenue #203  
Houston, TX 77006**

**1. Quorum**

	<b>Ballots mailed</b>	<b>Approx. Quorum</b>
<b>Listeners</b>	<b>10262</b>	<b>1027</b>
<b>Staff</b>	<b>210</b>	<b>53</b>
	<b>Undeliverable ballots returned</b>	<b>Adjusted Quorum</b>
<b>Listeners</b>	<b>245</b>	<b>1002</b>
<b>Staff</b>	<b>9</b>	<b>51</b>

**Ballots received:**

<b>Listeners</b>	<b>1039</b>	<b>LISTENER QUORUM MADE</b>
<b>Staff</b>	<b>76</b>	<b>STAFF QUORUM MADE</b>

**2. Disqualified Ballots**

**25 Listener ballots disqualified because of failure to include barcode  
0 Staff ballots disqualified because of failure to include barcode**

**63 Listener abstentions (barcodes returned but no ballot enclosed)  
2 Staff abstentions (barcodes returned but no ballots)**

**total ballots counted:**

**listeners 951  
staff 74**

### 3. Results

All ballot images were scanned by TrueBallot, Inc., and .in files for both elections were created. Kenneth Mostern, National Election Supervisor for the Pacifica Foundation, formatted the files and ran the raw data through ChoicePlus Pro. The following is the final round STV count.

Listeners:

<b>CANDIDATE</b>	<b>THIS ROUND</b>	<b>TOTAL</b>	<b>STATUS</b>
<b>Deborah Shafto</b>	0	95	ELECTED -- 1st round
<b>Sandra D. Rawline</b>	0	95	ELECTED -- 1st round
<b>George Tennant, Jr.</b>	0	95	ELECTED -- 14th round
<b>Yolanda Garza Birdwell</b>	0	95	ELECTED -- 16th round
<b>Al Delaney</b>	0	95	ELECTED -- 18th round
<b>Ngozi Kamau</b>	0	95	ELECTED -- 20th round
<b>Evelyn Serwa Bethune</b>	-9.79341	95	ELECTED -- 22nd round
<b>Mary Dennis</b>	0	102.11468	ELECTED -- 22nd round
<b>Sims McCutchan</b>	0	100.98304	ELECTED -- 22nd round
<b>Adnan Lakhani</b>	0	0	DEFEATED -- 21st round
<b>robert graham</b>	0	0	DEFEATED -- 19th round
<b>Jim Stotts</b>	0	0	DEFEATED -- 17th round
<b>M. Page Keller</b>	0	0	DEFEATED -- 15th round
<b>C. Lee Taylor</b>	0	0	DEFEATED -- 13th round
<b>Brian Swain</b>	0	0	DEFEATED -- 12th round
<b>Richard Uzzell</b>	0	0	DEFEATED -- 11th round
<b>Darryl Lauster</b>	0	0	DEFEATED -- 10th round
<b>Don Mack</b>	0	0	DEFEATED -- 9th round
<b>Jamal Assad</b>	0	0	DEFEATED -- 8th round
<b>J. Adam Jefferson</b>	0	0	DEFEATED -- 7th round
<b>King Grossman</b>	0	0	DEFEATED -- 6th round
<b>Ester L. King</b>	0	0	DEFEATED -- 5th round
	0	0	DEFEATED -- 4th round
<b>Earl McDonald</b>	0	0	DEFEATED -- 3rd round
<b>EXHAUSTED PILE:</b>	+9.79341	77.90228	
<b>TOTALS:</b>	0	946	

Staff:

<b>CANDIDATE</b>	<b>THIS ROUND</b>	<b>TOTAL</b>	<b>STATUS</b>
<b>Sandy Weinmann</b>	0	19	ELECTED -- 1st round
<b>Phil Jackson</b>	0	19	ELECTED -- 1st round
<b>Sonja Elise Freeman</b>	-2.33202	19	ELECTED -- 6th round
<b>Michael Woodson</b>	0	0	DEFEATED -- 5th round
<b>George Reiter</b>	0	0	DEFEATED -- 4th round
<b>Aminah Al Zahir</b>	0	0	DEFEATED -- 3rd round
<b>_____ .</b>	0	0	DEFEATED -- 3rd round
<b>EXHAUSTED PILE:</b>	+2.33202	16	
<b>TOTALS:</b>	0	73	

I hereby certify that these are the true results of the KPFT election.

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**Kenneth Mostern, Pacifica Foundation National Election Supervisor**

## WBAI BALLOT COUNT

December 1, 2004  
Counting Started at 9:30 AM

**Location:**  
SLC Conference Center  
352 7<sup>th</sup> Avenue, 16<sup>th</sup> Floor  
New York, New York

### 1. Quorum

	Ballots mailed	Approx. Quorum
Listeners	20873	2088
Staff	252	63
	Undeliverable ballots returned	Adjusted Quorum
Listeners	78	2080
Staff	4	62

### Ballots received:

Listeners	3200
Staff	126

**LISTENER QUORUM MADE**  
**STAFF QUORUM MADE**

### 2. Disqualified Ballots

[1 Ballot unopened and disqualified because turned in by hand against the rules.  
This ballot was not counted towards quorum.]

18 Listener ballots disqualified because of failure to include valid barcode  
2 Staff ballots disqualified because of failure to include valid barcode

50 Listener abstentions (barcodes returned but no ballot enclosed)  
1 Listener ballot was unreadable

### total ballots counted:

listeners	3131
staff	124

### 3. Results

All ballot images were scanned by TrueBallot, Inc., and .in files for both elections were created. Kenneth Mostern, National Election Supervisor for the Pacifica Foundation, formatted the files and ran the raw data through ChoicePlus Pro. The following is the final round STV count.

#### Listeners:

CANDIDATE	THIS ROUND	TOTAL	STATUS
Omowale Clay	0	312	ELECTED -- 1st round
Evan Tobias	0	312	ELECTED -- 2nd round
Sara Flounders	0	312	ELECTED -- 2nd round
Luanne Pennesi	0	312	ELECTED -- 13th round
Berthold Reimers	0	312	ELECTED -- 16th round
Lisa V. Davis	0	312	ELECTED -- 20th round
Marian Borenstein	0	312	ELECTED -- 21st round
Patty Heffley	-21.45828	312	ELECTED -- 24th round
Alice Shields	0	314.44688	ELECTED -- 24th round
Cheryl lfe Griffin	0	0	DEFEATED -- 23rd round
Mitchel Cohen	0	0	DEFEATED -- 22nd round
Berta Silva	0	0	DEFEATED -- 19th round
James Ross	0	0	DEFEATED -- 18th round
Sharon T. Davis	0	0	DEFEATED -- 17th round
Alex Steinberg	0	0	DEFEATED -- 15th round
Robert Owens	0	0	DEFEATED -- 14th round
Harry Lichtenstein	0	0	DEFEATED -- 12th round
Nicholas S. Martielli	0	0	DEFEATED -- 11th round
Patricia Logan	0	0	DEFEATED -- 10th round
Paul Zulkowitz	0	0	DEFEATED -- 9th round
Shohreh Tehrani	0	0	DEFEATED -- 8th round
Ed Marshall	0	0	DEFEATED -- 7th round
Rolando Bini	0	0	DEFEATED -- 6th round
Andrea Fishman	0	0	DEFEATED -- 5th round
David S. Goldman	0	0	DEFEATED -- 4th round
<b>EXHAUSTED PILE:</b>	<b>+21.45828</b>	<b>302.55312</b>	

**Staff:**

<b>CANDIDATE</b>	<b>THIS ROUND</b>	<b>TOTAL</b>	<b>STATUS</b>
<b>Cerene Roberts</b>	0	32	ELECTED -- 1st round
<b>Vajra Kilgour</b>	0	32	ELECTED -- 5th round
<b>R. Paul Martin</b>	-14.51768	32	ELECTED -- 7th round
<b>Roger Manning</b>	0	0	DEFEATED -- 6th round
<b>Dred Scott Keyes</b>	0	0	DEFEATED -- 4th round
<b>Ibrahim Gonzalez</b>	0	0	DEFEATED -- 3rd round
<b>Margareth Dominique</b>	0	0	DEFEATED -- 2nd round
<b>Aroni Saunderson-EI</b>	0	0	DEFEATED -- 2nd round
<b>EXHAUSTED PILE:</b>	+14.51768	28	
<b>TOTALS:</b>	0	124	

I hereby certify that these are the true results of the WBAI election.

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**Kenneth Mostern, Pacifica Foundation National Election Supervisor**

## WPFW BALLOT COUNT

November 30, 2004  
Counting Started at 12:20 PM

**Location:**  
Washington, DC  
Takoma Co-Housing Commons  
6827 4<sup>th</sup> St. NW  
Washington DC 20012

### 1. Quorum

	Ballots mailed	Approx. Quorum
Listeners	13838	1384
Staff	104	26
	Undeliverable ballots returned	Adjusted Quorum
Listeners	18	1382
Staff	3	26

#### Ballots received:

Listeners	1405 (10.15%)	LISTENER QUORUM MADE
Staff	32 (30.77%)	STAFF QUORUM IS MADE

### 2. Disqualified Ballots

7 Listener ballots disqualified because of failure to include barcode

2 Staff ballots disqualified because of failure to include barcode

53 Listener abstentions (barcodes returned but no ballot enclosed)

#### total ballots counted:

listeners 1345  
staff 30

### 3. Results

All ballot images were scanned, and .in files for both elections were created. Kenneth Mostern, National Election Supervisor for the Pacifica Foundation, formatted the files and ran the raw data through ChoicePlus Pro. The following is the final round STV count.

Listeners:

CANDIDATE	THIS ROUND	TOTAL	STATUS
Gloria Turner	0	135	ELECTED -- 1st round
Cade Campbell	0	135	ELECTED -- 1st round
Thomas Ruffin, Jr.	0	135	ELECTED -- 1st round
Joseph "Joe" Chiara	0	135	ELECTED -- 4th round
C. Jane Gatewood	0	135	ELECTED -- 8th round
Zarinah Shakir	0	135	ELECTED -- 8th round
Luzette King	-35.10966	135	ELECTED -- 11th round
Carol Wolfe	0	155.00514	ELECTED -- 11th round
Ayo Handy Kendi	0	144.64044	ELECTED -- 11th round
Alicia Milla	0	0	DEFEATED -- 10th round
Amanda Sweet	0	0	DEFEATED -- 7th round
Mustafa Amsal Laskar	0	0	DEFEATED -- 6th round
Alan Barysh	0	0	DEFEATED -- 5th round
EXHAUSTED PILE:	+35.10966	100.35442	
TOTALS:	0	1345	

Staff:

CANDIDATE	THIS ROUND	TOTAL	STATUS
Joni Eisenberg	0	8	ELECTED -- 1st round
Steve Hoffman	0	8	ELECTED -- 2nd round
Hakam Takash	-3.15769	8	ELECTED -- 4th round
Donnie McKethan	0	0	DEFEATED -- 3rd round
EXHAUSTED PILE:	+3.15769	6	
TOTALS:	0	30	

I hereby certify that these are the true results of the WPFW election.

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**Kenneth Mostern, Pacifica Foundation National Election Supervisor**



**Pacifica Foundation  
National Election Supervisor's Final Report  
Election of November 29 – December 6, 2004  
Kenneth Mostern**

**Submitted: December 16, 2004**

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**Contents:**

Acknowledgements

Introduction

1. Start-up Processes
2. Nomination Process
3. List Audits
4. Fair Campaign Provisions and Enforcement
5. Design, Production and Mailing of Ballots and Replacement Ballots
6. Promotion of the Election On-Air and Off-Air
7. Receipt of Ballots and Ballot Counting
8. Certification
9. Costs
10. Consolidated Comments About Election Timeline

Each section includes a narrative account of what happened, followed by recommendations for the future.

**Appendices:**

- A. Job Description of the Local Election Supervisors
- B. Sample 2004 Nomination Packet for LSB
- C. Procedures for Auditing of Membership Lists
- D. Audit Memos Submitted to National Election Supervisor by Local Election Supervisors
- E. Rules for Fair Campaign Provision Enforcement
- F. Never Promulgated Memo Concerning Slates and Campaign Financing
- G. Memo Concerning the Change in the Election Schedule

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**Acknowledgements**

The five Local Elections Supervisors, Angela Lauria, Caleb Kleppner, Brian Johns, Bobby Muldoon, and Mary Rosendale worked beyond the call of duty, and are the real people who made the completion of the election possible. Teresa Graham, who administered the election in New York, and Chris Collins, who assisted me in Berkeley, also did heroic work.

Terry Boricious, the previous Pacifica Foundation National Election Supervisor, was always available for a phone conversation. He also provided me with all his contacts and documentation from last year's election.

The members of the Pacifica National Board's Election Review committee, especially Carolyn Birden, helped me to get oriented and to learn the potential pitfalls in the election process during the first month that I worked on the election.

I am grateful to John Seibel and Nick Koumetseas of TrueBallot created the ballot systems and ensured that the counts would be both smooth and transparent.

Steve Willett of Voting Solutions set up and taught me to use Choice Plus Pro, and still hasn't billed the Foundation for his time.

In Berkeley I abused, though not intentionally, the following people: Lailoni Duarte, William Walker, Lisa Ballard, Chris Stehlik, Lynn Magno, Lonnie Hicks, and Dan Coughlin. Each provided time and energy without which the election couldn't have been conducted. I particularly wish I had been able to keep Lailoni out of the middle of things, and follow William's expectations for prior notice when things were going to come up. If I did this again, I'd know better how to save them grief.

The Local Election Committee had several people whose vigilance ensured that accurate and up to date information was always disseminated. I am especially grateful for the work of Nicole Milner and Max Blanchet, and during the ballot counting at KPFA, of Mary Berg, who as a candidate was barred from the counting, but directed traffic admirably.

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## **Introduction**

The Elections Staff of the Pacifica Foundation election has a uniquely difficult role. I can best demonstrate its difficulty by making an analogy to municipal elections, in which I have participated for many years as campaign staff for a variety of candidates and initiatives.

The City of Berkeley has over 73,000 registered voters. (The Pacifica Foundation has over 95,000 registered voters). The following organizations, agencies, and corporations participate in a City of Berkeley election:

- ?? The Alameda County Registrar of Voters, with a staff of 20 (to conduct an election for 600,000).
- ?? The Berkeley City Clerk's Office, with a staff of 4.
- ?? The City of Berkeley's Fair Campaign Practices Commission
- ?? The State of California's Fair Campaign Practices Commission

- ?? The League of Women Voters and other community organizations that set up forums and debates, create public access TV shows, and otherwise form neutral bodies that publicize the election and get out information about candidates
- ?? Diebold, the corporation that provides and operates the election machinery and the software.

I believe that my point is obvious. In the Pacifica election, a staff of six part-time people is expected to guarantee the accuracy of the election lists and the technical fairness of the ballots (the Registrar of Voters' job), to govern ballot access and the nomination process (the City Clerk's job), to oversee the Fair Campaign Provisions (the job of the local and state FCPC), to publicize the elections and create informative forums (the job of the LWV and others), and to operate the election machinery and software (that would be Diebold).

Of course the LWV function can and should be played by Local Election Volunteers, and in many cities it was – but these individuals look to the Local Election Supervisors to lead this process. The Diebold function was actually played by a contractor this year, TrueBallot, and I believe this was money well spent. Even with these caveats, the job is overwhelming. The job would be simpler if, as in most private election situations, the members of the Foundation believed there was relatively less at stake than in the municipal election. But Pacifica is not most private foundations, and a portion of the membership of the Foundation in fact believes that there is as much, or more, at stake in these elections as in the municipal elections.

Personally, as a subscriber to Pacifica Radio with my own opinions about what the priorities for spending money should be, I do not believe that more money should be spent on the election process than is already being spent. Given this, the job is not going to get simpler. The report that follows is a detailed narrative of what was actually accomplished during the election period we just completed, and it has some recommendations about how to improve the process. But I must say that I am genuinely skeptical that the fundamental problem of an overworked and underpaid staff can be altered substantially.

Of course, this merely replicates the day to day running of the Foundation, and of many left-wing institutions. As a committed leftist, I am delighted to have had the opportunity to be an overworked, underpaid contractor – as I have been for many other organizations before. I merely ask those individuals who do not hesitate to complain about the conduct of the election – like the conduct of the Foundation in general – to read this document, and take the time to learn about the real workload of those who they are complaining about. When you make your complaints, try having some respect for the workers.

Democratic governance will not survive without respect for workers.

## **1. Start-up Process**

***Review of Past Documentation.*** This was the second Pacifica Foundation election conducted under the present bylaws. In fact, inasmuch as the timeline that determined the election of January 2004 was determined not by the bylaws, but by a judicial decision and legal interpretation, it is more accurate to say that this was the first election conducted under these bylaws.

Terry Boricious, the election supervisor for the previous Foundation election, literally started with nothing. I started with Terry's invaluable documents, which included a sample nomination packet; the text of many emails expanding on and interpreting the Fair Campaign Provisions in the bylaws; phone numbers and emails of numerous contacts nationally; and lots of details about handling of ballots and counting, which ended up being superceded when I hired an outside contractor to do the count. The available materials were sketchy to nonexistent in several other categories including election publicity (on and off air); working with on-air staff to ensure compliance with election rules; and gathering and auditing the membership lists. In these categories I was making things up as I went along.

I also received several written reports concerning last year's election, including Terry Boricious's final report. The failure of some local election supervisors to write final reports about last year's election contributed greatly to the gap in knowledge and history we were faced with in running this year's election.

In order to regularize the electoral process, and also to create a set of rules against which the National Election Supervisor can be held accountable, the Foundation must create and adopt an election manual. The next National Election Supervisor should have only to read this manual and implement it, rather than start again from scratch.

***Review of Bylaws.*** Without a manual, the most important document for me to review and memorize was the several pages of the bylaws that govern the elections. My reading of the bylaws surprised me for several reasons, the most important of which is that they did not call for a Standing Elections Committee either of the PNB, of the various LSBs, or of any independent entity. Several stations had such committees already in place, but the bylaws did not and do not recognize their legitimacy. This had immense implications in terms of my legal responsibility to the election.

***Hiring of Election Supervisors.*** According to the bylaws, the National Election Supervisor is an independent contractor identified and hired by the Executive Director in May. The National Election Supervisor hires Local Elections Supervisors in all five cities, and the Local Election Supervisors form, at their discretion, Local Election Committees to assist them in the conduct of the election.

In short, as written the bylaws have two specific implications in regard to authority over the elections: (1) they make the National Election Supervisor solely responsible for the conduct of the election, and (2) they emphasize the independence of the National Election Supervisor from the staff, management, and board of the organization. While I have been a progressive of some profile in Berkeley and Oakland for several years, at the time I was

hired I was clearly independent of any faction or history within the Foundation. It was my determination that I should hire Local Election Supervisors (LESs) who were equally independent.

In last year's election, LESs were hired from within the Pacifica Community. It is very unlikely that, with the long hours and low wages paid last year, as well as the exceptionally difficult conditions of the vote count, could have attracted anyone from outside the Foundation to these jobs. However, three of the five cities had accusations of bias in the performance of the Local Election Supervisor last year. Additionally, four of the five Local Election Supervisors would not consider taking the job again. The fifth is one I chose not to work with. I decided that I would do an open search for Local Election Supervisors who had no prior relationship to the Foundation.

I requested and received of Dan Coughlin, the Executive Director, significant pay increases for the LESs. I then wrote a job description for the LESs (included as Appendix A), and advertised the five positions on the craigslist.org website for each of the cities where a Local Election Supervisor was needed. I received the following number of applications from each city:

Berkeley	24
Houston	14
Los Angeles	19
New York	31
Washington	16

In all but one case I was able to hire my first choice; in that one case, my first choice turned me down immediately and I hired my second choice, who I had always considered an excellent candidate.

I specifically did not seek individuals with election experience – there are very few such individuals looking for a job at any one time. Instead, I sought individuals with the following characteristics:

- ?? Proven administrative skills, including the ability to follow detailed rules
- ?? The ability to work with and organize diverse and highly engaged people
- ?? Proven writing skills
- ?? Thick skins

For nearly three weeks where my primary task was reading applications and doing 30 minute phone interviews with candidates (5-8 in each city). In the end, Election Supervisors were all offered their jobs by July 12, and requested to start July 19 in time for the July 26 opening date of the nomination period. Had I started the advertising and hiring process on June 1, when I started the job, this process would have been slightly less rushed. Since in fact I spent several weeks learning the ropes without a manual, and making a budget, I had no choice but to move at this speed. Even so, we had enough applications to ensure that we hired good people.

One important mistake that I made during the hiring process was to act as though the job was, in its essentials, the same at all five stations. However, because the job of the Local Election Supervisor is to deal directly with candidates and the public around election issues, the number of active members of a given radio station, and the extent of political polarization among them, plays a large role in the workload of a Local Election Supervisor. As a result, two stations stand out as much more difficult than the others (New York and Berkeley), and two stand out as much simpler than the others (Washington and Houston), to organize.

In New York, my original choice for LES, Teresa Graham, resigned in August, stating an unwillingness to deal with the level of contention between factions at WBAI. I therefore hired Caleb Kleppner to enforce the rules of the election, and deal with the personalities. Fortunately, Teresa Graham agreed to remain the Election Administrator for the rest of the process. This turned out to be an excellent arrangement in terms of the conduct of the election, though it was very costly to the Foundation in staffing fees.

In Berkeley, when the workload got out of hand and the questions of the carefulness of administration got very contentious, I hired Chris Collins, who was a trusted member of the Local Election Committee, to be my Assistant. Chris was able to play a dual role, working with Brian Johns, the LES, to research and decide upon Fair Campaign Provisions decisions, while assisting me with the Replacement Ballot Process (Section 8).

### ***Recommendations.***

- ?? **Prepare and Approve an Elections Manual.** Now is the time for the Foundation to create a formal manual for the next NES to follow. Aside from standardizing the process and making the job of the NES easier, such a manual improves the legal standings of these elections by making it clear exactly what procedures the NES is accountable to.
- ?? **Reconfirm, or eliminate, independence of Election Officials.** It is clear that many active members of the Foundation are disturbed by the independence that the bylaws give the National Election Supervisor. Likewise, many seem to believe that there is such a thing as a Local Election Committee that has say in the conduct of the election.

In my view, a clear decision must be made on this question. If the National Election Supervisor is to be an independent contractor with full authority over the elections (within the bounds of the bylaws), then neither the PNB, nor any body calling itself a Local Election Committee, has any authority to make demands about the election. That is the situation according to the bylaws at present. To ensure the legal compliance of the election, and also because I cannot imagine anyone willing to take the job of National Election Supervisor under other conditions, I believe the situation should remain this way.

The alternative is to change the bylaws to include formally recognized Election Committees under the PNB or the various LSBs, which have authority to review the actions of the Elections Supervisors.

I do not recommend the second course of action, but I do recommend that an explicit decision be made on this, so that the next Election Supervisor either clearly is, or is not, subject to the dictates of the PNB or LSBs. I make further recommendations about what the real role of a volunteer Local Election Committee should be in section 6 of this report.

?? **Advertise jobs separately and with different rates of compensation.** The next National Election Supervisor should plan to hire two people to supervise the election in New York; to hire extra staff in Berkeley if needed, in the last 4-6 weeks; and in general to advertise the positions in each city with different expectations as to workload and compensation.

## 2. Nomination Process

**Timing.** From the point of view of the needs of conducting the election itself, the Nomination Period is much, much too long. According to the bylaws, the nomination period is two full months (July 26 to September 25). However, essentially all candidates gather their signatures in the last week before the nomination close date, and turn in their packets on the last allowable day. From this point of view, shortening the nomination period to four weeks is essential for the efficient running of the election, and shortening it to two to three weeks is still entirely reasonable, though if this were to happen publicity about the upcoming election would have to start before the nomination period opens.

Two reasons have been suggested that the nomination period be maintained at this length – recruitment of diverse candidates, and the need for proper auditing of the lists. The latter of these two will be discussed in section 3 of this report. Here I will only address the former.

It is much too much to saddle the election process with the recruitment of diverse LSB candidates for Foundation radio stations. In practice, recruitment of diverse communities is something that must be done 365 days a year. Indeed, the bylaws create “Committees of Inclusion,” which, if they are operating properly, are doing outreach in the various communities in which Pacifica radio stations are situated without reference to the election process.

The conduct of an election is not the framework to convince someone who hasn't previously been involved in the station to get involved. People who are running for Board are doing so because they have already decided to make a time commitment to the Foundation and its stations. The job of conducting an election is large and complicated enough that to saddle an essentially unrelated task, outreach to diverse communities, on its back is entirely unreasonable. Imagining that this task can be done during the current two month nomination period is nothing short of ridiculous. Only when the Foundation, in all its conduct, is ensuring constant participation from diverse communities, will this be reflected in the people who run for Board.

**Record Date.** The record date for this election is set at August 31, which presumably is so that when the nomination packets come in on September 25, signatures can be confirmed against an already compiled membership list. Yet there is no reason for this.

On the one hand, it was a major turnoff to many Foundation members who joined during the fall fund drive that they could not vote in an election that didn't end until late November. These individuals were right – they should have been able to vote.

On the other hand, there is no special reason why individuals whose membership is not up to date shouldn't be allowed to pay for (or otherwise attain) membership after their nomination packets are completed. For example, if the packets are due on September 25, and the record date for the election is set to a more reasonable October 1, this means that individuals who are found not to have current memberships (and thus are not able to run, or to sign nomination petitions) can be given the opportunity to join during this period. This does no harm at all to the election process, raises a few hundred dollars for the radio station, and ensures that more people who take current action in order to vote have the opportunity to do so.

**Nomination Process.** In order to appear on the ballot, a candidate needed to turn in a completed nomination packet by September 25. An example of such a packet, with a detailed checklist of the materials required for submission, is included in this report as Appendix B.

I put in place a process by which the nomination packet would be distributed only by the Local Election Supervisor, and only upon giving the Local Election Supervisor the contact information of the person who took the packet. This differed from the previous year's election, where the nomination packet could be xeroxed widely and picked up any time at the station. The reasons for this change are that (1) I wanted to ensure that all candidates knew that they were subject to the Fair Campaign Provisions from July 25 onward, and that they could not use ignorance as an excuse for violations; (2) I wanted to ensure that Local Election Supervisors were able to communicate with all actual and potential candidates as new decisions and memos about the election were promulgated.

In most cases this system worked well, and LESs were able to remain in touch with candidates throughout the nomination period; however, there were several breeches. These breeches were not consequential to the eventual fairness of the election.

For further description of the nomination process, please see the reports of the various Local Election Supervisors.

### ***Recommendations.***

?? **Election Period.** The bylaws currently grant a sixteen week election period, including the nomination period, the ballot preparation and mailing period, and the campaign/voting period. Of this, eight weeks are given to the nomination period. While 16 weeks is reasonable for the entire process, the nomination



process should be reduced to four or even three of these weeks. As I will detail in subsequent sections, the ballot preparation period must be extended by two weeks – and three would not be unreasonable – and the campaign and voting period should also be extended by one or two weeks.

?? **Record Date.** The record date for the election may be moved forward, so that it is closer to the close date of the election. The record date for the election need not come three weeks prior to the close of nominations.

### 3. List Audits

***The need for audits, and for reform in data collection.*** In June, the PNB passed a resolution calling for the auditing of the lists that would be used to conduct the election. This resolution was absolutely necessary, both because a conscious process for gathering and reviewing the lists needs to be in place in order to run an accurate election, and also because there was some resistance to having such a process from station staff. This resistance did not, in my view, primarily come from motives to commit fraud – as was claimed by some sectors of the Pacifica population. Rather, it came from the Foundation as a whole having too few staff members to maintain too much data. In such a situation, any worker is going to feel that the request of election officials to add a new layer of work to their lives is an inappropriate imposition.

In the future, the way for the election to minimize the imposition on overworked staff, is for the data collection process to be overhauled in light of the membership categories in the corporate bylaws. At present, election supervisors have to collect diverse lists from half a dozen or more paid and unpaid staff members even before the audit starts, and these staff members have to do significant work to generate the lists. However, if data was collected in a manner consistent with the bylaws, the work staff are asked to do by the election supervisors would be insignificant, and the audit process that I set up would become routine and unchallenging.

***Timing issues for the initial audit.*** In principle, this year's audits could have been completed before the close of the nomination period. I asked the election supervisors to consider the audit their major job in August, and to attempt to complete their audits by the end of the month. (Their audits were to be based, of course, on a provisional list of voters, since the record date had not yet been reached. In general this is not an issue, since an audit that shows essentially accurate records during one period can legitimately be assumed to show an accurate recordkeeping practice overall. Thus it can be assumed that the subsequent period also will yield accurate data.)

The main reason that some supervisors were unable to complete their audits on time was resistance from staff. This resistance took several forms: unwillingness to make available space and time at the station for review of databases; foot dragging on the turning in of volunteer and unpaid staff lists; unwillingness to use available scripts, such as the one written by Lisa Ballard of KPFA, for running database queries; and other delays. If the audits had been complete on time and I had gotten a detailed assessment of

the issues involved in the data collection prior to September 25, then I would have had time to run my own audit and de-duping prior to the mailing. (Indeed, at some stations I was able to do this.) As it happens, faced with a huge amount of material at the very last minute, and a ballot mailing to prepare, I did no assembly and de-duping work on the lists myself – I merely mailed to what the LESs gave me. I will say more about this below.

***Overall content and quality of lists.*** In general, the lists given to us were in better shape than I had expected, based on information I had received prior to the audits. Additionally, there was no evidence at all of conscious fraud in the putting together of the lists (though there is one instance of a “black box” where the bylaws forbid investigation). For complete details of what was done, and our assessment of the accuracy of the lists, please see Appendix C, Procedures for Auditing of Membership Lists, and Appendix D, Audit Memos Submitted to National Election Supervisor by Local Election Supervisors. In this location I pull out only specific problems for immediate consideration.

There is one broad way of conceptualizing the problem I would like to define before embarking on the specific problems: the needs of the election are simply different from the needs of Membership Coordinators, Development Directors, Volunteer Coordinators, and Programmers. Data collection at the stations, up until now, has been adequate to raise funds and accomplish goals at a decentralized and understaffed organization. It has been inadequate to an organization that conducts periodic, centralized elections. No one is to blame for this problem; in general staff will do what is necessary and adequate for their purposes. *Better data can be collected. What is necessary is the will to develop new intake forms, which reflect accurately the categories in the database, and then to teach people to accurately collect and maintain the data requested on these forms.*

What follows is a list of current difficulties for election supervisors:

- ?? Diverse sources of lists. As detailed in Appendix C, there is little relationship between the ways that data is currently kept at the various Foundation radio stations, and the categories of membership in the bylaws. As a result, Election Supervisors must gather, separately, the following lists: (1) listener-sponsor memberships; (2) volunteer memberships; (3) paid staff memberships; (4) unpaid staff memberships based on bylaws criteria; (5) unpaid staff memberships based on Unpaid Staff Organization criteria; and (6) memberships based on waivers. Even this accounting understates the problem, since putting together the list of volunteer members could require seeking lists from four to six different individuals (including tally room coordinators, programmers, LSB committee chairs, IPC committee chairs, and others). The same is true of unpaid staff memberships based on bylaws criteria. Unless the Foundation puts into place, in time for the next election’s membership year, standardized procedures for the collection of all membership data and standardized locations for the storage and maintenance of this data, this job will continue to overwhelm election supervisors, and inaccurate lists of people will also receive ballots.

- ?? The “Black Box” of Unpaid Staff Organizations. The bylaws at present have the category of “Members of Unpaid Staff Organizations” within them. This category is inherently unauditible by the Election Supervisors, and should be eliminated from the bylaws. I have no opinion about whether USOs are responsible for fraudulently padding their membership lists in order to control the staff election at any radio station, as is charged by some members. I do know, however, that as long as this category remains a bylaws category of membership, the possibility of such unauditible fraud exists.
- ?? Dealing with fund drives and the record date. It is a fact that many records are entered into the Memsys database after membership payments are made. This especially happens around fund drives, when the huge amount of new data entry results in backlogs that can be for weeks. To comply with the bylaws definition of membership, it is necessary that data entry personnel begin to enter the *actual date of payment* of a given donation, rather than the date of data entry, into the Memsys database.
- ?? Quality of Volunteer Data at Various Stations. All stations must enact, and enforced, a standardized means of tracking volunteer service as well as volunteer contact and mailing information to the radio stations. Right now at some stations tally sheets are kept indifferently; volunteers who do work other than fund drive work are found only randomly; there is no tracking at all of volunteer service to LSB or IPC committees; dates of service are almost never available; and in general the volunteer lists can be assumed to have little accuracy or completeness.
- ?? Quality of Memsys Data at Various Stations. On the whole memsys data was accurate, with problems occurring only with the periodic failure to discover address dupes such as “54 E. 22<sup>nd</sup> St.” and “54 East 22<sup>nd</sup> St.” Given enough time, Election Supervisors can be expected to de-dupe such addresses with reasonable accuracy by going, like by line, through a spreadsheet organized by zip and last name, but at present we do not have enough time. The other key problem with Memsys data is in its handling of two-person memberships. There is moderate, but far from excellent, consistency in the data entry of couples. There is also unequal technical skill among database staff in separating these couples into two records for the purpose of the election mailing. Lisa Ballard’s macro, if used at all stations, will accomplish this.
- ?? Programming Cooperatives and Hourly versus Programming Criteria for Staff Membership. The bylaws criteria for unpaid staff members who are not members of Unpaid Staff Organizations is based on number of hours worked (30 hours in the three months prior to the record date), rather than type of work performed (i.e. programming). This is counterintuitive to some people. There are at least three kinds of problems created by this definition:
- Some individuals who appear on-air regularly (for example, secondary hosts of weekly one-hour shows), may be counted in the listener, rather than the staff elections, because they do not do this number of hours.

Indeed, there is no standardized way for counting or assuming preparation time for on-air time. Everything is done based on the testimony of the programmer him/herself.

- Some individuals who do only tasks that are clearly “volunteer” work – such as stuffing mailings – may do enough of it to qualify as staff. This may not be a “problem,” but sometimes the individuals themselves would prefer not to be classified as staff, and sometimes they are happy to be so classified while others claim they should not be. At very least, the policy in this record should be clarified.
- Members of Programming Collectives are often extremely difficult to classify. The issue is not only whether they work a consistent number of staff hours, nor whether they appear on air regularly but for short intervals. The issue is actually whether they are volunteers on behalf of the station (i.e. station staff) or associates of the leader of their programming cooperative, and thus not really affiliated with the station at all. The extreme case of this, that of the DC Radio Cooperative, is discussed at length in Angela Lauria’s report about WPFW. However, this election had direct problems related to the definition of programming collectives at KPFFK, and I am certain that the issue exists at all other stations, though it did not become a pronounced problem during this election.

?? Things that should be de-duped by the National Election Supervisor. There is an entire area of auditing and de-duping that should be done after the station lists are audited by the Local Elections Supervisors. First, the NES should go over the work of the LESs, especially keying on what happened when the various list sources were combined. For example, I now realize that many duplicate ballots were sent to the KPFA listening area because while the Memsys data was de-duped, and the Volunteer data was fairly accurate as submitted, the two lists were simply combined and never de-duped after that. As a result as many as 200 individuals who were both donors and volunteers were in the mailing twice. This should have been caught by me, and was not only because there was no time to do this work in the one week between when I received the KPFA lists (September 25) and when I had to submit it to TrueBallot for the mailing (October 2). Second, the NES also needs to conform the lists between radio stations. The bylaws state that people who are members, by virtue of donation, to multiple radio stations still only get to vote in the signal area closest to their homes. It should be the National Election Supervisor’s responsibility to enforce this. Yet, again because of the lack of time, I simply was not able to do so. As a result, numerous people received ballots for multiple elections.

?? No mail lists. At KPFA and WBAI there are many confirmed cases of individuals who did not receive ballots because they were marked “no mail” in the Memsys database. There may be cases at other stations that are unconfirmed. The one necessary addition to the macro Lisa Ballard provided for getting information from Memsys on behalf of the election is for it to gather these names as well.

Many people who do not want fundraising or other mailings from the Foundation do actually want their voting rights.

?? Membership in the Foundation, but not a local radio station. In a few confirmed cases, individuals who gave money (and in one case stock) to the Pacifica Foundation but did not contribute to a specific radio station were denied ballots. Indeed, the bylaws say that this is what should happen – that voting rights come with membership in a station, not in the Foundation. What is especially sticky is that in some of these cases the individual did not intend to give to the Foundation, and did either because s/he accidentally responded to a Foundation mailing rather than the local radio station mailing, or because (as in the case of the stock gift) it is the Foundation that accepts such gifts, not the radio station.

**Timing issues.** In general, the Local Election Supervisors would have had enough time to do their audits reasonably if the following conditions had been met: (1) they had received full cooperation from staff members; and (2) the lists had been collected in a centralized manner, or at least in no more than two or three places. Because these conditions were not met, the actual audits conducted were less complete and accurate than they could have been.

If, as I suggested above, the Nomination Period is shortened and the Ballot Preparation Period is lengthened, then the period in which the audits are completed will shift into the Ballot Preparation Period. Because the Ballot Preparation should be done by the National Election Supervisor, this also makes sense with regard to the relative workloads of the staff at various members.

There is, as I stated above, also a role that the NES should take in the assembly of the list: assessment of the accuracy of the work of the LESs, and de-duping across radio station membership lists. This work must be done at the end of the ballot preparation period, after the LESs have completed their audits and submitted their lists to the NES. As things stand in the present schedule in the bylaws, there is simply not one minute for the National Election Supervisor to do this work, and it was simply not done for this election.

**Recommendations.** The above comments already include numerous recommendations. The bullet points below are a summary of the above.

?? **Data Collection in Support of the Elections.** The above contains a laundry list of specific ways that Foundation data collection must change in order to run efficient membership elections. The general point is that these changes must be reflected in the intake forms, the orientation of the staff (i.e. that they are aware that they are not merely raising money or recruiting volunteer, but preparing for an election), and the physical infrastructure of the stations (i.e. sign-in books and signs saying “are your volunteer hours recorded”).

- ?? **Dates.** The ballot mailing period must be extended by weeks if the National Election Supervisor is to do his/her part of the list auditing. More about this in the description of the ballot mailing.
- ?? **Elimination of the USO Exemption to the Audit.** Right now the bylaws assert that “any member of a Foundation radio station ‘Unpaid Staff Organization’ or ‘Unpaid Staff Collective Bargaining Unit’ which has been recognized by station management” is a staff member of the station. Effectively, this means that the Election Supervisor gets the list of USO members from a responsible person in the organization, and has no ability to audit or question how the list was generated. Even in the USO has bylaws, the individuals responsible for auditing the membership list against their bylaws are within the USO – the Election Supervisor has no right to do this. Clearly this is inconsistent with the intention of the bylaws to create objective criteria for membership in the Foundation. The only way to make the category of “unpaid staff” accountable to the Election Supervisors is to use the same objective criteria for being an unpaid staff member, and eliminate the ability of another organization, the USO, to make its own determinations. (It would also be possible for the bylaws to state that the USOs must follow objective criteria and that their adherence to this criteria is subject to the review of the Election Supervisor.)
- ?? **Further clarification of the category of unpaid staff.** The question of whether members of Programming collectives are members of the Radio Station, or merely of separate organizations, needs to be clarified. Likewise, the question of whether individuals who appear regularly on-air, regardless of whether they actually work 30 hours in 3 months, are unpaid staff, needs to be clarified.
- ?? **Membership in the Foundation rather than a specific radio station.** The bylaws should be changed to afford voting rights to individuals who contribute to the Foundation, rather than a radio station. They should be given voting rights in their signal area, or, if they do not live in a signal area, in the signal area closest to their homes.

#### 4. Fair Campaign Provisions

*What’s in the bylaws, and what’s not in the bylaws.* The Fair Campaign Provisions, as promulgated for this election, were as follows:

1. No Foundation or radio station management or staff (paid or unpaid) may use or permit the use of radio station air time to endorse, campaign or recommend in favor of, or against any candidates for election as a Listener-Sponsor Delegate, nor may air time be made available to some Listener-Sponsor Delegate candidates but not to others.
2. All candidates for election as a Listener-Sponsor Delegate shall be given equal opportunity for equal air time, which air time shall include time for a statement by the candidate and a question and answer period with call in listeners.
3. No foundation or radio station management or staff (paid or unpaid) may give any on-air endorsements to any candidates for Listener-Sponsor Delegate.
4. The Board of Directors may not, nor may neither LSB nor any committee of

the Board or of an LSB, as a body, endorse any candidates for election as a Delegate. However, an individual Director or Delegate who is a Member in good standing may endorse or nominate candidates in his/her individual capacity.

5. In the event of any violation of these provisions for fair campaigning, the Local Elections Supervisor and the National Elections Supervisor shall determine, in good faith and at their sole discretion, an appropriate remedy, up to and including disqualification of the candidates and/or suspension from the air of the offending staff persons (paid or unpaid) for the remainder of the elections period.
6. All candidate, programmers and staff members (paid or unpaid) shall sign a statement certifying that they have read and understood these fair campaign provisions.

***In addition to the foregoing provisions, in order to certify a fair election the National Elections Supervisor has adopted the following rules:***

7. **Website endorsements:** All programmers that maintain a website with KPFK logos and/or references to their own KPFK programming are subject to, and shall be bound by these rules:
  - a. Programmer Website candidate endorsements are not permitted. Any programmer Website reference to a specific candidate is not permitted, either explicitly or via hyperlink to another web page. This directive includes all programmer Websites linked through [www.KPFK.org](http://www.KPFK.org)
  - b. Endorsement emails (web-based & list serve) are permitted.
  - c. Email endorsements shall be fact based and contain no personal attacks.
8. **Station Resources:** No station resources, including, but not limited to staff services, equipment, and meeting space may be provided unequally to some candidates but not others.
9. **When Fair Campaign Provisions Begin:** A listener member will be deemed a candidate, and thus subject to the fair campaign provisions, *once the individual has requested a nomination packet from the Local Election Supervisor*. The Local Election Supervisor will provide to the General Manager, and post on the elections web site, a list of all Listener-Sponsor Delegate Candidates. Staff will be expected to check this list before scheduling any guests, or participating in a call-in show, etc. in order to assure compliance with the fair campaign provisions.
10. **Prospective candidates:** Pacifica and station staff and management are prohibited from making endorsements on the air, or on any Pacifica or station-identified web site, or at any other Pacifica controlled venue or facility, of either prospective candidates before the nomination deadline, or actual candidates after the nominations are closed.
11. **Listener-organized meeting announcements:** Any listeners may organize community meetings to bring together listeners and prospective candidates for the purpose of learning about prospective candidates and collecting petition signatures. Any such events may be announced on-air provided they have been approved by the Local Election Supervisor, are open to any listener, are in a handicap-accessible location, do not endorse any candidates, and do not raise money for any candidates, or promote events to raise money for any candidates.

As stated above, the first six of these provisions come directly from the bylaws, while the five subsequent provisions were added by the NES. The additions were made in July, during the initial production of the nomination packets (of which the provisions were part), and were based on the extension and interpretation of the FCP put forward by Terry Boricious for the election of last year.

In short, the Provisions in the bylaws ensure fair and balanced use of on-air time by preventing those with unusual access to a pressure resource – the airwaves – from using it on behalf of one candidate or a slate of candidates. The extensions to the bylaws that I promulgated were an attempt to do two related things: (1) to ensure that the airwaves could, additionally, not be used to direct listeners to off-air forums or other resources which endorsed candidates, and (2) to ensure that other station resources to which staff have access, beyond on air time (such as the station website and its basic infrastructure such as phones and meeting rooms), could not be used to support one candidate over another.

In retrospect, I believe that in certain respects, my interpretation and extension of the FCP was incorrect and led to an unnecessary suppression of information. For example, because I banned all use of station resources for staff to make listener endorsements, I had to eliminate staff endorsements from candidate statements. But candidates have equal access to candidate statements. There is no reason that staff should not be able to endorse listener candidates in their statements. The fact that it is a “station resource” is not the relevant issue. But by interpreting the FCP in this way, I made relevant information about the election harder to come by for the average voter.

It is also true that the provisions, while not intended to suppress campaigning, may in fact have created barriers to campaigning. Certainly many members at WBAI overinterpreted the FCP, claiming, for example, that a given statement was an “ad hominem attack” when in the view of Caleb Kleppner and myself it was not. In general, individuals felt different levels of ability, and different access to publicity, to make statements on behalf of their own campaign. There is no way of creating a perfect system governing campaigns. However, I believe on the whole when I erred I erred on the side of restricting campaigns, and that if I were to do it over, I would err in the other direction.

In spite of my current reservations about the provisions I wrote, I am confident that the provisions as promulgated were consistently enforced throughout the election period.

***Candidate awareness of the FCP.*** In general, candidates were very aware of the FCP, and with few exceptions followed them to the letter. All candidates, as part of their nomination packet, turned in signed copies of the FCP. Only on rare occasions was a complaint sustained against a candidate who intentionally broke the FCP. The predominant type of sustained complaint was against a staff member acting illegally on behalf of a listener candidate.



***Staff awareness of the FCP.*** The bylaws state that “all staff members (paid or unpaid) shall sign a statement certifying that they have read and understood these fair campaign provisions.” At all five radio stations copies of the FCP were distributed to staff through mailboxes. However, the extreme decentralization of staff at the stations, combined with the need to do much more pressing work, prevented the Local Election Supervisors from doing much to enforce the signing of these Provisions. It is simply unreasonable, and unimportant, to ask the election staff to call every staff person and demand them. In general, only about half of the staff members at the various radio stations returned signed copies of the FCP. Since the FCP are in force upon staff members whether or not they sign the form, any consequences from the failure to sign are between the management of the Foundation and the staff member, and do not effect the work of the Elections Supervisors.

It is clear, based on the complaints received against staff members (see the various reports of the Local Elections Supervisors for details), that some staff members either (1) did not understand the FCP, or (2) understood the FCP but violated them anyway. On the other hand, it is equally clear that some staff members did a particular good (or awful, depending on your perspective) job figuring out how to follow the letter of the law while still attempting to manipulate the election. Such activity is to be expected in any election situation – it certainly happens in municipal elections, and as someone who manages municipal campaigns regularly, I assure everyone that there is no legitimate set of rules that can prevent this. I do not, for example, believe that it is appropriate to ban all on-air conversation about the Local Station Boards during the election period. Yet some complaints we received about the on-air behavior of staff amounted to nothing more than “s/he stated that the LSB is doing a bad job.” It may be true that such a statement is coded, to those in the know, as “please vote for these other people.” But as long as the on-air commentator does not name the names of any candidates or slates, positively or negatively, it is unreasonable to believe that this statement should be banned.

