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June 7, 2023

JUDICIAL PANEL CASE NO. 23-024
Local 696 Election Protest

GREETINGS:

Enclosed is Judicial Panel Member Denise Gilmore's decision in the above-referenced case.

In Solidarity,

Carla Insinga
Judicial Panel Chairperson

CI:am

- cc: Lee Saunders, President
- Elissa McBride, Secretary-Treasurer
- Ernest Garrett, President Council 33
- Jim Howell, Regional Director O&FS
- Maximus Weikel, AFSD
- J. Matthew Catron
- Evelyn Flint
- Sharon Thorpe
- Charles Payne, III
- Sterling Davis
- Anthony Dinkins
- Mark Weaver
- Nathaniel Brown
- Deanna Jones
- Fatina El
- Vanyell Smith
- Tori Rodgers
- Amirah Shephard
- Audrey Thomas
- Yvonne Lott
- Mary Kachline

Aurellia Harrell
Victor Collins
Jerome Brisbon
Hollis Crevelle
Tunisha Woodland
Tevan Jackson
Joycia Davis
Danielle Henderson
Denise Armstrong
Marlon Barclay
Shannon Ballou
Kazenski Hall
Keith Billie
Roxanne Huff-Gross
Sheryl David
Shelly Robinson
Stanley Bryson
Andre Fallen
Tara Gatewood
Darlene Booker-Jones
Tyrone Brooks

JUDICIAL PANEL CASE NO. 23-024
Local 696 Election Protest

This case results from a protest arising out of elections of Officers, Executive Board Members, Trustees, Stewards, and Delegates in Local 696. The Philadelphia, Pennsylvania, Departments of Finance and Library Employees Local 696 is affiliated with the Philadelphia-Eastern Pennsylvania, Public Employees District Council 33, the Pennsylvania AFL-CIO, and the Philadelphia Council of the AFL-CIO.

The protest was filed by Evelyn Flint and J. Matthew Catron, members of Local 696 and unsuccessful candidates for the positions of Executive Board and Business Agent, in said election. A timely protest was filed with the Local Election Committee on March 16, 2023. After receiving an unsatisfactory response at the local level, members Flint and Catron filed timely appeals with the Judicial Panel.

The Judicial Panel assumed jurisdiction over the protest on May 1, 2023. The case was assigned to Judicial Panel Member Denise Gilmore for investigation and decision. After giving due notice to all parties concerned, an investigative hearing on the protests was held virtually on May 10, 2023, via Zoom.

THE PROTEST

(See attached)

REPORT OF THE INVESTIGATING OFFICER

Evelyn Flint and J. Matthew Catron, members of the Rabble Rouser Slate, were candidates for the positions of Executive Board and Business Agent respectively in

the Local 696 election, which is the subject of this investigation. They allege eleven violations to the code of conduct which, in their opinion, led to an unjust election. The alleged violations included in this protest will be discussed separately.

Item 1

It is undisputed that Steward/Delegate Candidate and Rabble Rouser Slate member Sterling Davis' name was excluded from the election results initially presented by the Election Committee. The protestants allege that this omission places the integrity of the election into question as "all votes must be counted and reported accurately" and that there was a 20-day delay in correcting the error to include Brother Davis in the results. At the investigative hearing, Brother Bobby Davis, Election Committee Advisor, stated that the error was an oversight committed by the vendor the Local chose to administer this election: the American Arbitration Association (AAA). In their decision, the Election Committee stated that, "Once notified, AAA corrected the previously issued election results notice inclusive of Sterling Davis vote count results."

This Investigating Officer received documentation showing an email exchange dated April 6, 2023, between Election Committee Advisor Bobby Davis and Maria Landi, Election Administrator for the American Arbitration Association. In the email exchange, Ms. Landi asks another vendor to fix the error and requests updated results with Sterling Davis, which she subsequently shares with Election Committee Advisor Bobby Davis. The documentation shows that 28 minutes elapsed between the time Ms. Landi first email asking to fix the error and the final email to Bobby Davis with the corrected results.

