

J. Matthew Catron  
Evelyn Flint  
Sharon Thorpe

Dear Carla, Chairperson of the AFSCME Judicial Panel,

Greetings! The three of us are writing to you today to appeal the decisions made by the Local 696 Election Committee on 04/16/2023, where all 11 of our protests were dismissed without proper investigation, or in one case, without being addressed at all.

We submitted the protests simultaneously to you and to the Local 696 Election Committee earlier this month- we are attaching all documentation to this letter for the convenience of all parties. The Election Committee met with us on 04/13/2023 to discuss our protests. They requested additional evidence be provided by 04/15/2023, which we did indeed provide. The Election Committee issued their decision on 04/16/2023 and brought it to a Special General Membership Meeting on 04/20/2023, where it was ratified. However, this ratification was only made through a vote on a main motion for which the Election Committee refused to allow any debate amongst the membership first. And that vote was held without the Election Committee even presenting the actual protests to the membership, because the Election Committee only read their own short one sentence summary of each protest before reading each decision then refusing to allow any rebuttal or debate.

In the interest of keeping things brief, our appeal is as follows:

1. Candidate Sterling Davis was excluded from the results.

While we would be very interested to hear the details of how this egregious error occurred from an organization that has “a national impeccable record”, the Election Committee has rightly corrected this matter of protest, albeit not until the late date of 04/20/2023.

2. The Election Committee did not allow the Rabble Rousers to review the ballots before they were sent to distribution.

The Rabble Rousers received a verbal promise from advisor Bobby Davis that we would have the opportunity to review the ballots before publication. The Election Committee claims that this promise was broken only because Charles Payne, III requested a change to the ballot, but Mr. Payne has denied that he requested any such changes.

More importantly, even without a verbal promise, the Election Committee's failure to allow any observers for the Rabble Rouser candidates to view the ballots during preparation was a clear violation of our AFSCME Constitutional rights as

candidates. The Election Committee incorrectly stated in its decision that “The AFSCME election code does not specify that the ballots must be viewed by the candidates.” This is false, and Appendix D, Section 2, J of the AFSCME International Constitution confirms it’s false by stating that “Any candidate... shall have the right to have present an official observer of the candidate’s own choosing... in all places where ballots bearing the candidate’s name are to be prepared, distributed, cast or counted.”

3. Proper nomination protocol was not followed, preventing potential candidates from being nominated.

The Election Committee did not respond to this protest. The response speaks only of the timely challenge we filed on 03/16/2023 which has already been appealed to AFSCME International. The protest regarding nomination protocol made no mention whatsoever of any challenges filed.

Furthermore, both in their written decision and at the 04/20/2023 special meeting, the Election Committee incorrectly dismissed this election protest by calling it an election challenge and claiming it to be “untimely”. This was a protest regarding the conduct of the election, not a challenge regarding the eligibility of a candidate, and is therefore subject to AFSCME Constitution, Appendix D, Section 4, B which states that “Any protest concerning the conduct of the election may be lodged...in writing with the subordinate body or the Election Committee within ten days following the election.”

4. Trustee candidates should not have been listed on the ballot.

We agree with the Election Committee’s decision that while this was improper and sowed confusion across Local 696, it is unlikely that it influenced the outcome of the election.

It should be noted, though, that this violation did cause the exact kind of confusion that the AFSCME Local Union Election Manual warned against when it said “**Do not** list on the ballot any office for which there is only one candidate. That candidate has already been declared elected and placing that office on the ballot can only lead to confusion.”

This violation also speaks to the Election Committee’s failure to allow Rabble Rouser observers to view the ballots during ballot preparation as detailed in two of our other protests.

5. The slates on the ballot were printed in the wrong order.

This protest was about individual candidate names on the ballot being printed in the wrong order, not the slates as the Election Committee incorrectly stated. There is also no precedent for how to alphabetically list slate members on a Local 696 ballot because there haven't been any recent Local 696 elections with slates instead of just individual candidates.

6. There was no option to drop off ballots at the American Arbitration Association.

As with protest #3, this was a protest regarding the conduct of the election, not a challenge regarding the eligibility of a candidate as the Election Committee incorrectly claimed, and should have been addressed as a protest per Appendix D, Section 4, B of the AFSCME Constitution.

Furthermore, the claim that the rule against dropping off ballots was stated at a 2/27/23 candidates meeting and should have been challenged then is moot, since that informational meeting was only announced on 2/22/23, which means that candidates weren't the given adequate meeting notice required to make the necessary plans to attend, like requesting time off work or finding child care, that many candidates would have needed to attend that 2/27 meeting.