In general, it was hard to gauge the real level of staff awareness of the FCP. Only a substantial commitment by station management to ensure that staff members are aware of their duties under the bylaws will create a general level of awareness. There is nothing the Election Supervisors can do, ourselves, to make this happen.

Finally, it is important to recognize that, while a variety of remedies can be imposed on a candidate in the case of a violation of the FCP, only one remedy can be imposed on staff: taking them off the air. There are, unfortunately, no shades here. Either a violation is considered blatant, and results in taking the individual off air, or a violation is considered minor (or nonexistent), and the staff member is not penalized. I do not believe it is the role of the Election Supervisors to supervise staff. It is only the role of the Election Supervisor to determine whether a staff member has so violated the rules that s/he must be removed from the airwaves. I do not recommend any change to this, in part because I do not see how shades could be legitimately added to the Election Supervisor’s role in this situation.

**Enforcement procedures.** My widely circulated memo of July 31 about Fair Campaign Provision Enforcement Procedures is included in this document as Appendix E. While it is clear that candidates, in general, were aware of the FCP themselves, it is equally clear that candidates were not, in general, aware of the enforcement procedures, and attempted to get results through a variety of emails and phone calls that were inadequate in content. Likewise, they requested results that had no proportion to the actual level of the violation as stated in the enforcement memo.

*This is true in spite of the fact that the memo was circulated to all candidates by email (or other means, when the candidate was not reachable by email), and was available on the websites of all stations. The Election Supervisors bear no responsibility for the failure of candidates to know the FCP enforcement mechanisms.*

At this moment, I will rehearse only the key points of the system:

- ?? **Complaint-based system.** The FCP Enforcement System was complaint-based. It is impossible for Election Supervisors to monitor the radio station 24 hours a day, seven days a week. It is unreasonable for them to be expected to attend every possibly relevant community forum. The only enforcement system possible is one in which the LES acts as a judge, and the NES acts as the Court of Appeals. This means that the Election staff does not initiate complaints, but rather that all complaints must be initiated by the aggrieved party. What the Election Supervisor does is receive evidence, ask the alleged violator to respond with counterevidence, and make a decision. If the complaint had adequate evidence at the time it was made, this process can be accomplished in a very short period of time. If not, research on the part of the Election Supervisor can take days or weeks, or the election supervisor can simply refuse to do the research, leaving it in the hands of the complainant.
- ?? **Responsibility of complainant to give evidence.** It is certainly true that this puts a heavy responsibility on the complainant to be prepared with, for example, tape or video recordings of events. For all that, on several occasions I asked (on behalf of elections supervisors in New York and Berkeley) that members of a given slate prepare to document their changes by having individuals from their slate ready with audio and video tapes. These were instances where (1) violations could be anticipated and (2) the slates had enough supporters to organize the work of gathering evidence. Given this, it was entirely reasonable to ask the slates to do so, and their failure to do so in a timely manner cannot be blamed on the Election Supervisors.
- ?? **Timing.** In one specific instance, an investigation was clearly not accomplished in a timely manner. This instance involved a several layered problem – the violation was the playing of a cart to publicize an event at which a candidate then campaigned from the podium. This cart was pulled almost as soon as it began to be played. A correct determination of the level of the violation required assessing (1) how often the cart was played; (2) whether the candidate in question knew that the event was advertised on air, and thus that he was not allowed to use the podium to campaign at it; (3) the level of campaigning present (i.e. did he just

mention that he was a candidate, or did he speak at length about station politics and the election); and (4) the level of participation of opposing candidates in the event. My only comment, at this point, is that while timely response to complaints is clearly desirable, it should be obvious to all that reviewing evidence, speaking with both sides, and making a determination in a situation like this is a lengthy process. And inasmuch as this happened during the campaign period, when there were dozens of other tasks to do (such as organizing forums, recording carts, and ensuring that accurate information was available on the web), it is inevitable that the decision took two weeks and was promulgated only in the week right before the close of the election – by which time an appeal to the National Election Supervisor was no longer possible or particularly relevant.

***Violations on behalf of a candidate.*** One controversial feature of the FCP, and the enforcement mechanisms, as I wrote them is that a candidate could be held responsible for a violation committed by a staffperson that benefited them – even to the point that they could be disqualified for acts that they did not commit. I believe that this is the only way to conduct an election. Unless there is a to be created (as there is in municipal election law) the category of “independent expenditures” – i.e. acts that are done with no coordination from the candidate’s campaign, and imply, for example, a total gag order between the candidate and the person or organization engaged in the independent expenditure – the only way for Election Supervisors to ensure a fair election is to assume that candidates are responsible for the acts of their supporters.

In practice, this means that candidates who received unfair advantage from the actions of an on-air staff member were themselves penalized, by reduction in on-air cart time. This was (relatively) uncontroversial. What was far more controversial was the enforcement provisions that stated that a repeated pattern of such activity could result in the disqualification of the candidate *even if there was no evidence that the candidate had participated in the violation*. Happily, I was never forced to make a decision along these lines. Nevertheless, I believe that this is the correct rule, and that had necessity arisen, in order to maintain the fairness of the election, I would have disqualified a candidate for the actions of her/his supporters.

***Slates and Campaign Finance.*** The bylaws, like the United States Constitution, assume only candidates for election, not slates (or parties). However, the existence of slates creates deep problems in interpretation of election laws. The most obvious case is this: it is illegal for a staff person to say on air “I advocate voting for Candidate A.” However, Candidate A is running with the support of the Gum Drops and Applesauce Slate. It is a leap – a necessary leap, but still a leap – for the Election Supervisors to say that it is illegal for a staff person to say on air “I advocate that you support the Candidates of the Gum Drops and Applesauce Slate.”

Standing election rules should be written governing the regulation of slates. I never adopted such a formal set of rules. Attached as Appendix F is a memo I wrote and decided not to send. I do not currently have a position on whether it is a good memo or a

bad memo, and I am not recommending adoption of it. I am including it for further discussion.

The memo also addresses the issue of campaign finance. At the same time I was conducting this election, my other job was as an advocate for Public Financing of Elections at the municipal level. In principal, access to resources should not create unfair advantages in a Pacifica election. However, having rules that govern campaign finance adds a level of administration to the Pacifica Elections that is through the roof – I would not want to be the Election Administrator who had to govern campaign finance regulation. I therefore also make no recommendations about the adoption of the ideas in the second half of Appendix F.

***Recommendations.*** I believe that future election supervisors should think very hard before readopting the FCP as I adopted them for this election. In particular, they should attempt to *increase* the use of station resources for candidates to campaign with. While continuing to carefully monitor on-air violations, and associated violations (such as use of air time to advertise events where campaigning will take place), they should find ways of allowing candidates to use other station resources – for example, their posted and printed candidate statements – for the purpose of campaigning.

The most important resource that should be used, in this case, is the station website. Completely reversing the practice of the last two elections, I now believe that a free speech bulletin board should be set up on station websites as a location where everyone – candidates, staff, listeners, and management – can post election, campaign and endorsement related material. Such a bulletin board could be set up to include room for slates to make their case; room for management and staff to make endorsements of listeners; room for listeners who oppose management and staff to respond to those endorsements and to inform the public about what they think is wrong with the management and staff. In general, this free speech bulletin board should be a comprehensive resource for members of the voting public who are trying to get information about candidates and issues.

In short, there needs to be a public recourse in which no Fair Campaign Provisions are in force. The way the elections are currently conducted, the only areas outside FCP enforcement are the private activities of the members. And such private activities ensure the continuation of a situation where some people have access to information, and others do not.

## **5. Design, Production and Mailing of Ballots and Replacement Ballots**

***Contracting out the Design and Production of Ballots.*** In June, the PNB requested, by resolution, a double blind envelope system to ensure the secrecy and security of ballots. In general, by this point, it had been made clear to me that the basic transparency of the election was the single most important thing that I needed to ensure, and that for that reason alone only paper ballots could be considered. Also, I was aware that many people

were very upset that in the previous election there was no way of requesting a replacement ballot, since the bar code on the ballot was not linked to a name. A system had to be created where the ballots were both traceable (because the barcodes were linked to a name), allowing replacement ballots to be issued, and also secret – which implies untraceable.

Finally, and separately, I decided that I was unwilling to supervise – or hire others who would have to supervise – three days and nights of volunteer hand counting and entry of votes. Indeed, that based on the experiences of last year, which I had read and heard numerous reports of, four of the five stations would be literally unable to do this again.

Frankly, I found devising a balloting system under these conditions daunting, and I started researching contractors who might do it for me. One problem I immediately discovered is that most contractors at this point push private Foundations into internet and other electronic voting systems. Certainly this would not do for Pacifica. Only a small number had paper balloting systems at all anymore. And of the ones that did, only one had a system that actually met the security needs of Pacifica.

TrueBallot's bread and butter had long been in contested union elections, and this seemed perfect for us. Additionally, while expensive – they would charge \$.55 per ballot, which for Pacifica meant over \$50,000 – they were actually less expensive than their competitors in the paper ballot business. Their system includes double-blind envelopes, barcoded ballots where the bar code appeared on a tear off stub that then ensured the secrecy of the vote itself. It included a replacement ballot system that allowed callers to leave a message at a toll-free number set up by me, and have a replacement ballot sent to them. It also included optical scanning technology that would be used for counting the votes, and a free service in which they would copy electronically all ballot images for the review of any member of the public – the most transparent possible election design. In short, they were perfect, and I hired them. It was the only major expense, other than staff time, I expected this election to incur.

**Three weeks.** According to the bylaws, the close date of the nomination period is September 25, and the ballots have to be mailed to all members on October 15, leaving a whopping three weeks in between. Given that printers, in general, require one week for the printing of materials, and mail houses, in general, require one week for the preparation of mailings, this actually means that election officials have one week to (1) review and certify nomination packets, get accurately spelled, designed, and laid out ballots to the printer, get all necessary accompanying materials to the printer, and complete the assembling of the mailing lists (since each ballot has to have a unique barcode for the voter). This is to say nothing of the regular election administration tasks that the Election Supervisors are engaged in at all times.

This is impossible.

(For further comments, see Appendix G, which is the memo I sent out explaining the first extension of the election.)

***The controversial decisions: Candidate Statements and Standard Rate Mailing.*** I, and no one else, am responsible for two controversial decisions: the decision to not mail candidate statements with the ballots, and the decision to use Standard Rate Mailing.

?? **Candidate Statements.** I initially made the decision to not mail the candidate statements with the ballots in order to meet the election schedule. By removing one obligation from that absurd seven day period in the bylaws, I thought I'd have a chance to get the ballots mailed out on time.

On this issue, the bylaws state that candidates will write "a statement of up to 500 words in length by the candidate introducing himself/herself and his/her interest in, or qualifications for, serving as a Delegate, which statement shall be distributed, or otherwise made available, to the Members entitled to vote along with the written ballot." My proposal was to (1) make available the candidate statements on the web, and (2) provide a toll-free phone number to which individuals interested in getting candidate statements by mail could call. It is clear that this fits within the "otherwise made available" clause of the bylaws.

Had the candidate statements not been mailed, the ballots would have been sent on time, within a couple of days of on time. This would not have proven that there was sufficient time in the bylaws for doing the mailing, but just that if one accepts a certain level of sloppiness, one can do anything. However, the mailing of the candidate statements delayed the mailing of the ballots, as it turned out, from 13 to 21 days. It also meant that a significant number of trees would be cut down to mail heavy packages to 80,000+ individuals who would not vote. This use of resources should be embarrassing to a Progressive Foundation, but I guess it's just not.

As is well known, the PNB and the activists at various radio stations screamed, I relented, and the delay in the election is the major result.

?? **Standard Rate Mailing.** As a member of the Foundation, and as someone who knows what Pacifica can do with \$60,000, I am insulted that there are people who think the question of the rate of mailing is trivial. It is true that the Berkeley mailing failed, although the first reason for this was that it went out on November 2, not October 25, as I had been told it would. (If I had know it wasn't going out until November 2, I would have insisted on First Class mail.) It is also true that none of the other mailings failed, and that a simple extension of the election period for one more week would have cleared up any problems with Berkeley. Most importantly, it is true that a procedure for filling replacement ballots requests was in place, and that 1500 people used it to get their ballots. (Many of them received their original ballots on time.)

***Actual Dates of Mailing.*** The other question that arises at this point is, why, if even with the candidate statements, the ballots were supposed to go out October 25, was this date not met. The actual mailing dates were:

- ?? October 28: Washington and New York
- ?? October 30: Houston and Los Angeles
- ?? November 2: Berkeley

The obvious answer is that among the many factors contributing to the slowness of both the printing and the mailing was the fact that printers and mail houses were doing more than \$1 billion in work on behalf of a different election at that time. Indeed, I had told people on June 1, the day I started work, that conflict with the National Election was going to create problems for us doing an election mailing in October. (I had also told people that the three week time frame was absurd.) I believe it is a miracle, and testimony to the extremely hard work of many people, that we got the ballots out as early as we did.

In any event, exacerbating the problem of the late mailing is the fact that no one told me of the actual dates of the mailing until November 16. This is a major problem, and the blame for it goes to TrueBallot. Because the mail house, Accumail, was actually a subcontractor of theirs, TrueBallot had responsibility for both ensuring the timeliness of the mailing, and for the delays in giving me the information that the mailing was late. The fact that I did not learn the truth about what was going on until it was much too late to do anything about it contributed to the mass panic over the Berkeley ballots.

***Extensions of the Election.*** As detailed in Appendix G, the lateness of the mailing cause me to extend the Close Date of the election to November 29, on the grounds that if the bylaws give one month between the mailing of the ballots and the return date, then we should have that month. In fact, I believe that this should be extended to six weeks, so that the mail can continue to go nonprofit standard rate without there being an uproar when it takes three weeks to receive a ballot. But in any event, this election was extended to give the mail the time to drop, and voters the chance to return their ballot or even request a replacement ballot if necessary.

Indeed, because there was so much controversy about the mailing, we made additional extensions to voting on a station by station basis:

- ?? At WBAI and KPFT, the official close date remained November 29. However, people who requested replacement ballots and who never received them were allowed to vote on the spot at the counting location. Five people took advantages of this at WBAI, and three at KPFT.
- ?? At KPFK, largely because we were concerned about making quorum, we extended the date that ballots could be turned in to the count date, December 4. This also meant that we allowed voting on the spot at the count. 19 people voted at the count site.
- ?? At KPFA, because of the failure of the mailing, we extended the date that ballots could be turned in to the count date, December 6. We also allowed voting on the spot. 67 people voted at the count site.

***Replacement ballots – procedures and numbers.*** The other reason why I felt confident that standard mail was adequate for the ballot mailing is because, unlike last year, we had a replacement ballot procedure in place. The procedure would have been wholly adequate if we had had 500 requests for replacement ballots this year, as we had last year. Instead we had over 2000 requests, of which nearly 1500 were filled – over 1100 in Berkeley alone.

The unfilled ones were for people whose membership could not be confirmed. **100% of people who were confirmed members, who requested replacement ballots during the open time period of November 12-24 (for WPFW, WBAI and KPFT) and November 12-29 (for KPFK and KPFA) had their requests filled.**

The promise we made was that anyone who called the toll free number supplied and left their name, address, phone, and membership information, would have their replacement ballot sent within 24 hours or would receive a phone call back explaining why we could not send one. I personally handled around 90% of the requests for replacement ballots; Chris Collins handled the rest. In every case where I received a request, I immediately checked various database sources to see if I could confirm the membership of the individual; in three out of four cases, I could, and I entered that individual's information into a TrueBallot web interface. They then printed the ballot and mailed it First Class from Washington, DC. Over the course of the three weeks we were filling replacement ballot requests, I discovered that in spite of promises to be 100% accurate, TrueBallot was only getting things in the mail on time around two thirds of the time. One third of people who requested replacement ballots had a delay in receiving them. Even so, they did receive them.

In cases where I could not confirm membership, I called the member (assuming they had left a phone number, as they were asked to do) and told them I was having trouble confirming their membership. Nearly 500 of these phone calls were made. In over 100 cases, the member was able to demonstrate membership, either by faxing a credit card statement or cancelled check, or by enlisting station personnel in their case. Some people, it turned out, were on “do not mail” lists and thus were not found when the election database was made – but we only discovered this a week into the process, and certainly several people who should have gotten ballots were denied them because we had not figured out why they were not in the election database yet.

As is well known, the 2000 requests we received led to the overtapping of the phone system that was set up. It was hard to reach the toll free number between Monday, November 15 and Thursday, November 18. Nevertheless, I personally called the toll free number from my cell phone 3-5 times every day during that period, and I can confirm that every time it was possible to get through on a second or third attempt.

During this time we hired of an additional staff member to handle all the calls, and to the expansion of the voice mail system. The Replacement Ballot Crew (me, Chris Collins, Becky (the temp who answered the phones), and the TrueBallot staff worked long days



every single day except Thanksgiving Day from November 12 to November 28, when we stopped taking requests.

Difficult as it was, the fact is that the system worked. I apologize to those people who had to call four or five times in those early days in order to get through. But I absolutely deny that anyone who wanted to vote was prevented from voting. There were three weeks worth of time to request, fill out, and return replacement ballots. Every person who wanted to vote had the opportunity to make a request for a replacement ballot, and every person who never bothered to request a replacement ballot at KPFK and KPFA had the opportunity to come vote at the counting location on the day of the count. When the Berkeley mailing didn't land, I personally bent over backwards to ensure that thousands of people who complained had the opportunity to vote.

***Consequences of the late, slow mailing in Berkeley.*** Based on the best evidence that we have from both last year and this year's elections, there is a serious problem with the delivery of nonprofit standard rate mail in Northern California. This year the problem was exacerbated by the fact that the mailing was done from Washington, DC, and was very late. Last year there were more complaints about late or never received ballots in Northern California than in any other site, and that in spite of the fact that last year the mailing was done from Northern California! In other words, the most straightforward solution to the mailing rate question, combining money considerations with experience, is to mail Northern California ballots First Class, and mail everything else at Standard Rate.

In fact, the participation rate in both the listener and staff election was down in Berkeley from the previous election. The failure of the mailing is undoubtedly not the only reason for this, but it is the biggest reason for it. Even so, at over 12% for the listeners and 41% for the staff, Berkeley had the second highest participation rate in the system, behind only New York, where voter turnout was stimulated by a contested election with two slates doing extremely active turnout. (Berkeley had one slate doing turnout, and there is reason to believe that the attitude of that slate to the election, which included such things as accusing the National Election Supervisor of being paid by Karl Rove, contributed to turning off as many potential voters as it inspired.)

The simple fact is that everyone had the opportunity to vote. I know that some people threw out their ballots because they thought they were late, and they were not regular enough listeners to the station to hear updated carts about the election. (The fact that accurate information changed often also meant that carts did not always have the most updated information.) I know that others got discouraged from requesting replacement ballots by the tied up phone line.

But I also know that numerous opportunities were made for everyone to vote; that Berkeley's impressive participation rates in spite of the failure of the mailing are evidence of this fact; and that there is no evidence that more voters would have changed the results of the election. (As with exit polls and other kind of voter samples: a small sample of the electorate will predict the full vote of the electorate in all but the most

exceptional of cases.) I therefore state unhesitatingly that the election was fair in all essentials.

### ***Recommendations.***

- ?? **Contract Ballot Production and Mailing to a Company that Specializes in this Work.** In order to ensure the security and transparency of the election without killing the Election Supervisor possible, a balloting and mailing system supplied by a contractor like the one supplied by TrueBallot is necessary. If TrueBallot is the only company that has an appropriate system, this may be a problem, and the Foundation may look to see if it can find another company to bid on the job. TrueBallot did not get the mailing out on time, and its processing of replacement ballots was not as smooth as promised. On the other hand, I would in fact trust them to get these things right given an election at a different time of the year, and given enough time to get the mailing out (so that there would be one third or one quarter the number of replacement ballots requests).
- ?? **Use First Class Mail to Northern California.** Given that the postal service in Northern California has twice failed to deliver ballots in a reasonable amount of time, I would now recommend using First Class Mail to Northern California.
- ?? **Change Bylaws to Ensure Appropriately Timed Election Periods.** The Ballot Preparation period must be extended to five weeks, and arguably six weeks to ensure accurate audits and list production, accurate ballots, adequate preparation of candidate materials, etc. The Campaign period should be extended to five weeks, and arguably six weeks, in order to ensure that difficulties with the delivery of ballots cannot cut significantly into voter turnout.
- ?? **Change Month of Election.** There is no reason for a Pacifica Election to ever be competing with a Municipal Election for the attention of printers, mail houses, or voters. Change it to any other time of the year.
- ?? **Have a replacement ballot procedure in place, and prepare for the possibility of extra fulfillment needs.** I had a solid procedure in place for this election. The problem is that I totally underestimated the number of requests I would receive. The National Election Supervisor should, based on the timing of the mailing, be prepared to hire additional staff and additional phone lines for handling replacement ballots.
- ?? **Change extension rules.** As National Election Supervisor, I did not follow a strict interpretation of the bylaws in choosing how to make extensions to the election. The bottom line reason for this, as explained in Appendix G, is that logistically the lives of many people need to be rescheduled if an extension to the election is necessary. The bylaws currently require the Election Supervisor to wait until the Close Date of the election to determine whether quorum has been met. This is absurd for many reasons – including the fact that at one radio station, KPFT, where quorum was made by only 13 voters, we could not even have determined whether quorum was made without first opening the envelopes!  
If an adequate timeframe is given for elections, as already suggested, the problem of extending the election should not come up often. Still, it will come up as a result of the uncertainty of reaching quorum. The bylaws should include a

clause that when the Election Supervisor believes that there is a significant chance that quorum will not be reached on time, s/he has the right, as much as 14 days before the election close date, to announce either (1) the expansion of voting opportunities (such as the opening of the count location to people who want to vote) or (2) the extension of the close date of the election.

The alternative to this is, of course, to eliminate the quorum requirement from the election.

## **6. Promotion of the Election On-Air and Off-Air**

In general, the National Election Supervisor has little role in promoting the elections, on air or off air. For detailed comments about these issues, please read the reports of the Local Elections Supervisors. In this report, I will mention only the large organizational and policy issues faced by the NES.

***Role of the Local Election Supervisor in Promoting the Election.*** I told my LESs that it was up to their discretion how much time they put in promoting the elections. From my point of view, which was based on the contents of the bylaws, they had primary responsibility over the technical aspects of the election – accurate lists, fair use of airtime, etc. They did not, however, have the responsibility to ensure that campaigns occurred. In my view that was the responsibility of the candidates and the Local Election Committee, which they were to assemble and advise if one did not already exist.

This advice, while consistent with the bylaws and the contracts of the Election Supervisors, was not consistent with previous practice at some radio stations. In general, people at the radio stations believed that the Local Election Supervisor was responsible to:

- Oversee the production, scheduling, and playing of candidate carts. (In my view this should be in the hands of a station staff person, and the responsibility of the LES should be to monitor the content and length of the carts for adherence to the rules, and the fair playing of the carts over time.)
- Oversee the production, scheduling, and playing of informational carts. (In my view the first draft of the text of these carts should be written by the LES, to ensure accuracy of information, but beyond that a staff person should be responsible.)
- Arrange on and off air forums and election events. (In my view it is reasonable for the Election Supervisor to write the rules of these events, and to the extent possible the Election Supervisor may want to moderate them. However, the arranging of the logistics and the promotion of the events should not be in the hands of the LES.)

In my introduction I referred to the various tasks that are done by members of the community in a municipal election. In that spot I indicated that election promotion and information activities are largely in the hands of the League of Women Voters and other private, nonpartisan organizations. This is appropriate. In order to ensure that the

Election Supervisors do their job overseeing the technical aspects of the election, while ensuring that they are in fact not being abused as workers, the promotion of the election must be done by others. On air promotion must be directed by a member of the station staff, with the LES available for ensuring accuracy and conformity to the rules. Off air promotion must be done by a volunteer committee such as a Local Election Committee, with the LES available for ensuring fairness.

***Relationships with Staff of the Radio Stations.*** Of course, I am sensitive to the fact that Station Staff (paid and unpaid) is often overworked and unable to devote serious time to the election. Even in cases, such as KPFA, where a staff person was assigned to the job and personally dedicated to seeing the election happen, factual information about the election (such as the close date or the requirements for receiving a replacement ballot) changed often enough that the staff person responsible felt imposed on.

There is no replacement for the LES to have a go-to person on the staff (paid or unpaid) who will oversee the on-air promotion of the election. It should be firm Foundation policy to ensure that such a person exists at all stations. The details of the relationship between this individual and the LES should then be set forward clearly at the start of the Election Period. The staffperson should be made aware of the size of the workload that will occur in the last six weeks, when candidate carts, information carts, and forums will need to be recorded, played, and monitored. That person also needs to know that periodic decisions of the LES and NES – such as the decision to penalize a candidate by having that candidate lose one or more cart plays – may require last second changes in that person’s work.

Naturally, if additional money is required to pay that person for this work, it must be added to the election budget.

***Relationships with Local Election Committees.*** As I stated in section one above, the current bylaws of the Foundation recognize Local Election Committees only as adjuncts to the work of the Local Election Supervisor: “To assist him/her in the conduct and oversight of the election, each local elections supervisor may appoint a committee of volunteer Members, all of which volunteer Members the local elections supervisor must, in good faith and in his/her sole discretion, believe to be neutral individuals.”

At two stations, KPFA and KPFT, preexisting Election Committees existed at the start of this election. In both cases, the Election Committees assumed that they had rights and powers that in fact, according to the bylaws, they did not have. The members of those committees may believe that this is a problem with the bylaws, and work to change them. Personally, I believe that the bylaws are correct to view the conduct of a fair election as requiring the individuals empowered over the election to be independent contractors of the Foundation, with no prior relationship to the Foundation’s politics. It is because I believe this that I actually ended up butting heads with some members of the KPFA Election Committee.

In spite of this, I believe that Local Election Committees are necessary, and indeed, that it should become standing policy of the Foundation, and the PNB should resolve, to create Local Election Committees at all stations. The role of these Local Election Committees should be to do the Off-Air Promotion of the Election, and to assist in the On-Air Promotion of the Election, especially including the creation of Off and On-Air Forums. In other words, according to the schema in my introduction, the Local Election Committee should do the work of the League of Women Voters and other Community Groups in a municipal election. The Local Election Committee should then work with the Local Election Supervisor, who will oversee that the LEC is doing things fairly and in accordance with the rules.

## **7. Receipt of Ballots and Ballot Counting**

***Return of ballots.*** In the original plan, ballots were to be returned exclusively to Post Office Boxes that were set up by the Local Elections Supervisors in the various cities. The large majority of returned ballots were in fact returned to these Post Office Boxes.

In general, mandating return of ballots to the Post Office Boxes is appropriate policy for a secure election. In particular, return of ballots to the radio stations themselves should be discouraged as an unsecure practice that opens the way to ballot theft. However, many people, without permission and on their own recourse, dropped ballots with receptionists at their radio station, and some, in spite of clear instructions on the ballot, mailed them to the radio station. In general our policy was to count these ballots, so long as they had a legitimate bar code attached to them. The issue with improperly returned ballots is not that they are illegal. It is that the elections officials cannot guarantee their security. Returning a ballot to an inappropriate location is not fraudulent or otherwise a violation of election rules. Rather it is the equivalent of leaving it on a random café table – it will be counted only if it happens that some honest person returns it to the appropriate location.

Because of the tightness of quorum at several radio stations, and also of the lateness of the ballots arriving in Berkeley, the Election Supervisors all agreed to provide hours at the station when they would be available to pick up their ballots on the Election Close Date. Additionally, in New York and Houston, people who had requested replacement ballots too late to return them by mail were allowed to return them to the count location, and in Los Angeles and Berkeley anyone was allowed to deliver a ballot directly to the counting location.

As it turned out, making these things available was not unreasonable for the election. In an election where the mailing goes out on time, adequate time exists for the returning of ballots, and quorum is assured, making available extra drop off times and locations is inappropriate. However, where there is a late mailing, where inadequate time exists for the returning of ballots, or quorum is in question, announcing that special arrangements will be made for the return of ballots is entirely appropriate.

**Counting of Ballots.** The ballots were counted on the following dates and in the following locations:

**WPFW**

**November 30, 2004**

Takoma Village Cohousing  
6827 4th Street NW  
Washington, DC 20012-1901

**WBAI**

**December 1, 2004**

SLC Conference Center  
352 Seventh Avenue (between 29 & 30 St.)  
16th Floor  
New York

**KPFT**

**December 3, 2004**

Houston GLBT Community Center  
3400 Montrose Blvd. Suite 207  
Houston, Texas 77006

**KPFK**

**December 4, 2004**

Peace Center  
8124 West 3rd Street  
Los Angeles, Ca. 90048

**KPFA**

**December 6, 2004**

Bay Area Alternative Press  
1847 Alcatraz Ave  
Berkeley CA 94703

These dates and locations were announced well in advance of the counts, and the counts were open to the public.

Because of the use of bar coded tear-off stubs, windowed envelopes, and secrecy envelopes, the ballot counting process was as follows:

1. Scan bar codes of unopened envelopes, and set aside any invalid or unreadable bar codes;
2. Use automatic letter opener to open the outside envelopes;
3. Remove tear off stub, secrecy envelope and any surveys and checks;
4. Use letter opener to open secrecy envelopes;
5. Remove and unfold ballots from secrecy envelopes; and

## 6. Scan ballots in groups of a few hundred

At any point in the process, if an irregularity occurred, the materials were set aside and reviewed by the local and national supervisor. This process was done publicly, and any decisions were announced publicly. Such cases included: obscured bar codes, duplicate bar codes, bar codes that were not found in the database, and secrecy envelopes that contained more than one ballot. When a secrecy ballot whose bar code had been validated contained two ballots, we randomly chose one of the ballots to discard, since we only received one valid bar code for the two ballots.

At this point, there were scanned digital images of every ballot as well as True Ballot's software-generated record of the rankings on each ballot. Personnel from True Ballot then reviewed the ballot images for any that needed interpretation, generated a final data set, and turned that data set over to me. I then performed the STV tally using Choice Plus Pro.

True Ballot and the national election supervisor then made CD-ROMs of the digital images, the raw data, and the round-by-round election counts to members of the public. This information, except the ballots images (which are 80MB in size for each station), has been posted to each station's website.

Anyone member of the Foundation who would like to do an audit of the results may request a copy of the ballot images. The hard copy ballots have all been returned to the National Office for storage, and data disks with the hard copy images have been placed in the boxes with the hard copy ballots. Foundation staff should oversee the copying of these disks, as they also contain voter information that is not public information.

## 8. Certification

The election counts were certified by the National Election Supervisor upon their completion. I left signed documents with the Local Election Supervisor at each radio station before leaving the count site. Copies of these documents are available at the start of the complete package of Election Reports that contains this report.

## 9. Costs

As of this writing, the final cost of this election is not yet known. This is because final settlement has not been made with TrueBallot for printing, replacement ballots, travel, and other services. Likewise, the Election Supervisors have not been fully paid, including that they have not been paid for loose receipts and reimbursements they may be owed.

The approximate costs for the election, to the best of knowledge as of this date, are as follows:

Staff	
National Election Supervisor	19,500
Election Supervisors, New York	25,000
Election Supervisors, other areas	43,200 (4 x 10,800)
Last minute additional staff, Berkeley	1,500
	<hr/>
	89,200
Printing and Mailing	
Ballot Services	50,000
Printing (envelopes, instructions, Candidate statements, etc.)	20,000
Mailing Services	19,000
Replacement ballots	6,000
	<hr/>
	95,000
Travel	5,000
Office expenses (PO Box rentals, toll free number and other misc. reimbursements)	3,000
<b>APPROXIMATE TOTAL</b>	<b>\$191,200</b>

### 10. Consolidated Comments About Election Timeline

In several places in this document I make recommendations about the appropriate timeline for conducting this election. In this spot I give an example of the timeline that I believe should be set forth in the bylaws for the election.

Hire of National Election Supervisor	December
Start Date for National Election Supervisor	Beginning of January
Start Date for Local Election Supervisors	February 15
Opening of Nomination Period	March 1
Closing of Nomination Period	March 31
Record Date for Voters in Election	April 20
Ballot Mailing	May 15
Close Date for Election	June 30

Dates during which Election Supervisor can extend the election in order to meet quorum, at her/his discretion: June 15 to July 25.



This time frame ensures plenty of time for getting the mailing lists right, mailing the ballots affordably, and creating campaign events and election promotions that ensure maximum interest. It also ensures that there will be no conflict with an important municipal election.

## **APPENDIX A**

### **JOB DESCRIPTION OF THE LOCAL ELECTION SUPERVISORS**

**July 12, 2004**

Please note that, within the requirements of the Foundation By-Laws, exact dates and job details may change according to the decision of the National Election Supervisor.

July 15 – August 1, 2004

- 1) Read by-laws, Fair Campaign Practices Rules, and other documentation you receive from National Election Supervisor, and familiarize yourself with election rules
- 2) Meet everyone important
  - a. General Managers
  - b. Webmasters
  - c. Local Station Boards
  - d. Local Elections Boards – start with people who volunteered last time, and help to create Boards in cities where none currently exists
  - e. Make sure you have phone number, email address, access to website, ability to receive mail, whatever office access you need
- 3) Begin nomination process
  - a. Work with Local Election Board to ensure that publicity and recruitment are in place [carts for play on radio stations, website publicity, informational forums, outreach to minority communities, etc.]
  - b. distribute nomination packets
    - i) through website
    - ii) by paper when requested

August 1 – September 24, 2004

- 1) Verify membership lists
  - a. Discuss with GMs status of membership lists, including need for updates July 25 (nomination period) and August 31 (record date for election)
  - b. Do 1% audit based on hard copies
  - c. Report to me about the status of recordkeeping at the various stations
- 2) Monitor nomination process
- 3) Handle complaints and conflicts, in consultation with National Election Supervisor

September 25 – October 1

- 1) Verify nominations
  - a. Verify that membership is current
  - b. Verify that nomination packets are complete and accurate
  - c. Verify that all signatories are current members
  - d. Inform verified candidates that they have qualified for the ballot
  - e. Inform me if you believe that anyone needs to be disqualified, and I will look over materials and make a determination
- 2) Place nomination papers in layout format for ballot pamphlets & proofread, proofread, proofread; get ballots and ballot pamphlets to print
- 3) Monitor fair campaign practices; handle complains and conflicts, in consultation with National Election Supervisor

October 1 – November 15

- 1) Ensure, with Local Election Boards, that candidate information is correctly placed on web, and that candidates have the opportunity to record carts for play during the campaign period (October 15 – November 15)
- 2) Monitor fair campaign practices; handle complaints and conflicts, in consultation with me
- 3) With Local Election Board, make arrangements for ballot counting, including computer equipment and software, location, volunteers who will participate, and gallery for ensuring that candidates and members can witness the ballot counting

November 15

Count ballots

November 15 – December 15

- 1) With National Election Supervisor, Certify election
- 2) Write complete report about the election process, including recommendation for how to improve the process for next time

**APPENDIX B  
EXAMPLE OF A NOMINATION PACKET**

**[STARTS NEXT PAGE]**

**KPFA 94.1 FM RADIO  
LOCAL STATION BOARD ELECTION  
FOR LISTENER-SPONSOR MEMBERS  
CANDIDATE INFORMATION  
AUTUMN 2004**

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

CHECKLIST OF MATERIALS FOR SUBMISSION.....	2
KPFA LOCAL STATION BOARD ELECTIONS TIMELINE.....	3
OVERVIEW OF THE ELECTION OF THE KPFA STATION BOARD.....	3
JOB DESCRIPTION OF A LOCAL STATION BOARD MEMBER.....	4
USEFUL LOCAL STATION BOARD SKILLS.....	5
THE ELECTION METHOD OF THE KPFA STATION BOARD.....	6
PACIFICA'S MISSION STATEMENT.....	8
COVER SHEET .....	9
KPFA CANDIDATE STATEMENT.....	10
KPFA CANDIDATE QUESTIONNAIRE.....	10
KPFA 2004 FAIR CAMPAIGN PROVISIONS.....	11
LOCAL STATION BOARD DELEGATE NOMINATION PETITION .....	13

Send your completed materials to [elections@KPFA.org](mailto:elections@KPFA.org) and/or mail to: KPFA Election Supervisor, 1929 Martin Luther King Way, Berkeley, CA 94704.

**All materials must be received by the Local Election Supervisor by 5PM on September 25, 2004. Postmarks are not adequate. Please note that submissions that are incomplete will cause you to fail to qualify for the ballot. It is the candidate's responsibility to ensure that her/his nomination packet is complete.**

**Prospective candidates must notify the Election Supervisor of their intent to file at the earliest possible point by calling [get phone #] or emailing [elections@KPFA.org](mailto:elections@KPFA.org). The Election Supervisor will provide a nomination packet, and advise candidates of regional signature-gathering events during the nomination period.**

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

The KPFA Election Supervisor can be reached at [get phone #] or by e-mail at [elections@KPFA.org](mailto:elections@KPFA.org)

To find these documents on line, and for more information on the Station Board, visit the website of the LSB at [www.KPFA.org](http://www.KPFA.org)

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

- Completed Cover sheet
- Candidate Statement of up to 500 words
- Candidate Questionnaire
- Signed Fair Campaign Practices Sheet
- Nomination Petition with 15 Valid Signatures

It is the responsibility of the Candidate to ensure that all required documents, and all required fields within the documents, are submitted properly by September 25, 2004, the deadline for nominations for this election. If you submit your documents early, and you have left out any required information, the Local Election Supervisor MIGHT contact you and ask you to supply that information. If you submit your documents at the last minute and they are incomplete, you can be certain that you will not be contacted, but that your nomination petition will simply be rejected.

Please submit complete nomination material to:  
\_\_\_\_\_, Local Election Supervisor

KPFA  
1929 Martin Luther King Jr. Way  
Berkeley, CA 94704

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

## KPFA LOCAL STATION BOARD ELECTIONS TIMELINE

??	Nominations for candidates open	July 25, 2004
??	Deadline for voters to qualify to vote	August 31, 2004
??	Nominations for candidates close	September 25, 2004
??	Campaign period	September 25, 2004 – November 15, 2004
??	Ballots mailed to qualified voters	October 15, 2004
??	Completed ballots returned by voters	November 15, 2004
??	New LSB members seated	December 2004

## OVERVIEW OF THE ELECTION OF THE KPFA STATION BOARD

The KPFA Local Election Supervisor will hold an election to seat 12 delegates to 3-year terms of the Local Station Board. There will be separate but parallel elections for both Listener and Staff Delegates to the Local Station Board.

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

With these duties in mind, board Delegates are elected for a number of reasons:

- ?? To set a model of accountability for the National Board;
- ?? To strengthen the legitimacy of the Local Station Board;
- ?? To bring diverse, grassroots voices from the community into the dialogue between the community and the station.

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

- ?? **SUBSCRIBER:** Contribute at least \$25 to KPFA in the year between September 1, 2003 - August 31, 2004
- ?? **VOLUNTEER:** Complete 3 or more verifiable volunteer hours at KPFA during the same period.

Nominations will be accepted through September 25, 2004. Candidates must be qualified voters and submit Nominating Petitions with 15 signatures of qualified voters in support of the candidate. From now until the close of the nomination period, the Election Supervisor and Election Committee will hold regional nomination events where candidates and voters can meet and sign petitions.

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

revised statement for distribution with the ballots.

We'll post candidate data on-line and after the nomination process is complete, host on-air candidate forums. Qualified Voters will receive their ballots in the mail during the last half of October 2004. **Completed ballots will be due by November 15, 2004.**

There are 9 listener seats and 3 staff seats being chosen during this election. The entire Local Station Board consists of 18 listener delegates as well as 6 staff delegates who are elected by staff.

Pacifica's mission and principles require that we strive to achieve diversity on the Station Board, and voters are urged to consider that in casting their votes.

### **JOB DESCRIPTION OF A LOCAL STATION BOARD MEMBER**

The KPFA Station Board will be elected by the subscribers and staff of the station. The Local Station Board will have the following powers and responsibilities which are established by the bylaws of the Pacifica Foundation.

- ?? The Local Station Board appoints the directors of the Pacifica Foundation which manages the radio stations in New York, NY, Washington, D.C., Houston, TX, Los Angeles, CA and Berkeley, CA. The Local Station Board can recall these Foundation directors by a simple majority of the Local Station Board
- ?? The Local Station Board also appoints from its own membership representatives to serve on committees of the National Foundation responsible for finances, programming, governance and other matters.
- ?? The Local Station Board will vote to send 4 of its members to act as our delegates on the National Board

In addition, the Local Station Board has the following duties and responsibilities:

- ?? Acting as liaisons for the local community to the Station Management (Board and Staff) and the Pacifica Foundation.
- ?? Actively reaching out to under-represented communities to help the station serve a diversity of all races, creeds, colors and nations, classes, genders and sexual orientations, abilities, and ages. The Local Station Board is also directed to help build collaborative relations with organizations working for similar purposes.
- ?? Assisting the station in fundraising activities.
- ?? Conducting at least 2 Town Hall style meetings each year which are devoted to hearing listeners' views, needs, and concerns. Community needs assessments must be performed by the Local Station Board, or by a separate Community Advisory Committee formed by the Local Station Board for that purpose.



- ?? In conjunction with Station Management and Staff, ensuring that the radio station's programming fulfills the purposes of the mission of the Pacifica Foundation.
- ?? Review and approve of the radio station's budget. Quarterly reports by the local station board must be forwarded to the Pacifica Foundation board of directors on the station's budget, actual income and expenditures.
- ?? Screening and selecting a pool of candidates for the position of General Manager at each radio station. From this pool of candidates the Pacifica Foundation Executive Director will hire the station's General Manager.
- ?? Screening and selecting a pool of candidates for the position of Program Director at each radio station. From this pool of candidates the General Manager will hire the station's Program Director.
- ?? Writing annual evaluations on the job performances of the radio station's General Manager, Program Director and the Pacifica Foundation Executive Director.
- ?? The Local Station Board and the Pacifica Foundation Executive Director are responsible for hiring each station's General Managers. Both the Pacifica Foundation Executive Director and Local Station Board must reach a mutual decision to terminate a General Manager. If these 2 parties cannot agree the decision will be made by the Foundation's Board of Directors.

Each individual member of the Local Station Board is responsible to attending monthly meetings, and to serve actively serving on at least 2 of the Local Station Board committees.

### **USEFUL LOCAL STATION BOARD SKILLS**

1. Honesty, Integrity and commitment to the Pacifica Mission.
2. The ability to inquire and investigate areas of concern pertaining to KPFA and the Pacifica Foundation.
3. The ability to work in a collaborative process.
4. The ability to listen to others and take their concerns seriously.
5. The ability to withstand a barrage of input, often criticism, from the community without becoming defensive or overwhelmed.
6. The ability to make difficult decisions that may be perceived as controversial and unpopular, and the ability to withstand public pressure, which is often in the nature of the job.
7. The capacity to stand up to tremendous opposition.
8. A sense of humor.
9. The ability to resist the temptation to abuse power.
10. The ability to compromise.
11. The ability to do the work required of the specific position.
12. Working knowledge or willingness to learn of Roberts Rules of Order and parliamentary procedure.
13. Comfort in using the Internet and e-mail.

## THE ELECTION METHOD OF THE KPFA STATION BOARD

According to the bylaws, this election will use the CHOICE VOTING form of proportional representation (also call “**Single Transferable Vote**” or simply “STV”). Proportional representation refers to voting systems in which groups of voters win representation in proportion to their numbers. For example, 10% of the voters will elect approximately 10% of the seats, 20% of voters will elect 20% of the seats and so forth. The majority wins a majority but not all of the seats, while minority viewpoints also win their fair share of the seats. The CHOICE VOTING form of proportional representation is a system in which voters rank candidates in order of choice. The method of tallying votes is designed to facilitate each voter having someone elected to the board that is acceptable to him/her. CHOICE VOTING tends to prevent monolithic “slates” of candidates from monopolizing a board. In this way, CHOICE VOTING promotes diversity and democracy. This is different from winner-take-all elections where the majority has the potential to elect every single seat on the board, leaving minority viewpoints un-represented.

### HOW IT WORKS

If there are 25 candidates for nine positions, then every ballot will ask members to RANK the 25 candidates in order of preference, from 1 to 25.

Since there are nine spaces to be filled, it will take a little more than 10% of the vote for a candidate to reach the proportional threshold necessary to win election. This is because if nine candidates each got 10.01% of the vote, this would add up to 90.09% of the vote. It would then be impossible for a tenth candidate to have more votes than those top nine, since there is only 9.91% of the vote remaining.

In the first round of voting, the first place candidate on each ballot receives one vote. Any candidate that has achieved the threshold percentage is declared a winner.

At this point second place votes begin to count. First, candidates that had more votes than they needed (say, 13%), have portions of their vote redistributed to the second choice candidates of the individuals who placed them first on their ballots. Second, low vote-getting candidates, who are below the point where it would be possible for them to achieve the threshold, also have their votes distributed to the individuals who were ranked second on their ballots.

Through a series of rounds of redistributing votes this way, eventually a full Board of nine individuals achieves the threshold, and are declared elected.

#### Important advice for voters:

- ?? **There is no reason to vote strategically.** Because your first choice vote counts entirely for your preference as long as s/he needs the vote to be elected, it never hurts your candidate to rank others below her/him.
- ?? **Rank as many candidates as you have opinions about.** Because your ballot continues to shape the results for as long as it takes to fill a complete Board, it is always a good idea to rank many candidates. Ranking additional candidates ensures that your vote will be maximized, and no part of your vote will be wasted.

**?? The best strategy for a voter is to rank every candidate in order or as many candidates as you have an opinion about.**

### **VOTE QUORUM REQUIRED**

To make this election valid, the bylaws require at least 10% of the eligible voters to actually vote. The on-air staff will encourage listeners to run for office and to cast their ballots but must refrain from endorsing candidates on-air.

## **PACIFICA'S MISSION STATEMENT**

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

**COVER SHEET**

**“I have read and understand the KPFA Local Station Board election rules provided me and as a qualified voter, declare my candidacy for the listener/sponsor Delegate seat on the KPFA Local Station Board.”**

**My Candidate status is:** \_\_\_\_\_ Listener \_\_\_\_\_ Staff

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

City / State / Zip \_\_\_\_\_

**Type or print your name exactly as you wish it to appear on the ballot.**

\_\_\_\_\_

**Mailing address (if different from above)**

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Preferred phone \_\_\_\_\_ (Circle one: home work cell)

Other phone \_\_\_\_\_ (Circle one: home work cell fax)

Email \_\_\_\_\_

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

**Are you 16 years of age or older?** \_\_\_\_\_ yes \_\_\_\_\_ no

**The following demographic data is requested to satisfy Pacifica’s diversity goals, but is not required:**

What is your gender? \_\_\_\_\_

What is your race? \_\_\_\_\_

What is your sexuality? \_\_\_\_\_

Do you have any physical Disabilities? \_\_\_\_\_

## KPFA CANDIDATE STATEMENT

Each candidate is entitled to have a statement of 500 words or less, made available to every voter with their ballot. **You are required to submit a candidate statement in order to be placed on the ballot. Candidates who do not submit a statement will be disqualified.**

We will also post your statement on the station's election web page. (Note that your statement can be posted before you are officially nominated to facilitate listeners' ability to find candidates whose petitions they want to sign.)