Item 2

The protestants allege that the Election Committee did not allow their slate the opportunity to review ballots prior to them being mailed. Brother J. Matthew Catron, who served as spokesperson for the protesting parties, submitted documentation showing that on Wednesday, March 8, 2023, he requested Sister Marissa Wilk serve as his observer for the Local 696 election. The Local 696 Election Rules allow each candidate to have one observer in the counting room and require that observers must sign authorization forms and submit proof of their membership by Thursday, March 9, 2023. Sister Wilk's observer authorization form was submitted in accordance with Local 696 Election Rules.

Election Committee Advisor Bobby Davis argued at the investigative hearing that the AFSCME Election Code in Appendix D does not specify that observers are entitled to view ballots prior to distribution. He acknowledged that the Election Committee received a request for Sister Wilk to review the ballot prior to its distribution but asserted that a last-minute name change request by Rabble Rouser Candidate Brother Charles Payne, III created a delay that prohibited the Election Committee from being able to grant this request prior to the mailing of the ballots. The protestants denied that this name change request ever happened and presented a form that Candidate Charles Payne, III signed that approved how his name was spelled on the ballot. Additionally, they claim that based on the timelines communicated by the Election Committee, there should have been time for observers to participate in this process.

Item 3

The protesting parties allege in Protest Item 3 that “proper nomination protocol was not followed, preventing potential candidates from being nominated.” During the investigative hearing, Brother Catron said that nominations were made at a special general membership meeting on February 22, 2023. At issue according to the protestants is that entire slates were nominated at once, rather than seeking nominations for each respective position being elected. According to Brother Catron, “there may have been other members who wished to be nominated but proper parliamentary procedure was not followed.” Election Committee Advisor Bobby Davis stated the Election Committee dismissed this protest item based on timeliness and that this protest was in fact an eligibility challenge which should have been filed prior to the holding of the election in accordance with Appendix D, Section 4A of the AFSCME Constitution. Meeting minutes submitted from the AFSCME Local 696 Special General Membership Meeting on February 22, 2023, validate that whole slates were nominated at once and show that Chairperson Darlene Booker Jones closed nominations after asking if there were any other nominations for all offices. Not hearing any, no corrected meeting minutes were submitted.

Item 4

Next, the protesting parties allege that the names of the candidates for the Trustee positions should not have been listed on the official ballot. These candidates were running unopposed and had already won by acclamation and by including them, it unnecessarily sowed confusion and showed a disregard for the AFSCME Local Union

Election manual which warns against doing this. The Election Committee acknowledged that this was a violation but did not believe this had any bearing on the outcome of the election.

Item 5

Protest Item 5 refers to the order in which individual candidate's names appeared on the ballot. Sister Evelyn Flint claims that Brother J. Matthew Catron was the first person to take the floor to nominate Sister Sharon Thorpe for President at the February 22, 2023, special meeting when nominations for the position opened. Protestant Flint stated that candidate and member of the Slate for a Better Union (SBU) slate, Brother Anthony Dinkins, interrupted Brother Catron and made a request for candidates to nominate their full slates to save time. According to Sister Flint, Brother Dinkins proceeded to nominate the entire SBU slate while speaking out of turn. The meeting minutes from the February 22, 2023, special general membership meeting where these nominations occurred, indicate that nominations were open for president and that Brother Dinkins took the floor first and asked permission to read the names of his whole slate. The nominations committee, chaired by Sister Darlene Booker-Jones agreed and then Brother J. Matthew Catron proceeded to present the names of his slate. The meeting minutes then go on to list the Rabble Rouser Slate list of candidates first, with the SBU list of candidates second. Election Committee Advisor Bobby Davis stated that the order of the slates in the election were the same order as the past elections and that they list the names of candidates alphabetically based on the presidential candidates.