7. SBU utilized an email list that was obtained with Local 696 resources, and this list was not provided to the Rabble Rousers.

Members, such as candidates Amirah Shepard and Evelyn Flint, who had no association with Tony Dinkins or Fatina El outside of having attended General Membership Meetings or reaching out to a steward for help with a problem at work, received emails at their personal email addresses campaigning for the SBU. While it is indeed possible that the secretary of Local 696 maintains no email list, the email addresses could only have been acquired through the use of Union resources. This is not only a serious violation of both the AFSCME and Local 696 Constitutions, it's also a serious violation of the trust a membership must put in their elected leaders, and as such we request a thorough investigation of this email list, how it was created, and who is maintaining it.

8. New Hires were unconstitutionally suppressed from voting.

The Election Committee replied that they received word from the Controller of District Council 33. They made no mention of Secretary-Treasurer Frank Halbherr, who receives the master list monthly from AFSCME International. We spoke with Frank Halbherr. He claims he was never contacted by Local 696 to release the mailing list to American Arbitration Association, or to the printing company that handled the campaign mailers. Even if the mailing list used by Local 696 for mailing election ballots was an official DC 33 mailing list, the DC 33 mailing list used by Local 696 at the time the ballots were sent out was an out of

date mailing list, as illustrated by all the new hires who did not receive ballots. We request a thorough investigation of the mailing list used for sending out ballots, including when it was last updated in the 696 database, and how it compares to the accuracy of the current DC 33 mailing list at the time ballots were mailed.

9. Candidates' observers were not permitted to observe ballot preparation or distribution.

Despite the Election Committee's claims to the contrary, Candidate Evelyn Flint requested observers be present multiple times during the election process, including during preparation. No information was ever given to that end- see attached documentation for details.

Furthermore, per the initial protest, candidate observers weren't even given a chance to request to observe ballot preparation, let alone to actually observe ballot preparation, because the ballots had already been sent out before the deadline for observer applications even closed.

10. SBU Candidates used intimidation tactics to prevent Rabble Rouser campaigning.

The Election Committee asserts that Mary Kachline's intimidation of candidates- removal from one work site and phone calls to others to deny entry to candidates- is protected under her right to free speech.

AFSCME Judicial Panel Judgment 21-10, dated June 25, 2021, states:

*Union members absolutely have a first amendment right to speak their mind, just as they have freedom of speech in the affairs of their union, as guaranteed by AFSCME's Bill of Rights for Union Members. ... Elected and appointed union representatives are held to a higher standard than regular members. Election and appointed union representatives are free to say or do what they want. However, if those statements or actions conflict with the constitution, policies, or legally authorized decisions of the union, they can be held accountable under the union constitution or other legally authorized actions of the governing body of the union.*

Ms. Kachline stated falsely that campaigning at work locations when a candidate is not elected is "against the rules". There is no such policy, especially not at a work location where the general public is welcome. **No worker objected to the campaign presence at Wynnefield library- indeed, the head of the branch invited candidate J. Matthew Catron to speak with all 696-represented employees before his removal from the location by Ms. Kachline.** It was Ms. Kachline, and not Mr. Catron, who violated a member's protected right to free

speech when she used unethical and unconstitutional intimidation tactics to silence him.

11. The Election Committee used an improper mailing list, leading to members never receiving their ballots.

Perhaps our most important protest, Candidate Evelyn Flint provided evidence to the fact that the mailing list was out of date. That evidence has not been addressed. Furthermore, the Election Committee requested that a list of members who did not receive ballots be submitted to them no later than 04/15/2023 at the protest meeting on 04/13/2023. Even with an arbitrarily short and early deadline of proof, 40 names were submitted to the Election Committee in under 48 hours alone. We have received numerous reports from the affected individuals that the Election Committee did not contact them in any way. We recognize that the mailing list utilized by Local 696 came from District Council 33, but we have also provided ample evidence that the list was out of date and thus, improper. Evidence of this violation starts with all the long-standing 696 members like candidate Shannan Ballou (and, until her address was manually updated by Local 696 in February after multiple requests to do so, Evelyn Flint as well) who currently receive both DC 33 and health insurance mail at their correct address, but still receive 696 mail addressed to an old address. We request further evidence of this violation to be uncovered when the mailing list discussed in protest 8, regarding the new hires who didn't get ballots, is investigated. An incomplete list of members affected by this list is attached with our documentation.

Fair and free elections are the cornerstone of all democratic institutions, and we must diligently work to preserve the integrity of our union. Thank you very much for your time and attention to this appeal.

In solidarity,

J. Matthew Catron

Evelyn Flint

Sharon Thorpe