In drafting your statement, **you must begin with your name**, try to include your main theme or qualification you want to stress in your opening paragraph, as this is all many voters may read. As part of your 500 word maximum, at the end of your statement you may also list the names of up to 5 of your nominators if you wish.

You may submit your statement immediately to facilitate gathering nominating signatures, **but your final candidate statement, to be included in the ballot mailing, must be received by the Election Supervisor no later than September 25, 2004.** If possible an electronic version should be submitted to avoid the need to retype it (with the potential typos).

## KPFA CANDIDATE QUESTIONNAIRE

**Candidates must answer the following questions and submit along with their final statement.** Please keep your answers as brief as possible. If possible an electronic version should be submitted to avoid the need to retype it.

1. Why do you want to be on the Local Station Board?
2. How do you envision the Local Station Board working with the Pacifica Foundation, KPFA and the community?
3. How could the station better serve it's listeners?
4. Describe some actions you would take to increase the influence of the station in underrepresented communities and to increase the diversity of the listening audience?
5. What sources of funding, other than listener donations, do you feel KPFA should solicit?
6. Please state briefly the skills, experience, educational background, work history, organizational affiliations, areas of community service, areas of interest and expertise that you would bring to the Pacifica network as a member of the Local Station Board.
7. Do you anticipate missing any Local Station Board meetings due to family or job related problems or inadequate transportation?
8. On which Local Station Board committees\* are you interested in actively serving? If you are a current Local Station Board member, on which committees do you currently serve?

\*Please see [www.KPFA.org](http://www.KPFA.org) a for complete list of Local Station Board committees.

## KPFA 2004 FAIR CAMPAIGN PROVISIONS

***The bylaws require every candidate and staff member (paid and unpaid) to sign this statement that they have read and understand these fair campaign provisions. Candidates must submit signed statements to the Election Supervisor no later than September 25, 2004.***

1. No Foundation or radio station management or staff (paid or unpaid) may use or permit the use of radio station air time to endorse, campaign or recommend in favor of, or against any candidates for election as a Listener-Sponsor Delegate, nor may air time be made available to some Listener-Sponsor Delegate candidates but not to others.
2. All candidates for election as a Listener-Sponsor Delegate shall be given equal opportunity for equal air time, which air time shall include time for a statement by the candidate and a question and answer period with call in listeners.
3. No foundation or radio station management or staff (paid or unpaid) may give any on-air endorsements to any candidates for Listener-Sponsor Delegate.
4. The Board of Directors may not, nor may neither LSB nor any committee of the Board or of an LSB, as a body, endorse any candidates for election as a Delegate. However, an individual Director or Delegate who is a Member in good standing may endorse or nominate candidates in his/her individual capacity.
5. In the event of any violation of these provisions for fair campaigning, the local Elections Supervisor and the National Elections Supervisor shall determine, in good faith and at their sole discretion, an appropriate remedy, up to and including disqualification of the candidates and/or suspension from the air of the offending staff persons (paid or unpaid) for the remainder of the elections period.
6. All candidate, programmers and staff members (paid or unpaid) shall sign a statement certifying that they have read and understood these fair campaign provisions.

***In addition to the foregoing provisions, in order to certify a fair election the National Elections Supervisor has adopted the following rules:***

7. **Website endorsements:** All programmers that maintain a website with KPFA logos and/or references to their own KPFA programming are subject to, and shall be bound by these rules:
  - a. Programmer Website candidate endorsements are not permitted. Any programmer Website reference to a specific candidate is not permitted, either explicitly or via hyperlink to another web page. This directive includes all programmer Websites linked through [www.KPFA.org](http://www.KPFA.org)
  - b. Endorsement emails (web-based & list serve) are permitted.
  - c. Email endorsements shall be fact based and contain no personal attacks.
8. **Station Resources:** No station resources, including, but not limited to staff services, equipment, and meeting space may be provided unequally to some candidates but not others.
9. **When Fair Campaign Provisions Begin:** A listener member will be deemed a candidate, and thus subject to the fair campaign provisions, *once the individual*

*has requested a nomination packet from the Local Election Supervisor. The Local Election Supervisor will provide to the General Manager, and post on the elections web site, a list of all Listener-Sponsor Delegate Candidates. Staff will be expected to check this list before scheduling any guests, or participating in a call-in show, etc. in order to assure compliance with the fair campaign provisions.*

10. **Prospective candidates:** Pacifica and station staff and management are prohibited from making endorsements on the air, or on any Pacifica or station-identified web site, or at any other Pacifica controlled venue or facility, of either prospective candidates before the nomination deadline, or actual candidates after the nominations are closed.
11. **Listener-organized meeting announcements:** Any listeners may organize community meetings to bring together listeners and prospective candidates for the purpose of learning about prospective candidates and collecting petition signatures. Any such events may be announced on-air provided they have been approved by the Local Election Supervisor, are open to any listener, are in a handicap-accessible location, do not endorse any candidates, and do not raise money for any candidates, or promote events to raise money for any candidates.

**“I have read & understand the above KPFA fair campaign provisions.”**

**X** \_\_\_\_\_  
**Date** \_\_\_\_\_

Printed name: \_\_\_\_\_  
\_\_\_\_ Candidate    \_\_\_\_ Paid Staff    \_\_\_\_ Unpaid Staff

PLEASE BE ADVISED THAT THESE 2004 FAIR CAMPAIGN PROVISIONS ARE SUBJECT TO CHANGE PER THE NATIONAL ELECTION SUPERVISOR





**APPENDIX C  
MEMORANDUM**

**TO: Local Election Supervisors**

**FROM: Kenny Mostern, National Election Supervisor**

**RE: Audit Procedures**

**DATE: August 2, 2004**

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Collection of lists

As you all know, I asked for first drafts of the lists from all radio stations on July 25. As of this moment, I have received lists only from WPFW. I am aware that some work has been done to prepare the lists at KPFA and KPFT, and I am somewhat surprised to not have received anything from those two stations at this point. I know that Teri has discussed the matter of lists with all the relevant people at WBAI, and should have something by the middle of the month. I'm not sure at all where KPFK is – Mary, please inform.

The point is, we need lists from everyone *immediately*, and where GMs and Membership Directors have not been responsive to me, I need you to come in and help. The issue is simple. In order to ensure that we have completely accurate lists when we are verifying the nomination papers on and after September 25, we know we will need to go through several drafts. So please get something – anything – from the staff members you're working with now, so we can really get going with this process.

Posting of lists

One of the important reasons for having lists that can be reviewed immediately is that Foundation members need to be able to check and make sure they are listed accurately. This means two things:

*Listener-Sponsor lists.* Obviously we are not going to post a list of 15,000 – 30,000 names publicly. Nevertheless, station members should be able to call your phone number at the station to ask whether they are on your list. At this stage in the process this is most important for people taking nomination papers. In fact, I recommend that any time you give nomination papers to someone you check their name in the member database (assuming you have it) to ensure that they are listed. If they are not, ask them on what grounds they should be listed, and determine whether their membership has expired (in which case you should ask them to pay their dues for the year) or whether the mistake is with the database.

Between September 1 (after the close of the record year) and October 15 (mailing of the ballots) carts should be played on air informing people that if they are not sure whether they are members, they can call your number at the station and have their names checked against the membership list.

*Volunteer lists and Unpaid Staff Member lists.* These are the lists that need to be posted on a public bulletin board at the station. Keep in mind that only names – but not addresses or phone numbers – should be posted.

Individuals who believe they should be on the lists, and aren't, should have the opportunity to complain. Individuals who believe that some other people are on these lists (especially the unpaid staff member lists) fraudulently should be able to complain and ask that they be removed. In all cases of dispute you must: check the paper records, interview the relevant parties, and in the case of unpaid staff identify the staff member's supervisor and interview that person. After gathering the evidence you make the best determination you can about whether the individual should, or shouldn't, be on the list.

#### Auditing of lists

According to my memo of June 30, there are six different kinds of lists that will have to be gathered for this election. What follows are procedures for what to do with each of the six kinds of lists.

### **1. Donor List (Memsys Membership Database)**

*Procedure one.*

Skim for

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

If they are accurate, the membership databases  
SHOULD NOT contain duplicate entries, but  
SHOULD contain households with multiple members.

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

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

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

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

?? What you should not find is two separate entries for Bob Smith, and Robert Smith, at the same address. If you find this, then the database that you are using

has not been searched for duplicates, and you should return it to the membership director as incomplete.

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

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

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

#### *Procedure two.*

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

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

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

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

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

#### *Procedure three*

Write a memo to me detailing what you have discovered. In particular:

According to your audit, are the addresses in the database accurate?

According to your audit, are there records that cannot be accounted for and/or pledge cards that have never been turned into records?

## **2. Volunteer Lists**

*Step one.*

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

Did they volunteer during the previous 12 months?

Are there cases where there are no paper records?

*Step two.*

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

First, call the named volunteer and ask:

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

When, and in what capacity?

Who was your supervisor at the station?

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

*Step three.*

Write a memo to me detailing what you have discovered, making a particular point of assessing the accuracy of the Volunteer List you have been working with.

## **3. Members Who Receive Waivers**

If one or more station manages to institute some waivers for this election, it will be the responsibility of the Local Election Supervisor to ensure that proper procedures have been put in place. There is no separate “audit” of waivers this year.

## **4. Paid Staff Members**

Inasmuch as the determination of who counts as paid staff members is set by Federal Law, there is no audit procedure that needs to be put into place by us. Please let me know immediately if you hear of any charges of fraud in the creation of paid staff lists. This is extremely unlikely.

## **5. Members of Unpaid Staff Organizations**

As you all have heard many times already, it is my opinion that the Bylaws give us no power to audit the lists of Unpaid Staff Organizations. We can make requests of the USOs, and I am seriously considering making a request for documentation in New York. But we cannot enforce these requests, we can only hope they are followed.

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

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

## **APPENDIX D**

### **Audit Memos Submitted to National Election Supervisor by Local Election Supervisors**

#### **MEMORANDUM**

**TO:** Kenny Mostern, National Election Supervisor

**FROM:** Brian Johns, Local Election Supervisor, KPFA

**DATE:** September 30, 2004

**RE:** KPFA List Sources

#### 1) Donor-Member List

The (Memsys) Donor-Member List was originally divided into three parts -- a large, electronic portion comprised of a majority of members already in the database prior to May '04; a subscription card/paper portion of new and re-newed members acquired during the May '04 fundraising effort; and, finally, a subscription card/paper portion of new and re-newed members acquired during the August '04 fundraising effort. These lists were then combined and forwarded to an independent mailing house (KP Printing of San Leandro, c/o Lenore Williamson) for final vetting and removal of duplicate entries. These lists are managed by Chris Stehlik (Subscriptions Database Coordinator) with assistance, when necessary, from Lisa Ballard (Webmistress).

#### 2) Volunteer List

The Volunteer List was compiled by Gary Niederhoff (Subscriptions Director). The list is maintained in electronic form and is derived from short-term, written lists compiled during fundraising (such as telephone work) activities and other efforts (mailing, etc.).

#### 3) Paid Staff List

The Paid Staff List was ultimately compiled by Belinda Ricklefs (Assistant Bookkeeper) with an initial draft provided by Norman Chan (Intern).

#### 4) Unpaid Staff List

The Unpaid Staff List was ultimately compiled by Bonnie Simmons with input/assistance from William Walker (Administrative/Programming Support Staff), Rick Alexander and Belinda Ricklefs (Assistant Bookkeeper). Much like the Volunteer List, the Unpaid Staff List is fluid and subject to more frequent amendment.



August 31, 2004

TO: Kenny Mostern  
Pacifica National Election Supervisor

RE: List audit

Per your memo, I began with the **memsys database**. First I had Terry Guy, Subscriptions Director, export all records of listener-sponsors who had donated \$25.00 or more since September 1, 2003 into one Excel spreadsheet.

Terry later informed me that he had used the process as laid out by Lisa Ballard to construct this database. He had a second Excel sheet of the memsys database for additional members of households which had donated \$50.00 or more. Switching between the two spreadsheets was easy.

We determined the entire database was around 18,000 listener-sponsors.

A fast scan of the database revealed very little duplication. I found only one after going through the first several letters of the alphabet. Given the relatively low incidence of duplicates and the existence of the second spreadsheet I went straight to the paper audit.

I first pulled 90 pledge cards from the run of archived pledge cards which are kept in the subscriptions office. These cards are kept loosely in four large boxes and will soon be moved into storage. They are bundled by rubber band in loose chronological order according to the date that their donations were deposited. Within the dated bundles they are not kept in alphabetical order. Mercifully there were very few really large deposits. The largest were in January-February of 2004.

I chose approximately 22 from each box to minimize the possibility of picking several samples which were input by the same sloppy volunteer. This way I had one quarter of my sample from each three month period of the date of record.

Terry Guy had previously informed me that virtually all of the errors come from the fact that KPFK uses volunteers to input the donation data.

The first thing I noticed was that the memsys database has very little identifying information or personal information on the donor. This made it difficult to determine whether two entries of the same name but with different addresses and possibly different phone numbers pertained to one person who had moved or two different people with the same name. The obviously foolproof method to determine whether they were one and the same person would have been to call one of the numbers and ask if they ever lived at the other address. I did this in one or two instances.

One might think that the account number would be useful in this respect. It generally was – but I did find one instance of two entries with different account numbers which belonged to one person.

In this comparison of pledge cards to memsys database I found:

- ?? One donor who was input twice. The contact information was identical so this was just carelessness.
- ?? Two donors from the same household who had donated \$25.00 and were listed in the database separately. Each donor would then receive a ballot although they were entitled to only one for the household.
- ?? One card which was for a pledge in excess of \$50.00 and which clearly contained two names although only the first name was listed in the database.

I next selected 90 names from the database at random and went in search of the pledge cards.

This was a more tedious process due to the lack of alphabetization but yielded a similar error rate.

One donor had paid in cash and the Xeroxes of his currency bills were attached to his pledged card.

Two errors were found.

- ?? One was, again, a pledge from two donors and only one was listed in the database.
- ?? The other was a duplicate entry but with a different account number.

I left all of these cards out for Terry Guy and he took care of them. In addition, I later called Terry to ask for a phone number of a listener-sponsor whose phone number had been indistinct on my KPFK voicemail. Terry looked it up for me and told me that the listener had been listed twice in the database – once with a P.O. Box and the second time with his street address. Terry asked me to have the listener choose which address he wanted his ballot to go to and he wiped out the other one.

Given the size of the database and the constant workload in the subscriptions department I was heartened by the relatively low error rate. Also, by the fact that most of the errors fell into one or two categories which would be avoidable in future with more rigorous training of volunteers.

As you know, Kenny, I did this audit twice. Once, unwittingly with the full database. I found an alarmingly higher error rate – almost 20% - with the full database. Terry

attributes this to the work which has been done on the database in recent years and the care and attention they have taken to guard against errors and fix errors.

They are still inputting data from their last mailing on August 13<sup>th</sup>. In addition, as you know, we may have fee waivers coming to the station at the last minute. We arranged for the KPFK P.O. Box in Orange County to be swept on September 1<sup>st</sup> before the mail comes. Any donations or fee waivers will be communicated to subscriptions. The box will then be checked again on Friday September 3<sup>rd</sup> and the postmarks on any donations or fee waivers will be checked for compatibility with the date of record. Terry says he can guarantee a list clean of duplicates and inclusive of all donations and fee waivers by September 8<sup>th</sup>.

I next audited the **Volunteers**.

These records are kept by Tony Bates who has an office within sight of the front desk. There is very little paper trail to speak of. Hours are not kept for Fund-Drive volunteers; although from the volunteers I spoke with it seems that a five-hour shift is pretty standard. The electronic records are kept in files according to fund drives and programs. There were many duplicates at the time I looked at them as volunteers may have worked on a program and volunteered for the Fund Drive. Most volunteers had given addresses and phone numbers. I found one entry with no address.

I could not tell by looking at the database when the volunteer worked except from the title of the database. i.e. Winter Fund Drive. There were no dates or hours worked noted in the database. It was essentially an expanded phone list.

Tony estimates that he has about 500 volunteers. There were around 800 names in his records.

There is a sign-in sheet which Tony keeps. He says that all volunteers must stop by his office and check in with him and he is consistently reminding them to sign in and out.

Given the fact that there are no dates on the database to tie a name to a particular chronological period on a timesheet it was very difficult to locate sign-ins. I chose ten names at random and found five through sheer luck. I called the remaining five and they stated, without prompting, that they had volunteered within the last year.

I then chose 10 names at random and took the phone numbers and e-mail addresses. Three of the people were no longer at the phone numbers given. Only two people called me back. I went back to the database and took many more names than I needed for insurance purposes. This time I did manage to establish by e-mail and phone that the volunteers had worked more than three hours. I had to take a lot on faith as many of them couldn't remember dates or names or exactly how many hours they had worked. Most of them considered Tony to have been their supervisor. Either that or they didn't know whether they had a supervisor or remembered someone but didn't know his name.

There didn't seem to be much reason to call Tony, as their supervisor, and verify their volunteer work as he had given me the information in the first place.

Despite this seemingly casual system I think that Tony probably has a good handle on his volunteer base. I have heard him on the phone and seen him with his volunteers and he is very no-nonsense with them. Although the database may not be adequate for audit and election purposes it seemed to be reasonably accurate given the few parameters I could actually verify.

The **Unpaid Staff** list contains about 200 people. When I approached Jennifer Kiser about auditing her database she told me right away that she had been "chasing" a couple of people for information and asked if she could use me. I tracked down one of these people for her and immediately got an accurate and current phone number and address.

The second person was a Spanish language volunteer programmer, Tapia, who had been training a new crew and had not responded to Jennifer's many requests for information. I called him twice and finally tracked him down at work. I told him he had a deadline with which to comply or risk having his staff left out of the database and disenfranchised. He promised he would. That was 10 days before the date of record and the information was never received.

The Unpaid staff database was well organized and kept. The audit, conducted the same way the volunteer audit was conducted revealed no significant errors. I found no discrepancies. However, as with the volunteers, there is no paper trail. Jennifer sits in view of the main desk and basically stops people as they come in. She appears to be very familiar with who is working on the shows although she may not necessarily have all of their information. A few addresses appeared to be incomplete or missing but Jennifer committed to obtaining all of them by the date of record.

I was informed that there are no **Unpaid Staff Organizations** and no **Unpaid Staff Collective Bargaining Units** at the station.

I did not audit the paid staff as I was informed that the information was accurate.

After completing my audit but before turning it in I began receiving e-mail correspondence from an LSB member asking about collectives.

I then found that the station had several groups of volunteers which program and host Spanish language programs collectively. The Program Director told me that there is no paper trail for these individuals and that the station is "at the mercy" of the collectives in terms of accepting hours and information provided by them.

Jennifer Kiser kept the information on the collectives in her Unpaid Staff database. She e-mailed me several names and phone numbers and gave me the names of programs which the collectives worked on. She told me that these people were generally

unresponsive to her demands for information and didn't particularly care for any station rules and regulations or policies.

I called every phone number she had been given. Many of the phone numbers were no good or disconnected. One of the people I called was Tapia with whom I had spoken a week prior. He apparently had the information for several members of collectives. I also spoke to a collective member who had the capability to compile information on volunteers who were working collectively on three different Spanish language programs. She committed to compiling the information and getting it to me by the date of record. That never happened. While on the phone she asked me to send a nomination packet to her husband. I reminded her that the collective volunteers could not vote for her husband if they didn't qualify to vote. Still no information.

## **CONCLUSION:**

The memsys database appears to be pretty accurate and also a work in progress. Many of the current problems could be prevented from re-occurring by firm and explicit training of volunteers.

The Volunteer and Unpaid staff databases also appear to be reasonably accurate inasmuch as there is almost no paper trail and no consequences for volunteers not complying with the procedure in place. There appears to be a general lack of understanding that volunteering confers benefits on the volunteer as well as the station. Not the least of which is the eligibility to stand for the Board and vote for your friends and colleagues. A simple one-sheet or orientation on voting eligibility when people first sign-up might help. As this is only the second election word doesn't seem to have traveled very far about the electoral process.

A system needs to be put in place whereby volunteer programmers or collectives do not get air time (which they value) and then disregard the policies of KPFK and Pacifica Foundation (which they don't value). Time and again I hear the refrain that "these people" meaning KPFK volunteers are suspicious of rules and regulations and are an independent bunch and you can't expect them to respect or comply with things they disdain. It's starting to sound like an abuse excuse. As if they have no free will as to whether they comply or not.

KPFK would benefit primarily from an educational program which would educate volunteers, and in fact the entire listener base, as to the electoral benefits of giving time to the station. Secondly KPFK would benefit from a structure in which there are negative consequences to a consistent and willful neglect of the stations policies and record-keeping requirements.

I have received commitments from the keepers of the memsys, volunteer, and unpaid staff databases that their lists will be free of duplicates; inclusive of fee waivers and complete with addresses and accurate as of September 8<sup>th</sup>.

## MEMORANDUM

**TO: Kenny Mostern, National Election Supervisor**  
**FROM: Bobby Muldoon, KPFT Election Supervisor**  
**RE: KPFT Audit Procedures**  
**DATE: August 31, 2004**

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### Collection of Lists

For this section of the report, I will focus on the non-Memsys lists as that list is of least concern.

From the Development Director and the Membership Coordinator, I received electronic copies of various lists of Unpaid Staff and Volunteers. These lists were deemed by all to be outdated and incomplete. No list of programmers or unpaid staff was available from the Program Director.

### Posting of Lists

#### *Listener-Sponsor lists*

From 8/23/04-8/31/04, a cart has been run encouraging listeners to make sure their membership is up to date. They are instructed to either call the station during regular office hours or send an email (with their name, address, and phone number) to [membership@kpft.org](mailto:membership@kpft.org).

#### *Volunteer/Unpaid Staff lists*

Due to the lack of credible information, I've only recently posted the list. Alongside this posting, I've created a slip for everyone to update their full contact information. I've also created a form that is to be used in the event a correction needs to be made.

A new cart will run beginning September 1, 2004, encouraging listeners, volunteers, and unpaid staff to confirm their membership and contact information for the upcoming elections.

### Auditing of lists

## **Donor/Memsys list**

### Procedure One:

In the weeks prior to our audit, a qualified volunteer began the duplicate search and removal process. That process is not yet complete. However, our preliminary search did not turn up any duplicates.

Households with multiple members have not yet been processed according to the instructions. Last year, an export from Memsys was performed and the multiple member households were split using Microsoft Access by Robin Lewis (Former Election Committee chair and database expert). Robin is reviewing the instructions from Lisa Ballard to see if her information and queries provide better efficiency for doing this within Memsys.

### Procedure Two:

Using criteria of a) record year 9/1/03-8/31-04, and b) donation of \$25 or greater, we exported a list of 9,004 unique member numbers from Memsys. Based on this number, we determined our 1% audit sample to be 90 records.

#### *First Take:*

We collected all of the pledge cards from the record year. At random (without regard to program, date, or pledge drive), we pulled 45 (.5%) pledge forms and checked them against Memsys for accuracy of name, secondary member name, address, phone, and pledge amount.

We found two records where the mailing address in Memsys didn't match the address on the pledge form. Of these two, one was a completely different address. The two possible explanations for the discrepancy are, a) the address was not updated when the most recent pledge was made or b) the member contacted the station, independent of making a pledge, to update their contact information. The second error of these two was deemed to be a typo: Pledge card read, "(apt) #66" and the Memsys record read, "(apt) #616". We determined in each instance, that the pledge form we were checking was the most recent pledge received.

The third error was a duplicate entry in Memsys. The same member information existed under two different member numbers.

These errors resulted in a 6.66% error rate given 45 records.

#### *Second Take:*

Using the criteria cited in Procedure Two, we selected several sets of random strings of numbers and ran a query to produce a list of 45(.5%) records to audit Memsys records against pledge cards.

We checked for accuracy of member name, secondary member listing within the same household, and address.

This procedure resulted in a 6.66% error rate. We had 3 Memsys records of donations where paper records could not be found. There appeared to be no correlation among these missing documents.

Hard copies of each procedure are available for review.

## **Volunteer Lists**

The record keeping system is the same for volunteers and unpaid staff. There is a log book kept in the main lobby of the station. Each person is to have a page where they log in and log out and note the purpose of the time spent.

However, participation in the system is poor and there is no accountability in place to ensure that people maintain their information. Additionally, the only contact information collected in the log book is name, telephone, and email address. In many cases, only the name is filled out (sometimes, only first name).

In my early days as Election Supervisor, I discussed the procedure with the Membership Coordinator. She indicated that participation, in general, was good and that entries in the log book were entered into a spreadsheet with some regularity. I have not found evidence that this is true.

In an effort to develop a credible list, I transcribed the Volunteer/Unpaid Staff log book. I gave copies of the list to the Program Director, General Manager, and Development Director (who, until recently had been overseeing the volunteers) for their input on who was considered unpaid staff. Because so few had been maintaining their information, it was impossible to determine this based on the hours logged.

After receiving input from the PD and GM, I created a list of unpaid staff and a list of volunteers and posted them for viewing. I posted bright orange signs in common areas of the station prompting everyone to; a) check their hours (file a correction form if necessary) and b) update their contact information (a slip was provided for this).

On 8/31/04, I had a conversation with Duane Bradley, detailing the poor state of the lists and the lack of effort given by the staff to help push this forward. He



agreed that we needed to give proper focus and energy to clear this up as soon as possible.

Within the next couple of days, I expect to be able to better perform the audit as you've outlined. I will file an updated audit report once that has been done.

### **Members Who Receive Waivers**

Currently, no such condition exists at KPFT.

### **Paid Staff Members**

Markisha Venzant, Business Manager, KPFT, has confirmed the list and mailing addresses of current paid staff members as of 8/31/04.

### **Members of Unpaid Staff Organizations**

Currently, no such condition exists at KPFT.

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

Until an actual audit is performed, please use the response given for the Volunteer list in this document.

## MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor  
**FROM:** Bobby Muldoon, KPFT Election Supervisor  
**RE:** KPFT Unpaid Staff and Volunteer Lists Report  
**DATE:** September 29, 2004

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In the early days of my tenure as KPFT Election Supervisor, I inquired about the record keeping system for volunteers and unpaid staff. A manual record keeping system was described: volunteers and unpaid staff maintain their volunteered time in a logbook on their respective page. It was reported that this information was updated in an electronic database on a fairly regular basis.

It should be noted that management has not set a policy for Volunteer/Unpaid Staff record keeping at KPFT. For obvious reasons, this should be corrected immediately.

### **Volunteer Lists**

In the year prior to the previous LSB elections, an excel file was maintained that included the names of volunteers and the number of hours donated were noted in columns labeled by the month. Unfortunately, this file had not been maintained beyond the record year for the last election. Further, this list did not contain mailing addresses. While this list would have provided an acceptable starting point, I did not become aware of it's existence until substantial effort had been made to create a credible list of volunteers.

Several excel files were obtained from the Development Director and the Membership Coordinator. These lists contained no dates or volunteer hour log. My assessment was that these lists were dated and not credible. It should be noted that the Development Coordinators computer had fatally crashed and data, thought to be relevant, was lost. This computer was not backed up.

With the absence of credible information, I decided to create a list of volunteers from records maintained in the Volunteer/Unpaid Staff logbook. This logbook is a binder that is found in the main lobby of KPFT. While there is no policy in place, it is understood by many, that hours donated to KPFT should be logged there. Ideally, each volunteer and unpaid staff member logs their hours on their own page in the binder.

In transcribing the volunteer information, it became clear that volunteers minimally participated in this record keeping system. I then sought out additional sources of information. Based on paper documentation including Fun Drive phone volunteer logs and Volunteer Information sheets, I further populated the volunteer list.

I shared this information and consulted with the General Manager, Program Director, Development Director, and Membership Coordinator. I accepted their input whenever offered.

During the first two and a half weeks in September, a cart was run, urging those who've donated their time to KPFT to contact the Membership Coordinator to update their information. Emails were sent to every volunteer we could identify. One email included a link to a URL that displayed the current list of volunteers and offered information on how to correct or establish record of their time.

Numerous volunteer records remain without mailing addresses. Using the outdated databases on hand, I populated records with any address I could find.

Fortunately, many volunteers also qualified as listener members via donation. However, as my listener member submission will indicate, approximately 75 volunteers will not receive ballots as no mailing address could be obtained. I included their name in the submission so that some record of their service would exist.

### **Unpaid Staff**

The same record keeping system exists for Unpaid Staff and Volunteers.

Upon transcription of the Volunteer/Unpaid Staff logbook, it became apparent that participation in this record keeping system was minimal. I've personally spoken to 10-12 unpaid staff members that weren't even aware of the record keeping system.

Conversations with the GM and the PD found that neither of them claimed to know all of the programmers involved with KPFT.

Both, the GM and the PD, we're instrumental in sorting unpaid staff from volunteers. Once the preliminary unpaid staff list had been created, it was posted on a cork-board that programmers were supposed to consult whenever they were in the station. Additionally, numerous emails (300+ recipients) were sent from me and the PD, urging unpaid staff to update their hours and contact information. One of these emails included a URL for recipients to view the current list of Unpaid Staff and hours logged. Instructions were given on how to correct or establish their record.

At the station, bright orange signs, urging staff to update their information, were posted in common areas and in the control room. Forms to do this were attached to the cork-board that programmers were to check whenever at the station. I received 137 responses out of approximately 225 unpaid staff members. For those on my list who didn't respond, I used whatever mailing address I could find in the dated files.

### **Conclusion**

While the description of my efforts to build credible lists fits on two pages, this endeavor largely consumed the month of September.

Throughout the entire process of establishing Volunteer and Unpaid Staff lists, the GM and PD were helpful in determining the status of each person. However, they each admit that their knowledge is limited.

The final assessment is that, due to the poor Volunteer/Unpaid Staff record keeping at KPFT, the lists are haphazard at best. The Unpaid Staff list is, in my opinion, 75% accurate and complete. The Volunteer list is approximately 40% accurate and complete. Fortunately, many volunteers qualify for membership via financial donation.

## MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor  
**FROM:** Caleb Kleppner, WBAI Local Election Supervisor  
**RE:** Audit of lists  
**DATE:** September 30, 2004

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### Sources of lists

Donors: Evelyn ran macro on Memsys and manually entered 33 names in a spreadsheet that she had not been able to enter since last pledge drive due to Memsys problems (virus, etc)

Waivers: LSB waiver committee submitted 14 names (though some already were in database)

Volunteers: Pulling teeth. Eventually received

- ?? Publicity volunteers: received electronic list of volunteers from Kathy Davis (publicity) but no sign-in sheets
- ?? Outreach bold: received sign in sheets and electronic list from Bok-keem
- ?? Membership vols: received electronic copies but no sign in sheets from Evelyn
- ?? Premiums vols: received 1 name from Paul
- ?? Tally room sheets: received around 100 sheets from Cerene and Bok-keem from Aug, July and May (but lacked sheets from April and Jan 2004 and Oct 2003)
- ?? Web/folio: Bob Lederer emailed a list of names but no paper documentation
- ?? LSB Committees: eventually received limited data on 5 LSB committees. Many names were missing addresses, but most volunteers on these committees were either paid members or on other volunteer lists.

### Missing sheets and names

- ?? Tally room: Oct 2003, Jan 2004, April 2004

Paid staff: Indra gave me a list of paid staff. Only mgt positions are GM and Program Director

Unpaid staff: Ken Nash of USOC gave me a list of unpaid staff. They were operating on an honor system in terms of eligibility, and it seems likely to me that the list included many names that did not put in enough time (10 hours per month or 30 hours over 3 months) to qualify.

## Audit of volunteers

Because of the mixed provenance of sign-in sheets, I decided to add one extra step: checking data entry of tally sheets. I randomly chose 17 names (equal to 5% of total volunteer) list from the sign in sheets that I had assembled and checked to see if those names appeared on the electronic list. Result: of 17 names on sign in sheets, 16 appeared on the volunteer list. The one name appeared on sign in sheets but not on the list lacked an address, which may explain why it didn't get added. This suggests to me that the names from the sign in sheets were fairly accurately entered into the electronic records.

Then I randomly selected names from my (electronic) volunteer list and searched for their names on the sign-in sheets. Of the 17 randomly-selected names, 11 (65%) appeared on a sign in sheet in my possession. (The 95% confidence interval is from 42% to 87%, meaning that there is a 95% chance that the actual percentage of names that appear on sign in sheets lies between 42% and 87%). Of the 6 names that did not appear on sign in sheets:

- ?? 3 names came from membership volunteers (out of 5 membership vols in sample). Note that the membership names did not come with documentation, so the other 2 names on the membership list appeared on sign in sheets from other sources.
- ?? 3 names came from the keeper of tally room sheets (Cerene) (out of 11 tally sheet names in the sample). These were tally sheets that I received on September 20 and constituted 69 pages out of slightly more than 100 total pages of documentation that I received.

Based on this (limited) sample, I estimate that I lack paper records for approximately one-third of the volunteers on my list.

I then randomly selected names and attempted to contact them by phone and email. Of the 25 selected,

- ?? 8 lacked phone and email, or had wrong #s
- ?? 12 verified their volunteer service, tho' very few recalled their supervisor's name
- ?? 5 messages and emails were not returned

This suggests that to the extent that I was able to contact people, they were in fact WBAI volunteers, but because few of them could recall their supervisor's it was not possible to follow up with their supervisors to confirm their volunteer status.

Summary of missing elements:

- ?? Paper documentation for membership and publicity vols,
- ?? Sign-in sheets from Oct 2003, Jan 2004 and April 2004,
- ?? LSB committee volunteers

Finally, I de-duped the listener list and then stripped out the staff members from that list.

Approx 15 records lack addresses. All addresses should be certified for USPS-valid addresses before sending.

**Audit of donor** (see following memo from Theresa Graham)

## MEMORANDUM

**TO: Kenny Mostern, National Election Supervisor**

**FROM: Teri Graham, Local Election Administrator**

**RE: WBAI Audit Procedures**

**DATE: October 2, 2004**

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### Collection of lists

During the month of August, I've tried to gather the membership list for verification of voter eligibility. Between early August and early September, there were two major pledge drives, which left the staff in membership under fire to enter all the new pledges, especially during the end of August, when many people made last minute pledges to make sure they would receive ballots in October. During this time, the development director, Denise Haynes, also left, leaving Evelyn Andino, the membership director, understaffed and overworked, even with the assistance of Paul Ashby, the premiums director and an intern.

On August 18<sup>th</sup>, Evelyn received a volunteer list from Cerene Roberts. The list was from this past June and Evelyn has made every effort to enter the new information as quickly as possible with the August 31<sup>st</sup> deadline looming. She also had to wait to receive a volunteer list from Bok-Keem Nyerere, the outreach coordinator.

### Donor List (Memsys Membership Database)

I went through the entire MEMSYS database of 20,000 names. I took 10 cards from each of the March, May and July drives (30 cards) and checked to make sure the entries in the database matched the paper records. I found one record that needed to be changed to inactive because the donor requested a refund of the \$250 donation she charged. Other than that, there was nothing out of the ordinary. There were the usual number of typographical mistakes, which I fixed, and names of couples that needed to be separated when they gave at least \$50. Looking at the entire database of 20,000 names, I found 126 entries that were had been made this way, or about .63% and I manually corrected them. I also found entries made by couples that were entered as one record and there would be a separate record for one of the individuals when they made a separate donation. For instance, John & Mary donated \$50 in March, but Mary donated another \$25 in June. There would be one entry with John & Mary and then another entry for Mary as an individual. There have been many complaints from people saying they and their spouse were eligible to vote, but only one got a ballot. The way the information was entered would account for that discrepancy. I also found 386 duplicate records, about 1.93%. Most of the duplicates I found were people who had made donations using work, home or

post office addresses. I also found some people used their full name and then used an abbreviation of their name, such as Theresa vs. Teri. I brought this to the attention of Evelyn and gave her a list of all the names that I found. She said that she would merge those records. Normally, she said that she tries to run a search for duplicates, but she hasn't had the time and the interns and/or temps who help enter data, don't usually search beyond the first layer of MEMSYS to see if there are similar names, addresses or phone numbers. There were 74 records that didn't have an address or were listed as having an incorrect address, which is about .37% of the total entries.

The terminal that I used seemed to crash with regular frequency for some reason. To run a query of all the names in MEMSYS, it took about 2 hours. When the query was completed, Evelyn tried to export the data to an excel spreadsheet, but we had trouble formatting it. The tech guy, Nick, wouldn't do it because he said he wasn't paid to do that task. I cut & paste the database into a text document. The list is alphabetical but without being exported properly to a spreadsheet, I couldn't sort the data.

WBAI used to hold 4 pledge drives annually, but now they hold 5 in a calendar year and 6 in a fiscal year. The pledge cards are kept in chronological order. Within those groups, they are separated by the dates they were entered into the database. So within May pledges, there can be as many as 10 sub-groups. Since we are in 2004, all pledge cards prior to this year, are no longer kept in the office. They are placed in storage. Evelyn told me that they routinely shred donor information when they receive donations between scheduled pledge drives. She said the reason for this was to maintain confidentiality of their financial information such as credit card numbers.

Evelyn also said that certain listener-members are willing to donate money but request to discontinue any additional mailings like the newsletter. There is a code that is entered to remove their name from the mailing list, but when that is done, ALL mailings are discontinued including the mailing of ballots. I assume that since these lists are being submitted to Pacifica this time around, members will receive a ballot as long as their name is on the list of current members.

Looking at 200 pledge cards chosen randomly from the February, May and June pledge drives, I found 45 paper pledge cards (about 22%) that had not been included in the membership database. A week later, after the database had been updated, 2 (two) of the paper records were found in the database but with a different account number. 4 (four) of the paper records were not found in the database, 8 (eight) had made donations of at least \$25, making them eligible to vote in the upcoming elections. 3 had made donations in 2004 but it was less than \$25. The remaining 28 paper pledges had not made any donations since Sept. 2003, according to the Memsys database, but there were corresponding account numbers for all those paper records. The paper pledges didn't indicate a specific amount donated.



## MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor

**FROM:** Angela Lauria, Local Election Supervisor

**RE:** WPFW Audit Procedures

**DATE:** August 27, 2004

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### Collection of lists

WPFW development staff members Tiffany Jordan and Sataria Joyner provided you first drafts of the lists at the very end of July. It has become clear to me in the past week that these lists were in no way in compliance with the memo regarding the transmittal of accurate lists which you distributed to GM's on June 30 and which I distributed (with your help) to the development staff during the last two weeks of June. It appears that memo was all but disregarded and the volunteer and unpaid staff lists that were sent to you were simply the original (unedited) lists generated last year. The memsys list was pulled in June so it was updated from last year but no attempt has been made to write the DB scripts suggested in order to remove duplicates and to make sure households with multiple members are listed separately.

Following is my assessment of the status of the lists and possible remedies for getting more accurate lists for the mailing deadline. These suggestions are merely stop gap measures for this election. Longer term solutions are needed but would look much different than the suggestions posed herein.

### Posting of lists

Regarding posting of lists – volunteer and unpaid staff list were posted and distributed to all paid staff and programmers. I have received a handful of comments and corrections. (It was through the posting of these lists that I identified the lists as old. I do not believe their was malicious deceit in giving these old lists, rather a careless disregard of the memo and subsequent verbal instructions.) Development staff have made themselves available to confirm paid memberships and I have confirmed membership of the candidates who have signed up to run.

## Auditing of lists

### **7. Donor List (Memsys Membership Database)**

#### *Procedure one.*

Duplicates and multi-member households were found, however I did not return the list “to the membership director as incomplete” as per your suggestion because the membership director and coordinator basically informed me there was no way they were going to have the DB person write a script. We’ll need your help getting this to happen. I went ahead with the audit for accuracy and list stuffing despite this known error in the DB. I was able to later go into Excel, sort by second name field and then by donation amount. I manually add doubled entries for those members listed with two names who gave more than \$50. There were only a couple hundred of these so it was possible (though not practical) to do by hand. I also sorted by address and manually scanned for dups – this was more work and I didn’t finish it because I figured if I was going to have to do this I only wanted to do it once with the final list. It’s possible though – but not fun and if there are dup named at different addresses I can’t delete one of those without access to memsys to see which is the more recent entry.

#### *Procedure two.*

Our station has about 13,000 members so I audited 130 records.

#### **Part I**

I took 64 pledge cards at random from all three qualifying pledge drives and checked them for accuracy of input. Typographical errors on either names or addresses were found in 8 of card. These were things like inverted letters or switching the term Ct. for St. or other small issues that were not likely to effect delivery. There were 8 cards that had problems with phone numbers or second name fields (4 of each category). Again these are not likely to effect delivery though they do point to a specific database issue which is that when data is entered into memsys, previous information is not deleted so if someone lists a work number when they pledged in Feb. 2004 but when they pledged again in May 2004 they did not give that number again, the work number would not be deleted. In the case of numbers this isn’t a big deal. The problem is with names. Let’s say Mary Smith calls to donate in Feb. 2004. She donates \$25 and lists her partner Kim Davis. In May 2004 Kim calls back and donates another \$25. This time she doesn’t list Kim’s name. The DB entry person will not delete Kim’s name even if Mary and Kim have dissolved their relationship. A ballot would then be sent to Kim Davis and it would be forwarded by the post office even if Kim has moved out. This occurred in about 6% of the cards I reviewed so maybe it doesn’t matter for this election but it is a systematic hole that should be plugged when possible.

#### **Part II**

I selected 66 records at random from the memsys database. These members pledged in each pledge drive and more than half were members who pledged on their own – outside of the confines of pledge drives. For those who gave through a pledge process I checked their records against the pledge cards. For those who pledged on their own – often

through a membership renewal process, I checked the “lock box” receipts which were also organized by date and cumbersome but relatively easy to look through. Both pledge cards and lock box receipts were in chronological order. The lock box receipts were in much better condition with almost 100% accuracy. The pledge cards were in order generally by date and show (break numbers) but this was much less organized. Everything seemed to be there but it required a bit of digging. In these records there was only 1 problem with addresses (again minor); 5 with phone numbers; and 3 with missing or additional second names. There was one record for which I could not locate a paper record. This person, Nick Akash, was a “Walk-in” and donated cash. The membership coordinator was totally stressed that she couldn’t find the record and was incredulous that his record was missing. I wouldn’t be surprised if she found it the next time I saw her. In short only one of 66 records were un-locatable which is about a what, 1% error margin? I do not believe that it is plausible that names have been entered fraudulently into memsys at WPFW. In total there was an accuracy of about 81% but none of the errors were of the sort that were likely to effect deliverability.

### *Procedure three*

In accordance with your request this memo outlines my findings. Specifically:

According to my audit, the addresses in the database accurate were over 90% correct.

According to my audit, less than 2% of records cannot be accounted for and/or pledge cards have never been turned into records.

## **8. Volunteer Lists**

### *Step one.*

The volunteer list is trickier to both assemble and audit. There are various types of volunteers some of which I may not know about but here are the 4 categories of which I am aware:

- 1) Development volunteers (phone bankers)
- 2) DC Radio Coop volunteers
- 3) Program-specific volunteers
- 4) LSB committee volunteers

Of the 4 categories WPFW currently loosely tracks members of groups 1 and 2 which I will detail in the following paragraphs. **There is no known tracking, recording, or registration of volunteers in categories 3 and 4 and therefore I have taken no action in the auditing of such volunteers.**

**Category 1** volunteers are tracked by multiple means. Each is asked to complete an application. Their application is dated and logged into an access database with all contact information. Volunteers are contacted via phone and email when there is a phone banking need, and when they come to work for a they sign in. The sign in sheet – a paper record, is a loose-leaf note book where people sign their name and the date and time in and out. From looking at the access database there is absolutely no way to tell if a volunteer has ever come in and there is no way to tell if they have come in during the

record dates. From the paper records you would be able to tell who came in and for how long but there are problems with the paper records.

First there is a lot of paperwork to sort through – it's messy and hard to read. Second, volunteers and staff members seem to sign in so there is no way of knowing who qualifies for other categories if we were to type names into a DB. Third, and most important, people often sign in only first name, last name, or nick names. People may sign in who have never filled out an application and people who have filled out an application may never sign in – though they may have worked.

One suggestion is to hire a temp to type in all the paper records (which include times when people remember to sign out – about 70% of the time). Then the temp would need to sort by name, combine hours for multiple entries and for those with more than 3 hours, check to see that they have an application on file and from there get their contact information. It's a good 2 week job. You can use the volunteer database but this includes volunteers who applied as far back as 1996 so they would not all qualify and I am sure to include them all would be seen as stacking the decks.

I have a good list of people the 195 who APPLIED to be volunteers this year. I took a sample of 46 volunteers (about 25%) and of those I found records for 35 (about 75%) of those most (75% again) had in and out times that indicated they had more than 3 hours... the others had less than 3 hours in the one drive period I examined or no out time. In these cases you'd need to review all records not just the one drive I examined. This took about 4 hours to do and was pretty scientifically inaccurate (e.g. I could have missed something). Of course the long time volunteers are actually less likely to sign in and more likely to notice if they don't get ballots but this is what we are working with – again long terms processes are needed.

**Category 2 volunteers** are associated with the DC Radio Co-op. DCRC is alternately described as an independent community organization, a partner organization, and an integral part of WPFW. It's relationship to WPFW is legally ambiguous. The groups vision and commitment to grassroots, progressive public affairs programming is unquestionable by all sides. According to DCRC organizer Ryme Kathhoda (and iGM Ron Pinchback), volunteers for DCRC may also volunteer WPFW. Volunteers who qualify through their WPFW volunteer activities who are members of DCRC are tracked by Ryme. In addition to fundraising (which all programmers are asked to do), these WPFW activities could include:

1. Producing "weekend preview" for metrowatch. This is a five minute pre-produced "segment" of announcements for events coming up over the weekend that is aired on Friday morning on metrowatch. It takes at least 3 hours to put this together each week.
2. Helping with "Weekend recap" which, like weekend preview, is a five minutes segment played on metrowatch, on Monday mornings, reviewing events of the weekend. it takes 6-7 hours among like 5 to 7 people to make this.

3. Creating pre-produced 3-minute features for metrowatch, at least two, usually three times a week. these take anywhere from 3-6 hours depending on skill level, time spent gathering sound, etc.
4. Doing live interview on metrowatch, three times a week. these are five minutes each, but require a couple hours prep time, for getting a guest, writing a script, etc.