The protestants further assert that by listing the SBU Slate candidates first on the official ballot for all positions, it violates the AFSCME Local Union Election Manual that instructs Locals to list the names of candidates by order of nomination, alphabetically, or drawing lots, but that whatever method is used shall be used throughout the ballot for each position. The official ballot presented included three columns. The column furthest to the left on the ballot shows the respective positions up for election. The middle column includes an option to vote for the SBU slate in its entirety, or by individual position with each of the nominated SBU slate members listed. The column furthest to the right on the ballot includes an option to vote for the Rabble Rouser slate in its entirety, or by individual position with each of the nominated Rabble Rouser slate members listed. The candidates' names are neither listed alphabetically or in the order they appear to have been nominated at the February 22, 2023, special general membership meeting according to the minutes of that meeting.

Item 6

The protestants allege that it was improper to not offer an in-person ballot return drop box option during the election, because state legislative elections in Pennsylvania offer this option and to not offer a drop-off option conflicts with the state voting method. The Election Committee confirmed that the election was conducted by mail-in ballot only and that candidates were all made aware of this during the February 27, 2023, candidates meeting where they were presented with the Local 696 election rules. The protesting parties noted that it was difficult for some of the candidates to make this meeting on short notice, but voting instructions were included with the ballots members received in the

mail. Rule 7 of the Local 696 Election Rules states, "All Ballots must be received in the American Arbitration Association Office by Wednesday, March 29, 2023, by 5:00PM. Only Ballots mailed via US Postal Service will be included. No other carrier and no walk-in Ballots will be accepted."

Item 7

The protestants allege in Protest Item 7 that SBU candidates used Local resources to distribute campaign materials over an email list that was not afforded to all candidates. They claim that members that had no association with certain SBU candidates, received campaign emails from these SBU candidates and their personal email addresses could have only been acquired using Union resources. At the investigatory hearing, Brother Davis explained that when the Election Committee investigated this item, they learned from the Secretary of Local 696 that the Local retains no e-mail addresses and that the candidates acquired these email addresses on their own.

Sister Amirah Shepard spoke in support of the protests at the investigatory hearing and shared that she received two emails sent to the general membership on how to vote for the SBU slate, despite having never given SBU candidates her email address. Sister Shepard stated that she had only signed-in at meetings. The protestants provided campaign emails received by Sister Shepard and Brother Catron from SBU Slate Candidates Anthony Dinkins on March 9, 2023, Mary Kachline on March 19, 2023, and Fatina El on March 14, 2023, March 24, 2023, and April 18, 2023, respectively. The protestants also submitted documentation that shows Rabble Rouser candidate Evelyn

White request access to the email list on March 10, 2023, after she reports that numerous Local 696 members had received an SBU campaign email the previous day.

Item 8

Protest Item 8 alleges that new members who joined during the period that the election took place were denied the opportunity to vote in violation of AFSCME's constitution. Brother Catron stated at the investigatory hearing they sent the names of nearly forty individuals to the Election Committee to investigate on the basis that those members did not receive ballots. Election Committee Advisor Davis stated that all ballots were mailed out by March 9, 2023, and that the list of members to receive ballots was produced by the District Council 33 Controller on March 6, 2023. Upon investigating the forty names given, most did not become members until March 23, 2023, at a new hire orientation. Ballot replacement requests were due by March 17, 2023, and then all ballots were required to be into the AAA by March 29, 2023. The Election Committee determined that it was too late for members who joined after the ballots were mailed out to vote, and that the obligation to use the most current list of dues paying members at their last known addresses was met in this election.

Item 9

Protest Item 9 is similar to Protest Item 2 and will be discussed together later in this decision. Item 9 is specific to Sister Evelyn Flint's claim that her observer was not allowed to be present to observe ballot preparation and distribution. The Election Committee stated that they never received this request, and that no member of the Election Committee was present during this process either.

Item 10

Brother J. Matthew Catron alleges in Item 10 that he was campaigning on his own time at SBU Slate member Mary Kachline's worksite, when Sister Kachline had him removed from the premises, while stating falsely that campaigning at worksites is "against the rules." Elections Committee member Ethel Fuches stated at the investigatory hearing that she works at the library branch in question and was there when the alleged incident between Brother Catron and Sister Kachline happened. She did not witness any hostility between the two but did observe Brother Catron campaigning. She could not verify Brother Catron's account that he was kicked out. The Election Committee decided in their investigation that this was a matter of free speech, not a violation of the Elections Code.

Item 11

The final protest item is similar to Protest Item 8 and will also be discussed together later in this decision. The parties protesting the election allege that the Election Committee used an improper mailing list which caused some members to never receive their ballots. Rabble Rouser Candidate Evelyn Flint provided documentation dating back to November 2022 in which she tried to give the Local and District Council 33 her updated mailing address. The District Council appears to have updated Sister Flint's address in November 2022. On February 23, 2023, and again on March 5, 2023, Sister Flint alerts Brother Bobby Davis and Brother Anthony Dinkins in their capacity as the then Local 696 President and Business Agent respectively that Local 696 still has not corrected her mailing address. In the later email, Sister Flint also includes the Election Committee and

requests confirmation of her mailing address on file. Brother Davis responds on March 6 and confirms that they have the same street address the Council has been using, which Evelyn Flint reports is the correct address. Sister Flint reported that she did get her ballot, but another long-term member (and Rabble Rouser Slate member) Shannon Ballou, did not receive her ballot despite similarly having the Council recognize her new address but not the Local.

The final discrepancy the protesting party noted was that the District Council mailing list abbreviated "PA" to represent the State of Pennsylvania in home mailing address, but campaign mailers and ballots received for the election had Pennsylvania written out as if sourced from a different, less current, list than what the Council's Health & Wellness Department maintains.

After hearing the statements presented and further reviewing the evidence provided, the undersigned renders the following decision:

The Elections Code in Appendix D of the AFSCME International Constitution establishes that the Election Committee shall have general responsibility for the conduct of the election and that they should report as expeditiously as possible the results of the election. Regarding Protest Item 1, this investigating officer finds it troubling that the omission of a candidate's name from the certified voting results that the election vendor provided did not prompt more immediate action. It is unclear why the vendor waited a full week after originally certifying the results which excluded candidate Sterling Davis' name to begin fixing the issue, but email documentation shows that the matter was fixed by the vendor in less than a half-an-hour. Yet, the report of the election results was still

delayed by almost 20 days. The Election Committee should have moved more quickly to recognize the omission and get it resolved.

Regarding Protest Items 2 and 9 which deal with the responsibilities of observers, the Election Committee is incorrect in their finding that there is no requirement in the Election Code to allow candidate observers to review ballots prior to distribution. In Appendix D, Section 2J it states,

Any candidate whose name is to appear on a paper, screen or electronic ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member of the Federation, in all places where ballots bearing the candidate's name are to be prepared, distributed, cast, or counted.

The AFSCME Local Union Election Manual also specifies that for elections conducted by mail, "Official observers designated by the candidates are entitled to be present during the addressing, stuffing, and mailing of ballots." The Election Committee failed to provide adequate reasons why the request by Rabble Rouser candidates to have their observers review the ballot while they were being prepared could not be accommodated. Protest Item 2 is upheld.

Regarding Protest Item 3, the protestants are correct that the Election Committee's ruling cannot be considered an eligibility challenge because there was no actual candidate here whose eligibility was in question, what was questioned was the method of how nominations proceeded. Again, the AFSCME Local Union Election Manual sets forth specific nomination procedures which were not followed here. Despite taking nominations out-of-order however, there did not appear to be any actual member harmed or prevented from being able to make a nomination. The protestants cited

parliamentary procedure in criticizing the out-of-order nominations but did not provide documentation or testimony to show that this affected the election outcome. There is little discussion required on Protest Item 4 as it is an undisputed fact that the official ballot improperly included the names of the candidates running for the Trustee positions when they had already won by acclamation. The AFSCME Local Union Election Manual states that when preparing the ballots, "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."

Protest Item 5 concerns the order in which candidates' names were printed on the ballot. The Local Union Election Manual states that the same method of listing candidates either in order of nomination, alphabetically, or by draw must be used throughout the ballot. Regardless of what order nominations were made or the alphabetical listing of the candidates for president, it is clear that the same method was not used for listing candidates for each position. This lack of consistency once again points to a disregard of the procedures prescribed by the AFSCME Local Election Manual.