The tentative process we have in place is for Ryme to present this list to Ron for approval or denial. My suspicion is that massive denials will revolt in protest from DCRC. The problem is that Ryme promised to present this list to Ron over a week ago and it still hasn't happened. I am continuing to stress the importance of doing this sooner rather than later. Once I have the approved list from Ron I can do a phone audit but I don't know what kind of paper records Ryme will have.

*Step two.*

I have a phone list of new (Category 1) volunteers who have applied and can do an audit from that list but I have put this on hold until we solve some of the questions in Step one. If I call from this list of people who applied it's not an audit of the qualified voter list but rather just people who applied so there will be a low percent of those that are correct so it seemed counter productive. In terms of supervisor – that's the development team and they weren't sure if they could confirm volunteers by name because there are so many and they don't know everyone who comes in since many just come for a day or two.

I do not have a list for any of the other categories.

*Step three.*

This audit is incomplete due to extreme problems with and lack of a list to audit.

## **9. Members Who Receive Waivers**

It is unclear whether or not the LSB voted on, passed, or approved a Waivers resolution. I have heard that they both have and have not. No policy has been sent to me and therefore I am moving forward as if it does not exist.

## **10. Paid Staff Members**

I have every reason to believe the staff list is accurate and unassailable.

## **11. Members of Unpaid Staff Organizations**

WPFW does not have an unpaid staff organization.

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

Unpaid staff lists have a similar situation as the volunteer lists. There are at least 2 categories of unpaid staff: independent programmers and DC Radio Coop programmers. It's possible there are other volunteers who meet the unpaid staff criteria, however, I don't have a way of identifying those people.

In terms of independent programmers, I have a list of programmers, their shows and the hours of their shows. There is a sign in book and I have rectified many names from the lists with the book, however, many programmers do not sign in and the sign in sheets don't list their hours. The program schedule lists their hours and for a person with 2 hours a week or more of airtime, it's pretty easy to assume they meet the criteria when you include prep time. But what about programmers who have a 30 minute weekly slot and/or groups that share a slot. For instance "Sophie's Lounge" is a 2 hour weekly show that has 5 rotating hosts. These people may be volunteering in other ways that add up to 10 hours a month but there are mostly likely not paper records of this and the volunteering may not be under management supervision. The only way I can think of to ascertain this data is to ask each programmer to sign an affidavit login at least 30 hours of work in June, July and August and have Ron sign off on that before putting them on the mailing list.

DCRC programmers again rest with Ryme. She has a list of people whom she believes meet the criteria – herself included I believe. There is one legally sticky issue here. Ryme is paid on a 1099 and is considered an independent contractor. Two other DCRC folks (Tom Gomez and Ingrid Drake) are also paid but it's still unclear to me if they receive a 1099. I do know that Ingrid distributes small payments to other DCRC members in \$35 stipend checks for segments they produce. Largely this is to cover expenses but it further muddies the waters about the status of these people. The Pacifica Foundation FAQ states that "if a FSRN (Free Speech Radio News) individual is under the general supervision of one station's program director, then that individual could qualify (if they meet the other staff criteria) as station staff. But if they do their work outside the organizational structure of any particular station, they cannot be deemed "station staff," but are more like independent contractors. In this case they would be allowed to join as listeners (the same as national staff are allowed). Then they could vote in the listener elections, but not be a candidate unless they stayed off the air until the close of balloting (due to the fair campaign provisions)."

The way I interpret that all DCRC members would be limited to the listener category but as we have discussed if it's a handful of people we may just want to let it go. Bobby Muldoon suggested that they may be an "unpaid staff org" I don't see that but I do see the possibility. In any case DCRC and WPFW should have a written agreement but that is not the concern of the elections supervisor. What I need is an audit procedure for the DCRC programmers and volunteers.

**APPENDIX E  
MEMORANDUM**

**TO: Local Election Supervisors**  
**FROM: Kenneth Mostern, National Election Supervisor**  
**RE: Fair Campaign Provision Enforcement**  
**DATE: July 30, 2004**

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The following memorandum outlines the procedures to follow in enforcing Fair Campaign Provisions at the various radio stations. It consists of two sections: Investigation and Write-up of Violations, and Guidelines for Setting Remedies.

**Investigation and Write-up of Violations**

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

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

First, the LES must hear from any people who s/he believes have information or facts to help understand what occurred.

Second, the LES should review documentary evidence – especially recordings of the occurrence, if available, or station logs containing descriptions of the occurrence, if relevant.

Third, if it is the opinion of the LES that a violation has occurred, s/he must write a brief summary of the violation *which quotes from the exact provision of the Fair Campaign Provisions has been violated*. A copy of this statement should be sent to the National Election Supervisor immediately.

**Guidelines for Setting Remedies**

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

*Warning.* If the violation of the Fair Campaign Provision is not severe – for example, an individual receives an on-air endorsement, and there is no evidence that that individual played an active role in getting the on-air staff member who endorsed to violate the Fair Campaign Provisions – a written warning is adequate. The warning should make clear that it is the responsibility of the candidate to ensure that such a violation does not happen again. The warning should also indicate that three such violations, *even if they occur without the candidate's foreknowledge*, will result in the imposition of censure.

*Censure.* In the case of a more severe violation – such as the receipt of an on-air endorsement where it is clear that the candidate played an active role in the violation – or in the case of repeated lesser violations – censure may be imposed.

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

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

*Decrease in allotted airtime.* In the event of a serious violation, or a series of minor violations which occur with the candidate's participation or encouragement, the Local Election Supervisor may decrease the amount of airtime allotted to carts and/or eliminate the candidate from on-air forums. The amount of time the candidate loses should be commensurate to the violation. For example, if a candidate is given a 15-minute interview on a show during a prime listening time, and the host of that show is clearly making the interview easy and to the candidate's advantage, merely striking that candidate from a contentious on-air forum is not sufficient. That candidate should lose at least 30 minutes of prime cart play time. If the violation occurs at so late a date that they no longer have 30 minutes of such cart play left, this type of violation could be grounds for disqualification.

*Disqualification.* In general, it is the presumption of these guidelines that disqualification is not a desirable outcome. Disqualification occurs when (1) all lesser remedies have been exhausted, and violations continue to occur, or (2) when a severe violation that would merit a substantial reduction in cart time occurs immediately before the end of the election period. Disqualification can only be imposed in consultation with the National Election Supervisor.



### **Notes about these guidelines**

These guidelines are to be understood as guidelines, not as mandatory rules. The intention is to leave significant discretionary power in the hands of the Local Election Supervisor in determining the severity of given violations. The Local Election Supervisor is always invited to discuss violations with the National Election Supervisor, as well as with Local Election Supervisors in other cities, to determine how best to characterize the severity of a given violation.

Note also that these enforcement provisions directly address only those remedies that can be imposed on candidates. This is because the National and Local Election Supervisors have no direct power to enforce remedies against staff members who violate the by-laws unless they are candidates. It may be appropriate, in circumstances where a specific staff member (paid or unpaid) who is not a candidate is responsible for a series of violations, to recommend to that staff member's direct supervisor that they be censured.

**APPENDIX F  
MEMORANDUM**

**TO: Pacifica National Board Members**

**FROM: Kenny Mostern, National Election Supervisor**

**RE: Policy Recommendations in Regard to Electoral Slates and Electoral Fundraising**

**DATE: August 18, 2004**

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The Pacifica Foundation National Elections have, during their short period of existence, developed many of the same phenomena that appear in the general political world. In particular, two phenomena that are not contemplated in the bylaws – the existence of slates, and the practice of campaign financing – have become the cause of tension and disagreement at some Pacifica radio stations.

In particular:

At many radio stations, campaigns are conducted not by individuals, but by “slates,” which are analogues to political parties in the world at large. Since the bylaws (like the American Constitution) contemplate only individual candidates, not slate campaigns, there are many ways that slates can behave to promote their candidates that do not fall under the rubric of the Fair Campaign Provisions in the bylaws. It is clear that, for example, a slate that has more access to the airwaves than another may get around the Fair Campaign Provisions by promoting events put on by that slate, as long as the names of the candidates supported by that slate are not mentioned.

At the same time, different slates have access to very different amounts of money. Since the bylaws provide open access to the use of member lists among Foundation members, if one slate is able to raise substantially more money than another, this leads to massive differences in their ability to reach Foundation members by mail.

In the public world, a system of laws has been enacted that govern the behavior of political parties, as well as one that governs the raising, spending, and disclosure of campaign funds. In my opinion, the Pacifica National Board should pass resolutions governing these issues modeled after the best practices of the public at large. In particular, I recommend:

A resolution which defines what a “slate” is, and subjects slates to the Fair Campaign Provisions just as individuals are subjected; and

A resolution which defines a maximum amount of money that can be spent on the campaign of an individual, or of a slate acting together, and also includes a maximum size of donation allowed from single individuals, as well as a system for the disclosure of campaign fundraising and spending.

In fact, it may be that a complete system of campaign disclosure cannot be put into place for the 2004 election cycle. Regardless of this, I offer the following as model resolutions that the Board might choose to pass at its next meeting, which might go into effect for the election period of September 25, 2004 to November 15, 2004, and then might be reviewed in time for the next election cycle in 2006.

#### Resolution Concerning Slates

Be it resolved:

That any group of individuals who act together in support of more than one candidate for election to a Local Station Board of the Pacifica Foundation shall be called a "slate"; and,

That the name of the slate is any name that such group of individuals uses to describe themselves, but also, that a group of individuals that does not have a name designating their slate, but nevertheless acts together in support of more than one candidate for election to a Local Station Board, can still be designated as a slate by the Local Election Supervisor; and,

That the Fair Campaign Provisions, both those set forth in the bylaws and those adopted by the National Election Supervisor, shall apply not only to candidates, as specified in the bylaws, but also to slates, as defined in this resolution. So, for example, an on air recommendation to listeners that they support the "A slate" shall be treated as a violation, just as an on air recommendation to listeners that they support a specific candidate would be.

Be it further resolved:

That this resolution go into effect on September 25, 2004, and be in effect for the remainder of the 2004 Pacifica National Election; and

That it be reviewed and reconsidered prior to the opening of the 2006 election period on July 25, 2006.

#### Resolution Concerning Campaign Finance

Whereas not all candidates running for Local Station Board at Pacifica Foundation radio stations have equal access to resources for running their campaigns; and

Whereas differential access to private resources can substantially shape the outcome of an election, especially since the bylaws allow for the use of mailings to members;

Be it resolved:

- That no candidate for Foundation office may spend more than \$500 of private funds on their campaign for Local Station Board; and,
- That no slate, acting as a slate, may spend more than \$1000 of private funds on a collective slate campaign for Local Station Board; but,
- That, acting separately, a candidate may spend \$500 on her/his own campaign while also appearing on a slate that spends \$1000; and,
- That no individual who is not a candidate may contribute more than \$100 to any campaign for Local Station Board; and
- That the National Election Supervisor will create Campaign Spending Disclosure Forms that must be filled out by all candidates and all slates, which list the sources of all money raised by a particular campaign, and all expenses of that campaign; and
- That the Local Election Supervisors will see to it that all candidates who spend any money on their campaigns, and all slates that have been designated as slates by the Local Election Supervisor and which spend any money on their campaigns, turn in such forms on a monthly basis throughout the campaign period; and
- That failure to turn in such forms and/or violation of the Campaign Finance rules in this Resolution shall be penalized by disqualification from the election.

Be it further resolved:

- That this resolution go into effect on September 25, 2004, and be in effect for the remainder of the 2004 Pacifica National Election; and
- That it be reviewed and reconsidered prior to the opening of the 2006 election period on July 25, 2006.

**APPENDIX G  
MEMORANDUM**

**TO: Pacifica Foundation Community**

**FROM: Kenny Mostern, National Elections Supervisor**

**RE: Change in Election Schedule**

**DATE: October 18, 2004**

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**1. Change in Election Schedule**

A fundamental flaw in the Pacifica Foundation bylaws concerns the extremely short turnaround time afforded between the date that the nomination period closes (September 25) and the dates that ballots must be mailed (October 15). This affords a period of only three weeks for the elections supervisors to produce and mail the ballots. Every effort has been made by the elections supervisors to ensure that the present election conform to the dates required in the bylaws.

However, a series of delays have beset the production and mailing of the ballots over the last two weeks. In addition, as a result of the fall fund drive, election related carts and other materials have seen delays in being aired at several Foundation radio stations. Finally, competition between our election and the US Presidential election has lessened our ability to promote the significance of the Foundation elections. For all these reasons, it is my considered opinion that we can assume that the Foundation election will not meet quorum at least one, and perhaps all five, Foundation radio stations by November 15.

Foundation Bylaws Section 4.5, "Elections Time Frame," states:

To be counted a ballot must be received on or before November 15<sup>th</sup> (the "Election Close Date"). All ballots shall be held sealed until the Election Close Date. If the required quorum of ballots is not received by the Elections Close Date, then the Elections Close Date shall be extended by two additional weeks.

It is not logistically feasible for us to wait until November 15 to confirm that we have failed to reach quorum. By that time spaces for ballot counting, travel arrangements for ballot counters, and the personal schedules of Election Supervisors will have long since been set. In anticipation of our failure to reach quorum by November 15, **I am declaring the closing date of the election to be Monday, November 29, 2004.**

**2. New Schedule for Vote Counting**

In accordance with the availability of TrueBallot, Inc., who are providing the optical scanning equipment for reading our ballots, the revised schedule for vote counting will be

Tuesday, November 30:	WPFW Washington
Wednesday, December 1:	WBAI New York
Friday, December 3:	KPFT Houston
Saturday, December 4:	KPFK Los Angeles
Monday, December 6:	KPFA Berkeley

### **3. Why the Schedule in the Bylaws is Impossible to Meet**

#### A. What needs to be done in the given timeframe

The bylaws of the Pacifica Foundation (Section 3.5) leave a three week window between the date that the nomination period closes, September 25, and the date that the ballots are to be mailed, October 15. Since I accepted this job in late May, I have discussed with Pacifica staff, the Local Elections Supervisors upon their being hired, and a variety of Foundation Board members and activists my doubts that it was possible to do all of the following in the amount of time given:

- ?? Verify the nomination papers
- ?? Prepare the ballots for printing
- ?? Design, prepare and proofread the Candidate statements, return envelopes, and other materials for printing
- ?? Go through all proof and production stages with the printer
- ?? Deliver printed materials to a mail house
- ?? Have the materials stuffed and posted

As someone who has sent out large mailings on numerous occasions in the past, it was my opinion from the start that this process should take at least four and more likely five weeks.

Two additional factors, also built into the bylaws, make this schedule especially absurd.

- ?? First, the entire election period following the mailing is exactly one month. Third class nonprofit mail takes, according to the post office, up to 15 days to deliver, and many suspect that last year's mailing actually took longer than that. This means that the Foundation is essentially required, by its bylaws, to send the mailing first class, at an additional cost of \$30,000 - \$50,000. Otherwise the ballots will not be received by the voters with a reasonable time frame for learning about candidates and making intelligent decisions. Just as importantly, this also means that any inadvertent delay or difficulty in getting the mail out (as we have had this year) will make reaching quorum by the election close date much more difficult.

?? Second, the election period is set in October and November, the same time as the United States elections. Leaving aside all questions about the attentiveness of the electorate to our election, the simple, practical problem we have faced in getting our materials printed and mailed this year is that with literally billions of dollars being spent on November elections (from the President down to local school boards) at this very moment, print houses and mail houses are running overtime, and getting space on printing and mailing machines right now is next to impossible. This has caused extra delays that would not be experienced at another time of the year.

*Side note: The Pacifica election that was conducted in late 2003 and early 2004 by Terry Boricious, which was using Court ordered dates for its scheduling, closed its nomination period on December 5, 2003, and its ballots were sent out on January 5, 2004. This is a period of 31 days, 10 days longer than the current elections. Additionally, printers and mail houses have essentially no work from December 26 – January 5. During the crunch days when the Pacifica election mailing had to go out, our mailing was the priority mailing for the print and mail houses being used.*

*In preparing this report, I asked Terry Boricious whether he felt that the 31 days he had was enough time to prepare and mail the ballots. He said “absolutely not.” I can only say that triply for the 21 days I was given.*

## B. My Solution and Its Rejection

In my attempt to meet the impossible schedule of the bylaws as National Election Supervisor, I made two decisions that might – alongside the entire staff working 70+ hours the last week in September, which of course we did anyway – have gotten the mailing out on time.

?? First, I hired a company, TrueBallot, with a standard ballot design, format and instructions, to produce the ballot, so that all I had to do was certify the names and they would be able to produce the ballots for us. (TrueBallot was also selected because it has a standard double blind envelope system that conformed to the requirements set forth for the election by the Pacifica National Board, and because of its optical scanning technology, which combines fully auditable paper ballots with ease of counting.)

?? Second, I decided that there was neither time, nor room, for the candidate statement booklets to be mailed, and that we would therefore distribute them by other means.

It is a fact that had we mailed only the ballots, without the additional printing, folding, stapling, and stuffing required by the candidate statements, our ballots would have gone out on time. However, my solution to this problem was rejected by the Pacifica National Board and by the active membership, who believed that by not including the candidate statements with the mailing, we would make it less likely that voters would make an

effort to become educated about the issues and vote. Whatever my personal feelings on the matter, I have no intention at this point in challenging the clear consensus of the Pacifica community on this question.

#### **4. The Actual Production and Mailing Timeframe as of Today**

As of today, the following have been printed and are at the mail house:

- All of the ballots
- All of the envelopes, surveys, and additional materials
- The candidate statements for three stations, but not all five, stations

The printer has promised the remaining candidate statements no later than Wednesday. The ballots are now scheduled to be stuffed and mailed by the mail house between Wednesday, October 20 and Monday, October 25. They will be sent third class, which means that they should be received by all Pacifica members between November 1 and November 10. With the election close having been delayed until November 29, this will give all voters sufficient opportunity to select their favored candidates and return their ballots.

#### **5. Other Needs That Are Being Met By the New Schedule**

While it is the delay in the ballot production that is the immediate cause of the election extension, there are two other issues that Pacifica election officials have been facing which are solved by this extension:

First, all five stations are having fund drives during the election period, and management at several stations has been very reluctant to play election related cards during the fund drive. This reluctance is inappropriate and contrary to the bylaws of the Foundation, and, should there be legal concerns about the election process, would pose a very large problem for the Foundation. Nevertheless, the extension of the election period gives station management a new opportunity to properly publicize the elections and the candidates.

Second, and more reasonably, it has been very difficult to convince anyone – including myself, and this is my job – that coverage of the Pacifica election is more important than coverage of the Presidential and other United States elections at this moment. By giving ourselves nearly four weeks after the end of the US election period to publicize the Foundation elections, we substantially increase the likelihood that our listener members will pay attention, and make intelligent choices, about our Foundation elections.

#### **6. Necessary Bylaws Changes**



For the most part, I have been hesitant to suggest bylaws changes to the Election process while we are in the middle of that process. I had been planning to remain silent about my recommendations until my final report, at the close of the elections. However, the present memo cannot possibly be concluded without making the following comments:

Whatever else might be said about the writing of the present Pacifica bylaws, it is clear to me that they were not written by people who have experience with project management of print and mail jobs. For the second consecutive election, the National Election Supervisor has had tremendous difficulty producing the ballot mailing in the timeframe required. As such, the Pacifica National Board should give immediate consideration to the following bylaws changes:

In order to make the job of the election supervisors possible, the time period between the close of the nomination process and the mailing of the ballots should be extended from three to five weeks.

In order that the Foundation be able to, comfortably, mail the ballots by third class mail (thus saving tens of thousands of dollars) while still ensuring that individuals have enough time after receiving their ballots to vote, the election period should be increased to at least five weeks.

In order that Foundation elections not conflict with United States elections, the election period should be moved to another time of the year.

In spite of the above, I do not believe that the overall period of time during which the elections are conducted needs to be increased at all. That is, Bylaws section 3.4.a. currently states that "In May of each year in which there will be an election of Delegates by the Members, the Executive Director shall appoint a national elections supervisor whose role shall be to oversee and certify the fairness of the Delegates elections in each station area and to confirm said elections' compliance with these Bylaws." I was actually appointed to begin work on June 1, 2004, which means that my timeframe of employment extends for six and a half months, until the due date for the final report on the election, December 15, 2004.

In my view, this job can and should still be conducted over six and a half months. In particular, the 62 days currently afforded for the nomination period, from July 25 to September 25, can be cut. Essentially no nomination packets are turned in until the last week before the close of the nomination period, and the job of the election supervisors during this period is no more than a 10-15 hour a week job.

It is true that in the present elections cycle the Elections Supervisors were primarily concerned with distribution of information about the Elections, and with gathering and auditing the elections lists, during this time period. However, improved recordkeeping on the part of the Foundation would make possible substantially cutting the amount of gathering and auditing time required. And publicity about the election in no way requires a nine week nomination period. I therefore recommend that the nomination period for the election be cut by four weeks.

Taken as a whole, the above suggestions would result in an election period that has at its center **three periods of exactly five weeks (35 days)**:

- The nomination period
- The ballot production period
- The election period

Using this pattern, the following schedule is one example of a workable schedule for the Pacifica National Elections, and should be considered as a bylaws amendment. It is offered as a possibility; other schedules could also be built.

January 1	National Election Supervisor starts work
February 15	Local Election Supervisors start work
March 1	Nomination period opens
April 4	Nomination period closes at 5PM
May 10	Ballots mailed by 5PM
June 14	Ballots must be received by 5PM
July 1	Date by which election must be counted and certified
July 15	Final reports of the election supervisors due

Please note that in this proposal, the period during which the election supervisors will be conducting their list audits is approximately March 15 to April 15, a period that overlaps between the nomination and ballot production periods.

## MEMORANDUM

TO: Kenny Mostern, Pacifica National Election Supervisor

FROM: Brian Johns, KPFA Local Election Supervisor

RE: KPFA Final Report

DATE: December 14, 2004

### **Acknowledgments**

Despite significant difficulties, the KPFA Local Station Board election was successfully -- if fitfully -- completed. This positive outcome was, in no small measure, the result of diligent efforts by a cadre of dedicated volunteers and staffers. I express my heartfelt gratitude to Local Election Committee (LEC) stalwarts Mary Berg, Max Blanchet, Chris Collins, Nicole Milner, Les Radke, John Sheridan, Susan de Silva and Sally Sommer, as well as to station staff members Lisa Ballard, Gary Niederhoff, Chris Stehlik and William Walker. Thanks also to the 20-plus volunteers who turned out on polling day.

### **Executive Summary**

Essentially, the KPFA election was marred by two delays that threw the schedule into disarray. The first was an early decision (later rescinded) to withhold candidate statements from printed ballots. The second was opting to use 3rd Class rather than 1st Class mail for ballot mailing. The result was a three- to four-week delay in ballot arrivals to the West Coast, fueling a hue and cry throughout the KPFA community.

In my view, logistical and mechanical issues were remedied rather easily. Basically, we extended the voting deadline, permitted hand-delivered ballots (as was customary in past elections), and conducted on-the-spot balloting at the polling site.

More difficult to correct were perceptual concerns. Frankly, neither I nor the national election supervisor adequately anticipated how much anxiety these

missteps would engender. Simultaneously, and perhaps more importantly, we did not appreciate how a "rational" and "reasonable" desires to "professionalize" the elections process fed well-founded and pre-existing fears (as expressed by KPFA community members two years ago taking to the streets to re-assert local control rather than yield to national fiat).

Clearly, we must be vigilant in maintaining the balance between a uniform electoral process for all Pacifica stations and the primacy of local community participation and support. This is best accomplished when the process is as transparent as possible.

To be honest, I feel the election succeeded not because of process (important as that may be) but because of trust and goodwill, both of which were generated by local/national election supervisors taking extra -- if unusual -- steps to ensure meaningful participation. Ultimately, walking the extra mile encouraged KPFA community members support the larger effort, however messy (as democracy is) it might have been.

### **Nomination Period**

As required, the nomination period opened on July 25, 2004 and closed at 5 p.m. on Saturday, September 25, 2004. In total, 27 listener-members and 5 staff members requested and/or downloaded candidate packets, and/or formally informed the Local Election Supervisor (LES) of their intention to run. It should also be noted that LEC members accepted hand-delivered packets at the station up until the deadline. Unfortunately, two prospective candidates did not turn in their materials on time. In the end, 19 listener candidates and 5 staff candidates submitted packets and were certified.

Recommendations: None.

### **Lists**

Attached (See Appendix I) is a memo describing the process of assembling and auditing the membership lists. In summary, Pacifica bylaws were faithfully applied to data available from Memsys, volunteer and paid/unpaid staff lists provided.

Recommendations:

One staff candidate suggested using KPFA's listener e-mail database to help increase voter participation "by sending out at least two e-mails to the entire list: the first at the beginning of the election period, sending listeners links to the candidate questionnaires and any other relevant information; the second closer to the end of the election period, reminding people to vote."

Meanwhile, a more coherent and transparent method might be implemented in assembling the volunteer list. One long-time listener-member/candidate suggested instituting an "account" in which volunteers can bank hours as they are accrued. A running tally could then be kept and shared with those uncertain about their volunteer status. Currently, volunteers utilize sign-in sheets and their names are transferred to a master list.

In addition, the question of who qualifies as unpaid staff should be further examined and defined. As things stand, there is a less than ideal record-keeping process in place, resulting in a small number of "leaders" providing a list, essentially vouching for other unpaid members.

Lastly, KFCF (Fresno) LES Debbie Speer noted some confusion stemming from roughly simultaneous elections. As I understand it, her hope is to tweak the election schedule(s) and re-examine the issue of dual membership -- and voting rights -- at both stations (Currently, many KFCF listeners participate in KPFA fund-drives and are eligible to receive ballots. Debbie reports, "Because of the tone of the KPFA LSB election, about 7 people asked how to donate directly to KFCF rather than pledging through KPFA...").

## **Campaign Period**

The campaign began with the certification of candidates on September 28, 2004. There were 19 listener candidates and 5 staff candidates. With guidance from the LEC, a number of formal campaign-related events occurred including:

Nomination/meet-the-candidate forums held in Bay Area communities including:

September 12, Social Justice Center of Marin

September 13, Unitarian-Universalist Fellowship Hall, Berkeley

September 14, Peninsula Peace and Justice Center, Palo Alto

September 15, New College Theater, San Francisco

September 16, Northlight Books & Cafe, Cotati

September 27, Unitarian-Universalist Fellowship Hall, Berkeley  
October 30, Rohnert Park Library, Rohnert Park  
November 11, S.E. Community Center (Alex Pitcher Room), San Francisco  
November 18, Mount Diablo Peace Center, Walnut Creek

Two appearances (September 10 and December 1) by the LES w/ Andrea Lewis on "The Morning Show" and a third with Larry Bensky (November 14) highlighting/updating listeners on election-related events;

A 90-minute simulcast (October 7) on KPFA and Berkeley Community Media (Ch. 26) that for several weeks was regularly rebroadcast on BCM and other stations in Northern California, and was streamed on the station website;

Seven-and-a-half hours of on-air forums (each candidate appeared twice) including;

Sunday, November 14  
Tuesday, November 16  
Wednesday, November 17  
Thursday, November 18  
Friday, November 19  
Saturday, November 20  
Monday, November 22

Posting campaign statements and questionnaires on the KPFA website;

Carts publicizing some of these events were produced by William Walker and broadcast by the station. Similarly, 60-second candidate statements were produced and played on-air in rotation (these efforts were hindered by a fund-drive and production difficulties, resulting in delays and carts being summarily pulled);

Recommendations:

The national and local station boards (through their respective elections committees) should further explore methods of ensuring that candidates provide meaningful information in their statements. Despite on-air forums and other candidate events, listener-members continue to have a hard time distinguishing between one bland statement and another.

Similarly, the national board should further explore the role of station general managers in the broadcast portion(s) of the election process. While GMs must maintain an impartial stance, they should be required to establish an organizational tone that demonstrates complete and unambiguous support for democratic processes. The only way to guarantee that staff fulfill their obligations (i.e., producing/playing candidate carts and election-related announcements, reading live announcements, providing meaningful and balanced airtime for candidate forums, refraining from demeaning the election process) is to be held accountable by the sole person with hiring/firing power. Under present conditions, LESs are limited to acting like UN peacekeepers -- i.e., unarmed ambassadors of good intentions.

Meanwhile, strict guidelines should be developed regarding the production/playing of candidate cart/statements. Currently (and in the absence of a program manager), production staff are forced to balance election and program needs with little guidance and supervision. As a result, they are put in the uncomfortable position of making policy decisions they are ill-equipped to make. Matters of scheduling, program priorities and pre-emption all need to be formally addressed.

Finally, the local and national boards should reconsider the practice of airing monthly LSB reports during election periods. Some observers say the current standard gives standing LSB members an unfair advantage by granting them airtime not afforded to other candidates. (I personally asked a couple of LSB officers to not go on air to avoid the appearance of unequal access. To their credit, they cooperated fully.) Essentially, the question is how do we balance the need to keep listeners adequately informed against the candidates' need for equal time.

### **Fair Campaign Practices**

We received 4 complaints of Fair Campaign Provisions considered valid. These included:

- 1) During the November 5 candidate forum hosted by Kris Welch, Gerald Sanders violated Sect. 6 by mentioning staff supporters. (The Bylaws state, "No Foundation or radio station management or staff (paid or unpaid) may give any on-air endorsements to any candidate(s) for Listener-Sponsor Delegate." By custom and practice, this policy is interpreted to include on-air mentions by LSB candidates of staff endorsements.) To remedy this

violation, I requested Gerald Sanders' candidate cart be pulled from one full rotation, thereby depriving him of on-air access in a manner equal to other candidates.

2) During the same November 5 on-air forum, host Kris Welch queried candidate Annie Hallatt about her website without doing the same for other guests, thereby giving an impression of favoritism. As a remedy, I forwarded a warning to Kris Welch, reminding her of the need for staff to maintain strict neutrality during the LSB election period.

3) Prior to an election-related roundtable at La Pena Cultural Center on November 10, a cart was played listing candidate Gerald Sanders as a primary speaker. Because he was the only candidate mentioned, the use of his name was a clear violation (equal access provisions) of the Bylaws. As a remedy, I requested that his cart be pulled from a second full rotation. (In hindsight, I should have simply issued a warning because his role in producing and airing the cart was passive and the result of staff error.)

4) During her November 27 "Living Room" show, host Kris Welch invited listeners to call her at the station or email her (personal account) to receive thoughts and recommendations about LSB candidates and candidate slates. Although staff is permitted to share their views about the election, they cannot do so on-air, nor can they use station resources to further that purpose. Despite Kris' quick acknowledgment of her error, I requested that she issue a public apology and be disallowed from airing her show on Friday, December 3rd.

At the same time, a couple of other complaints came in that were deemed beyond the LES' purview. The most significant again involved the Nov. 10 La Pena event, in particular the reported inability of all attendant candidates to speak.

#### Recommendations:

The national board should create a sub-committee to explore what exactly comprises off-air fair campaign practices and behavior. Should there be any rules governing how candidates conduct their campaigns? If so, what should they be? In the context of Pacifica elections, what is "fair" and what is not? One candidate suggested a "code of conduct" (See Appendix III).



Meanwhile, current Bylaws state, "In the event of any violation of these provisions for fair campaigning, the local elections supervisor and the national elections supervisor shall determine, in good faith and at their sole discretion, an appropriate remedy, up to and including disqualification of the candidate(s) and/or suspension from the air of the offending staff person(s) (paid or unpaid) for the remainder of the elections period." Unfortunately, the Bylaws provide no guidance regarding how to determine whether a violation of equal air time has occurred, instead leaving the matter to the discretion of the local and national supervisors, with input and assistance from station staff members. Given this matter's obvious importance, I suggest we adopt more formal guidelines regarding the assessment of "equality of air" and the timely dissemination of that information to interested members of the Pacifica community (See Appendix II).

### **Ballot Count and Results**

Because we used 3rd Class mail, KPFA ballots arrived late, necessitating the mailing of more than 1,000 replacement ballots, an extension of the voting period to December 6, the acceptance of hand-delivered ballots to the station on December 4, and on-the-spot balloting at the polling place on December 6. Nevertheless, we made quorum and successfully completed the election.

With LEC members as witnesses, ballots were retrieved from the PO Box on November 24 and 29; December 1, 2, 3 and 4. A small number of ballots were also collected at the station. Counting (and on-the-spot balloting) again took place on Monday, December 6 at Bay Area Alternative Press 1847 Alcatraz Avenue Berkeley, CA.

Throughout the day, a total of 20 volunteers (signed in and) helped bring the election to a successful conclusion. As at the other Pacifica stations, the process included:

- Scanning bar codes of unopened envelopes and setting aside any invalid or unreadable bar codes;
- Using an automatic letter opener to open the outside envelopes;
- Removing tear off stubs, secrecy envelopes;
- Opening secrecy envelopes;
- Removing and unfolding ballots from secrecy envelopes; and
- Scanning ballots.

If irregularities occurred, the materials were set aside and reviewed by the local and national supervisor. This process was public and transparent. Such cases included obscured bar codes, duplicate bar codes, bar codes that were not found in the database, and secrecy envelopes that contained more than one ballot. When a secrecy ballot whose bar code had been validated contained two ballots, we randomly chose one of the ballots to discard, since we only received one valid bar code for the two ballots.

Every ballot was then digitally scanned, with True Ballot's software-generated recording of the rankings on each ballot. Personnel from True Ballot then reviewed the ballot images for any that needed interpretation, generated a final data set, and turned that data set over to the national supervisor, who performed the STV tally using the software, Choice Plus Pro.

True Ballot and the national election supervisor then made CD-ROMs of the digital images, the raw data, and the round-by-round election counts to members of the public, and we have posted this information on the station's website.

On December 7, I delivered the ballots, stubs, and any invalid ballots -- with two CDs of the election results -- to the Pacifica Foundation in Berkeley and to KPFA webmistress Lisa Ballard.

Recommendations:

Establish an on-line voting system.

Reduce the workload on station webmasters/mistresses by posting final results of all 5 elections in one central location place, allowing listener--members to link to it.

## **Conclusion**

In the interest of community participation, I have asked the Local Election Committee to author a separate report, which will be appended to my own and preserved in the official Pacifica record. To do so, the committee will be soliciting input from KPFA listener-members, volunteers and staff to create a more comprehensive picture of this year's electoral process.

On a personal note, I must say that Pacifica's continuing desire to nurture and sustain an inclusive, effective process for local governance is admirable. Process, however, is only half of the equation. The organization -- at both the local and national -- must also figure out ways to foster (if not require) *civil-ized* behavior and dialogue among and between its supposedly "progressive" membership. If I've learned anything from this experience, it is that acting right is not nearly as easy as being right.

Thank you for the opportunity to serve KPFA and Pacifica.

## APPENDIX 1

### MEMORANDUM

TO: Kenny Mostern, National Election Supervisor

FROM: Brian Johns, Local Election Supervisor

RE: KPFA Audit Procedures

DATE: September 30, 2004

#### Collection of lists

Despite an obvious (and detrimental) manpower shortage, KPFA staff proved cooperative in providing initial and final drafts of all relevant lists. Indeed, a meaningful audit of listener-members would not have occurred without the technical assistance of Chris Stehlik (Subscriptions Database Coordinator). Similarly, Gary Niederhoff (Subscriptions Director), provided initial and secondary volunteer lists in August and September. Because KPFA staff boast a high level of IT skills -- buttressed by a logical and well-organized data-entry system -- these (Memsys/Volunteer) lists proved quite dependable throughout the entire audit process. Conversely, the source(s) of the unpaid staff proved much more fluid and, ultimately, less dependable.

Below is a description of the current status of the lists.

#### Posting of lists

Due to a lack of consistent and dependable staff support, a hard-copy posting of volunteer and unpaid staff lists proved untenable. Still, these lists were made available upon request and distributed electronically. Simultaneously, all queries were forwarded to the local elections supervisor for clarification of list status. To be clear, I believe KPFA staff have, for the most part, worked hard to cooperate and assist the election process. However, a weak management structure and a complete lack of an enforcement mechanism unduly limits election oversight options to cajoling and persuasion. Neither seem fully appropriate for fulfilling the mandates of the Pacifica by-laws.

## Auditing of lists

### Donor List (Memsys Membership Database)

#### Procedure one.

Initially, the list was segmented into three parts -- an electronic portion comprised of approximately 26,000 members already entered into the database prior to May '04; a subscription card/paper portion of new and re-newed members acquired during the May '04 fundraising effort; and, finally, a subscription card/paper portion of new and re-newed members acquired during the August '04 fundraising effort. Ultimately, these three lists were combined and forwarded to an independent mailing house (KP Printing of San Leandro) for final vetting and removal of duplicate entries.

#### Procedure two.

KPFA has approximately 27,000 members requiring an audit of 270 records.

#### Part I

Using data gathered during May and August fund drives, a total of 60 pledge cards were selected at random and checked them for accuracy of input. In both cases the error rates were relatively low -- 7 and 13 percent, respectively -- and predominantly confined to typographical/transcription errors relegated to names of persons or streets. A total of 16 cards contained errors with 11 being typographical. In the remaining cases, address information, specifically street numbers, was erroneous. Meanwhile, a telephone survey (conducted over three weeks) of 150 members to confirm accuracy of information in the database. In this case, the error rate hovered around 7 percent (15 total) with nearly all being typographical/transcription errors or recent changes of address (3).

#### Part II

Reversing the process, a total of 60 records at random from the May and August drives database. These were then checked against the handwritten pledge cards (which are organized by date,/time, radio program, and numerically). In this instance, the error rate was roughly 5 percent, with a

total of 8 records containing some type of typographical/transcription error. In only one case was the error serious enough (street address) to raise concern about ballot delivery.

### Procedure three

The preliminary and final audits show an accuracy rate exceeding 90 percent. The result is underscored by a secondary vetting of names and addresses by an outside source (KP Printing of San Leandro) further resulting in the elimination of duplications.

### Volunteer Lists

#### Step one.

The Volunteer List is maintained in electronic form and is derived from short-term, sign-in lists compiled primarily during fundraising (such as telephone work) activities. During the auditing process, it became clear a number of people participate in phone-bank work but do not enter their names on sign-in sheets. Consequently, they may not receive credit for their efforts. Given the station's reliance on volunteers, This problem should be addressed. Meanwhile, volunteers are used during mailings, "yard sales" and other efforts but record-keeping is largely informal, primarily because the same people participate again and again. Meanwhile, the names in electronic database are sorted only by fund drive date (i.e., Oct. '03, May '04, etc.). Other efforts are not formally noted.

During my initial audit, I gathered and analyzed the sign-in sheets for the Aug. '04 fund drive. Of 237 records, 42 were incomplete (no address, telephone number of both, resulting in an error rate of almost 18 percent. Meanwhile, 62 of those names -- 26 percent -- were duplicates (people signing up more than once). As such, the initial audit offered was confined to only "complete" records (a total of 195). A telephone survey was conducted to 19 volunteers to confirm their contact information. Given that the volunteers entered the data themselves, the error rate was zero.

#### Step two.

Following the initial audit, I was provided with an electronic list containing the records of 530 volunteers. Of those records, 52 (nearly 10 percent) were incomplete, containing no telephone numbers. Using the remaining 478 as a benchmark, a second telephone survey was conducted to verify accuracy of 24 records. The result was an error rate of approximately 10 percent, with two records containing minor typographical or address mistakes.

Step three.

Aside from the aforementioned lack of some telephone numbers, I have no concerns about the accuracy of the volunteer list.

### Paid Staff Members

The Paid Staff List was ultimately compiled by Belinda Ricklefs (Assistant Bookkeeper) with an initial draft provided by Norman Chan (Intern). There is no reason to believe this is error.

### Members of Unpaid Staff Organizations

The Unpaid Staff List was ultimately compiled by Bonnie Simmons with input/assistance from William Walker (Administrative/Programming Support Staff), Rick Alexander and Belinda Ricklefs (Assistant Bookkeeper). Much like the Volunteer List, the Unpaid Staff List is fluid and subject to more frequent amendment.

Unfortunately, the most recently submitted unpaid staff list was incomplete (and contained no telephone numbers ) could not be audited according to guidelines of the national election supervisor. At this juncture, a complete staff is presumably forthcoming.

## APPENDIX II

### MEMORANDUM

TO: Kenny Mostern, National Election Supervisor

FROM: Brian Johns, KPFA Local Election Supervisor

RE: Transparency of Candidate Cart Production and Dissemination

DATE: November 30, 2004

Kenny,

Fair Campaign Provisions (Sect. 6 of the amended Pacifica Bylaws) require "All candidates for election as a Listener-Sponsor Delegate shall be given equal opportunity for equal air time, which air time shall include time for a statement by the candidate and a question and answer period with call-in listeners."

They also state, "In the event of any violation of these provisions for fair campaigning, the local elections supervisor and the national elections supervisor shall determine, in good faith and at their sole discretion, an appropriate remedy, up to and including disqualification of the candidate(s) and/or suspension from the air of the offending staff person(s) (paid or unpaid) for the remainder of the elections period."

Unfortunately, the Bylaws provide no guidance regarding how to determine whether a violation of equal air time has occurred, instead leaving the matter to the discretion of the local and national supervisors, with input and assistance from station staff members. Given this matter's obvious importance, I suggest we adopt more formal guidelines regarding the assessment of "equality of air" and the timely dissemination of that information to interested members of the Pacifica community.

In my view, the issue can be divided into two parts: the daily/weekly station logs of candidate carts played; and an audit of the cart production and airing process.



Station logs -- Given candidates' interest in ensuring fair and equal access, I suggest that station staff be required to submit weekly candidate statement logs (each Monday) to local election supervisors to permit timely responses to inquiries about the current status cart exposure and rotation. It is my understanding that these "snapshots" are readily available and included within FCC-mandated record-keeping requirements.

Audits -- In instances where more than a "snapshot" may be necessary, staff should be required to submit within one week (five business days) an audit of the candidate statement cart production process (including all relevant information about when carts were recorded, by whom, when they were played, etc.) to local election supervisors. This requirement will allow timely responses to candidate and listener-members inquiries. Again, this information is seemingly available although a full audit obviously requires additional time to complete.

For the purposes of fair elections, the crux of the matter is assessment and enforcement. Without timely access all relevant information, we cannot fully assure candidates and listener-members that the process is working as intended. Given the current electoral confusion at KPFA, taking these additional steps toward openness and transparency would serve us well.

Thank you.

Brian Johns  
Local Election Supervisor

## APPENDIX III

### Code of Ethics for Candidates and Candidate forums:

Candidates and Candidate forums must not impugn the character or motives of the individual ; nor shall it ever knowingly violate a confidence.

The Candidate forum process must provide an open forum for unfettered expression of opinion and must insure the highest degree of accuracy, and must not be edited so as to distort, alter, or disparage the opinion..

The Candidate statements and Candidate forums ( web sites, public presentations and published materials) must insure the highest degree of accuracy, and must not misrepresent the opinions or actions of individuals or groups.

A correction must be promptly issued and fairly placed where there has been a factual inaccuracy. Where an individual or group has been damaged by the error, an apology is necessary.

An article from another Candidate or interested presenter must not be reprinted in whole or in part without due credit and permission.

# **Local Election Supervisor's Report of the 2004 KPFK Station Board Elections**

**Submitted December 12, 2004  
By Mary Rosendale**

The Pacifica Electoral system is a work in progress which appears to have improved greatly since the first elections were held in 2003. More work, including bylaw amendments, is still needed.

Because part of the purpose of this report is an attempt to create institutional memory in order to improve the electoral process it necessarily focuses on those areas which still need improvement or which flat-out didn't work. If something was so beneficial or productive to the process that I felt it should be permanently adopted I have included it here.

Overall, many more aspects of the electoral process worked than didn't. It would be useful for the next NES to have a Manual or Bible culled from the reports and recommendations of those who participated in this year's elections. To this end this report is longwinded and anecdotal in parts. It is intended to be a report to Pacifica of the events of the last five months; a documented basis for keeping what worked and changing what didn't and an open letter of information, encouragement and a cautionary tale to the NES and KPFK LES of 2006.

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## **An Overview**

### **Culture Change and Education needed Yesterday**

KPFK/Pacifica urgently needs to give attention to, and throw some money at, the fact that a major culture change is needed along with a broad-reaching educational program to educate the Listening Public and the Staff as to the new reality of democratic governance at KPFK.

This will not happen organically.

This will not happen by osmosis.

This will not happen at all unless members of the Pacifica Foundation accept completely that it is now an election-based entity and understand the long-term rights and obligations that that status entails.

Towards the end of the election process a comment was made to me that the case for the elections had not been made forcefully enough to the Listening audience. As it turned out, this was a fair comment. An even more telling comment would have been that no-one seemed to have foreseen to what extent that case needed to be made.

Certainly, in the job description for LES generated by Pacifica there were requirements to hold forums; answer questions; issue Press releases and generally inform the listening public about the election etc. But there did seem to be a certain "if you build it they will come" mindset in the outline of the duties. An idea that much of the promo-ing would be to assist listeners in deciding *for whom* they should vote for as opposed to *if* they should vote at all. In fact, the biggest decision for some voters seemed to be whether they should spend 37 cents to return the ballot in an election that had little relevance to them and a disappointingly large number of voters opted out.

There was also the general idea that the very fact of membership in the Pacifica Foundation pre-supposed that the member actually listened to the radio. In fact, it may be the case that there are more casual listeners, or listeners who only tune in during Fund Drives, than were previously supposed. How else to explain the fact that many listeners missed promos which ran many many times a day, ad nauseum, for weeks at a time in every timeslot. If this is the case then the idea that the airwaves are the primary and most logical medium with which to reach potential voters may need some revision.

There appears to be a substantial number of listeners who have tuned in in recent years and are unaware of the struggle which preceded the elections and therefore does not appreciate their significance. I personally came across many listeners who claim to have been listening for more than a decade but who appear not to have noticed or paid attention to the upheaval of recent years.

The small group of activists and supporters deeply embedded in the history of Pacifica, to whom the slights of 1999 seem like yesterday, may find this difficult to believe but the LSB elections are not completely understood to either the general listening population or some staff.

Time and familiarity will take care of some of this. But it's hard to see how Local Station Board Elections could ever run smoothly without serious culture change and commitment to year-round electoral education.

There is substantial experiential evidence for my belief that this is needed. Some of it is outlined below:

?? A significant number of the KPFK member community I encountered was indifferent to democratic governance, which it saw as neither democratic nor governance, and had little or no interest in the electoral process. If

these individuals happened to be in staff positions they did not communicate a sense of ownership of the election process to the listening public.