Protest Item 6 is dismissed. There is no requirement that AFSCME elections must follow election rules of the state in which an AFSCME affiliate is located in, further there is no requirement in the Elections Code or the Local Union Election Manual that requires a ballot drop-off option in mail ballot election. The election rules were clear in that the only acceptable method to return one's ballot was to send it in the mail via the US Post service.

Protest Item 7 concerns whether an Appendix D violation occurred when campaign materials were e-mailed to members. The parties protesting this election assert that the SBU slate utilized an official Local 696 e-mail address list to send members campaign materials, which constitutes an impermissible use of a resource of the Union under Appendix D, Section 1A of the International Constitution. To support their assertion the protestants provided documentation that showed SBU Candidates Fatina El, Mary Kachline, and Anthony Dinkins sent e-mails to members that contained campaign materials for the SBU Slate.

It is not a violation of the AFSCME election rules for a member or members to compile their own mailing list so long as union resources are not utilized in doing so. The Local Union Election Manual notes that a "candidate is not entitled to a mailing list for the candidate's own use." In reviewing the statements made at the hearing and evidence submitted it is difficult to definitively conclude that an official membership list was used to send the campaign materials. How widely the emails in question were sent is unclear, as most of the e-mails that were submitted by the protestants had the recipients blind-copied, and those that did only had what appears to be a small portion of the membership included. At the hearing, the Election Committee claimed to have investigated this matter and in speaking with the Local 696 Recording Secretary, they were informed that the Recording Secretary does not maintain a membership e-mail list and the members' email addresses were curated by SBU candidates. This portion of Protest Item 7 cannot be upheld because the protestants did not prove that an official mailing list was utilized to send campaign materials, but the undersigned also acknowledges that were it proven

that any candidate or slate obtained membership contact information from a union resource and then used said list to mail campaign information, then this would be grounds to rerun an election.

The protestants in Protest Item 7 also assert that they should receive equal access to the mailing list utilized by the SBU slate, and the Election Committee was bound to give this information to the protestants' slate, the Rabble Rousers. The AFSCME Local Union Election Manual limits its guidance on this issue to home mailings, but Appendix D of the International Constitution states plainly that, "no union funds or resources, and no funds or resources of any employer, can be used in campaigning for union office." The Election Committee was correct in denying the protestants' request for an e-mail list of the Local, and the Election Committee is not required to share or make the SBU slate share the SBU's mailing list. Appendix D does entitle candidates to one mailing to the membership utilizing the union office, but this right does not extend to obtaining the actual mailing list for the candidate's own use. In other words, the Local can be directed to send a candidate's mailer out for them (at the candidate's expense), but it cannot be compelled to hand over the list of mailing addresses. This portion of Protest Item 7 is also dismissed.

The final issue of Protest Item 7 concerns the contents of the campaign e-mails that were submitted by the protestants to the Judicial Panel. Upon inspection of the e-mails' contents, in most there is a mix of campaign messages with information relevant for the general membership such as supplemental insurance details and logistics for upcoming membership meetings. An e-mail that is sent by an officer or steward in their capacity as

an officer or steward that contains Union business information with campaign literature included is improper.

Brother Anthony Dinkins' March 9, 2023, e-mail is clear in its intent that it is for a campaign purpose and there are no accompanying messages or information to suggest that his e-mail contains an endorsement from Local 696 or other AFSCME governing body.

In contrast to Brother Dinkins' e-mail, Sister Fatina El's and Sister Mary Kachline's e-mails constitute violations of Appendix D, Section 1A of the International Constitution which states, "No funds or other resources of the Federation or of any subordinate body, and no funds or resources of any employer, shall be used to support the candidacy of any member for any elective office within the Federation or any subordinate body." Sister El's March 14, 2023, e-mail that was sent at 2:58 PM violates the above provision because the e-mail's contents both supports the SBU slate while it also provides information regarding business of the Local by drawing attention to an upcoming membership meeting.