- ?? Despite the fact that the timeline for each election is clearly laid down to the day in the Pacific bylaws much of the Staff seemed genuinely surprised and taken off guard when I showed up to get the election rolling on July 18th. This engendered an initial feeling (which later subsided) of resentment and hostility and the sense that the election was being imposed on them from outside (more specifically from Berkeley). Had they been aware of the bylaws and known the date and time of the impending election they would have had the chance during the preceding months to prepare psychologically and procedurally for the extra work it entailed.
- ?? A number of Listener-sponsors had no idea what the LSB did or why it should vote. A common comment was “Well, if they don’t decide the programming why should I vote for them?” Given the minimal amount of outreach which was done by the sitting LSB it is not surprising that many listeners were ignorant of its function.
- ?? Many volunteers had no idea that their donation of time entitled them to voting rights. Consequently they took no trouble to update their contact information. They became curious only when KPFK began airing promos exhorting members to come and vote. These volunteers then began the process of providing accurate information – in some cases too late to allow them to vote. Many members of collectives took no trouble to supply contact information or details of hours because they were ignorant of their right to vote.
- ?? During the Fund Drive, which occurred in the middle of the campaign period, there were few on-air mentions as to the advantages of membership in the Foundation or the existence of the LSB or any committees. There was an emphasis on getting as much money as possible (understandably so) and giving premiums in return. Interestingly, the right to vote was never offered as a corollary premium. If the on-air programmers do not communicate the value of the privilege of voting as a member of the Foundation then the Listeners, some of whom deeply appreciate or admire their particular favorite programmers, will miss an opportunity to appreciate that value.
- ?? There was a widespread and troubling lack of awareness that this election was regulated by legal bylaws. And in some instances when there was an awareness of the fact that this was a legal process there was a lack of respect for it if the individual happened not to agree with the bylaws.

- ?? There was a lack of comprehension as to the differentiation between volunteers and unpaid staff which caused some serious problems. Again – this information was clearly laid out in the bylaws.
- ?? The compilation, maintenance and organization of all of the membership lists did not facilitate their use as electoral databases.
- ?? There was a lack of awareness regarding the equal time requirements relating to the candidates. This lack of awareness prompted one magnanimous On-Air Programmer to generously give each of the candidates scheduled for promo-ing on his show an extra play!

### **Recommendations.**

In politics there is always another election coming down the line and there is almost constant campaigning. KPFK as a community would be well-served by being more cognizant of the election cycle and by setting up procedural structures throughout the year to prepare the membership and staff, compile lists and set reporting procedures in place. Given the glacial pace with which change occurs in any Pacifica community this process needs to start now.

- ?? Programming and comment throughout the year re: the impending elections and the importance in general of the Local Station Board and its function would be desirable.

For example, the GM's report to the Listeners could feature members of committees on the show occasionally throughout the year who would take listener's call-ins and explain the function and operation of the committees. The possibility of joining specific committees which would appeal to listener's particular skills and interests might be more likely to attract interest than the general concept of being an LSB member.

- ?? During Fund Drives on-air hosts could be encouraged to frequently remind listener's that they receive eligibility to vote in the LSB with their contribution. This will at least keep the idea of the elections in the listener's minds. It will also foster a sense of continuity and ownership of the elections.
- ?? The LSB could turn its focus outward more to the Listener-Sponsors and work actively to include them. Example. Don't hold the first Town Hall Meeting days before member's term expires. Actually form Committee's of Inclusion as mandated in the Bylaws.

?? As KPFK sponsors events so could the Local Station Board.

?? Staff and Volunteers and Volunteer Programmers Education

To my knowledge, new staff members receive information as to their union and benefits but no information as to the democratic governance nature of KPFK. This is in the works but is not happening yet. This should be provided to them along with the attitude that KPFK is an election-based community and they are expected to participate. This would also be good information to communicate in initial job interviews (maybe it is already – I'm making no assumptions).

New volunteers have not so far been receiving information as to their rights to vote. Therefore, they are not made aware of the importance of keeping their contact information up to date.

New volunteer programmers could be reminded that their access to the airwaves is a privilege not a right. While entire communities may have a right to the airwaves specific individuals surely do not and there can certainly be no shortage of individuals who would like to have their own show on the air. New programmers could be made aware, again, that KPFK is an election-based, democratic governance entity and that they have certain responsibilities because of this. This means accurate reporting of hours; providing and maintaining accurate contact information; and ceding air-time at Management and Programming's direction during election cycles.

All staff and unpaid staff and volunteers and members of collectives should be provided with information as to the LSB and its elections.

Assumptions are made that everybody already knows this information. They don't. In particular many volunteers and collective members seemed unaware that they had voting rights. How hard would it be to get a comprehensive, readable, cheaply printed leaflet in Spanish and English which laid out the rights of volunteering in enthusiastic terms and also explained the responsibility of the volunteer to communicate accurate contact information to the relevant database; update it when changes occur and take responsibility for reporting hours accurately?

The individual who was responsible for tracking hours had instances of unpaid staff avoiding giving basic contact information; not responding to numerous e-mails or phone requests for such information and generally causing her more inconvenience and effort than was necessary. Yet, when a group realization occurred that this stonewalling would cause disenfranchisement of voting rights there was a last minute flurry of transmittal of information which caused hasty and labor-intensive amendment of lists.

**A station requirement that the provision of basic contact information, as well as reported hours, is a prerequisite to getting and staying on the air or participating in programming is reasonable and necessary.**

?? The establishment of a reliable long-term employee or volunteer (or a Staff member) who would opt to be the LSB Elections Information Point person between election seasons would also be very desirable. This individual would be well-versed in the bylaws and the electoral process. He/she would make sure that reporting procedures for hours and donations would conform to election requirements. He/she would prepare a one-sheet for new volunteers and staff members as to their voting rights and procedural responsibilities. He/she would educate Fund Drive volunteers so that they could answer questions re: donation structures and dates of record. He/she would educate data entry volunteers as to the importance of catching duplicate entries and facilitating address change.

This Election Volunteer would give much-needed consistency, structure and **institutional memory** to the electoral process.

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### **The Nomination Period . July 25 through September 25<sup>th</sup>**

Meeting Staff and Management; other LES's; NES.  
Setting up Communications.  
Corralling Volunteers.  
Publicizing and Issuing Nomination Packets.  
Verifying Membership Lists with hard copy Audits.

The Nomination period kicked off with the LES meeting with Management and Staff and putting structures in place for the supervision of the election.

The Management, Programmers and Staff at KPFK were helpful and supportive of the process *after* an initially frosty reception. There appeared to be a difference of perception. I thought I was being brought in to supervise their election (which they were expecting and already preparing for) and the perception of much of the staff, still weary and shell-shocked from the last election, was that I was dragging an unwanted election in behind me like toilet-paper on my shoe. After a period of time, though, more of a sense of ownership, if not inevitability, of the process took hold and the cooperation between the LES and the station was smooth and productive.



In particular, the GM took a personal interest in the election process and was accessible and helpful throughout. Without this direct one-on-one cooperation with the GM my work as LES would have been infinitely more difficult.

There were some things which proved to be problematic which were beyond the control of the station but which might be solvable during the 18 months before the next election cycle begins.

### **Election/Station Liaison**

As stated, the GM took personal responsibility for being the contact person for all election issues and was consistently available by cell phone throughout the process. This often worked well in terms of getting immediate decisions as to promos, airtimes available etc. However, in future the GM/Head of Programming should also consider appointing one non-Management individual for contact regarding all election business. The constraints of the GM's position sometimes required her to be away from the station, out of town or in all-day meetings. An individual with decision-making capability for traffic, programming, petty cash and organization would have been useful. Ultimately, although there was no one person assigned to this position, Jennifer Kiser took it on and much of the smoothness of the electoral process was due to her assistance and diligence.

### **Communications**

Communications were always a challenge. At first, I had the idea that I would have weekly office hours accessible to any listeners and candidates on a drop-in basis. The station does not appear to have even a shoebox of unused space which could have been used for this purpose. Because of frequent meetings, regular office hours could not be scheduled in the conference room.

I would have liked to have had a phone I could actually pick up – again during advertised and scheduled office hours. Because I only had voicemail at the station I had only a message-drop situation which was frustrating to listeners who had to leave their contact information and desirable times of contact.

The website situation was consistently challenging. A new website was launched one week into the campaign period. For a period of time we had no webmaster as the plan was that individual departments would be able to post directly to the site. For logistical and technical reasons this never transpired. Additional temporary webmasters were hired later - one of whom was generally non-responsive and one of whom was responsive and did the best she could in the circumstances.

The upshot of this was that I had two station phone numbers and two election e-mail addresses during the election period which was very undesirable. Again –

much of this was beyond the station's control. While the KPFK e-mail was working it was often difficult to send e-mails to listeners and candidates because KPFK was blacklisted by a number of servers because of prior virus problems. I ended up using my home e-mail address which was not a good situation. The entire phone system crashed (which apparently happens each Fund Drive) and I lost over 100 archived phone messages and had to change extensions. Unless the phone and e-mail situations are resolved in the next 18 months it would be desirable for the election supervisor to have e-mail and phone service off-site to ensure continuity and non-interruption of communications.

### **Timeline**

The Nomination Period is unnecessarily long. It need be no longer than four weeks. As most candidates know from day one that they intend to run but don't submit their nomination packet until the last day – the eight week period is unnecessary. It can be argued that this period provides time and opportunity for outreach to diverse communities. However, this outreach is supposed to be an ongoing, continuous process and shouldn't start gearing up on July 25 of an election year. The implementation of the mandated Committees of Inclusion and a concerted effort by all Board Members to mobilize prospective candidates from diverse backgrounds should render the long Campaign Period superfluous.

### **The Timing of the Election cycle.**

The entire Election cycle is in a very difficult time of year because of Holidays; fundraisers; and possible Presidential elections.

### **Communications Between all LES' and the NES**

The structure of a weekly no time-limit conference call between all LES' and the NES was immediately put into place by the NES. This was essential and enormously helpful. As most problems regarding the elections were common to all signal areas the weekly brainstorming of issues and solutions was a productive and collaborative process. The weekly conference calls and frequent e-mails were also enormously supportive for mental health reasons as the Electoral process progressed. A wrap-up post-election conference call was not scheduled and would have been helpful.

The NES consistently invited input and feedback from the LES's and this also worked well. There were often situations "on the ground" that the NES could not possibly have known about but that the LES's were aware of which had bearing on the national and local decisions made.

### **Nomination application packets**

(How people got them; how they were returned; what was in them).

## 1. Distribution

Promos were recorded and put on the air shortly after July 25<sup>th</sup> which gave listeners basic information regarding how and whether they could run for the Local Station Board. An additional promo was recorded inviting volunteers to call or come to the station to check that they were in the membership database and therefore eligible to vote. This latter promo, which ran for several weeks, did not elicit much of a response. This same information was provided to the webmaster. Due to the construction of the new website and the changeover in webmasters this information was not immediately posted to the site. After a delay the information, along with a copy of the Listener-Sponsor nomination packet and information on STV voting, was eventually posted to the website.

Nomination packets were compiled by the NES and e-mailed to the LES. A large number of these packets was photocopied for distribution by the Front Desk volunteers at the station. Listener-sponsors were encouraged to contact the LES directly for Nomination packets and were also encouraged to accept an electronic Nomination packet whenever possible.

There was a requirement, controversial at first, that each candidate provide basic contact information prior to receiving a nomination packet. This worked well and is essential. In the 2003 election this was not a requirement and there were reports of dozens of packets being passed around, photocopied etc. as someone put it "like bad acid at Woodstock". This makes it impossible for the LES to monitor all prospective candidates for compliance with FCP.

It is also tremendously helpful for the LES to know who intends to run so that he/she can remind them as to dates and collection procedures which may change at short notice. A personal one-on-one communication between the LES and a prospective candidate is essential and cannot be accomplished without placing the obligation on candidates to provide contact information. For this reason it is also important not to facilitate the download of the entire Nomination Packet from the station's website. A sample can be posted but should not be downloadable or printable.

Front desk staff were given nomination packets to hand out and required to collect Contact Information sheets. Some did and some didn't. As the front desk is manned by several different volunteers each week the consistency in following instructions was lacking. If the Nomination Packets were left in plain sight – people would pick them up and walk away with them. So – some volunteers would move, or hide, stacks of Nomination Packets and the next front desk volunteer wouldn't know where they were and would turn people away who requested packets. This is too much of a hit and miss situation. It's hard to see how anyone would need to, or prefer to, physically travel to the station for a Nomination Packet rather than have one mailed to them First Class or e-mailed to them instantaneously.

It is obviously desirable to facilitate some kind of last minute pick-up of packets during the final days of the Campaign Period. However as the timeline now stands it is asking for trouble and confusion to have stacks of Nomination Packets sitting around the fairly public area of the Front Office for several weeks. As there was never a message box for the LES there was no central place for messages or paperwork which people would drop off. I question whether there is a need to physically hand out the Nomination packets at the station and would prefer to see it taken out of the equation. This reinforces the idea of the station being a drop-off point for other election-related materials such as ballots.

At least one candidate took a nomination packet from a third party, unknown to the LES, spent a great deal of time completing it and then made an initial contact with the LES one hour before the close of the election to request information as to drop-off information.

I would recommend that front office staff keep a running list of people who request packets and that this list be communicated to the LES daily for immediate transmittal of Nomination packets.

There was never a consideration of using the station as an address for the return of Nomination packets or ballots. I rented a mailbox for receipt of Nomination Packets. Because I anticipated daily pick-up of packets I rented a mailbox near my home in Alhambra. This proved convenient for Nomination Packet pick-up. Later, however, I was informed that this same address would be used as a return address for the ballots and I could not pick up the ballots without two members of the Foundation present as witnesses. This proved problematic as I had recently moved to the area and did not know many people with similar interests in the vicinity. Fortunately, I received tremendous support from volunteer Jim Odling who connected me with a number of people in the vicinity who assisted me in witnessing the pick-up. As there was no available USPS box a mailbox in a private facility was rented. This facility was not accessible on Sunday or in the evenings which was inconvenient to volunteers who might have been willing to pick-up ballots after work. The next LES should be made aware of the ballot pick-up process before making a decision on the location of the mailbox.

## 2. Candidate Completion and Compliance

I opened up an Excel spreadsheet, with a line item consisting of name, e-mail address (if any) address and phone number, for each request for a Nomination packet. In addition, there was a field for the date the Nomination packet was provided; how it was provided and when it was returned and whether the prospective candidate was staff or listener. A number of listeners requested packets and did not return them and did not respond to requests as to their status throughout the Nomination Period. I provided a total of 38 packets to listener-sponsors and 8 packets to staff.

Candidate compliance in returning complete and accurate Nomination packets was generally good although could have been better. It's hard to see what structures could be put in place to encourage prospective candidates to comply with Nomination packet requirements.

There is a knee-jerk reaction to requests that any facets of the election which were misunderstood or challenged or ignored be addressed by amendment to the bylaws.

The pros are that each National Election Supervisor doesn't have to re-invent the wheel each election and doesn't have to be second-guessed on a decision by decision basis. This would also provide institutional memory and standardization of nomination procedures.

The cons are that this provides more i's to dot and t's for candidates to cross – hence more possibilities for them to miss qualification by inadvertently not conforming to a plethora of requirements which may be embedded in bylaws.

Ultimately, it is the personal responsibility of the candidate to make sure that he/she understands the requirements. Nevertheless there were numerous examples of candidates not carefully reading the statements and not following the nomination instructions.

Specifically, candidates often collected only the exact number of endorsement signatures. If some of them were invalid this left them in the position of having to hustle to get additional signatures – sometimes at the last minute. Some candidates admitted they did not ask if their potential signers were qualified members of the Foundation.

More than one candidate did not pay attention to the 500 word statement requirement which comes directly from the bylaws. Again- it is the candidate's responsibility to read the instructions and do a word count. One statement of almost 700 words was submitted at the last minute and one prospective candidate did not provide any statement at all.

One thing which was problematic regarding last-minute applications submitted on the evening of September 25<sup>th</sup> (which was basically 60% of all applications) was the fact that virtually all statements were delivered in a paper version without a word count. It should be a requirement for candidates to supply an estimated word count with their statement.

The LES has the opportunity to do an electronic word count on statements which are e-mailed ahead of time. However, candidate statements which are dropped off with minutes or hours to spare and which don't include a word count present a logistical problem. There simply isn't time to hand-count each statement and

give the green light to candidates that their candidacy is “good” while other candidates are in line waiting to hand in papers or ask questions. The LES then may be in the position of having to accept the statements on good faith and possibly disqualify the candidate who hasn’t bothered to check his statement and is found to be 10 words over. Most statements were clearly printed from word documents so it is a simple step to run a word count and include it with the statement. Hand-written statements also should be presented with a word count.

Many candidates turned in paper statements clearly printed from Word documents and, only after weeks and repeated requests, turned over the electronic documents for posting to the web. At least one candidate turned in a statement in a little-used software which proved problematic. Many of these documents also contained typos, spelling mistakes or were grammatically challenging.

The electronic provision and completion of the entire Nomination packet would be desirable. However, there is a difficulty with the fact that, at the moment at least, the endorsement signatures cannot be provided by internet. So candidates may be in the position of being able to conduct 90% of their Nomination process at arms length but they still have to walk the Petition page in and present it to the LES. The possibility of endorsement signatures being provided by internet (subject to verification, of course) would be interesting and helpful.

In the final week of the Nomination period I contacted, by e-mail and by phone, prospective candidate’s who had not maintained contact with me after receiving their packets. Some of them told me they would not run. Some did not respond to me. An effort to reach all candidates who had received packets was made. I also contacted prospective candidates whose packets were not complete to remind them of the deadline.

Ultimately, three candidates requested and completed Nomination packets at the station just an hour or two before the submission deadline. It would seem, therefore, that a personal ballot drop-off period either on or close to the last day will always be desirable. (While many of the last minute drop-offs were clearly due to procrastination at least two of them were due to last minute outreach and encouragement to run by LSB members. Again, more sustained and earlier outreach might eliminate some of these last minute candidacies).

Because of all of the above; the lack of adequate qualified signatures; the problems with following or mis-interpreting instructions; turning in electronic materials accurately and on –time etc. **Prospective Candidate Orientation Sessions** would have been useful. It is debatable how much of a difference they would have made but it’s a given that they would have made some difference.

By the close of the Nomination period 27 Listener-sponsor packets had been received and 4 Staff packets. As previously mentioned, one of the Listener-

sponsor packets submitted at the last minute did not contain any Candidate statement as required in the bylaws. After consultation with the NES I disqualified this candidate.

### **FCP Provisions During the Nomination Period**

The forceful backdating of the FCP Provisions to the date a candidate requested a packet had the unintentional effect of influencing some candidates to delay request and completion of the packet till the last minute. It was not widely understood that regardless of whether a candidate had requested a packet or not at the time of an FCP violation the FCP would be applied retroactively if the candidate later requested a packet. This needs to be more clearly explained and could have been in a Prospective Candidate Orientation Forum.

### **Candidate Signing Opportunities**

There was little interest in candidate signing opportunities. Twice I e-mailed all of my candidates and asked if there was support and if there would be turn-out for prospective candidate signing events. Only one person, an incumbent, ever responded to me. This was a puzzlement to me until I realized that many of the candidates know and/or bump into each other anyway at LSB meetings and KPFK-sponsored events. In addition, many of the candidates were affiliated with slates whose e-mail lists and supporters possibly took care of the problem of obtaining signatures. Signing opportunities nevertheless seemed to be desirable for prospective Listener-sponsor candidates who may not have known 15 qualified members so two Signing opportunities were organized on September 14<sup>th</sup> and 17<sup>th</sup> respectively. Despite extensive promo-ing for a week prior to the first event no Listener-sponsors showed up. The second event was better attended as it was held at the station and food was offered.

Any event which was held at the station was always better attended than any event off-site and any event which offered food was a winner. Recommendations are obvious.

### **Volunteers**

The previous LES did not return phone calls or e-mails and the current Volunteer Coordinator was unable to pass along to me name and contact information of any of the previous Election volunteers. The few that I managed to track down were unwilling to come back for more punishment. Eventually I made contact with some of the kind of hard-core volunteers which every Pacifica station has – the kind of volunteer who would go anywhere and do anything for the station. Acknowledgements are listed at the end of this report. These volunteers saved the day but I wish I could have had more of them. A formal Election Volunteer committee was never formed although when push came to shove we always had people show up when it counted.

## LISTS

The donor database, volunteer database and staff database were neither compiled, maintained nor updated with an eye to them being used as electoral databases. This is understandable as this is only the second election. The donor database is oriented towards mass mailings and fund-raising; the purpose of the volunteer database is to facilitate easy and fast contact of volunteers so e-mails and last names and addresses are often missing. The unpaid staff databases are not maintained with an eye for voting eligibility. General recommendations for all lists are included at the end of this category and additional recommendations are found in the "Proposed Amendments to Bylaws" at the end of this report.

### ?? Donor Database

Terry Guy and the subscription dept. staff do a great job but seem to be permanently overworked and overwhelmed with paperwork. Hopefully the move to internet pledging and membership renewal will enable them, one day, to see the color of their desks again.

In early September Terry Guy compiled a database of all those members who had donated \$25.00 or more between the dates of record of September 1, 2003 and August 31<sup>st</sup> 2004. He provided me with a copy of this database and he and I worked on it throughout the balance of the month.

I audited this database using the process as outlined in Amendment A. The results were encouraging. The list was, in the main, clean and the error rate was low. I did find some duplicate entries and some inaccurate information. In the cases where errors were found it was helpful to be able to just pick up the phone and call members to verify their status. E-mail addresses were also useful. Membership records which did not have either phone number or e-mail addresses were more problematic and this information should be strongly requested from each donor.

I shared the results of the audit with Terry and for the rest of the Nomination period we both continued to monitor for possible duplicate listings and errors. On several occasions Listener-sponsors would contact me with changes of address or queries and Terry and I e-mailed changes back and forth. The lists were supposed to be ready and closed on the date of record, August 31. However, as the Subscriptions Department was still in-putting data from the latest Fund Drive work continued on the donor database throughout September.



Any errors which did exist were usually as a result of sloppy volunteer data entry. Volunteers who answer phones during fund drives or do data entry need to be educated on the electoral rules and the ramifications for missing errors in the database. Specifically, more attention should be paid to duplicate entries. Near misses such as the same unusual last name with almost the same address but missing an apartment number were left in the database. Many entries had no phone number or e-mail address which made it impossible to identify duplicates.

During the month of September the LSB passed a Resolution allowing fee waivers as allowed in the Bylaws. This opened up the possibility of Membership to all Listener-sponsors who had donated \$5.00 or more during the period of record. Terry Guy extracted the records of all those who qualified to receive the offer of fee-waivers and sent them a letter explaining the process. Over 900 invitations to membership based on fee waiver were sent out. A number of respondents did not request fee waiver but instead sent in checks which brought their total donation up to \$25.00. 6 requests for membership based on the fee waiver were received. Of these 6 replies only three of them arrived by the August 31<sup>st</sup> deadline.

Information which goes to members or is posted on the website must be explicit as to voting eligibility requirements. For example, members should be made aware that large donations will never buy them more than two memberships and that there is no such thing as a guest membership for voting purposes. Members should be reminded to keep contact information up to date for electoral purposes. Donors and staff and volunteers (everyone seems to forget to provide information to the front desk person who probably has more contact with listeners than anyone else in the station) should be made aware of the period of record. At KPFK I was told of a donation of \$3,000 which, because it was made three days before the date of record, did not entitle the donor to a vote. Had someone held onto the check for three days prior to depositing it no doubt the donor would have been appreciative. Or had the donor been aware of the date of record he may have delayed sending his check by 72 hours. This is a tricky area as the station has an urgent need for money all year long. However, donors who do not regularly renew their membership to the date of its expiration run the risk of generously giving to the station and being disenfranchised come election time. A system whereby donors would be notified when their membership was due to expire and that their voting eligibility was about to lapse would be desirable for both the donor and the station.

## **Volunteer Database**

A hard copy audit of the volunteer database was conducted in accordance with the instructions set out in Amendment A. There was a significant lack of information on some volunteers. In some cases volunteers had only a first name listed; some volunteers were listed two or three times in a row. Databases were organized according to when the volunteers had worked i.e. Winter Fund Drive

2003; Spring Fund Drive 2003. Again, nothing at all wrong with this as the volunteer database, like the donor database, was compiled and is maintained to serve a function other than the issuance of ballots. It was inadequate as an electoral database.

Volunteers are required to sign in and out. In the main, the volunteers who participate in tasks which are assigned and overseen by the Volunteer Coordinator do appear to do so. However, there appears to be a significant gray area of volunteers who may be called in by other staff or by programmers directly who do not go through the office of the Volunteer Coordinator.

There also appears to be, as noted elsewhere in this report, confusion as to what volunteer work qualifies an individual as eligible to vote. For example, if your buddy the on-air programmer calls you at home to ask you to do some research on a story that doesn't qualify. On the other hand if the volunteer coordinator calls you at home and asks you to come in and stuff envelopes – that does. The Bylaws are actually quite specific in this respect. But this specificity needs to be communicated to volunteers and potential volunteers.

Any volunteers who were identified as having been omitted from the list were added by Tony Bates through the month of September.

### **Unpaid & Paid Staff Database and Collectives**

The Paid Staff and Unpaid Staff databases were audited in accordance with the requirements in Amendment A.

The Paid Staff database was the least ambiguous of all and appeared to be entirely accurate.

Prior to auditing the Unpaid Staff Database Jennifer Kiser, whose responsibility it is to keep this database, requested my assistance in acquiring information from some individuals who had ignored her repeated requests for basic contact information or had flat-out refused to give it.

The Unpaid Staff category is a problem (see both “Proposed Amendments to Bylaws” and “Certification Process” later in this report). Hours are reported on the honor system. Not a bad system but it assumes the existence of honor.

The Collectives are even more of a problem. Participation varies and rotates and even the contact person for each Collective changes. Essentially if this contact person informs Kiser that someone is a member of their collective and has worked a particular number of hours she has little recourse but to accept the information as there is currently no independent verification system of hours or even membership.

Jennifer Kiser, whose responsibility it is to maintain the Unpaid Staff and Collective databases is often reduced to an almost archaeological dig for information through website information; hearsay and actually hearing programmers on the air to determine the level of participation.

### **Transmittal of Lists to Pacifica.**

Ultimately, the Donor database was merged with the volunteer database ( people who worked between 3 and 29 hours during the period of record). Phone numbers and e-mail addresses were eliminated from this Final Database and a separate Zip Code Field was created to facilitate Non-Profit Bulk Mail Sorting. This list was then scanned for duplicate listings and was then zipped and e-mailed to the NES for transmittal to True Ballot for the mailing of the Ballots.

A Final Database of Paid Staff and Unpaid staff with more than 30 hours volunteer work in the period of record was sorted into the same categories and was transmitted to the NES .

Better systems for the reporting and collection of volunteer; unpaid staff and members of collectives is essential.

A password-protected volunteer Electoral Database which would be maintained by one individual and which would be opened on the first date of record of voter eligibility would be useful. This database would be laid out with a separate field for the city and zip code to facilitate USPS requirements. As each volunteer donates in excess of three hours she/he would be added to the database. When the hours worked exceeded 29 this individual's information would be transferred to the Unpaid Staff database. The Volunteer Coordinator would then be able to keep whatever database serves him personally (with e-mails and phone numbers ; alphabetized according to first name or chronologically etc.) for use on a daily basis.

When I ran this by Jennifer Kiser she took it one step further and suggested a complete Electoral database which would open on the date of record and which would, from day one, include Staff, Unpaid Staff, Volunteers and Collectives with coding for each category. This would enable yearlong monitoring at a glance of the status of the individuals and would virtually eliminate the possibility of duplicate entries. When the time came for the transmittal of the lists to Pacifica it would be a simple matter to separate the categories with an Excel sort. This is a brilliant idea and has many obvious advantages.

Finally, there does not seem to currently exist a process for ensuring that members do not receive ballots from more than one Pacifica station if they donate to stations other than their affiliate.

## **Recommendations**

- ?? **Definitely keep the Conference calls between LES' and NES. Extend them to include a post-Election call for tying up loose ends.**
- ?? **Shorten the Nomination Period.**
- ?? **Move the entire Election to a quieter time of year.**
- ?? **LES needs off-site phone and e-mail for continuity and non-interruption of communications.**
- ?? **Don't distribute packets from station.**
- ?? **Office hours for LES at the station.**
- ?? **Candidate Orientation Forums.**
- ?? **Requirement for a word count to be submitted by Candidate.**
- ?? **Election/Station liaison person.**
- ?? **USPS mailbox as opposed to a private facility.**
- ?? **Try to set up electronic provision of endorsement "signatures".**
- ?? **Uniform and accurate system for reporting of volunteer hours.**
- ?? **Separate and permanent Electoral databases**
- ?? **Educate Fund Drive Volunteers and permanently post information to Website re: Eligibility Information.**

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## **Campaign Period September 25<sup>th</sup> through November 15<sup>th</sup> (later extended to November 29<sup>th</sup>)**

Certification of Candidates  
Monitoring of FCP Provisions  
On-air Candidate Promos  
On-Air Forums  
Off-Air Forums  
Arrangements for the Count  
Distribution of Ballots  
Issuance of Replacement Ballots

## **Certification of Candidates**

Immediately after the September 25<sup>th</sup> deadline all candidates were certified with one exception. Management challenged one candidate who had applied for and completed a Listener-Sponsor category and was certified in the Listener-Sponsor category as actually being Staff. In fact, this candidate did appear on the Unpaid Staff list, which was provided to me prior to the close of the Nomination period.

As the Bylaws clearly state that if a candidate qualifies as both Staff and Listener then the Staff category prevails this left this particular candidate subject to disqualification. The candidate had actually collected Staff and Listener signatures so confusion as to correct categorization appeared to be evident. Rather than disqualify this candidate I certified him as Staff and informed him of the change in category which he promptly disputed.

Management was informed of the dispute and asked to check with Programming. Programming confirmed that the prospective candidate was, indeed, Staff. The candidate was re-contacted and informed that he would be running as Staff. He requested and received information as to how to campaign as Staff. Later in the Campaign period this individual's supporters again challenged the switch in category and Management was requested to come up with specific information as to the thirty hours worked. They could not so the NES ruled that he could, indeed, run as a Listener.

This was problematic, as the ballots had already been printed so the candidate ran as a write-in candidate and was ultimately elected.

As LES I take full responsibility for switching the candidate to a Staff category, as this was clearly an error. The candidate should have either been disqualified or Management should have been required to come up with clear documentation as to his hours worked. However, as there is no documentation as to Unpaid Staff hours, this latter would have been an impossible task. In the end we were left with a "He said/She said" situation and the benefit of the doubt was given to the Candidate.

An expanded Election timeline would have been beneficial as LES' had 72 hours in which to certify all candidates and submit final lists to Pacifica.

An additional exacerbating factor is discussed in "Proposed Amendments to the Bylaws" in which this man was universally considered to be an On-Air Programmer by Management and Programming by virtue of his on-air appearances and his being listed on the Website as an On-Air Host yet was considered to be a Listener-Sponsor by the bylaws. In this case although the bylaws were clear, and were known to Management and Staff, they appeared to be so clearly at odds with reality the reality of the situation that they were disregarded.

There was a lingering controversy that the processes put in place to make this candidate whole (a postcard sent to each voter; preferential placement on the website) went too far in the other direction and gave him an unfair advantage.

## **Recording of Candidate Promos**

The LES held a meeting with Management and Programming shortly after the start of the Campaign period to discuss the scheduling and recording of Candidate On-Air Promos. It was presented to me that the previous year's experience had been taxing, overly drawn-out and frustrating for Staff. Structures were put in place, some of them unpopular, to avoid a repetition. Specifically, candidates were not given an almost open-ended period in which to come in and record. We were heading into a crucial Fund Drive and the station's resources were strained and precious. Candidates were given a variety of dates and times (weekends, evenings, lunch-times) and asked to make an appointment for their recording. Of course, few did. About 80% of the candidates showed up on the last night possible and some even missed that deadline.

Candidates were asked to submit up to a 100-word statement for a word count beforehand. (Some did – some didn't). The decision to go with a word count as opposed to a time limit was an effort to level the playing field between fast-talkers or people with more of a facility in English and people from communities where English may not have been a primary language.

A request was also made that the music be uniform behind each statement. This proved also to be unpopular with candidates although it greatly assisted the Sound Engineers as the choice and mixing and critiquing of individual music choices in the previous election had been the cause of much of the strain on the station's resources. (KPFA recorded promos without music and this seemed to work well although there was a preference by Management at KPFA that all promos be backed by music. I considered this to be a Programming and Radio Management decision). Candidates were given the option of recording their own Spanish language promo or having it translated and recorded for them. Spanish language promos were played only during Spanish language programs.

A policy of not recording promos over the phones was instituted in the interests of providing a quality listening experience. Two exceptions were allowed to this policy. One because of illness and one because of out-of-state travel.

The Promos were scheduled by Jennifer Kiser who did a great job in creating a program which rotated groups of candidates through blocks of Prime-time programming. The programming was based on a nine-day cycle and provided mathematically exact rotations of equal time as well as comparable chronological programming. The program schedules were posted to the website and e-mailed to the candidates.

## **Off-Air Forums**

The campaign period went relatively smoothly. Four off-air forums in various parts of the signal area were held and one final "Meet 'n'Greet" a week before the Campaign period closed. An early hint that quorum would be a problem was the very low (or sometimes non-existent) turnout at off-air Listener-Sponsor Forums. When the return on days and days of promo-ing a particular location is two listeners or a handful of relatives the efficacy of such forums has to be considered.

The only gatherings which were popular with listeners were the Open Houses held (with food!) at the station.

A recommendation for next time would be at least one station-sponsored event – perhaps day long – with other attractions such as speakers or documentaries or presentations by the LSB. Although it's clearly desirable, in theory, to visit as much of the signal area as possible the Off-Air Forums really don't warrant the time and effort spent to organize them. In addition, they do not present a good impression to the few people who do show up when they see how under-supported the event is by fellow-listeners.

I would favor the LSB, which of course has a vested interest in attracting committed candidates, taking some participatory role in the Off-air forums. One idea would be to hold a Town Hall Meeting as a kick-off to the campaign period.

## **On-Air Forums**

The organization of on-air forums is a good example of where an Election/Station liaison would be very useful. As most people who hang around the radio station participate in some way or another either by handling phones; volunteer programming etc. there is a body of knowledge regarding radio production which is assumed but which the LES may not have.

A Producer is essential for the on-air forums. On two of the on-air forums there was no-one scheduled to answer phones and individuals were roped in with minutes to spare. On another forum the individual scheduled did not show up. With no-one from Staff or Programming and no Producer in Master Control the LES was reduced to answering phones which meant she could not listen to the content of the live Forum. This caused a problem when a comment was made by a listener on-air which was objected to by a candidate.

Five on-air forums were scheduled from November 12<sup>th</sup> through November 13<sup>th</sup>. They were re-aired the following week. Two were moderated by Thatcher Collins; two by Aura Bogado and one by Don Bustany. At KPFK listeners were allowed on the air. I considered implementing the structure adopted at other stations and having listener's questions transcribed off-air and passed along to

the moderator. In hindsight this would have been a better system as the moderators sometimes changed the wording of the questions and inadvertently caused candidates to answer different questions than the listeners had posed.

The forums were each one-hour in length and, as scheduled, five candidates were to participate in four forums and six would participate on the 5<sup>th</sup> night when it was planned that we would go long by 10 minutes. (In the end this wasn't necessary). Candidates were assigned to the forums based on the order in which they had recorded their promos. There was some re-arranging of the order of the candidates to accommodate personal schedules but very little.

Although all candidates were made aware of, and reminded of, their air dates two candidates failed to show up for their scheduled airtimes and didn't bother to cancel or even provide an explanation or an apology after the fact which caused tremendous last-minute inconvenience and stress. Both these candidates were "invisible" candidates who didn't campaign at all or respond to any communications after they submitted their Nomination packets. It is hard to see how one could avoid such a situation in the future as candidates cannot be forced to campaign. Neither candidate was elected.

The requirement to provide equal time to all candidates pretty much guarantees boring radio. A format where candidates could actually engage each other in cross-debate might be livelier and provide more interesting content.

## **Recommendations**

- ?? Collaboration between the LES, LSB and Station to provide more attractive off-air forums.**
- ?? Producer for on-air forums.**
- ?? Listener's questions to be transcribed off-air and read by moderators.**
- ?? On-Air promos to retain standardized music or no music at all.**
- ?? 100 word count statement as opposed to a time limit on On-air Promos**

## **Ballots**

Ballots showed a November 15<sup>th</sup> deadline but some were received so close to this deadline, or even after it, that voters discarded the ballot. A bylaws amendment which would allow for a longer period of time between the mailing and the receipt of the ballots is essential and should prevent this problem in the future. The current brief period leaves no room for error or delay.



There was also some discussion in the KPFK community about whether the ballots should be sent Non-profit unsorted bulk rate or first class. A longer mailing period should render this discussion moot and would allow for the cheapest possible mailing class.

In the main the ballot instructions were clear but, as it turns out, could have been more expansive. It's a given, though, that a small percentage of voters still won't either read them or follow them.

Some voters were concerned about the fact that no instruction as to whether to use pen or ink was written on the ballot. In actuality it didn't matter what you used which was why no instruction was printed. But this could be made clear in future to people who are familiar only with older scanning methods which require completion by lead pencil

The inclusion of the Staff statements with the candidate statements caused widespread confusion as Listener-sponsors assumed they were supposed to vote for Staff . As a result there were numerous write-ins for Staff.

A number of voters did not seem to understand that they also had to block out a box as well as write in a candidate's name. Some just wrote the candidate's name and did not give a ranking for that candidate.

About 2% of all returned ballots were received in plain envelopes which made it impossible to include them in either quorum until the envelopes were actually opened on election day. As we had a razor-sharp margin in terms of making quorum this proved to be a serious issue. It also made it impossible to scan the envelopes prior to opening. The inclusion of a survey with the ballots may have been the cause of this as it may have blocked the address window necessitating the tearing open of the envelope and its replacement with a non-windowed envelope.

The ballot was daunting to some listeners and a common complaint was one of being overwhelmed by the perceived obligation of having to rank 26 candidates – many or all of whom may have been unknown to the casual listener. We won't know how many listeners intended to vote but, because of the ranking system, procrastinated past the point when their vote could have been turned in. As there will never be more than 9 seats up for grabs for listener-sponsors the ballot could be re-designed to facilitate the reviewal of 26 candidates but the ranking of only 9. I test-marketed this possibility with a few listeners who gave me feedback that this would have been a simpler task for them as the difficulty in ranking came as they got further and further into the field of desirable candidates. Of course, the option was always there to leave candidates unranked but many voters didn't know this or felt obligated to rank everybody.

## **Replacement Ballots**

The centralized mailing of the ballots from Washington D.C. was advantageous to the station for reasons of cost and standardization. Similarly, the centralized processing of the replacement ballots was initially advantageous. However, as replacement ballots were requested closer to the election date the fact that these requests could not be fulfilled in a timely fashion proved problematic. In addition, the fact that the ballots originated from a distant location proved a problem when replacement ballots were needed so close to the deadline. Again, this situation should not re-occur if there is an adequate time period for mailing AND if the situation regarding the inclusion of candidate statement's is clarified.

Inasmuch, though, as there will always be some voters who will need replacement it might be wise to have a system in place which would allow the LES to facilitate last minute replacement ballots

A faster, more localized procedure for replacing lost or missing ballots would be advantageous in the next election.

## **Location of the Count and Issuance of Ballots on the Day of the Count**

The counting of the ballots took place on December 4<sup>th</sup> at 8124 West Third Street, Los Angeles. Voting was permitted from 10 AM to 2 Pm at which time no more ballots were accepted and, having determined that we had reached quorum in both elections, we proceeded to the election.

The physical location of the count, although not an issue during the six week period that it was announced on the air and posted on the website, suddenly became an issue when the decision was made to turn the counting place into a polling place by issuing replacement ballots on the day of the actual count. The building which housed the counting room also housed offices of a current member of the LSB as well as a candidate. This information, of course, was known to everyone along with the fact that the same location had been used earlier in the year when the member of the LSB was actually running as a candidate. It was never clear to me why this did not cause comment or challenge sooner while there was still time for the location to be changed. But the fact of the matter is that the location went unchallenged until two days before the count when fears were raised that the location would now be more advantageous to one side or another.

Whether concerns as to any advantage this particular location might have are legitimate or groundless is beside the point. All candidates and listeners should have confidence in the location of the count. Therefore, for future elections it would be best to reserve a location without even the slightest affiliation with any current LSB member or candidate etc.

In addition to these fears there were rumors circulating regarding the ease with which voters could obtain replacement ballots on the day of the count.

In fact, a very small number of replacement ballots (fewer than 20) was issued on the day – most to voters who had already requested a replacement ballot but who were not able to receive it in time for it to be counted. Additional ballots were scheduled to be issued to a handful of individuals who had been inadvertently left off one database or another and whose donation or volunteer information had been verified in writing by the appropriate department of KPFK beforehand. (Verification of neither donation nor volunteer hours was sought from Management or Programming as had been rumored). In actuality most of the prospective voters failed to show to cast their votes.

The fact that polling was available at the count additionally proved controversial as there was one official write-in candidate and at least one unofficial write-in candidate known to have campaigned. Representatives of the former were on hand and the latter candidate himself was on hand also.

This concern was reasonable as it is very undesirable to have write-in candidates or their proxies schmoozing with voters who are attempting to complete their ballots.

Again, some attention to the timeline should eliminate the possibility of using the count as an opportunity for last-minute polling. But if this ever occurs again then my recommendation would be that all candidates be excluded from the area until such time as polling is finished. This situation should also be amenable to sanctions. Any candidate, official or unofficial, found to be in violation of the “No Campaign” policy should run the risk of disqualification.

## **The Count**

The actual count was universally considered to be a success. John Seibel and Nick Koumoutseas were on hand from True Ballot to facilitate and supervise the optical scanning process and to compile the raw data which was later fed into Choice Plus software by NES Kenny Mostern to produce the election results which were later certified.

All ballots contained a personal pin number which was coded into a barcode. The envelope provided with the ballot had a window which allowed the barcode to be scanned prior to the envelopes being opened. Any ballots returned without barcodes were disqualified. Once all the barcodes had been scanned and the ballots had been registered the envelopes were opened and checks and surveys and any other inclusions were separated from the secret ballot envelopes. The secret ballot envelopes were then opened and the ballots were fed into a scanner which converted the information into both text and tif files.

This raw data was then provided to Kenny Mostern who determined that in excess of 30% of all ballots had an entry on the line reserved for write-ins. At that point all of these ballots were selected and were projected onto the wall and viewed one by one to determine the identity of the write-in candidate.

This was an exceptionally fair and transparent process to all in the room. John Seibel was monitored by myself and a number of close-at-hand witnesses, including at least one notably partisan supporter of the primary write-in candidate, as he physically examined the scanned images of all of the ballots. Seibel then called out the results to Kenny Mostern who amended the text information on each ballot to reflect the identity of the write-in candidate. An exceptionally large number of the write-ins were staff candidates who should not have been written in by Listener-Sponsor candidates.

This raw data was then fed into Choice Plus software by Kenny Mostern who then generated and projected the 28 rounds of the STV tallies. Scanned images of the ballots were provided to anyone who had brought a CD for that purpose. The results were transmitted to the webmaster that night and candidates were e-mailed with the election results.

I took possession of the ballots along with two CD's containing all the STV tallies and the scanned images and shipped them to the Pacifica Foundation.

I received many warm comments regarding the transparency and speed and accuracy of the process. Even naysayers who had warned that the optical scanning process was a recipe for disaster appreciated the openness of the process. The option of giving each interested observer a cd of every scanned image was particularly welcomed.

## **Quorum**

No doubt there were compelling reasons for writing a quorum into the bylaws. But the reality of the situation is that a quorum provides for a more stressful and complicated election.

While increased education and outreach may naturally increase the number of listeners/staff who vote in the future it should be considered that there may be a large number of sometime listeners and donors who just enjoy listening to the radio and supporting it and don't want to become involved in local station politics or democratic governance.

The necessity of achieving quorum and the undesirable consequences of not achieving quorum had the following results:

Numerous last minute mini-extensions of times and additions of ballot-collection procedures all of which had to be heavily promo'd on the air to the irritation of people who had already voted or weren't going to vote.

Promos which badgered and exhorted and pleaded with listeners to vote. I wrote three alone in the last five days. This – after two months of continuous candidate's statements which people were sick of.

The last minute institution of polling at the count.

### **Recommendations in Summary**

- ?? **A longer mailing period is essential.**
- ?? **Expanded ballot instructions re: completion in pen or ink; can listeners vote for staff; how to accurately vote for write-ins; no survey; reduce rankings to 9 for listener-sponsors;**
- ?? **Localized last minute ballot replacement**
- ?? **Larger count area – neutral location.**
- ?? **IF polling necessary in future – no candidates until after voting finished.**
- ?? **Keep optical scanning**
- ?? **Introduce Internet voting?**
- ?? **No Quorum. Whatever votes you get by the deadline (barring emergencies which may prevent willing voters from getting their ballots in on time) is whatever you get.**

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### **Choice of next Election Supervisor**

This is a rock and a hard place situation. Despite the Pacifica Mission statement and its core values the reality is that a segment of the KPFK activist community is factionalized, intolerant of dissenting views, endlessly nit-picking, and prone to filibustering and spin (which sometimes rises to the level of disinformation dissemination). Unfortunately, this is the segment which is more likely to field candidates for the LSB.

Like politicians they also split along party lines. Although the Pacifica twist is that the parties (slates) don't officially exist and are not addressed in the Pacifica bylaws.

The choice of a neutral outsider would therefore seem to be essential, However, a newcomer to the situation is truly through the looking glass where every piece of information, casual comment or friendly overture may be in support of an

undeclared agenda or a pre-emptive strike against a perceived rival. Or worse – payback for something real or imagined which happened years ago.

The learning curve as to the partisan and the non-partisan is long – certainly longer than the election period. So – the assumption must be made that everyone is partisan. If everyone is partisan and everyone's information is suspect then the LES is essentially dropped behind enemy lines where every individual has to be assumed to be, in the words of our Administration, an "enemy non-combatant" until circumstances prove otherwise.