For similar reasons, Sister El's March 24, 2023 e-mail violates the above provision because she attached images of how to complete and mail a ballot that votes for the SBU slate in addition to the campaign messages which appear together with information about membership meetings. Sister El's April 18, 2023 e-mail does not constitute a violation of Appendix D, Section 1A because the e-mail was sent following the election and appears to have been sent to increase support at the Local 696 special membership meeting at which the Local 696 membership voted to uphold the results of the election.

Sister Kachline's March 19, 2023 e-mail appears proper at first glance because the contents of her message concerns the election only. It gives a general reminder to vote in the election and explains what a member should do if they had not received a ballot. Where her e-mail becomes improper is in the e-mail's attachments, in addition to information that is purely business related is a campaign flyer for the SBU slate. This was improper for the same reasons that Sister El's e-mails were improper. The Judicial Panel has long held that violations of this nature warrant a rerun of a Local election.

Protest Items 8 and 11 are related in that they both expose the major challenges present with conducting election by mail. Item 8 is a valid protest; however, it may not be practical under these circumstances for an Elections Committee to ensure that persons who become AFSCME members be able to vote in a mail election shortly before mail ballots are due back, especially when said election is being conducted by an elections vendor such as AAA. In their protests and at the hearing, the protestants identified forty members who did not receive ballots ahead of the election. The Elections Committee explained that many of these members only became members on March 23, 2023. The election timeline required that all ballots be returned by March 29, 2023. This violation is technical in nature. Future Local 696 election committees that opt to conduct mail ballot elections should be sure to set a firm date by which an individual must be a member to receive a ballot to avoid confusion and ensure that members have a reasonable opportunity to vote.

Protest Item 11 referenced long-time members who had changed their home mailing addresses in the previous year but encountered difficulty updating it with the

Local prior to the election. The distinction between Protest Items 8 and 11, is that for Item 11 there was a replacement ballot procedure included in the AFSCME Local 696 election rules, so this item is less valid. There are no easy solutions to fix the issue that arose with Protest Item 8, but the question of what to do with new hires who join during the election and want to vote could have been projected ahead of the election and during the candidates' meeting when the election rules were originally distributed. It does not appear through testimony or documentation received by this investigating officer that a complaint about new members having access to voting occurred until after the new members had already signed up.

The final protest item to address in this investigation is Item 10. Rabble Rouser candidate Brother J. Matthew Catron alleges that he was intimidated and harassed by SBU candidate Mary Kachline when he came to her worksite to campaign. There was not sufficient evidence presented to substantiate this claim, and this protest item is therefore dismissed.

In total, over half of the protest items investigated by this officer were found to be valid protests and in violation of the International Constitution Elections Code and procedures set forth in the AFSCME Local Union Election Manual. The totality of these items is significant, particularly the use of the AFSCME, District Council 33, and Local 696 names that appeared in e-mail signatures of candidates which accompanied campaign materials. These issues very well may have impacted the outcome of this election.

DECISION

The election protest is upheld in part and denied in part. The election is to be rerun within 45 days of this decision.

June 7, 2023
Baltimore, MD

Denise Gilmore
Judicial Panel Member
AFSCME, AFL-CIO

J. Matthew Catron
Evelyn Flint
Sharon Thorpe
872 N 47th St
Philadelphia, PA 19139

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.

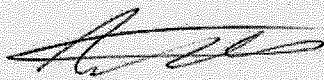
Perhaps our most important protest, Candidate Evelyn Flint provided evidence to the fact that the mailing list was out of date. That evidence has not been addressed. Furthermore, the Election Committee requested that a list of members who did not receive ballots be submitted to them no later than 04/15/2023 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.

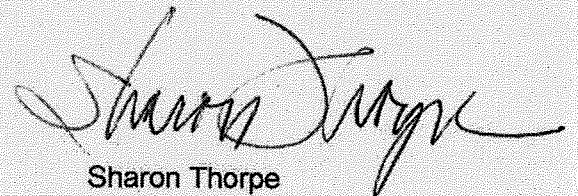
In solidarity,



J. Matthew Catron



Evelyn Flint



Sharon Thorpe

CHARLES PAYNE 3RD
Charles Payne III
Staley Daus
Staley Daus