So – what to do? Some options which all have advantages and drawbacks:

1. Election supervision by committee. Sends chills down the spine of everyone who has ever sat through a Local Station Board meeting but...Consider bringing the slates out of the closet and appointing a strong election supervisor, not affiliated with the Pacifica activist community but skilled in moderation, who will accept one delegate forwarded by each slate and one independent chosen from the listener-sponsor community. All agree that the LES has ultimate decision-making authority but all positions will be considered. NO ROBERTS RULES OF ORDER, PLEASE.
  - ?? Advantages: the necessity to attempt to manipulate information or disseminate disinformation will be lessened as the information will be welcomed and considered.
  - ?? Disadvantages: go to any LSB meeting and see how long it takes to reach concurrence on even the most inconsequential detail. Supervision by committee could be accomplished without changing the bylaws which only state that an LES must be hired but does not lay down how he or she should operate and reach decisions.
2. Do the same as this year and hire a supervisor in each city who is as non-partisan as possible but thoroughly prepare them, with specific incidents and access to all reports from this year, as to the location of the mines in the field. In addition, if they can connect with the previous election's supervisor and get a body of anecdotal information (which may not be appropriate for general dissemination in a report such as this) that would be very beneficial. In my case the previous year's supervisor was not available to me until the end of the election cycle. As the election proceeded and I heard from other individuals the situations he had encountered it became increasingly clear to me that his input would have been invaluable.
  - ?? Advantages. There is much to be said for autocracy in this situation as supervising by consensus may be slow and tedious.
  - ?? Disadvantages. Candidates and slates shut out of decision-making slow down the process anyway as dozens of dissenting e-mails and phone calls have to be dealt with by the LES. IF, and it's a big if, all parties would accept the inclusion of one representative in the decision-making

process and re-direct their comments and e-mails to their Election Representative and not the LES this may provide for a smoother and faster process.

Qualities which would be helpful in the next Local Election Supervisor:

- A respect for and appreciation of Pacifica radio
- A sense of perspective
- A sense of humor
- An eye for detail
- Organizational skills
- Communication skills
- A thick skin
- An ability to draw boundaries and stick to them
- Flexibility
- Open-mindedness

\*\*\*\*\*

## **Proposed Amendments to the Bylaws**

### **ARTICLE THREE Members of the Foundation**

#### **Distinction between Unpaid Staff and Volunteers**

The current system (3-29 hours worked makes you a volunteer; 30 hours makes you a staff member) defies logic and is open to abuse and manipulation. In addition, it is a distinction which is not only widely misunderstood among staff and volunteers but is considered by many to be arbitrary and sometimes disenfranchising.

Picture the following scenario. A diligent volunteer comes to the station to answer phones one afternoon a week or comes in frequently to stuff envelopes or help organize station matters. This volunteer decides to run for the station board and finds that, by dint of her number of hours worked, she cannot record an on-air promo and cannot participate in either on-air forums or off-air forums. In fact her only method of campaigning is essentially reduced to stuffing flyers in mailboxes of station staff (who may or may not know who she is but who are the only electorate available to her) or e-mailing friends and family for support. In the same election a known on-air personality who self-reports his/her hours on the honor system is able to record promos; participate in forums etc.

The volunteer, by the way, may be competing with popular on-air personalities and reporters.

There is currently the potential for an individual who would like to vote as a Listener-sponsor in order to support a Slate-mate to underreport hours and petition for inclusion in the Listener-Sponsor category. There is also potential for individuals at the station who access the record-keeping to over-estimate an individual's hours in order to relegate them to the Staff category to minimize their chances of being elected.

**A more meaningful differentiation would be a distinction between on-air and off-air candidates. A volunteer is a volunteer is a volunteer. Whether a volunteer gives 9 hours a month or 10 hours a month should not determine their category if they do not have access to the station's air-time. On-air time is tangible and quantifiable and can easily be appealed or verified by accessing the show in the station's hard-drive.**

## **Section 7. Quorum**

Obvious typo as to Staff quorum. It is one fourth and not one third.

## **Section 8 Distribution of Ballots. B(3)**

"All ballots shall specify the time by which all ballots must be received in order to be counted. "

This does not allow for emergencies or delays in mailing which would necessitate an extension of either the hour or the date. The bylaws must be more explicit regarding the nature and number of allowable extensions and the reason for them and a method by which the electorate should be notified of such extensions. At KPFK there was much second-guessing and discussion as to when and how and if extensions were legal. Alternatively, a bylaw amendment which stated that any extensions and notification of such extensions would be at the sole discretion of the NES might be in order. Either way it should be addressed.

## **B (6,7,8)**

Problems in the timely delivery of the ballots were exacerbated by members of the electorate demanding, at the last minute, that the NES reverse his decision regarding the inclusion of Candidate statements with the ballot. This pushed the ballot mailing date back two weeks. It would be prudent, therefore, to enshrine this possible scenario in the bylaws. Again, either give the NES sole discretion



as to how to communicate information to the electorate or pass an amendment requiring candidate statements to be included with the ballot. If an amendment were passed requiring statements this could be included in the election budget and the timeline could be plotted with more accuracy. Article Four B seems to indicate that the Bylaws intended for the written statement to be distributed with the ballot .

### **Section 10. Record Date.**

For the purposes of the Local Station Board election the record date period is unnecessarily long at 45 days.

## **ARTICLE FOUR Delegates**

### **A. Eligibility**

There was confusion regarding the status of Local Neighborhood Councils which have only advisory status but which are nevertheless ratified by City Councils. This should be clarified in the bylaws.

### **Section 4. Local Election Supervisors**

There were questions asked by Listener-Sponsors as to the duties of the LES in the Signal area vs. the duties of the NES on the national level. Many duties are overlapping. The bylaws are ambiguous as to who does what. Either less or more ambiguity would be useful. For example, the bylaws indicate that the LES must be responsible for overseeing the preparation and distribution of the ballots. This is also the function of the NES.

In the 2004 election the ballots were prepared and distributed from a location common to all signal areas. This worked well in terms of keeping costs down and ensuring standardization of ballots but it restricted the LES's participation to furnishing data to the Pacifica Foundation where most ballot distribution decisions were made. Obviously the emphasis on the LES performing these duties are born of the lingering mistrust (not to say paranoia) that some feel about Pacifica making local decisions. On a practical level, however, it makes sense for stations to pool their resources and take advantage of their buying power.

I would favor more of an emphasis, in the bylaws, on the LES overseeing the nomination process, the campaign and FCP process, and leaving the distribution of the ballots to the NES pursuant to information provided by and verified by the LES.

The position of NES requires prior election experience. The position of the LES requires people skills; administrative experience; organizational skills; a fine eye for detail; large project management experience, patience and good communication skills.

The LES is not, and should not be considered to be, a “Mini-Me” of the NES.

## **Section 5.**

### **Election Time Frame**

The election time frame is ridiculous.

I would favor a nomination period of approximately 30 days.

I would also favor the election being moved to another time of year entirely. Preferably a time period which would not include a Fund Drive if possible.

Ballots are required to be mailed 21 days after nominations close. This is unrealistic and unworkable. There is a great deal of work to be done between the closing of the Nomination period and the mailing of the ballots. (See “Nomination Period” .I would favor this period being extended by at least 10 days. Preferably two weeks.

Similarly, the period of time for the ballots to be received is too short. As the Foundation is non-profit the option of mailing ballots First-class mail should not be considered. Therefore, adequate time is needed to mail them at a slower, and more cost-effective way. As already discussed in a previous section the circumstances under which extensions can and should be granted and the ramifications of such extensions being granted need to be made explicit in the bylaws.

The issue of slate participation and e-mail lists must be visited and adequate provisions in the bylaws made to protect the rights of individuals to campaign as independents and to level the playing field.

\*\*\*\*\*

### **Slates. The Elephant in the Radio Station.**

Those Pacifica bylaws which pertain to the electoral process appear to have been written from the point of view of addressing the rights and obligations and

regulation of individuals who aspire to the Board. These bylaws may be inadequate to address the real-world situation of Pacifica elections

The political activist community in the signal area has, in the main, organized itself into a microcosm of the national political community and coalesced around slates (parties). This is a fact well known to the core of activists who may be interested in running as reps for the Local Station Board but is not acknowledged publicly and is certainly not addressed in the bylaws.

The possibility that a listener can come in off the streets with a deep love for the station and some fresh ideas and get elected to the Local Station Board without being adopted by one of the Slates is very remote. (Only two KPFK candidates managed to get elected without apparent slate affiliation) Of course, no-one ever tells the neophytes this. So they show up at off-air forums; diligently answer listener's questions; take seriously the campaigning process all the while having about as much chance of achieving the Board as a registered Independent ending up in the Oval office.

In the interests of full disclosure that part of the Listening audience which may have a proclivity for electing independents should have the opportunity of identifying Slate affiliations. This information would, of course, also be useful to that part of the Listening audience which would want to elect a candidate who was backed by like-minded thinkers – some of whom may already be on the Board.

I don't mean to imply that Slates are either good or bad – only that there are advantages to acknowledging their existence on the Ballot and in the Bylaws. Candidates who do not choose to affiliate with Slates or are not adopted by them would then have the ability to run as Independents.

\*\*\*\*\*

## **Acknowledgements**

Thanks to all who put their time and energy into making this election work. A partial list, in no particular order, follows. My sincere apologies to anyone I may have omitted.

Kenny Mostern

All 5 fellow Pacifica supervisors

Roger Zimmerman

Jack Van Aiken

Jim Odling (and thanks for Joe and Lilia and Rick)

Terry Guy (and Janee and Bridget and Rick)

Jennifer Kiser

Tony Bates

Armando Gudino

Eva Georgia

Art Stasney

Fred Blair

All the willing and cheerful volunteers, too numerous to mention, who showed up to count on December 4<sup>th</sup>.

Fernando Velasquez

Bobbye Gordon

John R. and Barb D. and David L. for your continued assistance throughout the Campaign period.

.....

## **Appendix A**

### **Audit Requirements from Kenny Mostern, NES**

#### **1. Donor List (Memsys Membership Database)**

*Procedure one.*

Skim for

- (c) duplicates
- (d) households with multiple members

If they are accurate, the membership databases  
SHOULD NOT contain duplicate entries, but  
SHOULD contain households with multiple members.

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

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

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

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

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

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

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

*Procedure two.*

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

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

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

Second, take .5% of the membership records in the database and locate the paper record associated with the membership record. At KPFA, where the paper records are kept in date order, this should not be that difficult. If you are doing your audit and you discover that paper records have not been kept in date order, then inform me immediately of the

situation of the paper records and we'll assess what to do next. Once again, determine whether information has been entered accurately.

If we find that one or two out of a hundred do not have a paper trail, we will assume that the pledge card has been lost. If we find that ten or twenty do not have a paper trail, we will need to investigate further.

#### *Procedure three*

Write a memo to me detailing what you have discovered. In particular:

According to your audit, are the addresses in the database accurate?

According to your audit, are there records that cannot be accounted for and/or pledge cards that have never been turned into records?

## **2. Volunteer Lists**

### *Step one.*

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

Did they volunteer during the previous 12 months?

Are there cases where there are no paper records?

### *Step two.*

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

First, call the named volunteer and ask:

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

When, and in what capacity?

Who was your supervisor at the station?

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

### *Step three.*

Write a memo to me detailing what you have discovered, making a particular point of assessing the accuracy of the Volunteer List you have been working with.

## **3. Members Who Receive Waivers**

If one or more station manages to institute some waivers for this election, it will be the responsibility of the Local Election Supervisor to ensure that proper procedures have been put in place. There is no separate "audit" of waivers this year.

## **4. Paid Staff Members**

Inasmuch as the determination of who counts as paid staff members is set by Federal Law, there is no audit procedure that needs to be put into place by us.

**5. Members of Unpaid Staff Organizations**

As you all have heard many times already, it is my opinion that the Bylaws give us no power to audit the lists of Unpaid Staff Organizations.

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

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

**APPENDIX B**  
**AUDIT REPORT**  
**August 31, 2004**

TO: Kenny Mostern  
Pacifica National Election Supervisor

RE: List audit

Per your memo, I began with the **memsys database**. First I had Terry Guy, Subscriptions Director, export all records of listener-sponsors who had donated \$25.00 or more since September 1, 2003 into one Excel spreadsheet.

Terry later informed me that he had used the process as laid out by Lisa Ballard to construct this database. He had a second Excel sheet of the memsys database for additional members of households which had donated \$50.00 or more. Switching between the two spreadsheets was easy.

We determined the entire database was around 18,000 listener-sponsors.

A fast scan of the database revealed very little duplication. I found only one after going through the first several letters of the alphabet. Given the relatively low incidence of duplicates and the existence of the second spreadsheet I went straight to the paper audit.

I first pulled 90 pledge cards from the run of archived pledge cards which are kept in the subscriptions office. These cards are kept loosely in four large boxes and will soon be moved into storage. They are bundled by rubber band in loose chronological order according to the date that their donations were deposited. Within the dated bundles they are not kept in alphabetical order. Mercifully there were very few really large deposits. The largest were in January-February of 2004.

I chose approximately 22 from each box to minimize the possibility of picking several samples which were input by the same sloppy volunteer. This way I had one quarter of my sample from each three month period of the date of record.

Terry Guy had previously informed me that virtually all of the errors come from the fact that KPFK uses volunteers to input the donation data.

The first thing I noticed was that the memsys database has very little identifying information or personal information on the donor. This made it difficult to determine whether two entries of the same name but with different addresses and possibly different phone numbers pertained to one person who had moved or two different people with the same name. The obviously foolproof method to determine whether they were one and



the same person would have been to call one of the numbers and ask if they ever lived at the other address. I did this in one or two instances.

One might think that the account number would be useful in this respect. It generally was – but I did find one instance of two entries with different account numbers which belonged to one person.

In this comparison of pledge cards to memsys database I found:

- ?? One donor who was input twice. The contact information was identical so this was just carelessness.
- ?? Two donors from the same household who had donated \$25.00 and were listed in the database separately. Each donor would then receive a ballot although they were entitled to only one for the household.
- ?? One card which was for a pledge in excess of \$50.00 and which clearly contained two names although only the first name was listed in the database.

I next selected 90 names from the database at random and went in search of the pledge cards.

This was a more tedious process due to the lack of alphabetization but yielded a similar error rate.

One donor had paid in cash and the Xeroxes of his currency bills were attached to his pledged card.

Two errors were found.

- ?? One was, again, a pledge from two donors and only one was listed in the database.
- ?? The other was a duplicate entry but with a different account number.

I left all of these cards out for Terry Guy and he took care of them. In addition, I later called Terry to ask for a phone number of a listener-sponsor whose phone number had been indistinct on my KPFK voicemail. Terry looked it up for me and told me that the listener had been listed twice in the database – once with a P.O. Box and the second time with his street address. Terry asked me to have the listener choose which address he wanted his ballot to go to and he wiped out the other one.

Given the size of the database and the constant workload in the subscriptions department I was heartened by the relatively low error rate. Also, by the fact that most of the errors fell into one or two categories which would be avoidable in future with more rigorous training of volunteers.

As you know, Kenny, I did this audit twice. Once, unwittingly with the full database. I found an alarmingly higher error rate – almost 20% - with the full database. Terry attributes this to the work which has been done on the database in recent years and the care and attention they have taken to guard against errors and fix errors.

They are still inputting data from their last mailing on August 13<sup>th</sup>. In addition, as you know, we may have fee waivers coming to the station at the last minute. We arranged for the KPFK P.O. Box in Orange County to be swept on September 1<sup>st</sup> before the mail comes. Any donations or fee waivers will be communicated to subscriptions. The box will then be checked again on Friday September 3<sup>rd</sup> and the postmarks on any donations or fee waivers will be checked for compatibility with the date of record. Terry says he can guarantee a list clean of duplicates and inclusive of all donations and fee waivers by September 8<sup>th</sup>.

I next audited the **Volunteers**.

These records are kept by Tony Bates who has an office within sight of the front desk. There is very little paper trail to speak of. Hours are not kept for Fund-Drive volunteers; although from the volunteers I spoke with it seems that a five-hour shift is pretty standard. The electronic records are kept in files according to fund drives and programs. There were many duplicates at the time I looked at them as volunteers may have worked on a program and volunteered for the Fund Drive. Most volunteers had given addresses and phone numbers. I found one entry with no address.

I could not tell by looking at the database when the volunteer worked except from the title of the database. i.e. Winter Fund Drive. There were no dates or hours worked noted in the database. It was essentially an expanded phone list.

Tony estimates that he has about 500 volunteers. There were around 800 names in his records.

There is a sign-in sheet which Tony keeps. He says that all volunteers must stop by his office and check in with him and he is consistently reminding them to sign in and out.

Given the fact that there are no dates on the database to tie a name to a particular chronological period on a timesheet it was very difficult to locate sign-ins. I chose ten names at random and found five through sheer luck. I called the remaining five and they stated, without prompting, that they had volunteered within the last year.

I then chose 10 names at random and took the phone numbers and e-mail addresses. Three of the people were no longer at the phone numbers given. Only two people called me back. I went back to the database and took many more names than I needed for insurance purposes. This time I did manage to establish by e-mail and phone that the volunteers had worked more than three hours. I had to take a lot on faith as many of them couldn't remember dates or names or exactly how many hours they had worked. Most of them considered Tony to have been their supervisor. Either that or they didn't

know whether they had a supervisor or remembered someone but didn't know his name. There didn't seem to be much reason to call Tony, as their supervisor, and verify their volunteer work as he had given me the information in the first place.

Despite this seemingly casual system I think that Tony probably has a good handle on his volunteer base. I have heard him on the phone and seen him with his volunteers and he is very no-nonsense with them. Although the database may not be adequate for audit and election purposes it seemed to be reasonably accurate given the few parameters I could actually verify.

The **Unpaid Staff** list contains about 200 people. When I approached Jennifer Kiser about auditing her database she told me right away that she had been "chasing" a couple of people for information and asked if she could use me. I tracked down one of these people for her and immediately got an accurate and current phone number and address.

The second person was a Spanish language volunteer programmer, Tapia, who had been training a new crew and had not responded to Jennifer's many requests for information. I called him twice and finally tracked him down at work. I told him he had a deadline with which to comply or risk having his staff left out of the database and disenfranchised. He promised he would. That was 10 days before the date of record and the information was never received.

The Unpaid staff database was well organized and kept. The audit, conducted the same way the volunteer audit was conducted revealed no significant errors. I found no discrepancies. However, as with the volunteers, there is no paper trail. Jennifer sits in view of the main desk and basically stops people as they come in. She appears to be very familiar with who is working on the shows although she may not necessarily have all of their information. A few addresses appeared to be incomplete or missing but Jennifer committed to obtaining all of them by the date of record.

I was informed that there are no **Unpaid Staff Organizations** and no **Unpaid Staff Collective Bargaining Units** at the station.

I did not audit the paid staff as I was informed that the information was accurate.

After completing my audit but before turning it in I began receiving e-mail correspondence from an LSB member asking about collectives.

I then found that the station had several groups of volunteers which program and host Spanish language programs collectively. The Program Director told me that there is no paper trail for these individuals and that the station is "at the mercy" of the collectives in terms of accepting hours and information provided by them.

Jennifer Kiser kept the information on the collectives in her Unpaid Staff database. She e-mailed me several names and phone numbers and gave me the names of programs which the collectives worked on. She told me that these people were generally

unresponsive to her demands for information and didn't particularly care for any station rules and regulations or policies.

I called every phone number she had been given. Many of the phone numbers were no good or disconnected. One of the people I called was Tapia with whom I had spoken a week prior. He apparently had the information for several members of collectives. I also spoke to a collective member who had the capability to compile information on volunteers who were working collectively on three different Spanish language programs. She committed to compiling the information and getting it to me by the date of record. That never happened. While on the phone she asked me to send a nomination packet to her husband. I reminded her that the collective volunteers could not vote for her husband if they didn't qualify to vote. Still no information.

## **CONCLUSION:**

The memsys database appears to be pretty accurate and also a work in progress. Many of the current problems could be prevented from re-occurring by firm and explicit training of volunteers.

The Volunteer and Unpaid staff databases also appear to be reasonably accurate inasmuch as there is almost no paper trail and no consequences for volunteers not complying with the procedure in place. There appears to be a general lack of understanding that volunteering confers benefits on the volunteer as well as the station. Not the least of which is the eligibility to stand for the Board and vote for your friends and colleagues. A simple one-sheet or orientation on voting eligibility when people first sign-up might help. As this is only the second election word doesn't seem to have traveled very far about the electoral process.

A system needs to be put in place whereby volunteer programmers or collectives do not get air time (which they value) and then disregard the policies of KPFK and Pacifica Foundation (which they don't value). Time and again I hear the refrain that "these people" meaning KPFK volunteers are suspicious of rules and regulations and are an independent bunch and you can't expect them to respect or comply with things they disdain. It's starting to sound like an abuse excuse. As if they have no free will as to whether they comply or not.

KPFK would benefit primarily from an educational program which would educate volunteers, and in fact the entire listener base, as to the electoral benefits of giving time to the station. Secondly KPFK would benefit from a structure in which there are negative consequences to a consistent and willful neglect of the stations policies and record-keeping requirements.

I have received commitments from the keepers of the memsys, volunteer, and unpaid staff databases that their lists will be free of duplicates; inclusive of fee waivers and complete with addresses and accurate as of September 8<sup>th</sup>.

## **APPENDIX C**

### **Rules for On-Air Forums**

Opening Statements of 2 minutes each per candidate followed by questions from the moderator; followed by listener call-ins.

60 seconds for candidates to respond to questions.  
20 seconds for listeners to ask questions.  
No personal attacks will be allowed.  
Refer to LSB as Local Station Board

Moderator will inform listeners that ballots are in the mail and will be arriving shortly. They will be invited to follow along with the candidates list from the website. Moderator will inform listeners that no candidates; no current LSB members and no staff members will be allowed to call in. Moderator will also warn listeners to pose questions and not comments and to keep questions to 20 seconds.

Questions for candidates from moderator:

**What are the qualities that make for an efficient and effective board?**  
**What do you think is the function and relationship of Management and the Local Station Board?**

#### **RULES AND FORMAT:**

The forum will last one hour with three breaks.  
In the first section candidates will give their opening statement and be asked the two questions that we are asking every candidate.

Candidate's responses will last 60 seconds.

Moderator will randomly choose candidate respondents according to a pre-determined queue. By the end of the program each candidate will have had a chance to respond to three questions – each lasting 60 seconds. Callers that go beyond 2 sentences and candidates that go beyond their time limit after being warned will have their mic cut off. Candidates will get a 5 second warning. Personal attacks, negative campaigning and hate speech will not be tolerated. This program will be broadcast with a 6 second delay.

Be specific. Candidates must stay on topic. This requirement will be strictly enforced. Therefore, the moderator can and will interrupt to ask clarifying questions. Candidates who wish to minimize the amount of interruption should be specific and concise. Interruptions will not count against a candidate's 60 seconds. That block of time is a right to be questioned by the moderator, but NOT the right to say anything unabated.

Breaking the forum rules will be interpreted as an attempt by candidates to use the airtime in ways that other candidates do not have. Therefore it is a violation of the Pacific bylaws. Candidates that repeatedly violate the rules will not be allowed to participate in the rest of the forum.

A second personal attach will end your participation. So will only one FCC violation (i.e. saying fuck, shit, tits, cunt, piss, cocksucker, motherfucker, or any explicit description of sex or masturbation).

Candidates will wear a name tag. Moderator will generate 3 random lists of candidate names

If you don't like the rules: Candidates have an equal \*opportunity\* to participate in on-air forums, equal in the quantity of time, AND equal in the qualitative rules. Breaking the forum rules is an attempt to use air-time in ways that other candidates do not have, and therefore it is a violation of the Pacifica Bylaws. Candidates that repeatedly violate the rules will not be allowed to participate in the rest of the forum.

Each candidate will wear a name tag. Candidates will be introduced by full name and city, but prompted by only their full names. The moderator will generate 3 random lists of candidate names, when directing questions to a candidate, the moderator will select the next name on the queue [an ordered list]. Candidates are allowed to have a copy of the queue. However, if a caller directs a question to a specific candidate, then that candidate's next position in the queue will be used, but then continuing on with the rest of the queue, minus that exception.

The moderator will time each candidate-response, and give the "5 seconds left" signal, and then the cutoff signal. If the moderator cuts into a response, the clock stops.

Miscellaneous: Candidates may only bring notes, pens, and pencils. Cellphones must be off (this will be checked before airtime). Wired earpieces and other outside assistance are forbidden (Bush). Two or three of the candidates will sit in Studio C, while three candidates will sit in Studio B (with the moderator).

## MEMORANDUM

**TO:** Kenny Mostern, Pacifica National Election Supervisor

**FROM:** Bobby Muldoon, KPFT Election Supervisor

**RE:** KPFT Final Report

**DATE:** December 10, 2004

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### Nominations

Upon my arrival, KPFT had a functioning LSB Election Committee. This enabled me to get a feel for the environment and get things up and running in an efficient manner.

During the Nomination Period, we held 7 meet-n-greets for people who were interested in running for the board. I believe these were essential in establishing a strong candidate base. Most of these meetings were held at the station. Two meetings were held in restaurants that could accommodate our purpose. Snacks and drinks were either donated or provided by committee members for each meeting. Current LSB members were present for each meeting. Interestingly, the meet-n-greets scheduled during the weekend (Friday night and Saturday afternoon) were the best attended.

A brochure was produced by Election Committee member, Massoud Nayeri (see Appendix A for an uncorrected proof). It contained the Pacifica Mission Statement, information on the purpose of the LSB, and how to become a candidate. These were available at the station and distributed to several ethnic and religious community centers. Massoud donated his design time. Five hundred copies were made at a cost of \$50.

We also used events, such as the annual Watermelon Festival, to promote the Nomination Period.

Various carts, announcing the call for candidates ran throughout the Nomination Period. The KPFT website also provided this information.

Forty Listener Nomination Packets and ten Staff Nomination Packets were sent out. Twenty three Listener Members and six Staff Members returned completed packets by the deadline. One Listener Member returned an incomplete Nomination Packet well after the September 25<sup>th</sup> deadline. One Listener Member dropped out of the race during the Campaign Period.

Utilizing the Initial Candidate Interest form was extremely helpful. It forced potential candidates to recognize that they were bound by the FCP even before their candidacy was official. It also provided the benefit of knowing who the potential candidates were. Unlike the previous election, I was always aware of the number of potential candidates.

The Nomination Period provided my first experience of the difficulty in getting carts played in a reliable fashion. This struggle would present itself throughout my tenure. There is no "Traffic Manager" at KPFT. Consequently, there is no cart management system in place. There seemed to be three options in getting carts played:

1. Put the cart in the control room and hope it gets played (ineffective)
2. Contact each programmer individually and ask them to play the cart (unreasonable)
3. Have the PD create a schedule that programmers must follow and sign off on each time the cart is played (extreme)

I ultimately suggested to the PD that a system be created where, in general, carts are labeled as:

1. Hot – high rotation
2. Medium – medium rotation
3. Cool – low rotation

This seemed to help in most situations. However, where bylaws or a mandate from the National Supervisor required strict airplay, such as Candidate carts, a schedule was created. Even then, it was difficult to ensure that it was followed.

As a side note, there seemed to be an expectation at KPFT that the Election Committee is responsible for outreach. No doubt, we are charged with seeking a diverse candidate base from within the KPFT community. However, it is unreasonable to think that, given the relatively brief election cycle, we can seek out new members, engage them in the community, and inspire them to run for the LSB.

### **Recommendations**

- ?? In addition to meeting all of the key staff on their first day, LES's should enter the station with these additional items on their agenda: 1) Meet with the Program Director to discuss the method of getting carts made and played; and 2) Begin work on the Nomination Period cart.
- ?? Being on air should be added to the job description of the Local Election Supervisors.
- ?? Don't neglect to announce the Nomination Period to the staff. Fliers in boxes and signs around the station would suffice.
- ?? Should an Election Committee be in place upon arrival of the Local Supervisor, establish the following rule upon the first meeting: Each member of the Election Committee is to maintain an unbiased position regarding the LSB Elections for the duration of the election period. Should that position be compromised, the member should voluntarily remove themselves from the committee to preserve the integrity of the process (or be forcibly removed by the Election Supervisor).
- ?? Consider holding Meet-n-Greet events at community centers that are reflective of the type of diversity we hope to achieve at KPFT. Consult with the Committee of Inclusion and the Outreach Committee for suggestions.

### **Lists**

At KPFT, there are five member lists: Volunteer, Staff, Unpaid Staff, Listener Members, and Members via waiver.

The local supers were instructed to inquire about the lists and their maintenance in the first week or so of our arrival. With the exception of the Memsys list, what was conveyed to me and the reality were two very different things.

There is a system for volunteers and unpaid staff to log their hours. However, participation in that system varied greatly. Some followed it religiously, some followed it sporadically, some willfully disregarded it, and others were completely unaware of it. I found that the data in the log books had not been transcribed into a spreadsheet or other database since the previous election. As a result of the poor record keeping, volunteer and unpaid staff had to be reconstructed. A detailed account of this effort is found in the attached memorandum (Appendix B).

Carts were played from mid-August through mid-September urging volunteers and unpaid staff to confirm and/or update their records. Additionally, numerous emails to hundreds of recipients were sent to unpaid staff to do the same. Signs and lists were also prominently posted at the station. The GM and PD were also prompting everyone to make sure their information was correct and up to date.



Robin Lewis and I conducted audits of the Memsys list. Results from this are presented in the attached memorandum (Appendix C).

I encountered three instances where qualified donor members were not exported from Memsys. To date, I can find no logical cause for this. Robin Lewis, a database programmer has been unavailable to help me investigate. I will submit an addendum should our investigation uncover a procedural flaw.

### **Recommendations**

- ?? Request all but the Memsys list on day one. Have the Unpaid Staff and Volunteer lists reviewed by the GM, PD, and the Volunteer Coordinator if one exists. Waivers are granted by the LSB but likely will be maintained by the Membership Coordinator.
- ?? Plan for these lists to be maintained! Post the Volunteer and Unpaid Staff list as soon as possible. Put notes in everyone's box to check the list and provide a method to update. From day one of the Nomination Period to transmitting the lists to Pacifica, there are approximately 60 days. All of that time should be utilized to prepare and refine the lists.
- ?? If the volunteer list is not maintained, have a staff member get the volunteer log book updated into a spreadsheet. Then, have them use the Fund Drive log sheets to ensure each volunteer is represented. Volunteer info sheets that can provide an address or other contact information may also be available.
- ?? Several issues came up when deciding whether a person should be considered unpaid staff or a volunteer. The bylaws rely simply on the number of hours served to make this distinction. However, there were instances of on-air personalities that did not meet the donated hour requirement for unpaid staff. Yet, it seemed inappropriate to deem them listener members when they were on air. This discrepancy is minor for voters but becomes a larger issue when someone decides to run for the LSB. The KPFT LSB has Standing Rules for its committee members that limits the number of times a Listener Member can be on air each month. Perhaps the bylaws could be modified to include a qualitative distinction between unpaid staff and volunteers.
- ?? Station Management should institute and enforce a firm policy of record keeping for volunteers and unpaid staff. In addition to adding unnecessary complication to the job of the LES, lack of proper record keeping is an unnecessary liability to the station.

Each program should have a lead programmer who is responsible for keeping their (collective) members up to date. Regular meetings, such as quarterly, for lead programmers should be instituted. Currently, the PD claims not to be fully aware of who participates in the shows that air on KPFT. Again, this is an unnecessary liability for the station.

While many will grumble about having to document their time, not doing so fails to honor the time and talent that drives the station.

### **Campaign events and forums**

On day one of the Campaign Period, we held a Campaign Kickoff for members to meet their candidates. This event was held in the KPFT backyard with barbeque and beer. Approximately 30-40 people attended.

The campaign kick off was preceded by an hour long seminar on successful campaigning. It was conducted by the two top vote receivers from the previous election.

We held two live audience forums. The first included a staff portion at the beginning. Attendance at both forums, other than candidates, was nonexistent (this was consistent with the previous election). However, the forums were video taped and available for download from the KPFT website.

One staff-only forum was held and was attended by a handful of concerned staff members. This had not been part of our original plan as the consensus seemed to be that the staff didn't really need or want a forum. It wasn't until someone mentioned a well attended staff forum during the previous election that decided to schedule one. I recommend scheduling a staff-only forum at the onset of the campaign period.

While there is no hard data to support this, I believe that the radio forums provided many listener members with vital voting information. I used KPFT News Co-producers, Renee Feltz and Ernesto Aguilar as moderators. We scheduled four candidates per night (one hour show) and truncated the show when we had less than four candidates. Renee and Ernesto did a great job moderating and I highly recommend using them again should they be willing. The format for the Radio Forums is included in the script found Appendix D.

Utilizing the extra time with the two week extension in the Campaign Period, we also held a final Candidate Meet-n-Greet in the KPFT backyard. Candidates brought food, potluck style. This event was fairly well attended.

To avoid a conflict with the National Election, the KPFT Fund Drive was scheduled to begin on November 4<sup>th</sup>. The delay in the ballot mailing resulted in ballots being received during the first week or so of the drive. Cart play during this time was crucial. Yet, there were significant irregularities, including days where only one or two carts were played. To correct this situation, the Program Director and I had to monitor this on a daily basis.

It is my assessment that candidate carts play a key role in getting elected. Two of KPFT's 22 Listener candidates did not record a cart. One of these candidates failed to participate in any campaign events. The other participated in one live-audience forum. I believe one, if not both, of these candidates would have been elected had they recorded a candidate spot.

In addition to the Candidate Statements and Questionnaire, the radio forums, live audience forum video, and candidate spots were available for download from the KPFT website. Statistics on downloads of this information have yet to be extrapolated. This information will be presented once it is available.

### **Recommendations**

- ?? The concept of the live-audience forum should be reviewed. Is there a way of doing this that will engage members? While there was much talk and speculation around the reason for the lack of member attendance, no one presented an alternate idea.
- ?? Candidates should play a greater role in organizing and staffing forums.
- ?? In the spirit of diversity, some campaign events should be sensitive to certain religious members, such as Muslims. Serving alcohol or pork will ostracize this community. This is especially important when there is a Muslim candidate.
- ?? Consult with the Committee of Inclusion for recommendations of locations to hold events.

### **Fair Campaign Provision Violations and other issues**

One of the first issues I had to address was the on-air appearance during the Nomination Period of two LSB Members whose terms were expiring. They were to report on their LSB service on a regularly scheduled "Open Journal". While this was considered a normal duty of their LSB Membership, it presented a

potential issue as a Fair Campaign Violation should they later decide to enter the race. I issued a memo informing the LSB members of this.

KPFT enjoyed very few (and minor) FCP violations. They were as follows:

1. During the Campaign Kickoff, one of the candidates was recruited to do the mic check. In doing so, he launched into an impressive poetry rant. A person then took the stage and thanked him by name, mentioning that he was a candidate. I issued a verbal warning for this occurrence.
2. A candidate took an opportunity to campaign to a crowd at an event that had been promoted on KPFT. No other candidates were given an opportunity to do so. I issued a written warning for this violation.
3. During Fund Drive, a volunteer thanked a donor for a show. The candidate's name was mentioned, as well as the fact that she was running for the LSB and that she supported the show. I issued a written warning for this violation.

A violation of a different nature occurred when the Chair of the LSB Election Committee referred to one of our candidates as an 'idiot' in an email that was erroneously distributed to multiple recipients. Because of this indiscretion, I was forced to discontinue my recognition of the LSB Election Committee and form a new committee to oversee the remainder of the election cycle.

An incumbent staff candidate experienced campaign difficulty when she was removed from the LSB and barred from entering the station. The LSB also sought to disqualify her as a candidate for this election. After reviewing the materials with the National Election Supervisor, it was agreed that there was not enough information to remove her as a candidate.

### **Recommendations**

I believe few candidates truly read the FCP document or fully understood the implications. We held a new candidate orientation prior to the campaign kickoff. I neglected to use this opportunity to highlight the nuances of the FCP. In the future, I suggest reviewing the FCP with the candidates, including specific examples of violations.

### **Ballot count and results**

The ballot count was held at the Houston GLBT Community Center on Friday, December 3rd. This venue served the purpose well.

We had seven volunteers and the count went smoothly. Approximately 10-12 observers occupied the gallery at various times. Results were immediately emailed from the count site and were posted on the KPFT website within two hours.

This event was open to the public. It was posted on the website and mentioned on air numerous times.

Donations and surveys were collected and were delivered to the KPFT Membership Coordinator for processing.

Ballots and cd-roms were boxed on December 3<sup>rd</sup> and mailed to Pacifica on December 7<sup>th</sup>.

Ballots received at the P.O. Box after the November 29<sup>th</sup> deadline have been opened by me to retrieve donations and surveys, which have been delivered to the Membership Coordinator. Ballots and stubs have been shredded.

### **Recommendations**

?? People seemed confused by the ballots and how to properly return them. Numerous ballots were sent in with pledges from the fund drive. Others were mailed or dropped off to the station. There

was also confusion with listener and staff members being listed in the candidate statement booklet. Some members didn't realize that they didn't get to vote in both classes. A cart explaining these details may have been helpful as it seems people weren't inclined to read the directions.

?? Despite my personal feelings, I believe a printed a candidate statement booklet should be mailed with ballots in future elections.

?? Overall, the system to receive a replacement ballot worked well. It solved many more problems than it created in our listening area.

### **Summary**

In the previous election, 20% of the KPFT membership returned ballots. This year, the 10% quorum was barely reached. This is likely due to the LSB elections running concurrently with National Elections, delays in ballot mailing, confusion that the ballots cited they must be returned by November 15<sup>th</sup> vs. the extended date of November 29<sup>th</sup>, and Thanksgiving Holiday preceding the new due date.

With colossal effort, the volunteer and unpaid staff lists were recreated and updated to a point where they could be certified for this election. The result of my effort was presented to the station in the hope it will be maintained for future use.

Candidate recruitment events were plentiful and successful in attracting a well populated and diverse candidate base. Candidate forums, both radio and live, provided ample opportunity for the membership to research candidates.

While the ballot mailing delay and the extension of the Campaign Period were undesirable, KPFT took advantage of the extra time to hold extra Staff and Listener Forums.

Despite the numerous roadblocks and challenges, KPFT's second LSB election has largely been accepted as a success. A personal point of pride is the further diversification of the board, maintaining two Hispanic members, increasing African American members from two to five, and adding diversity of sexual orientation.

### **Acknowledgements**

I am grateful for the support and assistance of the following people:

The entire KPFT staff – for making me feel like a member of the family.

Christiane Van den Abeele - for doing an incredible job of keeping the elections web page up to date throughout the process.

Otis Maclay – for his time, talent, and energy in the creation of carts and play schedules and enduring my numerous rants.

Duane Bradley – for always being available and maintaining a welcoming atmosphere at KPFT.

Jessica Mays – for general encouragement and never tiring of printing my documents.

Oseye Mndebele – for fielding phone calls in my absence, guarding the ballot box, and always making me smile when I walked in the door.

The Election Committee – for making my job immensely easier. I would not have wanted to do this without them.

Robin Lewis – for database expertise, time, commitment to the process, and wisdom.

Massoud Nayeri – for artistic talent and great passion for KPFT and growing the community.

Jim Boyd – for moderating the live audience forums and his help from beginning to end.

Kenny Mostern and the other Local Election Supervisors – for leadership, knowledge, wisdom, and most importantly, maintaining a good sense of humor. Our little community provided a wonderful outlet for all of the things we couldn't say to anyone else. I hope future election supers continue this tradition.

**Appendix A**

**Pacifica's Original Mission Statement** (partial)

*(See the Pacifica Articles of Incorporation ([http://www.pacifica.org/governance/460849\\_PacificaOriginalBylaws.html](http://www.pacifica.org/governance/460849_PacificaOriginalBylaws.html)) for complete Mission Statement and founding document for the Pacifica Network.*

From the Articles of Incorporation of the Pacifica Foundation, August 1948: the "Mission Statement"

Article II (c): In radio broadcasting operations to provide outlets for the creative skills and energies of the community; to conduct classes and workshops in the writing and producing of drama; to establish awards and scholarships for creative writing; to offer performance facilities to amateur instrumentalists, choral groups, orchestral groups and music students; and to promote and aid other creative activities which will serve the cultural welfare of the community.

Article II (d): In radio broadcasting operations to engage in any activity that shall contribute to the lasting understanding between nations and the individual of all nations race, creed and color; to gather and disseminate information on the cause of conflict between any and all such groups; and through any and all means compatible with the purpose of this Corporation, to promote the study of political and economic problems and of the causes of religious, philosophical and racial antagonisms.

Article II (e): In radio broadcasting operations to promote the full distribution of public information; to obtain access to sources of news not commonly brought together in the same medium; and to employ such varied sources in the public presentation of accurate, objective, comprehensive news on all matters vitally affecting the community.

*For more information on Pacifica, visit <http://www.pacifica.org>*



**Join the KPFT  
Leading Team!**



**KPFT**  
Local Station Board  
Elections  
Candidate Interest  
Form

**It's time again for Local Station Board Members to be elected by the general membership of KPFT. This is our second democratic election. Members of the board have an important role to play in the future direction of the station. You are encouraged to join the team!**

The Local Station Board of KPFT Radio, one of five stations in the Pacifica Network ([www.pacifica.org](http://www.pacifica.org)), will be holding elections this fall, and has been charged with recruiting candidates to fill 9 seats on the board from the general membership of KPFT. We will also be seeking to fill 3 staff member seats.

General information on the Local Station Board and the Pacifica Mission Statement may be found printed on the back of this flyer.

If you are interested in serving on the Local Station Board or want to find out more about KPFT and the LSE, visit the KPFT website at [www.kpft.org](http://www.kpft.org). You may also telephone (713) 526-4000, ext. 305 to speak with the KPFT LSE Election Coordinator, Bobby Muldoon, or e-mail him at [elections@kpft.org](mailto:elections@kpft.org). Mail should be directed to KPFT, 419 Lovett Blvd., Houston, TX 77006.

**Job Description of a Local Advisory Board Member**

The elected station board will act as the duly constituted local station advisory board for KPFT. Membership on the Board involves attending Board meetings at least monthly as well as participating in committee meetings. The Board is designed to assist and advise the general manager, including input on approved plans and the budget; to be a bridge between the station and the listener community; to participate in fundraising activities; to participate in the search and evaluation of the station manager; and to perform other related tasks. Chief among these, and a central part of the Board function, is to assess the need of the community that KPFT was founded to serve and whether programming meets that need. The Delegates for each radio station shall meet annually in early January to elect four Directors to represent that radio station on the National Board.

Advisory Note: Candidates should be aware of the history and current issues and climate of struggle surrounding KPFT, the Board, and the National Covering Board. Candidates not immediately elected to a three-year term in this election may subsequently be seated as vacancies occur.

*For more information, visit <http://www.kpft.org> or contact the Election Supervisor, Bobby Muldoon at 713-526-4000 ext. 305 or email at [elections@kpft.org](mailto:elections@kpft.org)*

## Appendix B

### MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor  
**FROM:** Bobby Muldoon, KPFT Election Supervisor  
**RE:** KPFT Unpaid Staff and Volunteer Lists Report  
**DATE:** September 29, 2004

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In the early days of my tenure as KPFT Election Supervisor, I inquired about the record keeping system for volunteers and unpaid staff. A manual record keeping system was described: volunteers and unpaid staff maintain their volunteered time in a logbook on their respective page. It was reported that this information was updated in an electronic database on a fairly regular basis.

It should be noted that management has not set a policy for Volunteer/Unpaid Staff record keeping at KPFT. For obvious reasons, this should be corrected immediately.

#### **Volunteer Lists**

In the year prior to the previous LSB elections, an excel file was maintained that included the names of volunteers and the number of hours donated were noted in columns labeled by the month. Unfortunately, this file had not been maintained beyond the record year for the last election. Further, this list did not contain mailing addresses. While this list would have provided an acceptable starting point, I did not become aware of it's existence until substantial effort had been made to create a credible list of volunteers.

Several excel files were obtained from the Development Director and the Membership Coordinator. These lists contained no dates or volunteer hour log. My assessment was that these lists were dated and not credible. It should be noted that the Development Coordinators computer had fatally crashed and data, thought to be relevant, was lost. This computer was not backed up.

With the absence of credible information, I decided to create a list of volunteers from records maintained in the Volunteer/Unpaid Staff logbook. This logbook is a binder that is found in the main lobby of KPFT. While there is no policy in place, it is understood by many, that hours donated to KPFT should be logged there. Ideally, each volunteer and unpaid staff member logs their hours on their own page in the binder.

In transcribing the volunteer information, it became clear that volunteers minimally participated in this record keeping system. I then sought out additional sources of information. Based on paper documentation including Fun Drive phone volunteer logs and Volunteer Information sheets, I further populated the volunteer list.

I shared this information and consulted with the General Manager, Program Director, Development Director, and Membership Coordinator. I accepted their input whenever offered.

During the first two and a half weeks in September, a cart was run, urging those who've donated their time to KPFT to contact the Membership Coordinator to update their information. Emails were sent to every volunteer we could identify. One email included a link to a URL that displayed the current list of volunteers and offered information on how to correct or establish record of their time.

Numerous volunteer records remain without mailing addresses. Using the outdated databases on hand, I populated records with any address I could find.

Fortunately, many volunteers also qualified as listener members via donation. However, as my listener member submission will indicate, approximately 75 volunteers will not receive ballots as no mailing address could be obtained. I included their name in the submission so that some record of their service would exist.

### **Unpaid Staff**

The same record keeping system exists for Unpaid Staff and Volunteers.

Upon transcription of the Volunteer/Unpaid Staff logbook, it became apparent that participation in this record keeping system was minimal. I've personally spoken to 10-12 unpaid staff members that weren't even aware of the record keeping system.

Conversations with the GM and the PD found that neither of them claimed to know all of the programmers involved with KPFT.

Both, the GM and the PD, we're instrumental in sorting unpaid staff from volunteers. Once the preliminary unpaid staff list had been created, it was posted on a cork-board that programmers were supposed to consult whenever they were in the station. Additionally, numerous emails (300+ recipients) were sent from me and the PD, urging unpaid staff to update their hours and contact information. One of these emails included a URL for recipients to view the current list of Unpaid Staff and hours logged. Instructions were given on how to correct or establish their record.

At the station, bright orange signs, urging staff to update their information, were posted in common areas and in the control room. Forms to do this were attached to the cork-board that programmers were to check whenever at the station. I received 137 responses out of approximately 225 unpaid staff members. For those on my list who didn't respond, I used whatever mailing address I could find in the dated files.

### **Conclusion**

While the description of my efforts to build credible lists fits on two pages, this endeavor largely consumed the month of September.

Throughout the entire process of establishing Volunteer and Unpaid Staff lists, the GM and PD were helpful in determining the status of each person. However, they each admit that their knowledge is limited.

The final assessment is that, due to the poor Volunteer/Unpaid Staff record keeping at KPFT, the lists are haphazard at best. The Unpaid Staff list is, in my opinion, 75% accurate and complete. The Volunteer list is approximately 40% accurate and complete. Fortunately, many volunteers qualify for membership via financial donation.



## Appendix C

### MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor  
**FROM:** Bobby Muldoon, KPFT Election Supervisor  
**RE:** KPFT Audit Procedures  
**DATE:** August 31, 2004

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#### Collection of Lists

For this section of the report, I will focus on the non-Memsys lists as that list is of least concern.

From the Development Director and the Membership Coordinator, I received electronic copies of various lists of Unpaid Staff and Volunteers. These lists were deemed by all to be outdated and incomplete. No list of programmers or unpaid staff was available from the Program Director.

#### Posting of Lists

##### *Listener-Sponsor lists*

From 8/23/04-8/31/04, a cart has been run encouraging listeners to make sure their membership is up to date. They are instructed to either call the station during regular office hours or send an email (with their name, address, and phone number) to [membership@kpft.org](mailto:membership@kpft.org).

##### *Volunteer/Unpaid Staff lists*

Due to the lack of credible information, I've only recently posted the list. Alongside this posting, I've created a slip for everyone to update their full contact information. I've also created a form that is to be used in the event a correction needs to be made.

A new cart will run beginning September 1, 2004, encouraging listeners, volunteers, and unpaid staff to confirm their membership and contact information for the upcoming elections.

#### Auditing of lists

##### **Donor/Memsys list**

###### Procedure One:

In the weeks prior to our audit, a qualified volunteer began the duplicate search and removal process. That process is not yet complete. However, our preliminary search did not turn up any duplicates.

Households with multiple members have not yet been processed according to the instructions. Last year, an export from Memsys was performed and the multiple member households were split using Microsoft Access by Robin Lewis (Former Election Committee chair and database expert). Robin is reviewing the instructions from Lisa Ballard to see if her information and queries provide better efficiency for doing this within Memsys.

#### Procedure Two:

Using criteria of a) record year 9/1/03-8/31-04, and b) donation of \$25 or greater, we exported a list of 9,004 unique member numbers from Memsys. Based on this number, we determined our 1% audit sample to be 90 records.

#### *First Take:*

We collected all of the pledge cards from the record year. At random (without regard to program, date, or pledge drive), we pulled 45 (.5%) pledge forms and checked them against Memsys for accuracy of name, secondary member name, address, phone, and pledge amount.

We found two records where the mailing address in Memsys didn't match the address on the pledge form. Of these two, one was a completely different address. The two possible explanations for the discrepancy are, a) the address was not updated when the most recent pledge was made or b) the member contacted the station, independent of making a pledge, to update their contact information. The second error of these two was deemed to be a typo: Pledge card read, "(apt) #66" and the Memsys record read, "(apt) #616". We determined in each instance, that the pledge form we were checking was the most recent pledge received.

The third error was a duplicate entry in Memsys. The same member information existed under two different member numbers.

These errors resulted in a 6.66% error rate given 45 records.

#### *Second Take:*

Using the criteria cited in Procedure Two, we selected several sets of random strings of numbers and ran a query to produce a list of 45(.5%) records to audit Memsys records against pledge cards.

We checked for accuracy of member name, secondary member listing within the same household, and address.

This procedure resulted in a 6.66% error rate. We had 3 Memsys records of donations where paper records could not be found. There appeared to be no correlation among these missing documents.

Hard copies of each procedure are available for review.

#### **Volunteer Lists**

The record keeping system is the same for volunteers and unpaid staff. There is a log book kept in the main lobby of the station. Each person is to have a page where they log in and log out and note the purpose of the time spent.

However, participation in the system is poor and there is no accountability in place to ensure that people maintain their information. Additionally, the only contact information collected in the log book is name, telephone, and email address. In many cases, only the name is filled out (sometimes, only first name).

In my early days as Election Supervisor, I discussed the procedure with the Membership Coordinator. She indicated that participation, in general, was good and that entries in the log book were entered into a spreadsheet with some regularity. I have not found evidence that this is true.

In an effort to develop a credible list, I transcribed the Volunteer/Unpaid Staff log book. I gave copies of the list to the Program Director, General Manager, and Development Director (who, until recently had been overseeing the volunteers) for their input on who was considered unpaid staff. Because so few had been maintaining their information, it was impossible to determine this based on the hours logged.

After receiving input from the PD and GM, I created a list of unpaid staff and a list of volunteers and posted them for viewing. I posted bright orange signs in common areas of the station prompting everyone to; a) check their hours (file a correction form if necessary) and b) update their contact information (a slip was provided for this).

On 8/31/04, I had a conversation with Duane Bradley, detailing the poor state of the lists and the lack of effort given by the staff to help push this forward. He agreed that we needed to give proper focus and energy to clear this up as soon as possible.

Within the next couple of days, I expect to be able to better perform the audit as you've outlined. I will file an updated audit report once that has been done.

#### **Members Who Receive Waivers**

Currently, no such condition exists at KPFT.

#### **Paid Staff Members**

Markisha Venzant, Business Manager, KPFT, has confirmed the list and mailing addresses of current paid staff members as of 8/31/04.

#### **Members of Unpaid Staff Organizations**

Currently, no such condition exists at KPFT.

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

Until an actual audit is performed, please use the response given for the Volunteer list in this document.

## **Appendix D**

### **Sunday, 11/7, Candidate Radio Forum**

#### **Introduction text:**

Welcome to the KPFT Local Station Board election candidate forum. My name is \_\_\_ and I will be your host for the next hour. For more information about the election, you can visit the elections page at [www.kpft.org](http://www.kpft.org), call 713-526-4000, ext. 305, or send an email to [elections@kpft.org](mailto:elections@kpft.org). This year, there are 22 listener member candidates running for 9 seats.

You have one last opportunity to meet the candidates in person on November 13, from 3-5pm in the KPFT backyard at 419 Lovett Blvd. Candidates will provide the food, pot luck style. You can bring your questions and beverage of your choice to the event.

For tonight's forum, each candidate will make a 2 minute opening statement. Then, we will present questions from callers. If there are no questions from callers, we will choose from a pre-selected list.

You can call 713-526-4000 with your question for the candidates. Callers will not be put on the air. Instead, a volunteer will transcribe your question and read it back to you for correctness. The question will then be handed to me to read. Callers are urged to ask a single question or make a single comment for all candidates to respond to.

The listener question segment will end at 9:50. At that point, each candidate will make a 1 minute final statement.

Ballots and candidate statements are in the mail. If you have not received your ballot by November 12<sup>th</sup>, call (877) 217-6928 x 205 to request a replacement ballot. The replacement ballot will be mailed within one business day via first class mail. Please do not call before November 12<sup>th</sup>.

If you've already received your ballot, you should pull out the candidate statement booklet and make notes as the program progresses.

As you may know, KPFT is in Fun Drive. Should you want to make a pledge during this show, please call 713-526-5738. But this program is designed to highlight the candidates and we'd like for you to focus on what they have to say. If calling to pledge will distract you from listening, you may want to wait until the end of the show. We'll be here all night to take your pledge.

The candidates for tonight's forum are: **Earl McDonald, Sandra Rawline, Deb Shafto, and George Tennant, Jr.**

The candidates have drawn to determine their speaking order. Our first Candidate opening statement comes from \_\_\_\_\_.

-----INSTRUCTIONS – NOT TO BE ANNOUNCED-----

**Once each candidate has spoken, you will begin reading caller questions – or choose a question from the list below if there are no questions from callers. Each candidate should have up to a minute and a half to answer the question.**

**At 10 minutes until the end of the show, each candidate will be allowed a one minute closing statement. Then move to ending text.**

-----END OF INSTRUCTIONS-----

**Ending text:**

Well, that's all the time we have for tonight's show.

The candidates you've heard from tonight are: **Earl McDonald, Sandra Rawline, Deb Shafto, and George Tennant, Jr.** More information on these, and other candidates are available on the elections page at KPFT.org.

I would like to remind members that completed ballots must be received, not postmarked, by November 29<sup>th</sup>. They will only be received via postal mail. I recommend mailing your ballot by November 24<sup>th</sup>.

Also, don't set your ballot aside and forget about it. Keep it in a prominent place, fill it out when you're ready to vote, and mail it in!

And join the candidates for a Meet-n-Greet Saturday, November 13 from 3-5pm in the KPFT backyard. Bring a beverage of your choice. Food will be provided by the candidates, pot luck style.

We hope you'll tune in for the final LSB candidate radio forum tomorrow night.

I'm \_\_\_\_\_. Thank you for joining us for tonight's forum.

-----

### **Program Outline:**

2. Introduction and announcements
3. Candidate two minute statements
4. Questions from callers and responses from each candidate
5. Candidate one minute closing statement
6. Ending announcements

### **Guidelines:**

4. The two minute opening statements will be timed.
5. Responses to caller questions will not be timed. However, the moderator shall hold them to an appropriate length (appx 90 seconds or less).
6. At the moderator's discretion, a clarifying question may be asked of a particular candidate (appx 30 second response).
7. In general, each candidate should have an opportunity to respond to each question.
8. If a question is directed towards an incumbent regarding performance during their tenure, it is understood that such a question should not be answered by each candidate.

### A few questions in case you have dead time with no call-ins

1. What part of the listener community will you seek to actively represent if elected to the LSB?
2. According to the bylaws, what do you see as the two most important duties of the LSB?
3. What new ways can you suggest for reaching out to progressive listeners who don't know about the station?
4. Other than listener donations, how can KPFT raise funding for its programming?
5. What are some new ways the LSB could actively get feedback from listeners about improving and supporting KPFT?
6. What are your top 3 goals in serving on the LSB
7. **What should be done to ensure the financial health of the station?**
8. **How should the station expand and diversity listenership?**
9. **How should the LSB work to improve the relationship between the Pacifica National Board and the KPFT LSB?**
10. **What would you do to resolve conflict and improve the functioning of the LSB?**

## **Report on the 2004 WBAI Local Station Board Election**

Caleb Kleppner, Local Election Supervisor

Theresa Graham, Local Election Administrator

December 14, 2004

### **Acknowledgements**

The 2004 WBAI Local Station Boards required an enormous exertion by the Pacifica Foundation, station management, paid and unpaid staff, volunteers, candidates and the listeners of WBAI. I'd like to acknowledge the many people who stepped up to the plate to make these elections as fair and accurate as possible. This includes, in no particular order, folks who organized candidate forums, programmers and engineers who facilitated the on air forums and the playing of cards, helpful folks as the post office who made sure that ballots got in the PO box on time, folks who helped with the website, the people who made helpful suggestions on the election voice mail, and most importantly, the listeners who participated.

### **Personnel**

The national election supervisor, Kenny Mostern, hired Theresa Graham as the local election supervisor in July. Because of the workload and the contentious nature of the WBAI election, Kenny hired Caleb Kleppner in September as the local election supervisor with Graham continuing to serve as the local election administrator. Kleppner had responsibility for the certification of the accuracy of voter lists, enforcement of Fair Campaign Provisions and election oversight in general. Graham was responsible for the distribution of election materials such as nomination packets and candidate statements, administration of materials on the WBAI election website, certification of nomination papers, coordinating candidate statements and on air forums, and overseeing the ballot counting. There did not appear to be a functioning Elections Committee, so we did not work with station volunteers.

### **Nominations**

The nomination process began on July 25, 2004 and ended at 5pm on Saturday, September 25, 2004. 41 listeners and 9 staff requested packets, which were distributed by email or snail mail. 25 listener candidates turned in completed nomination packets and were certified, although there were questions about the membership status of two candidates. This took a couple days for membership to sort out, at which point the candidates were certified. Eight listener candidates returned packets and were certified. One listener returned nomination materials after the deadline and was not certified, and one candidate lacked the necessary signatures on September 25 and did not submit the materials. Teri Graham accepted nomination packets in person at the station until 5pm on Saturday, September 25, at which point she left the premises and the nomination period was over.

The key step in this process was collecting name, address, phone and email from people as they get nomination packets, since it ends up being critical to communicate with the candidates and potential candidates throughout the process.

We did not succeed in drawing many new people into the election process. Many of the candidates had run before or were already involved with the internal politics of the station.

Teri Graham turned over all nominations papers to General Manager Don Rojas on December 3, 2004 for storage for three years.

#### Recommendation:

1. Insist on getting contact information, and strongly encourage (if not require) potential candidates to give email addresses before sending the packet.
2. Do more on-air publicity for the nomination period and hold more “meet and greet” events throughout the community to invite listeners to learn about the LSB and the election process, to consider running, and to gather signatures.

#### **Lists**

A detailed memo that lays out the process of assembling and auditing the membership lists is included in Appendix 1. In summary, the process required an enormous amount of work and revealed many significant problems in recordkeeping and maintenance of the membership database. Nevertheless, the bylaws were faithfully applied to data available from Memsys and the volunteer lists provided; the audits of all the lists checked out; and late ballot requests were honored when documentation was provided by the listener or membership.

The rest of this section summarizes observations and challenges about assembling the components of the lists: donors, volunteers, paid staff and unpaid staff.

Donors: Thanks to the development of a standard macro that pulls out donors from the relevant time period (September 1, 2003 to August 31, 2004) and separates dual memberships into separate records for voting, the creation of the donor lists was quite simple. Evelyn Andino-Rosa ran the macro and provided me the data in a timely fashion. The main problems encountered were: duplicate records, pledges from late August that did not get processed until September, and people who were not on the list of eligible members but were able to show proof of payment and/or membership. A rough estimate is that the number of duplicate records is in the hundreds. I heard from around a dozen people whose August pledge was not recorded until September and from perhaps ten more who showed proof of membership but were not in the database. It's safe to assume that the number of cases I heard about is much less than the total number of cases.

Volunteers: The condition of the volunteer lists was horrible. It took weeks to track down sign-in sheets, and some were never found. I had to personally talk to each



separate staff person to collect volunteer lists from the staff. The LSB had failed to maintain volunteer lists for its committees, so those had to be quickly assembled. In many cases, addresses were missing, as well as dates of service. Eventually, I was able to assemble and de-dupe a large set of names of volunteers. The audit of the lists was satisfactory. I took a random sample of names and contacted them to verify the volunteer work. There were no discrepancies. I also took random samples of the handwritten names to make sure they all appeared in the electronic lists that were eventually assembled by Cerene Roberts. They all checked out. On the other hand, I can't comment on the about folks who volunteered during fund drives in October 15 to November 7 2003, April 5, 2004, or January 19 to February 6, 2004, as those tally sheets were never located.

Waivers: The Pacifica National Board created a process for LSB's to grant waivers to people who are unable to donate \$25 or volunteer 3 hours. The LSB granted waivers to 14 people and submitted their names and addresses. To notify potential applicants for waivers, Teri Graham and the waivers committee mailed letters to the 384 people in Memsys who had donated between \$5 and \$24 informing them about the process and inviting applications. An announcement was also played over the radio about waivers.

Unpaid staff: Ken Nash and USOC assembled the USOC. This was largely based on signed or emailed pledge forms. Ken admitted to me that they took peoples' word on their qualification as unpaid staff. USOC apparently reviewed the list, added some names and rejected a few, but I do not know what criteria were used to include or exclude names. On September 9, I posted at the station a preliminary list of 209 unpaid staff. The final list submitted on October 1 had 216 names.

Staff: There were no issues with the paid staff list provided by Indra Hardat.

#### Recommendations:

1. Deal with duplicate records early and aggressively. There were numerous duplicate records because of slight variations in the spelling of names, records under both "Bill" and "William," home and work addresses, records in the name of a couple and as an individual, address changes and so on. The Memsys database needs intensive work to identify and delete duplicate records
2. Consider doing a mailing a full year before the next election to clean up the lists, seek input from the members, request funds, and provide news of the station and network.
3. Starting in October 2006, the Foundation should encourage all stations to promote the voting benefit for members and to urge volunteers to document their hours, contact information and supervisor so they can be recorded as eligible voters.
4. Development staff should try to make volunteers into donors.
5. Designate a paid volunteer coordinator responsible for assembling all volunteer sign-in sheets and maintaining electronic records of them. This person must be responsible for interfacing with all staff and boards that supervisor volunteers, including the LSB and LSB committees as appropriate.

6. Ensure that USOC applies objective criteria and maintains an accurate membership list.

## **Campaign**

The campaign began with the certification of candidates on September 28, 2004. There were 25 listener candidates and 8 staff candidates. The formal, station-sponsored parts of the campaign included:

1. Posting 500 word campaign statements on the station's website;
2. Recording 60-second candidate statements played on air in rotation;
3. A meet, greet and signature-gathering event held at the station by Teri;
4. A one hour show on the election process featuring the public affairs director and the local election supervisor;
5. The appearance of local election supervisors on two Local Station Board reports during the campaign; and
6. Six 2-hour on air candidate forums, with each candidate assigned to one show.

To assign candidates to the six on air candidate forums, I requested that each candidate rank the forums in order of preference. I then randomly selected candidates who had submitted preferences and assigned them to their highest choice that was not already full. In other words, if the candidates' first choice already had 4 candidates, the candidate got their second choice. Then I randomly selected the candidates who had not turned in preferences, and assigned them to available slots. I then inspected each of the shows to make sure they were not composed exclusively by candidates from one slate. Finally, I announced the schedule and told candidates that if they could trade slots with another candidate as long as both candidates notified me that the trade was acceptable.

Some shows ended up with 3 candidates from one slate, but I thought that as long as there was at least one perspective from an independent candidate or a different slate, that was balanced enough.

Candidates who requested participating by phone rather than appearing in studio were accommodated if possible, and candidates who did not show up were not given any make up time.

In addition, four station-publicized candidate forums occurred:

1. October 12 by the Long Island Friends of WBAI in Huntington;
2. October 23 at the Community Church of New York, moderated by Theresa Graham;
3. October 29 by the Black Caucus in Brooklyn; and
4. October 30 at Rutgers' University, organized by New Jersey listeners.

Carts to publicize some of these events were recorded by Theresa Graham and broadcast by the station.

Participation at these events was generally low. Other than candidates, the events tended to have only a few dozen members of the public at them. The one exception was the Community Church event, which probably had around 100 participants.

Using their own resources, candidates campaigned by email and on website, did mailings to the membership, and did automated phone calls.

Public affairs director Kathy Davis scheduled six 2-hour candidate forums from Tuesday, October 12 through Sunday, October 17. The programs started at 7 am, 3 pm, 12 noon, or 7 pm. Teri and I moderated 3 of them, and we recruited outsiders to moderate the other 3.

Appendix 2 contains the format used for these forums. Other formats could be used, as long as they treat all candidates equally. I thought it was important to give all candidates a chance to respond to all questions, rather than letting callers direct their questions to specific candidates, but this restricts the type of back and forth discussions that some listeners wanted. This format did not lead to the exciting radio, and if future election supervisors can come up with a format that treats all candidates equally but is more interesting for the listeners, that would be good.

One source of confusion was that the election supervisors made some conflicting rulings about whether staff could call into on air forums, whether they could identify themselves by name and as staff, and whether or not they could campaign for or against candidates. We eventually ruled on November 15 that staff could call in to shows but that they must not make statements that support or oppose candidates and that we would construe this broadly, meaning that if reasonable people would think that a statement would help or hurt a candidate, we would consider that a violation.

The 60-second candidate statements were played in rotations of 5 candidates at a time starting on Monday, November 1. The carts were aired at 6:25 am and 6:25 pm Monday through Friday for two weeks.

This all occurred right around the presidential election (November 2) and the beginning of a fund drive (November 6), which made this difficult for all involved.

I do not know the extent to which carts were played after November 15, the original end of the election.

Recommendation: The PNB may wish to clarify the bylaws and FCP concerning staff participation in the listener part of the election. In particular, it may wish to further restrict staff from calling in to shows, participating in live listener candidate forums and so on, or it may wish to reduce the restrictions on staff participation, with the idea that listeners may want to take into account the views of staff about the election. Whatever policy is adopted, it should be clear, and the simplest policy might be that staff may not call in to shows that relate to the election and may not participate in live candidate forums

but they are otherwise free to campaign on their own time using their own resources however they like.

### **Fair Campaign Provisions**

We received 5 complaints of Fair Campaign Provisions that we considered valid. The covered:

1. A staffmember criticizing various listener candidates on a WBAI list serve. A warning was issued.
2. Staff candidates endorsed listener candidates and/or slates in their candidates' statements. References to such slates and candidates were edited to refer to [slate A], [candidate B], etc, following precedent from the 2003 election.
3. A programmer was banned from the air for a 20-minute monologue that supported and opposed listener candidates. The primarily harmed candidates were given 15 minutes of air time, and other indirectly harmed candidates were given additional airings of the carts.
4. Staff members who called in to on air candidate forums and promoted or opposed candidates were ruled in violation of the FCP, and the aggrieved candidates were given additional airings of their carts.
5. A staff member was sanctioned for sending out an endorsement email that said that his show endorsed a slate of candidates. The remedy was to send an email to the same list with contents provided by the harmed candidates.

We received many complaints that did not appear to be violations of the FCP. The following is a sample of such complaints:

1. Mentioning the website, wbai.org, at the beginning of an endorsement email;
2. A Local Station Board report delivered by members of only one slate;
3. A show about the WBAI situation on a cable TV show;
4. Including a fundraising appeal in a campaign mailer;
5. A staff distributing a flyer to staff mailboxes that recommends listener candidates;
6. Allegation of staff handing out flyers outside a station-promoted event;
7. Allegations of conflict of interest for the tally room coordinator and outreach coordinator, who are both allied with a slate;
8. A complaint about a programmer who said on air that there need to be changes at the LSB;
9. Complaint about an email on a yahoo group about a cable TV show; and
10. Candidates making negative comments about other candidates at a live candidate forum and stating that a candidate is a member of a slate that she isn't.

I attempted to make clear that any FCP complaints should contain enough evidence for me to evaluate the complaint as well as the specific section of the FCP that was violated and that the election supervisors would not independently look for and investigate possible violations. Many listeners failed to provide such information, which either led to the dismissal of their complaints or delayed the application of a remedy.

Recommendations: Create more space for campaigning. Make it possible for listeners to get more information about candidates. Possibilities include:

1. Giving each candidate space on the website to use however they wish;
2. Consider “publicly financing” a mailing. This would involve the station paying for postage with candidates and groups of candidates responsible for providing printed material that would be inserted in the mailing. This could kick in if one candidate or group chooses to privately finance such a mailing, or it could be made available to all candidates regardless of whether anyone wishes to do a private mailing;
3. Freewheeling online forums, where listeners can pose questions to candidate, make comments and review responses. Such a forum actually existed this year, but it was essentially not used.

### **Ballot count and results**

Ballots were due in the PO Box on Monday, November 29. Teri Graham visited the PO Box on Tuesday, November 30, picked up all ballots delivered the previous day, and instructed the Post Office to return all mail delivered after that point.

Ballot counting occurred on Wednesday, December 1 at the SLC Conference Center at 352

Seventh Avenue, between 29<sup>th</sup> and 30<sup>th</sup> Streets, on the 16th floor. This room was ideal for ballot counting. It contained ample tables and chairs for all necessary steps, electrical plugs, and an observation area that allowed 30-50 people to observe the count.

We had four wonderful volunteers from the League of Women Voters who spent a long half day, and we had help from another 8 to 10 volunteers from the WBAI community. To ensure that the public accepted the validity of the ballot counting, the national supervisor specified that if any observer challenged a volunteer, the volunteer would be removed from counting. This occurred to a few volunteers until the national supervisor brought together representatives of two slates and urged them to select an entire table of ballot counters – four people – who would work together and would not be challenged by either side. This was successful, the numbers of volunteers grew, and there were no more challenges.

Because of the use of bar coded tear-off stubs, windowed envelopes, and secrecy envelopes, the ballot counting process was as follows:

7. Scan bar codes of unopened envelopes, and set aside any invalid or unreadable bar codes (there were approximately 100 of these);
8. Use automatic letter opener to open the outside envelopes;
9. Remove tear off stub, secrecy envelope and any surveys and checks;
10. Use letter opener to open secrecy envelopes;
11. Remove and unfold ballots from secrecy envelopes; and
12. Scan ballots in groups of a few hundred

At any point in the process, if an irregularity occurred, the materials were set aside and reviewed by the local and national supervisor. This process was done publicly, and any decisions were announced publicly. Such cases included: obscured bar codes, duplicate bar codes, bar codes that were not found in the database, and secrecy envelopes that contained more than one ballot. When a secrecy ballot whose bar code had been validated contained two ballots, we randomly chose one of the ballots to discard, since we only received one valid bar code for the two ballots.

To be sure that no ballots were left in secrecy envelopes, volunteers tore open and flattened all the secrecy envelopes that had been opened. We also unfolded all the surveys and found an additional \$3,000 in checks.

At this point, there were scanned digital images of every ballot as well as True Ballots software-generated record of the rankings on each ballot. Personnel from True Ballot then reviewed the ballot images for any that needed interpretation, generated a final data set, and turned that data set over to the national supervisor, who performed the STV tally using the software, Choice Plus Pro.

True Ballot and the national election supervisor then made CD-ROMs of the digital images, the raw data, and the round-by-round election counts to members of the public, and we have posted all of this information, except the digital images, which are 80MB in size, on the station's website.

That evening, I delivered the surveys, which numbered around 800, along with \$8,000 in donations to general manager Don Rojas.

The following day, I shipped all of the ballots, stubs, and any invalid ballots, along with a CD of the election results to the Pacifica Foundation in Berkeley.

#### Recommendations:

1. Create the option of online voting and for listeners to receive communications from the station online;
2. Strive to make the voting instructions and instructions for sealing and returning ballots as simple as possible.
3. Unfold and align the surveys to make sure you find all checks;
4. Include a survey and request for funds whenever ballots are mailed;
5. In future elections, keep the PO Box open for at least a week after the election is over to collect any surveys and checks mailed with ballots that were too late to be counted.

#### **Observations on logistics**

Many of the staff members with whom we interacted were professional, responsive, helpful and friendly. Others, unfortunately, were much less responsive, even verging on

hostile, and some seemed to resent our presence and the mandate to conduct an election according to the bylaws.

We also ran into some significant logistical and clerical obstacles. The contract called for office space, computer, phone and internet. We never received dedicated office space and phone/computer/internet, and it seemed so unlikely to happen that we didn't push it. We eventually set up a voice mailbox within the station, but this had multiple problems, including allowing callers to leave messages but then reporting that the mailbox contained no messages when we checked. This was never resolved, so we resorted to using a personal, non-station voice mail box that Teri acquired. I don't know how many messages were lost because of these difficulties.

We had no trouble with the station email address, [elections@wbai.org](mailto:elections@wbai.org), which was forwarded to Teri Graham's email, and we were able to post information on the election page of the website, [www.wbai.org/elections](http://www.wbai.org/elections).

Because of network difficulties, many staff were unable to respond to emails, and it was often difficult to get online when at the station. In addition, it was very difficult, requiring interrupting staff, to get access to a working printer.

Finally, both voice mailboxes and email boxes of some staff were frequently full, which made it impossible to communicate with them by phone or voice mail.

Recommendation: Try to provide the next election supervisor with a desk, a phone that can be answered, working voice mail and a computer attached to a working printer and the Internet. This would make it easier to perform the job of election supervisor in an efficient, responsive manner.

## Appendix 1: Audit of lists

### MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor  
**FROM:** Caleb Kleppner, WBAI Local Election Supervisor  
**RE:** Audit of lists  
**DATE:** Revised October 7, 2004

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#### Sources of lists

Donors: Evelyn ran macro on Memsys and manually entered 33 names in a spreadsheet that she had not been able to enter since last pledge drive due to Memsys problems (virus, etc)

Waivers: LSB waiver committee submitted 14 names (though some already were in database)

Volunteers: Pulling teeth. Eventually received

- ?? Publicity volunteers: received electronic list of volunteers from Kathy Davis (publicity) but no sign-in sheets
- ?? Outreach bold: received sign in sheets and electronic list from Bok-keem
- ?? Membership vols: received electronic copies but no sign in sheets from Evelyn
- ?? Premiums vols: received 1 name from Paul
- ?? Tally room sheets: received around 100 sheets from Cerene and Bok-keem from Aug, July and May (but lacked sheets from April and Jan 2004 and Oct 2003)
- ?? Web/folio: Bob Lederer emailed a list of names but no paper documentation
- ?? LSB Committees: eventually received limited data on 5 LSB committees. Many names were missing addresses, but most volunteers on these committees were either paid members or on other volunteer lists.

#### Missing sheets and names

- ?? Tally room: Oct 2003, Jan 2004, April 2004

Paid staff: Indra gave me a list of paid staff. Only mgt positions are GM and Program Director

Unpaid staff: Ken Nash of USOC gave me a list of unpaid staff. They were operating on an honor system in terms of eligibility, and it seems likely to me that the list included many names that did not put in enough time (10 hours per month or 30 hours over 3 months) to qualify.

#### Audit of volunteers



Because of the mixed provenance of sign-in sheets, I decided to add one extra step: checking data entry of tally sheets. I randomly chose 17 names (equal to 5% of total volunteer) list from the sign in sheets that I had assembled and checked to see if those names appeared on the electronic list. Result: of 17 names on sign in sheets, 16 appeared on the volunteer list. The one name appeared on sign in sheets but not on the list lacked an address, which may explain why it didn't get added. This suggests to me that the names from the sign in sheets were fairly accurately entered into the electronic records.

Then I randomly selected names from my (electronic) volunteer list and searched for their names on the sign-in sheets. Of the 17 randomly-selected names, 11 (65%) appeared on a sign in sheet in my possession. (The 95% confidence interval is from 42% to 87%, meaning that there is a 95% chance that the actual percentage of names that appear on sign in sheets lies between 42% and 87%). Of the 6 names that did not appear on sign in sheets:

- ?? 3 names came from membership volunteers (out of 5 membership vols in sample). Note that the membership names did not come with documentation, so the other 2 names on the membership list appeared on sign in sheets from other sources.
- ?? 3 names came from the keeper of tally room sheets (Cerene) (out of 11 tally sheet names in the sample). These were tally sheets that I received on September 20 and constituted 69 pages out of slightly more than 100 total pages of documentation that I received.

Based on this (limited) sample, I estimate that I lack paper records for approximately one-third of the volunteers on my list.

I then randomly selected names and attempted to contact them by phone and email. Of the 25 selected,

- ?? 8 lacked phone and email, or had wrong #s
- ?? 13 verified their volunteer service, tho' very few recalled their supervisor's name
- ?? 4 messages and emails were not returned

This suggests that to the extent that I was able to contact people, they were in fact WBAI volunteers, but because few of them could recall their supervisor's it was not possible to follow up with their supervisors to confirm their volunteer status.

Summary of missing elements:

- ?? Paper documentation for membership and publicity vols,
- ?? Sign-in sheets from Oct 2003, Jan 2004 and April 2004,
- ?? LSB committee volunteers

Finally, I de-duped the listener list and then stripped out the staff members from that list.

Approx 15 records lack addresses. All addresses should be certified for USPS-valid addresses before sending.

**Audit of donor** (see following memo from Theresa Graham)

## MEMORANDUM

**TO:** Kenny Mostern, National Election Supervisor

**FROM:** Teri Graham, Local Election Administrator

**RE:** WBAI Audit Procedures

**DATE:** October 2, 2004

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### Collection of lists

During the month of August, I've tried to gather the membership list for verification of voter eligibility. Between early August and early September, there were two major pledge drives, which left the staff in membership under fire to enter all the new pledges, especially during the end of August, when many people made last minute pledges to make sure they would receive ballots in October. During this time, the development director, Denise Haynes, also left, leaving Evelyn Andino, the membership director, understaffed and overworked, even with the assistance of Paul Ashby, the premiums director and an intern.

On August 18<sup>th</sup>, Evelyn received a volunteer list from Cerene Roberts. The list was from this past June and Evelyn has made every effort to enter the new information as quickly as possible with the August 31<sup>st</sup> deadline looming. She also had to wait to receive a volunteer list from Bok-Keem Nyerere, the outreach coordinator.

### Donor List (Memsys Membership Database)

I went through the entire MEMSYS database of 20,000 names. I took 10 cards from each of the March, May and July drives (30 cards) and checked to make sure the entries in the database matched the paper records. I found one record that needed to be changed to inactive because the donor requested a refund of the \$250 donation she charged. Other than that, there was nothing out of the ordinary. There were the usual number of typographical mistakes, which I fixed, and names of couples that needed to be separated when they gave at least \$50. Looking at the entire database of 20,000 names, I found 126 entries that were had been made this way, or about .63% and I manually corrected them. I also found entries made by couples that were entered as one record and there would be a separate record for one of the individuals when they made a separate donation. For instance, John & Mary donated \$50 in March, but Mary donated another \$25 in June. There would be one entry with John & Mary and then another entry for Mary as an individual. There have been many complaints from people saying they and their spouse were eligible to vote, but only one got a ballot. The way the information was entered would account for that discrepancy. I also found 386 duplicate records, about 1.93%. Most of the duplicates I found were people who had made donations using work, home or

post office addresses. I also found some people used their full name and then used an abbreviation of their name, such as Theresa vs. Teri. I brought this to the attention of Evelyn and gave her a list of all the names that I found. She said that she would merge those records. Normally, she said that she tries to run a search for duplicates, but she hasn't had the time and the interns and/or temps who help enter data, don't usually search beyond the first layer of MEMSYS to see if there are similar names, addresses or phone numbers. There were 74 records that didn't have an address or were listed as having an incorrect address, which is about .37% of the total entries.

The terminal that I used seemed to crash with regular frequency for some reason. To run a query of all the names in MEMSYS, it took about 2 hours. When the query was completed, Evelyn tried to export the data to an excel spreadsheet, but we had trouble formatting it. The tech guy, Nick, wouldn't do it because he said he wasn't paid to do that task. I cut & paste the database into a text document. The list is alphabetical but without being exported properly to a spreadsheet, I couldn't sort the data.

WBAI used to hold 4 pledge drives annually, but now they hold 5 in a calendar year and 6 in a fiscal year. The pledge cards are kept in chronological order. Within those groups, they are separated by the dates they were entered into the database. So within May pledges, there can be as many as 10 sub-groups. Since we are in 2004, all pledge cards prior to this year, are no longer kept in the office. They are placed in storage. Evelyn told me that they routinely shred donor information when they receive donations between scheduled pledge drives. She said the reason for this was to maintain confidentiality of their financial information such as credit card numbers.

Evelyn also said that certain listener-members are willing to donate money but request to discontinue any additional mailings like the newsletter. There is a code that is entered to remove their name from the mailing list, but when that is done, ALL mailings are discontinued including the mailing of ballots. I assume that since these lists are being submitted to Pacifica this time around, members will receive a ballot as long as their name is on the list of current members.

Looking at 200 pledge cards chosen randomly from the February, May and June pledge drives, I found 45 paper pledge cards (about 22%) that had not been included in the membership database. A week later, after the database had been updated, 2 (two) of the paper records were found in the database but with a different account number. 4 (four) of the paper records were not found in the database, 8 (eight) had made donations of at least \$25, making them eligible to vote in the upcoming elections. 3 had made donations in 2004 but it was less than \$25. The remaining 28 paper pledges had not made any donations since Sept. 2003, according to the Memsys database, but there were corresponding account numbers for all those paper records. The paper pledges didn't indicate a specific amount donated.

## Appendix 2: Format used for two-hour, on air candidate forums in 2004, with 3-5 candidates on each forum

1. Introduction
  - a. Welcome to the WBAI Local Station Board election candidate forum. My name is \_\_\_ and I'm going to host his 2 hour candidate forum. For more information about the election, you can visit [www.wbai.org](http://www.wbai.org), call 212-561-1525 or send email to [elections@wbai.org](mailto:elections@wbai.org).
  - b. Announce New York candidate forum: There will be a live candidate forum on Saturday, October 23 at the Community Church of New York, located at 40 East 35<sup>th</sup> St, b/w Madison and Park. For more information, visit [wbai.org](http://wbai.org) or call 212-561-1525.
  - c. Describe format: each candidate will make a 5 minute opening statement, which will be followed by one minute responses from each of the other candidates, followed by a one minute response from the original candidate. After all candidates have given their opening statements and responses, in about 40 minutes from now, we will take your call-in questions. The number to call is 212-209-2900. Each candidate will then make a 2 minute closing statement.
2. Format
  - a. Each candidate makes a 5 minute speech
    - i. Each other candidate gets 60 seconds to respond
    - ii. Original candidate gets another 60 seconds to respond
    - iii. Repeat for all candidates
    - iv. Announce studio phone number for call-ins: 212-209-2900
  - b. Questions from listeners
    - i. Urge people to avoid making speeches and instead ask a single question or make a single comment for all candidates to respond to.
    - ii. Each questions will be answered by all candidates in order
    - iii. Responses are 60 seconds.
    - iv. Last question starts at 44 minutes after hour
  - c. Closing speeches
    - i. Aim for 2 minutes per person (but requires starting process by 50 minutes)
    - ii. Time permitting, repeat contact information, website, live forum
3. Guidelines
  - a. Keep time using the digital clock in the studio
  - b. Speaking order will be random, but will go in a cycle from one side of studio to the other (A, B, C, D, for example, from right to left in studio)
  - c. Candidate who responds to question first rotates each question. Next question will be answered B, C, D, A. And so on.
  - d. Signal speakers when they have 30 seconds left and 10 seconds left. You can do so with colored cards (green, yellow, red to cut 'em off) or handwritten notes: 30 sec, 15 sec, Done

- e. I made a note of the time (minute and second) candidates started, so I would know when to cut them off. You might also keep a running list of which candidate answers next. I sometimes forget who had answered the previous question first.
  - f. Remind speakers to refrain from cross-talk between candidates. Everyone has equal amount of time, gets to answer each question and speech, so don't interrupt speakers
  - g. When listeners ask questions, they have a tendency to make speeches, comments and complaints.
    - i. If it's a comment, you can simply thank them and take the next caller, or you can give each candidate a minute to respond. It's your call.
    - ii. If a caller repeats a question already heard, you can thank them, announce that the question has already been answered, and take the next call.
    - iii. If candidates clamor to respond, then it's probably easiest to let them.
    - iv. Feel free to interrupt callers and ask them to state a question directed at the candidates.
    - v. You can also remind the listeners to ask questions related to the Local Station Board election rather than other, general WBAI issues.
4. A few questions in case you have dead time with no call-ins
- a. Top 3 goals in serving on the LSB
  - b. What should be done to ensure the financial health of the station?
  - c. How should the station expand and diversity listenership?
  - d. How should the LSB work to improve the relationship between the Pacifica National Board and the WBAI LSB?
  - e. What would you do to resolve conflict and improve the functioning of the LSB?

## MEMORANDUM

**TO: Kenneth Mostern, National Election Supervisor, 2004**

**FROM: Angela E. Lauria, WPFW Local Election Supervisor**

**RE: WPFW Local Station Board Election Final Report**

**DATE: December 12, 2004**

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The following report details the activities of the WPFW Local Station Board Elections which were kicked off July 25, 2004 and completed with a successful vote count on November 30, 2004. The report is split into three parts: The Nomination period, the Campaign period, and The Ballots, Voting and Vote Count. At the conclusion of each section there are recommendations to improve that period. In addition, there is a detailed Appendix with various memos and other election related documents.

### General Comments

1. The WPFW has expressed strong positive feelings about this year's election (see Appendix VI). These positive feelings led to the development of a core group of volunteers as well as a stronger commitment from the staff members.
2. There is a very low level of interest and activism at WPFW compared to the other Pacifica stations. This, in addition with very clear guidelines, lead to no claims of Fair Campaign violations this year.
3. The biggest problem I encountered was getting carts played on air. In addition, I sometimes had trouble getting change made to the website and access to my voice mail which would often fill due to other people at WPFW not clearing out their voicemail boxes.
4. The counting of ballots went reasonably well, though we started over an hour late.

5. These 2004 elections were an improvement over the previous election, however there is still much room for improvement.

## **PART I: The Nomination period**

### **Staff Attitude and Volunteer Availability**

The previous election at WPFW was not a particularly successful one. When I first arrived at the station to introduce myself there was a strong feeling of disgust about the elections and almost no desire to participate in this one. There were no volunteers (and not sign of any coming) and little interest in staff participation. I pretty quickly realized the chance of assembling a volunteer committee for the nomination period was slim. I put my attention at the early stage into establishing legitimacy for the elections to encourage greater participation from staff and eventually volunteers.

### ***Candidate Recruitment***

To encourage candidates we posted calls for nominations of the WPFW website and on the various WPFW-related email-based listserves. The iGM (Ron Pinchback) produced a cart, announcing the call for candidates with copy included below in Appendix I. This announcement ran sporadically throughout the Nomination Period. The person in charge of that at WPFW, Yolanda Turner, was asked to provide me a copy of how many times the cart ran each week. She did not. I did eventually get a schedule at the end of September which seemed to reflect the cart ran about 10 times a day. In addition to the announcements, I hosted a 30 minute call-in show about the elections every Thursday from 11am to 11:30am.

After hearing about the election, candidates contact me via phone or email. I made arrangements to either email or mail the election packet. Before releasing the packet I had the opportunity to explain the Fair Campaign Provisions (FCP). Though no correlative relationship can be firmly established, my opinion is this clarity of the rules from the outset is a large part of why we did not have any FCP violations in DC.



Twenty-three Listener Nomination Packets and six Staff Nomination Packets were sent out – most of which were distributed in the last week of the nomination period.

Thirteen Listener Members and four Staff Members returned completed packets by the deadline.

There was absolutely no interest for meet-n-greets or other friendly activities, though we did manage to host 2 signing parties on Sept. 18<sup>th</sup> and 25<sup>th</sup> at the station. These were held for people who had already decided to run and just needed signatures. Basically candidates signed each others forms and waited for people to come into the station who might also be qualified to sign. There were no staff members and no LSB members at these events.

### ***Collection of Voter Lists***

A detailed memo that lays out the process of assembling and auditing the membership lists is included in Appendix II. In summary, there were few problems with collections of donor and paid staff lists; but due to poor record keeping for volunteer hours, the listener-volunteer and unpaid staff lists were based on guesses and intuition. With fewer than 2 dozen replacement ballots requested, it is reasonable to assume these guesses were pretty good!

The paid staff list was gathered from the website. I confirmed the list with the business manager, Robert West and got addresses from the Office manager, Gerrie Madhi. The listener-sponsor list came from the development team, under the direction of Tiffany Jordan. The audit of that list was highly accurate.

The Development staff was able to run the macro on Memsys which removed donors with less than \$25 in contributions and provided dual entries for households with two names and donations over \$25. The problem, however, is with record keeping of the second names. If a donor, at any point, listed a second name on their account, that name

would still be there for this election. The WPFW development staff doesn't erase names. By the same token, the volunteers do not ask for second names. Many households with over \$50 in pledges only got one ballot. Still others received 2 ballots even though they did not mention a second name in this round of pledging. This seems inherently unfair, though I don't have a suggestion for how to solve the problem.

In contrast to the paid staff and donor lists, the condition of the volunteer lists was much more ambiguous. There was no real way to track any WPFW volunteers outside of fund drives. There is a sign in process for participating in fund raising so I began with those lists. First, participants are asked to fill in a volunteer contact sheet. This provided phone numbers and addresses, however, volunteers are only allowed to fill this out once, so if someone volunteered first in 1996 and participated within the record dates of this election, the only address I could access was from 1996.

I was able to track volunteers through hand-written sign-in sheets from the day of a fund drive. Basically I had to assume anyone on the lists worked for 3 hours (one shift is 4 hours so this is a reasonable assumption). I then look at their name, tried to decipher their handwriting, and if possible compare the name to one from the volunteer contact sheets. This was time consuming and potentially inaccurate. It also left out non-fund-drive volunteers.

To reach out to other volunteers, I posted the volunteer lists I had and asked people to contact me if they were not on the list. We also announced these lists were available (Appendix I). This garnered little response. I followed up by emailing and calling each programmer and LSB member and asking them for names of any volunteers. Again, this garnered very little response (a handful of names at most). So perhaps there are no WPFW volunteers outside of fund-drives.

By the same token that meant there was absolutely no way to track unpaid staff. In consultation with the iGM, I made an executive decision to include all programmers as unpaid staff. Most programmers at WPFW have a 1 hour weekly show at minimum.

This would mean 4 hours on air. I extrapolated that there would be at least 6 hours of preparation time. This was due to some conversations at the time that some of the unpaid staff collective bargaining units estimated 4 hours of prep for each hour on air.

In retrospect, I learned there is no such rule in effect at WPFW, however, I just couldn't come up with a better way to figure out who qualified as unpaid staff. I could have contacted each programmer and requested they submit hours for June, July and August but my sense was that I would get a very small response, especially in August when DC is a ghost town.

### ***DC Radio Co-Op Qualification***

The final issue that falls into this category relates to the status of the DC Radio Co-op. The Co-op is an organization founded by a contractor to WPFW. After speaking to many members of the Co-op and WPFW, the only thing that's clear to me is that the relationship is unclear and informal. In short, the Co-op provides a tremendous amount of labor to WPFW's news and public affairs division. In the process, they've trained hundreds of people on radio production.

The Co-op was initially supported by the iGM but it seems like the project grew out of his control and the station resources were being used for other means such as producing for Free Speech radio. Complicating matters, the most closely involved Co-op members are paid a stipend for their work, but the stipend (\$35 a story) comes through a single person who receives payment as a contractor from WPFW. On the positive side, the Co-op maintains excellent records for their volunteers.

I don't think the By-laws adequately address this group's role in WPFW. I think the 'subcontractor' status of the members doing the most hours really makes things unclear. For the election, the issue became: "Is DC Radio Co-op a part of WPFW?" This question was never answered, but in the end a negotiated settlement was reached between the two groups regarding who could vote and in which categories for the

election. This ended up being about 15 of the 104 staff members and around 70 listener-sponsors.

## **Nomination Period Recommendations**

1. There should be standard text for all announcements and a regularized, mandated playing schedule with deadlines and consequences. The Nomination Period provided my first experience of the difficulty in getting carts played in a reliable fashion. This struggle would present itself throughout my tenure. In this case I asked the iGM to produce the cart and put it into rotation. For 2-3 weeks, I was told this was going to happen imminently. Ultimately it did but with a lot of pestering. Simply asking was not enough.

There is a system at WPFW where Yolanda Turner puts the PSAs into a book which programmers have to check and sign when they play announcements. Even then, it was difficult to ensure that it was followed, but it does go some way to getting the carts played once they are produced and officially in rotation. For me the road block, consistently, was the overworked iGM who just couldn't make the Pacifica elections a priority. The carts were always EVENTUALLY produced and put into rotation often very late making the job of the getting information to voters and candidates much harder. Insist on getting contact information, and strongly encourage (if not require) potential candidates to give email addresses before sending the packet.

2. There should be a system for tracking volunteer hours throughout the year. While Local election supervisors are hired just 6 months from the election, starting at the beginning of the record year, a staff member should be charged with gathering current contact information for each volunteer. At the end of each fund drive, all participants who gave 3 hours of their time should be moved into a volunteer-voter database with the correct contact information. The LES can be in charge of dedupping the lists she or he is presented with at the start of the election period. This person must be responsible for interfacing with all staff and boards that supervisor volunteers, including the LSB and LSB committees as appropriate offering each volunteer contact information sign up

sheets for each volunteer who works more than 3 hours. Again these names should go into the volunteer voter database and should be updated in conjunction with each fund drive for later dedupping.

3. For groups like the DC Radio Co-op where the status of the group is uncertain, the Local Election Supervisor is in a difficult position. The staff voters were so few in number that I essentially got them all directly from the GM. Posting them in the station with clear rules about who qualifies seems the best way to get complaints and challenges in early. In terms of the volunteers, these should be entered into the database throughout the record dates under the control of a volunteer coordinator (outlined above) so they would not all be in contention at the same time right before the ballots were about to go out.

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## **PART II: The Campaign Period**

On Saturday, September 25, I planted myself at WPFW for a good portion of the day. All but 3 of completed packets were turned in to me in person on that day. About ten of the candidates spent much of the day at the station collecting signatures. At 5:30pm I stopped accepting nomination packets. On Monday September 27, 2004, I forwarded for certification the names of 13 listener-sponsor candidates and 4 staff candidates. On September 30 I sent each candidate a letter via email and US postal service outlining their responsibilities for the campaign period (see Appendix III: Letter to confirmed candidates). A week after the letters were sent out, I had a volunteer call each candidate and personally confirm receipt and comprehension of the letter.

During the campaign period I worked with candidates, staff, and volunteers to complete the following tasks:

7. Posting 500 word campaign statements and questionnaires on the station's website for candidates in both elections;

8. Recording 88-word candidate statements played on air in rotation for candidates in both elections;
9. Appearing twice on the hour-long LSB show on the election process;
10. Organizing 2 rounds of on-air forum for each listener-sponsor candidate – one in the 11am – noon time slot the last week in October and the other in the 9pm – 10pm time slot during the second week of November). Candidates were invited to appear in one daytime forum and one night time forum; and
11. Hosting a live community forum for listener candidates on November 6<sup>th</sup> at a Starbucks on Capitol Hill.

### ***Community Forums***

Participation in on-air and live events was generally low. The on-air forums would get less than a handful of calls and the community forum was attended by about half a dozen people. While these events were announced on air it was usually only at the last minute and with sporadic live reads for programmers. Publicity of campaign events needs much improvement but to improve the elections must have more support from the staff, especially the GM. Though candidates were welcome to campaign by email and on website, did mailings to the membership, and did automated phone calls.

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

iGM Ron Pinchback scheduled two sets of five 1-hour candidate forums from Monday, October 25 through Friday, October 29 at 11am and Monday November 8 through Friday November 12 at 9pm. There were either 2 or 3 candidates at each forum. Forums with 2 candidates were 40 minutes, those with 3 were scheduled for 60 minutes. Appendix IV contains the format used for these forums. This was created in conjunction with Caleb Klepper, the WBAI Election Supervisor.

The programs were moderated by myself and members of the volunteer election committee including Annette Carrington, T.C. Williams, Jessica Wilkie, Lana Gendlin, Rich Malhotra, and Roland Daniz. Because it's such a high profile

activity, including volunteers as forum moderators really promoted ownership and involvement.

In addition to clearing the airtime for us, Pinchback also secured engineers for the forums. The supervisor and election committee were fully in charge of all other details including notifying candidates, developing the format, and encouraging listenership through email announcements and lists. Very little on-air and website promotion was done by WPFW except what we begged for and managed to wrangle out of them at the last minute.

### ***Candidate Publicity***

Candidates were notified in writing (see Appendix III) of the requirements of statement recording. In each case I was to review and approve statements before they were recorded. In all but one case this happened without a problem. One candidate was out of town for an extended period. When he came back statements were already playing so he took it upon himself to record a statement. This statement did not meet the requirements but the iGM dropped it right into rotation. Luckily I caught it right away – before it even aired – through a coincidental phone call. The candidate then went through the proper steps.

In terms of posting of all candidate statements and questionnaires on the station websites we were generally problem free but limited in our capacity. The statements were posted on 9/27 – the first day of the campaign period – and edited once around 10/17 just before the ballots were sent. No other edits were allowed.

### ***Waiver policy***

While a Waiver policy passed the WPFW LSB in October of 2004, this was not in time to issue waivers within the record dates of this election.

### ***Fair campaign violations***

There were no complaints of fair campaign violations.

## **Campaign Period Recommendations**

1. For the on-air forums, one source of minor confusion was that the engineers made some conflicting rulings about whether current LSB members could call into on air forums. At least one caller with a legitimate question and right to call was turned away. Better communication, training and guidelines for the forum engineers would have improved the process.
2. It would have been nice to have recordings of the statements and pictures of the candidates also added to the website but there were staff limitations that made this impossible. Other problems related to this particular limitation crept up throughout the election. One solution is to hire Local Election Supervisors with web skills and empower them with the tools to create the online election presence themselves. I might have needed a volunteer to help me but I much would have preferred having the ability to make substantive changes to our website on my schedule.
3. A clear orientation to the FCP at the front end of the campaign, will likely decrease violations.
4. For stations with Waiver policies, there needs to be a point person on the LSB who is charged with communicating with the LES. The lack of a secretary on the WPFW LSB during the election period made communication very difficult. It's possible with a secretary the waiver policy would have been put into place for this election.

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## **PART III: The Ballots, Voting & The Vote Count**

For the middle 3 weeks in October there was a lull in on-air election activity at WPFW due to the Fall Fund Drive. During this time ballots were prepared and candidates recorded their on-air statements. Ballots were sent out on October 27<sup>th</sup> and it was around this point the on-air statements and the election announcement cart (seen Appendix V) started running.



The ballots were prepared in large measure by the National Election Supervisor. Though I do not believe the members of WPFW would have revolted with the inclusion of candidate statements, it's my believe this was the correct decision, especially with such a disengaged electorate. WPFW easily could have been shy of the required quorum without the inclusion of the candidate statements. As it was we did not know if we made quorum until the final ballot collection on 11/30/04.

Beginning November 6<sup>th</sup> I made my first of 3 trips to the PO Box with 2 volunteers – one listener volunteer and one unpaid staff volunteer. They watched me open the PO Box. I took out all the ballots and volunteer 1 (Bobby Hill-staff) counted the ballots. His count totaled 170. Then volunteer 2 (Steve Pretl-listener) counted and he too reached 170. I had each sign the attached simple form which I had signed, dated, and noted that there were 170 ballots. Each signed as witnesses and I took the ballots home with me in a US Postal service box. The process took 20 minutes. We repeated this process exactly on November 13<sup>th</sup> and November 20<sup>th</sup>. On the morning of the vote count the same process was followed with two listeners, Steve Pretl and Rich Malhotra.

Later on Monday, November 30th The ballot count was held at the Takoma Village Co-Housing Common Room. Though a little difficult to find, this venue served the purpose well. This event was open to the public and was posted on several listserves, on the website and mentioned on air in all the vote-related carts (see Appendix V).

We had about a dozen volunteers and the count went smoothly. Approximately 4-5 observers occupied the gallery at various times. Results were emailed by 10pm that same day and were posted on the WPFW website within twenty-four hours. It was difficult to get the full results posted on the website because of staff skill limitations. Ballots and stubs were boxed on November 30th and mailed to Pacifica to the attention of Ms. Duarte on December 8th.

Donations and surveys were collected and were delivered to the KPFT Membership Director, Tiffany Jordan for processing. Approximately 600 surveys and \$4400 were collected.

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

1. The middle of the presidential election – or any national election for that matter – is simply bad timing for the Pacifica LSB elections. This should be reconsidered.
2. While Article 4, section 4, paragraph B of Pacifica's bylaws says the duties of the Local Election Supervisor include: "...overseeing the preparation and distribution of the election ballot;" the ballots were largely prepared and distributed at the oversight of the National Election Supervisor. This took a lot of pressure off the Local Election Supervisors and allowed for a uniformity of the ballot, however, it is possible to interpret this as a violation of the bylaws and should be closely considered for the next election.
3. In any case, for the next election the National Supervisor should make sure Local Election Supervisors receive advanced copies of the ballot as it is mailed to the voters.
4. In general voters seemed confused by the ballots and how to properly return them. Including the survey – though revenue generating – did seem to cause some degree of confusion about what to fill out and where to return the ballots. There was also confusion with listener and staff members being listed in the candidate statement booklet. Some members didn't realize that they didn't get to vote in both classes and wrote in names from the staff election on the listener ballots.
5. The non-profit, bulk mail reached DC voters in a reasonable amount of time. Clearly this is because ballots were mailed from our area. For that reason I recommend all mailing should be done bulk rate but from the area in which the election is occurring. In addition, for people requesting replacement ballots, there should be an online voting option in lieu of resending the ballots. These online votes would need to be closely monitor for fraud but I suspect this is quite possible.

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## Acknowledgements

In addition to the tremendous support of the National Election Supervisor, Kenny Mostern, the community created through emails and weekly calls with the other local election supervisors was indispensable. Without them this job would have been exponentially more difficult and significantly less rewarding. In addition I am grateful for the help of Local Election volunteers: Steve Pretl, Annette Carrington, Dorcas Dessaso, Mary Ward, Mark Sibert, TC Williams, Renaldo Morrissey Bey, Desmond Leary, Schuyler Borton, Rich Malhotra, Roland E. Daniels, Jessica Wilkie, Sara Johnson, Bobby Hill, and the Election Assistant Lana Gendlin. It took a long time to build the trust needed to assemble this talented group. Sadly, I do not believe these folks reached the point where they will have a standing Elections Committee as is outline in the bylaws; though such an effort in this direction should be encouraged.

The seriousness with which the volunteers took this commitment was matched to a large extent by many of the paid and unpaid staff members at WPFW. Particularly:

- ✍* Gerrie Mahdi for handling so many calls and walk in questions
- ✍* The development staff (Tiffany Jordan, Sataria Joyner, and Bryan Bernard) for having such great recording keeping skills, for keeping the website up to date, and for making me feel like a part of the family.
- ✍* Lona Alias, Sidrach Franklin, Yolanda Turner and the other engineers who help get the carts and candidate statements recorded and played
- ✍* Ryme Katkhouda for helping recruitment of volunteers
- ✍* All the generous programmers and engineers who were preempted for election forums, played the carts and statements, and engineered the on-air forums
- ✍* And the iGM Ron Pinchback, who though he was overworked and pulled in many competing directions did welcome me and work significantly to keep the elections on track.



# APPENDICES

## **Appendix I: Nomination CART**

It's election season at WPFW again. This autumn we are electing 12 new delegates to the Local Station Board. Three seats are for staff members and the remaining 9 are for listener-sponsors. Unpaid staff members who devote more than 30 hours over 3 months to WPFW can run and vote in the Staff election; while volunteers who have donated 3 or more hours of their time between September 1, 2003 and August 31, 2004 can run and vote in the listener-sponsor elections. In order to verify the accuracy of the unpaid staff and volunteer lists; the lists will be available for review at WPFW through the end of August. Please take the time to review the list and note any discrepancies by contacting Angela Lauria, the Local Elections Supervisor, at 202-588-0999 ext. 320 or [elections@wlfw.org](mailto:elections@wlfw.org)

## **Appendix II: List Audit Memos**

### **MEMORANDUM**

**TO:           Kenny Mostern, National Election Supervisor**

**FROM:       Angela Lauria, Local Election Supervisor**

**RE:           WPFW Audit Procedures**

**DATE:        August 27, 2004**

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#### Collection of lists

WPFW development staff members Tiffany Jordan and Sataria Joyner provided you first drafts of the lists at the very end of July. It has become clear to me in the past week that these lists were in no way in compliance with the memo regarding the transmittal of accurate lists which you distributed to GM's on June 30 and which I distributed (with your help) to the development staff during the last two weeks of June. It appears that memo was all but disregarded and the volunteer and unpaid staff lists that were sent to you were simply the original (unedited) lists generated last year. The memsys list was pulled in June so it was updated from last year but no attempt has been made to write the DB scripts suggested in order to remove duplicates and to make sure households with multiple members are listed separately.

Following is my assessment of the status of the lists and possible remedies for getting more accurate lists for the mailing deadline. These suggestions are merely stop gap measures for this election. Longer term solutions are needed but would look much different than the suggestions posed herein.

### Posting of lists

Regarding posting of lists – volunteer and unpaid staff list were posted and distributed to all paid staff and programmers. I have received a handful of comments and corrections. (It was through the posting of these lists that I identified the lists as old. I do not believe there was malicious deceit in giving these old lists, rather a careless disregard of the memo and subsequent verbal instructions.) Development staff have made themselves available to confirm paid memberships and I have confirmed membership of the candidates who have signed up to run.

### Auditing of lists

#### **7. Donor List (Memsys Membership Database)**

##### *Procedure one.*

Duplicates and multi-member households were found, however I did not return the list “to the membership director as incomplete” as per your suggestion because the membership director and coordinator basically informed me there was no way they were going to have the DB person write a script. We’ll need your help getting this to happen. I went ahead with the audit for accuracy and list stuffing despite this known error in the DB. I was able to later go into Excel, sort by second name field and then by donation amount. I manually add doubled entries for those members listed with two names who gave more than \$50. There were only a couple hundred of these so it was possible (though not practical) to do by hand. I also sorted by address and manually scanned for



dups – this was more work and I didn't finish it because I figured if I was going to have to do this I only wanted to do it once with the final list. It's possible though – but not fun and if there are dup named at different addresses I can't delete one of those without access to memsys to see which is the more recent entry.

*Procedure two.*

Our station has about 13,000 members so I audited 130 records.

**Part I**

I took 64 pledge cards at random from all three qualifying pledge drives and checked them for accuracy of input. Typographical errors on either names or addresses were found in 8 of card. These were things like inverted letters or switching the term Ct. for St. or other small issues that were not likely to effect delivery. There were 8 cards that had problems with phone numbers or second name fields (4 of each category). Again these are not likely to effect delivery though they do point to a specific database issue which is that when data is entered into memsys, previous information is not deleted so if someone lists a work number when they pledged in Feb. 2004 but when they pledged again in May 2004 they did not give that number again, the work number would not be deleted. In the case of numbers this isn't a big deal. The problem is with names. Let's say Mary Smith calls to donate in Feb. 2004. She donates \$25 and lists her partner Kim Davis. In May 2004 Kim calls back and donates another \$25. This time she doesn't list Kim's name. The DB entry person will not delete Kim's name even if Mary and Kim have dissolved their relationship. A ballot would then be sent to Kim Davis and it would be forwarded by the post office even if Kim has moved out. This occurred in about 6% of the cards I reviewed so maybe it doesn't matter for this election but it is a systematic hole that should be plugged when possible.

**Part II**

I selected 66 records at random from the memsys database. These members pledged in each pledge drive and more than half were members who pledged on their own – outside of the confines of pledge drives. For those who gave through a pledge process I checked

their records against the pledge cards. For those who pledged on their own – often through a membership renewal process, I checked the “lock box” receipts which were also organized by date and cumbersome but relatively easy to look through. Both pledge cards and lock box receipts were in chronological order. The lock box receipts were in much better condition with almost 100% accuracy. The pledge cards were in order generally by date and show (break numbers) but this was much less organized. Everything seemed to be there but it required a bit of digging. In these records there was only 1 problem with addresses (again minor); 5 with phone numbers; and 3 with missing or additional second names. There was one record for which I could not locate a paper record. This person, Nick Akash, was a “Walk-in” and donated cash. The membership coordinator was totally stressed that she couldn’t find the record and was incredulous that his record was missing. I wouldn’t be surprised if she found it the next time I saw her. In short only one of 66 records were un-locatable which is about a what, 1% error margin? I do not believe that it is plausible that names have been entered fraudulently into memsys at WPFW. In total there was an accuracy of about 81% but none of the errors were of the sort that were likely to effect deliverability.

### *Procedure three*

In accordance with your request this memo outlines my findings. Specifically:

According to my audit, the addresses in the database accurate were over 90% correct.

According to my audit, less than 2% of records cannot be accounted for and/or pledge cards have never been turned into records.

## **8. Volunteer Lists**

### *Step one.*

The volunteer list is trickier to both assemble and audit. There are various types of volunteers some of which I may not know about but here are the 4 categories of which I am aware:

- 5) Development volunteers (phone bankers)

- 6) DC Radio Coop volunteers
- 7) Program-specific volunteers
- 8) LSB committee volunteers

Of the 4 categories WPFW currently loosely tracks members of groups 1 and 2 which I will detail in the following paragraphs. **There is no known tracking, recording, or registration of volunteers in categories 3 and 4 and therefore I have taken no action in the auditing of such volunteers.**

**Category 1** volunteers are tracked by multiple means. Each is asked to complete an application. Their application is dated and logged into an access database with all contact information. Volunteers are contacted via phone and email when there is a phone banking need, and when they come to work for a they sign in. The sign in sheet – a paper record, is a loose-leaf note book where people sign their name and the date and time in and out. From looking at the access database there is absolutely no way to tell if a volunteer has ever come in and there is no way to tell if they have come in during the record dates. From the paper records you would be able to tell who came in and for how long but there are problems with the paper records.

First there is a lot of paperwork to sort through – it's messy and hard to read. Second, volunteers and staff members seem to sign in so there is no way of knowing who qualifies for other categories if we were to type names into a DB. Third, and most important, people often sign in only first name, last name, or nick names. People may sign in who have never filled out an application and people who have filled out an application may never sign in – though they may have worked.

One suggestion is to hire a temp to type in all the paper records (which include times when people remember to sign out – about 70% of the time). Then the temp would need to sort by name, combine hours for multiple entries and for those with more than 3 hours, check to see that they have an application on file and from there get their contact information. It's a good 2 week job. You can use the volunteer database but this includes

volunteers who applied as far back at 1996 so they would not all qualify and I am sure to include them all would be seen as stacking the decks.

I have a good list of people the 195 who APPLIED to be volunteers this year. I took a sample of 46 volunteers (about 25%) and of those I found records for 35 (about 75%) of those most (75% again) had in and out times that indicated they had more than 3 hours... the others had less than 3 hours in the one drive period I examined or no out time. In these cases you'd need to review all records not just the one drive I examined. This took about 4 hours to do and was pretty scientifically inaccurate (e.g. I could have missed something). Of course the long time volunteers are actually less likely to sign in and more likely to notice if they don't get ballots but this is what we are working with – again long terms processes are needed.

**Category 2** volunteers are associated with the DC Radio Co-op. DCRC is alternately described as an independent community organization, a partner organization, and an integral part of WPFW. It's relationship to WPFW is legally ambiguous. The groups vision and commitment to grassroots, progressive public affairs programming is unquestionable by all sides. According to DCRC organizer Ryme Kathhoda (and iGM Ron Pinchback), volunteers for DCRC may also volunteer WPFW. Volunteers who qualify through their WPFW volunteer activities who are members of DCRC are tracked by Ryme. In addition to fundraising (which all programmers are asked to do), these WPFW activities could include:

5. Producing "weekend preview" for metrowatch. This is a five minute pre-produced "segment" of announcements for events coming up over the weekend that is aired on Friday morning on metrowatch. It takes at least 3 hours to put this together each week.
6. Helping with "Weekend recap" which, like weekend preview, is a five minutes segment played on metrowatch, on Monday mornings, reviewing events of the weekend. it takes 6-7 hours among like 5 to 7 people to make this.

7. Creating pre-produced 3-minute features for metrowatch, at least two, usually three times a week. these take anywhere from 3-6 hours depending on skill level, time spent gathering sound, etc.
8. Doing live interview on metrowatch, three times a week. these are five minutes each, but require a couple hours prep time, for getting a guest, writing a script, etc.

The tentative process we have in place is for Ryme to present this list to Ron for approval or denial. My suspicion is that massive denials will revolt in protest from DCRC. The problem is that Ryme promised to present this list to Ron over a week ago and it still hasn't happened. I am continuing to stress the importance of doing this sooner rather than later. Once I have the approved list from Ron I can do a phone audit but I don't know what kind of paper records Ryme will have.

*Step two.*

I have a phone list of new (Category 1) volunteers who have applied and can do an audit from that list but I have put this on hold until we solve some of the questions in Step one. If I call from this list of people who applied it's not an audit of the qualified voter list but rather just people who applied so there will be a low percent of those that are correct so it seemed counter productive. In terms of supervisor – that's the development team and they weren't sure if they could confirm volunteers by name because there are so many and they don't know everyone who comes in since many just come for a day or two.

I do not have a list for any of the other categories.

*Step three.*

This audit is incomplete due to extreme problems with and lack of a list to audit.

## **9. Members Who Receive Waivers**

It is unclear whether or not the LSB voted on, passed, or approved a Waivers resolution. I have heard that they both have and have not. No policy has been sent to me and therefore I am moving forward as if it does not exist.

## **10. Paid Staff Members**

I have every reason to believe the staff list is accurate and unassailable.

## **11. Members of Unpaid Staff Organizations**

WPFW does not have an unpaid staff organization.

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

Unpaid staff lists have a similar situation as the volunteer lists. There are at least 2 categories of unpaid staff: independent programmers and DC Radio Coop programmers. It's possible there are other volunteers who meet the unpaid staff criteria, however, I don't have a way of identifying those people.

In terms of independent programmers, I have a list of programmers, their shows and the hours of their shows. There is a sign in book and I have rectified many names from the lists with the book, however, many programmers do not sign in and the sign in sheets don't list their hours. The program schedule lists their hours and for a person with 2 hours a week or more of airtime, it's pretty easy to assume they meet the criteria when you include prep time. But what about programmers who have a 30 minute weekly slot and/or groups that share a slot. For instance "Sophie's Lounge" is a 2 hour weekly show that has 5 rotating hosts. These people may be volunteering in other ways that add up to 10 hours a month but there are mostly likely not paper records of this and the volunteering may not be under management supervision. The only way I can think of to ascertain this data is to ask each programmer to sign an affidavit login at least 30 hours of

work in June, July and August and have Ron sign off on that before putting them on the mailing list.

DCRC programmers again rest with Ryme. She has a list of people whom she believes meet the criteria – herself included I believe. There is one legally sticky issue here. Ryme is paid on a 1099 and is considered an independent contractor. Two other DCRC folks (Tom Gomez and Ingrid Drake) are also paid but it's still unclear to me if they receive a 1099. I do know that Ingrid distributes small payments to other DCRC members in \$35 stipend checks for segments they produce. Largely this is to cover expenses but it further muddies the waters about the status of these people. The Pacifica Foundation FAQ states that “if a FSRN (Free Speech Radio News) individual is under the general supervision of one station's program director, then that individual could qualify (if they meet the other staff criteria) as station staff. But if they do their work outside the organizational structure of any particular station, they cannot be deemed "station staff," but are more like independent contractors. In this case they would be allowed to join as listeners (the same as national staff are allowed). Then they could vote in the listener elections, but not be a candidate unless they stayed off the air until the close of balloting (due to the fair campaign provisions).”

The way I interpret that all DCRC members would be limited to the listener category but as we have discussed if it's a handful of people we may just want to let it go. Bobby Muldoon suggested that they may be an “unpaid staff org” I don't see that but I do see the possibility. In any case DCRC and WPFW should have a written agreement but that is not the concern of the elections supervisor. What I need is an audit procedure for the DCRC programmers and volunteers.

## **MEMORANDUM**

**TO:           Kenny Mostern, National Election Supervisor**

**FROM:** Angela Lauria, Local Election Supervisor (WPFW)

**RE:** REVISED WPFW Audit MEMO

**DATE:** September 26, 2004

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### **1. Donor List (Memsys Membership Database)**

Following the instructions of Lisa Ballard in Berkley, Sataria Joyner was able to remove duplicates and add entries for multi-member households. I audited 130 records from memsys, half by checking pledge cards first and looking them up in the DB and the other half by randomly grabbing DB entries and looking up their pledge cards. As per my 8/27, this audit meet with very good accuracy. I found about 16 minor typos in the 130 entries.

### **2. Volunteer Lists**

I assembled the volunteer list from 3 different sources.

- 1) **Development volunteers (Bryan's List)** – Bryan Bernard in the Development department when through hand written sign in sheets and compared them to his database. He then gave me the full contact information based on volunteer applications where he had it and when he did not, I have names only in case they request a late ballot.
- 2) **DC Radio Coop volunteers (DCRC)** - The DCRC coordinator provided me with a list as per an agreement reached between herself and iGM Ron Pinchback. Both Ryme and Ron agreed on the list in my presence.
- 3) **Program-specific and LSB committee volunteers (Ron's List)** – Each programmer and LSB member was called and/or emailed and requested to provide names and addresses of any volunteers who work on their shows or



committees. In addition, lists were posted for over 6 weeks and for any programmers who commented with names, I had Ron review and approve before putting on my list.

I conducted a 10% phone audit of all volunteers. And reviewed volunteers with immediate supervisors (list provider) and Ron as needed.

### **3. Members Who Receive Waivers**

There were no waivers for WPFW in this election

### **4. Paid Staff Members**

I confirmed the Staff list with Robert West the Business Manager and Gerrie Madhi, the front desk person.

### **5. Members of Unpaid Staff Organizations**

WPFW does not have an unpaid staff organization.

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

I assembled the volunteer list from 2 different sources.

1. **Programmer's List** – Gerrie Madhi at the front desk keeps a list of all programmers. These folks all meet the unpaid staff criteria. A volunteer called each of them to verify their qualifications were met specifically in June, July, and August.
2. **DC Radio Coop List (DCRC)** - The DCRC coordinator provided me with a list as per an agreement reached between herself and iGM Ron Pinchback. Both Ryme and Ron agreed on the list in my presence.

No other unpaid staff were accounted for and no additional auditing was completed.

## **Appendix III: Letter to confirmed candidates**

September 30, 2004

Dear Candidate,

Congratulations on your confirmed candidacy for the WPFW Local Station Board. There are three issues coming up in the campaign process which I wanted to review with you: the on-air Candidate Statements, the on-air Candidate Forums, and the off-air Community Forums. This memo has a lot of information. Please be sure to read it carefully and contact me if you have any questions.

### **Candidate Statements**

The next step in the process will be the recording of one-minute promos which will be played on air the week beginning October 17<sup>th</sup>.

As you all know, WPFW is gearing up for its Fall Fund Drive which will be from October 3<sup>rd</sup> through October 16<sup>th</sup>. Studio space and station resources are at a premium in the next few weeks. We have a window of opportunity in which to get the promos recorded without compromising the Fund Drive. Your consideration is requested in reading the following policies and guidelines carefully. If everyone cooperates by following the policies to the letter we can accomplish the recording of the promos expeditiously and smoothly.

1. Each candidate should prepare a statement of a maximum of 88 words. To insure consistency and to make sure the promos are recognized as electoral statements by the listeners your statement must begin with the words;  
“Hi, I’m (insert name) and I’m running for the Local Station Board.”

2. This statement must be faxed, e-mailed or otherwise received and approved by me before your statement is recorded. The statements will be checked for word count and to ensure no rules are violated. Approved statements will be provided to the recording engineer. If there is any discrepancy between the approved statements and what you record, you may be asked to re-schedule to a later date.
3. Each candidate will read his or her own statement. There will be no guest endorsers or speakers. The candidates own voice will be the only voice which will be heard on the final recorded statement.
4. Statements will not have a musical background or sound other than your voice.
5. You may include multiple languages in your 88 word statement or you can record one statement in English and another in Spanish. Each candidate will have the option of recording their own Spanish-language version of their statement. If you do not speak Spanish or if you prefer not to record your own Spanish language promo it will be translated and recorded for you. Please indicate at the time you submit your statement whether you want to record your statement in Spanish language and if you are or would prefer to voice it or have the station arrange for it. The station will choose the translator and speaker. Note also if you choose to have your statement in Spanish, your total number of playing slots is the same as if you recorded in English only. In other words, half of the time your Spanish recording will air and the other half of the time your English statement will air.
6. If you make a mistake or flub a word you may be asked to re-do that particular section of your promo and it will be dubbed-in later. Because of the pressure of time, the recording engineer will have final say as to how many re-dos will be allowed. There may not be an opportunity to hear the finished statement after you have recorded it.

You should plan on spending 15 - 20 minutes recording your statement. To record your statement you may show up at the station any weekday from 11am and 4pm between Monday, October 4<sup>th</sup> and Friday, October 15<sup>th</sup>. It is difficult, but possible to arrange evening or weekend recording time for your statement. If you will need an evening or weekend appoint contact me as soon as possible.

Your cooperation in rearranging your schedule so that you can be available for one of these dates is greatly appreciated so that the station can prepare for the Fund Drive. Please contact me as soon as your 88 word statement is ready.

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

One-hour long, on-air, Candidate Forums will be held each day from Monday Oct. 25<sup>th</sup> to Friday Oct. 29<sup>th</sup> at 11 am and Monday November 8<sup>th</sup> to Friday November 12<sup>th</sup> at 9 pm. Listener-sponsors are invited to pick one morning slot and one evening slot (for a total of 2 slots). A minimum of two and a maximum of four candidates will participate in each forum. Send me your selected dates by October 15<sup>th</sup>.

**I will need 2 morning options and 2 evening options rank in order of first and second choice from each candidate. If you do not provide me dates by October 15<sup>th</sup>, I will assume that means you are available for any date and I will schedule you for two sessions of my choosing.**

### **Off-air Community Forums**

**SAVE THE DATE:** Community forums are being planned for Saturday, November 6<sup>th</sup>, with sessions at 11am for staff candidates and at 2 PM for listener-candidates. Details will be announced shortly.

Any questions, please contact me at (202) 588-0999 Ext. 320 or e-mail to [elections@wlfw.org](mailto:elections@wlfw.org).

Sincerely,

Angela Lauria  
Local Election Supervisor

## Appendix IV:Format and guidelines for on air forum

**Location:** WPFW | 2390 Champlain St. NW | Washington DC 20009 | 202-588-0999

**Time:** 9pm, Monday – Friday, Nov. 8 - 12. Please arrive 15 - 30 minute before show starts to introduce yourself to the candidates and talk to the engineer, who will handle the calls and jump in if there are any major problems. If you are planning on parking on the street near the station, give yourself at least 20 minutes to find parking and walk to the station. If you are planning on calling in (we can have one candidate call in per forum) please let me know so I can give you the instructions and make arrangements with the WPFW staff.

### Moderators & Candidates Schedule:

<b>Monday, October 25th, 11am</b>	<b>Tuesday, October 26th, 11am</b>	<b>Wednesday, October 27th, 11am</b>	<b>Thursday, October 28th, 11am</b>	<b>Friday, October 29th, 11am</b>
MODERATOR: Annette Carrington	MODERATOR: T. C. Williams	MODERATOR: T. C. Williams	MODERATOR: Roland Dainz	MODERATOR: Lana Gendlin
Guest: Angela Lauria	Amanda Sweet	Ayo Handy Kendi	Carol Wolfe	Gloria Turner
Luzette King	Cade Campbell	Zarinah Shakir	Mustafa Amsal Laskar	Thomas Ruffin, Jr.
C. Jane Gatewood	Joe Chiara	Alicia Milla	Alan Barysh	40 Minute Forum Only

<b>Monday November 8th, 9pm</b>	<b>Tuesday November 9th, 9pm</b>	<b>Wednesday November 10th, 9pm</b>	<b>Thursday November 11th, 9pm</b>	<b>Friday November 12th, 9pm</b>
MODERATOR: Angela Lauria	MODERATOR: Annette Carrington	MODERATOR: Lana Gendlin	MODERATOR: Jessica Wilke	MODERATOR: Rich Malhotra
Jane Gatewood	Alicia Milla	Ayo Handi Kendi	Luzette King	Amanda Sweet
Carol Wolfe	Gloria Turner	Cade Campbell	Mustafa Amsal Laskar	Thomas Ruffin, Jr.
	N.B. Turner was a NO SHOW	Alan Barysh	Joe Chiara	Zarinah Shakir

**Job of the Moderator:** Hosting an on-air candidate forum on WPFW radio for candidates running for Local Station Board (LSB). The goal of these forums is to treat every candidate equally and to give each candidate the same opportunity to respond to all questions.

You do not have to ask questions (unless no callers are calling in, which is unlikely – I’ve got a few stock questions below in case this happens). Your job really is to let speakers know when their time is up, and then let the next speaker go: “Candidate Joe Blow, one minute response.” When callers are calling in, they have a tendency to ramble and to make speeches, so you can cut them off by thanking them for the comment/question and turning to the next candidate, “Candidate Jane Smith, one minute response.” The trickiest part is to rotate the candidate who answers the question first. I recommend rotating from left to my right, and make a note of who the starting and ending candidate is for each question, so that you can announce the starting candidate for the next question.

**Job of the Candidates:** Candidates are encouraged to speak their mind, but also to be mindful of the Fair Campaign Rules. If violations of these rules occur during the forums, action will be taken. Please be courteous and help the Moderators by abiding by the strict time limits.

## **Format & Script**

### 5. Introduction

- a. Welcome to the WPFW Local Station Board election candidate forum.  
Hello and welcome to the WPFW Local Station Board (LSB) candidate forum. My name is XXX XXXX, and I am a member of the Local Election Board, a group of volunteers working with the Local Election Supervisor, Angela Lauria, to make sure this year’s elections are conducted smoothly and without irregularities. This is one of 10 hour-long



candidate forums where WPFW listener's can hear the voices of candidates. Each candidate has been invited to participate in 2 forums during the election campaign period. This forum will feature 3 of the 14 listener-sponsor candidates. For more information about the election, you can visit [www.WPFW.org](http://www.WPFW.org), or send email to [elections@WPFW.org](mailto:elections@WPFW.org).

- b. Describe format: I'd like to begin by asking each of the candidates to introduce themselves with their full names and to make an opening statement of up to 3 minutes. If we approach that 3 minute mark, I will warn you that you have 15 seconds to wrap up your statements so we can move on to the next candidate. Once the statements are complete we'll open the phones up to callers. After all candidates have given their opening statements, in about 15 minutes from now, we will take your call-in questions. The number to call is 202-588-0893. Finally, at about 10 minutes before noon, we'll stop the questions and give each candidate the opportunity to make a 2 minute closing statement. Let's begin the statements with the candidate who's birthday is closest today's date.(<--- example only - explain how you picked who goes first)

#### 6. Format

- a. Each candidate makes a 3 minute speech
  - i. Time each statement, do not let them go over – at 3 minutes wrap them up and introduce next person
  - ii. At conclusion of the statements announce studio phone number for call-ins again: 202-588-0893 “Now you've heard from the candidates, let's hear from you. If you have questions for these candidates, please call in at 202-588-0893 now.”
- b. Questions from listeners
  - i. Urge people to avoid making speeches and instead ask a single question or make a single comment for all candidates to respond to.
  - ii. Each questions will be answered by all candidates in order

- iii. Responses are 60 seconds per candidate.
- iv. Last question starts at 44 minutes after hour
- c. Closing speeches
  - i. Aim for 2 minutes per person
  - ii. Repeat contact information, website (For more information about the election, you can visit [www.WPFW.org](http://www.WPFW.org), or send email to [elections@WPFW.org](mailto:elections@WPFW.org))
  - iii. Time permitting Announce ballot process: By now, those listener's who donated either 3 hours of their time or \$25 between Sept. 1, 2003 and August 31, 2004 should have received a ballot for the LSB Listener-sponsor elections. If you have not received your ballot by November 1st and believe you qualify, please call the National Elections Supervisor, toll free at 877-217-6928 extension 205 to request a replacement ballot. Please leave your name, address, phone, email and mention that you're a member of WPFW.

## 7. Guidelines

- a. Keep time using the digital clock in the studio
- b. Speaking order will be random, but once start person selected (e.g. by birthday) will go in a cycle from one side of studio to the other (A, B, C, D, for example, from right to left in studio)
- c. Candidate who responds to question first rotates each question. Next question will be answered B, C, D, A. And so on.
- d. Signal speakers when they have 30 seconds left and 10 seconds left. You can do so with hang signals or handwritten notes: 30 sec, 15 sec, Done
- e. I made a note of the time (minute and second) candidates started, so I would know when to cut them off. You might also keep a running list of which candidate answers next. I sometimes forget who had answered the previous question first.

- f. Remind speakers to refrain from cross-talk between candidates. Everyone has equal amount of time, gets to answer each question and speech, so don't interrupt speakers
  - g. When listeners ask questions, they have a tendency to make speeches, comments and complaints.
    - i. If it's a comment, you can simply thank them and take the next caller, or you can give each candidate a minute to respond. It's your call.
    - ii. If a caller repeats a question already heard, you can thank them, announce that the question has already been answered, and take the next call.
    - iii. If candidates clamor to respond, then it's probably easiest to let them.
    - iv. Feel free to interrupt callers and ask them to state a question directed at the candidates.
    - v. You can also remind the listeners to ask questions related to the Local Station Board election rather than other, general WPFW issues.
8. Here are some questions in case you have dead time with no call-ins
- a. Top 3 goals in serving on the LSB
  - b. What should be done to ensure the financial health of the station?
  - c. How should the station expand and diversity listenership?
  - d. How should the LSB work to improve the relationship between the Pacifica National Board and the WPFW LSB?
  - e. What would you do to resolve conflict and improve the functioning of the LSB?
  - f. What constituencies, if any, do you feel you could be a liaison for to WPFW and how, specifically, would you maintain communication with that constituency?

- g. What do you think is the best method or strategy to keep the LSB, listeners and staff working collaboratively to keep programming as relevant as possible for the listeners?
- h. What do you see as the two most important duties of the LSB? How can they best be carried out?
- i. What do you believe are some ways for the LSB to fulfill its responsibilities and duties, as stated in the by-laws? Be specific and be creative.
- j. WPFW uses the airwaves to promote itself. But many people in the signal area are not aware of WPFW. What other/new ways will you have WPFW reach out to find progressive listeners who don't know about the station?
- k. Having no corporate underwriting of WPFW is a hallmark of the station. What other ways besides listener donations will you seek for WPFW to raise funding for its programming?
- l. What skills would you bring to the WPFW Local Station Board to communicate and work with very different kinds of people on the Local Station Board, in the station and listeners?
- m. Do you see any improvements that could be made in the functioning of the LSB? What, specifically?
- n. What was the biggest problem you saw this year in our elected station board? What would you try to do differently?
- o. What are some new ways the LSB could actively get feedback from listeners about improving and supporting WPFW? How would the information gathering and decisions about implementation be carried out?

## **Appendix V: Text for cart on election information**

The 2004 WPFW Local Station Board election has begun. Please listen carefully to the following election-related announcement.

Ballots were mailed from Washington DC to eligible voting members on Tuesday, October 26.

If you have not received your ballot by November 12, please call toll free 877-217-6928 extension 205 to request a replacement ballot. Please leave your name, address, phone, email and mention that you're a member of WPFW.

All ballots WILL include printed candidate statements.

Ballots must be received, NOT postmarked, by November 29.

Quorum for this election is 10%, over fourteen hundred ballots, so be sure to return your ballot today.

Ballot counting will occur Tuesday, November 30th, from 12 to 5 at the Takoma Village Cohousing 6827 4th Street NW, Washington, DC which is near the Takoma Metro station. Observers are welcome.

(approx 60 seconds, 134 words)

## **Appendix VI: Select words of praise for the elections**

I received no complaints about the election. Here are a few of the positive words of thanks received at the completion of the election.

-----Original Message-----

From: Mustafa Laskar [mailto:malbusiness@yahoo.com]  
Sent: Tuesday, November 30, 2004 8:49 PM  
To: Angela E. Lauria  
Subject: Re: WPFW ELECTION RESULTS

Hi Angela:

I want to thank you for your efficient work in the elections.  
Wish you the best  
Cheers  
Good bye  
Mustafa

-----Original Message-----

From: Luzette King [mailto:luzette\_king@justice.com]  
Sent: Tuesday, November 30, 2004 10:12 PM  
To: elections@wpfw.org  
Cc: elections@wpfw.org  
Subject: Re: Parting Words

Angela,

I wish to place on record my gratitude for the quality and quantity of work you and your team have put into this process. As a veteran in election processes, I can attest that I have not experienced any campaign quite like this one. For most of the time, I had forgotten I was involved in an election campaign and this was because you all made it so easy for us.

May I add, I have been reading about countless problems across the network and could only wonder why it was we didn't have the same experience. To top it all, I have just announced the first election results for 2004.

Angela, I am not sure you really appreciate how proud you make us feel and as for your parting words....they are rejected and null and void. I have some work for you just not sure what.....just wait.

Thank you very, veeery much.

Luzette

-----Original Message-----

**From:** Amanda Sweet [mailto:bucklesweet@hotmail.com]  
**Sent:** Tuesday, November 30, 2004 10:13 PM  
**To:** elections@wpfw.org  
**Subject:** RE: WPFW ELECTION RESULTS

Dear Angela, Thank you for being so professional about this whole election.

It was a pleasure working with you.  
Best, Amanda Sweet

-----Original Message-----

**From:** Alicia Milla [mailto:milla.a@juno.com]  
**Sent:** Wednesday, December 01, 2004 8:22 AM  
**To:** elections@wpfw.org  
**Subject:** Re: Parting Words

Dear Angela,

Thank you for your kind message on parting words.

It was wonderful to be part of this election. You managed it wonderfully!

Gracias!, gracias! gracias!

I'm sure our paths will cross again, as I continue to volunteer for WPFW.

Again, thanks for all that great work! You managed a great elections campaign, and you did it beautifully.

With gratitude and affection,

Alicia

-----Original Message-----

**From:** Dorcas C. Dessaso [mailto:dorcas.dessaso@verizon.net]

**Sent:** Wednesday, December 01, 2004 8:36 AM

**To:** Angela E. Lauria

**Subject:** Fw: WPFW ELECTION RESULTS

Dec. 1, 2004

Angelia -

What an election! I had no idea the vote-counting process was so intense - but I enjoyed every moment of it. WPFW has come a llllooonnnnggg way since I was there 17 yrs ago. You ( and all of the other election officials) know your stuff! I am very proud of ALL of you!

Hope to see you again at the Victory Party and I am sure there will be one - I don't see why there wouldn't be one.

I am sure the "donations" that were sent in will cover most if not ALL of the cost of maintaining this local election process and whatever may be left over should at least "contribute" to a celebration of sorts.



You take extra special care, Angela. You are the best and all the best to you in whatever else you do after this!

Love ya!

-----Original Message-----

**From:** Carol Wolfe [mailto:cwolfe@ashp.org]  
**Sent:** Wednesday, December 01, 2004 9:19 AM  
**To:** Angela E. Lauria  
**Subject:** Re: WPFW ELECTION RESULTS

Angela:

We all can't thank you and the other election volunteers enough for the great job you did in conducting the election. I am so pleased that the election was successful a quorum was reached! Congratulations! I'm also very pleased to be elected and will do whatever I can to continue all the good work that's in progress at WPFW.

Carol

-----Original Message-----

**From:** Steve Hoffman [mailto:steve@goodnote.com]  
**Sent:** Wednesday, December 01, 2004 9:41 AM  
**To:** Angela E. Lauria  
**Subject:** A difficult job well done!!

Angela:

I just think you did an incredible job as elections coordinator, and it is not an easy job because as I once told you, trying to coordinate something like this at WPFW is a lot like trying to herd cats! You handled the job with professionalism, with common sense, with a sense of calm, with great patience, and - perhaps most important - with competence. You made sure all the rules were properly adhered to and you implemented and interpreted those rules in a sensible manner that

focused on achievement of the organizational mission (which is after all what rules are for).

With all the concern throughout our nation and other countries around the world about fair elections, who knows - you could be on the road to a new career as an election coordinator!!! (Not that you'd necessarily want that, I'm sure.)

I would like to "broadcast" this email to the entire elections@wlfw list but since I don't know how to do that, if you wouldn't mind forwarding my comments to the list, please do so.

Sincerely,  
Steve Hoffman

-----Original Message-----

From: Martin, Vonulrick [mailto:VMartin@oas.org]  
Sent: Wednesday, December 01, 2004 12:07 PM  
To: Angela E. Lauria  
Cc: Luzette King  
Subject: WFLW Election

Angela,

Greetings, My name is Von Martin, a founding volunteer at WFLW fm radio. I wish to personally congratulate you for the most professional manner you conducted this historic effort at WFLW fm. For one who has been here from the time we started I feel blessed to be here and to experience what we have just done. It is a new time and a new generation we are coping with, we still have a far way to go. This evolution as I see is indeed for the better. Our listeners have to be and will continue to be educated in participating in the process. So will our volunteer programmers. My only concern is that those who run for office as Volunteer Reps are not held accountable by us as Volunteers whom they represent. They seem to take these positions and simply run the responsibility for their own agendas. I am befuddled as to how can we correct this. WFLW fm and Pacifica has always had a problem of not having a Volunteer agenda. Although they are volunteer organizations. Volunteer reps acquire these positions and seldom come to us in dialogue with us, in order to identify our needs and define our agenda. I would like your thoughts on this. Maybe I can then advise

the current six representatives to follow a path. I truly applaud you on your work, it is clear that you are a professional. Everything went smooth and to the clock. I hope this augurs well for the board as we continue to evolve into a professional machinery that seeks the needs of the listeners, the volunteers, the paid staff and the board itself. I thank you again and wish you a Godsent, Happy Holidays.  
Cheers, Von

-----Original Message-----

From: Joseph Chiara [mailto:jjcva@juno.com]  
Sent: Wednesday, December 01, 2004 3:58 PM  
To: elections@wpfw.org  
Subject: Grateful Words

Angela,

You did a terrific job...thank you !!!

If you find yourself in need of a additional letter of recommendation at some point in the future, I am happy to write a very good one.

All of Pacifica, particularly WPFW, should be grateful for your integrity and hard and honest work.

Best,

Joe.

-----Original Message-----

From: Eisenberg, Joni (DOH) [mailto:joni.eisenberg@dc.gov]  
Sent: Friday, December 03, 2004 12:19 PM  
To: angela.lauria@verizon.net  
Subject: THANK YOU ANGELA!!!!

Angela it has been a JOY to work w you a get to know you!!! You did an ABSOLUTELY FABULOUS job w these elections!!!!!! A MILLION TIMES BETTER than last time!!! And you did it with professionalism, grace, committment, and humor!!! We ALL thank you for that.....

And will you keep LISTENING to us--sounds like u will!!

AND WOULD YOU EVER CONSIDER VOLUNTEERING?? (SMILE).....  
much love and gratitude to u too Angela  
Joni

-----Original Message-----

From: Dan Logan [mailto:dlogan@cox.net]  
Sent: Sunday, December 05, 2004 11:19 PM  
To: Angela E. Lauria  
Subject: More info

Hi Angela --

You did a fine job on the election. Could you tell me the order of vote-getting of the people who didn't get elected?

Thanks.

Dan Logan