



Lee Saunders  
President

Elissa McBride  
Secretary-Treasurer

Carla Insinga  
Judicial Panel Chairperson

Judicial Panel Members:  
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Staten Island, NY

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United Domestic Workers

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Baltimore, MD

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Helena, MT

Tim Warren  
Nelsonville, OH

January 23, 2024

**JUDICIAL PANEL CASE NO. 23-066**  
**Local 88 Election Protest**

GREETINGS:

Enclosed is my decision in the above-referenced case.

In Solidarity,

Carla Insinga  
Judicial Panel Chairperson

CI:spp

cc: Lee Saunders, President  
Elissa McBride, Secretary-Treasurer  
Joe Baessler, Interim Executive Director Council 75  
Walter Blair, Regional Director O&FS  
Meghan Eierman, Assistant Regional Director O&FS  
EJ Serrano, Assistant Regional Director O&FS  
Jeremy Kruse, AFSD  
Manuel Arellano  
Robin Easton-Davis  
Rachel Riley  
Matt Davis  
Christina Cantú  
Stacey Burton  
Sean O'Brien  
Manuel Arrellano  
Jackie Tate  
Grant Swanson  
Darlena Hale

Niyia Batugo  
Cindy Sierra  
Hilary Zust  
Jersey Rodriguez  
Ne's Enjoli  
Jamison Smith  
E Dominguez  
Gordon Long  
Jessica Crowson  
Maria Rodriguez  
Joslyn Baker

**JUDICIAL PANEL CASE NO. 23-066**  
**Local 88 Election Protest**

This case results from a protest arising out of an election of officers in AFSCME Local 88, Multnomah County, Oregon, Employees Union. Local 88 is affiliated with Oregon AFSCME Council 75.

Two separate protests were filed in this case; one by Executive Board member Rachael Riley, who was an uncontested candidate for the position of Executive Board Member, and another by Manuel Arellano, Darlena Hale, Matthew Davis, and Niyia Batugo, members of Local 88 and unsuccessful candidates for the office of President, Vice President, Treasurer and Secretary, respectively, in said election. Timely protests were filed with the Local Election Committee on November 6 and 7, 2023. After receiving an unsatisfactory response at the local level, the Protesting Parties filed a timely appeal with the Judicial Panel.

The Judicial Panel assumed jurisdiction over the protest on December 20, 2023. The case was assigned to Judicial Panel Chairperson Carla Insinga for investigation and decision. After giving due notice to all parties concerned, an investigative hearing on the protests was held virtually on January 10, 2024, via Zoom.

**THE PROTEST**

(See attached)

## ELECTION RESULTS

(See attached)

### REPORT OF THE INVESTIGATING OFFICER

The Protesting Parties were candidates for office in the November 1-6, 2023, election which is the subject of this investigation. They allege 8 violations to the code of conduct which, in their opinion, led to an unjust election. The alleged violations included in the protests will be discussed separately.

1. The Protesting Parties allege that Local 88 President Joslyn Baker and Election Committee Chairperson Robin Easton-Davis were not impartial in the election.

They assert that:

- a. On August 3, 2023, President Baker convened a meeting of a select group of Local 88 members, including incumbent members of the Executive Board, along with "Solidarity Slate" members Jackie Tate, Grant Swanson, Cindy Sierra, and Hillary Zust. At the meeting President Baker helped to identify members of the "Solidarity Slate" and pledged her support for them during the upcoming elections if they chose to run. Brother Arellano stated that members were handpicked to attend the meeting for the purpose of identifying future leaders of Local 88. Although he and others had expressed interest in running for office in the election, they were not invited to the meeting. In his opinion, President Baker handpicked those who she wanted to lead the Local.

- b. The Protesting Parties allege that President Baker dedicated Union time and resources, such as union video calls, campaigning for the "Solidarity Slate." More specifically, following a meeting with Brother Michael Hanna, who is a past president, President Baker solicited Brother Hanna's support for the "Solidarity Slate." Sister Riley was not aware of the nature of the meeting between Sister Baker and Brother Hanna but assumed that it either had to be union or work related, neither of which are appropriate to campaign during because it would be either on union or work time which are forbidden by the Elections Code. It is also alleged that President Baker was listed on election correspondence as a member of the Election Committee and served on the Committee.
- c. On the ballot, members of the "Solidarity Slate" were listed as the first candidate under each category/office (i.e., President, Vice President, Treasurer, Secretary, etc.). Sister Riley stated that while the candidates were nominated individually, they were identified as a member of the "Solidarity Slate."
- d. On the website, members of the "Solidarity Slate" were listed as the first candidate under each category/office (i.e., President, Vice President, Treasurer, Secretary, etc.).
- e. Based on the actions of President Baker and Election Committee Chair Easton-Davis, the Protesting Parties believe that the election was biased and in favor of the "Solidarity Slate."

- i. Sister Rachel Riley stated that Election Committee Chair Robin Easton-Davis publicly admonished her for speaking out at an Executive Board Meeting on October 4, 2023. She stated that she privately messaged Sister Easton-Davis regarding a matter that was not related to the election and in response to her message Sister Easton-Davis admonished her to all present in the meeting. She does not believe it was the role of the Chairperson to correct her.
  - ii. During the October 4, 2023, General Membership Meeting people were “voicing” their preference for members of the “Solidarity Slate” in an open chat. President Baker was asked to stop it, and she insisted that it was appropriate and let it continue. Sister Darlena Hale stated that several members voice their concerns about the campaigning that was occurring during the meeting and asked President Baker to have them stop but she did nothing.
2. The Protesting Parties allege that the following violations of the Elections Code resulted in the conduct of the election to be compromised:
  - a. The Protesting Parties allege that “many” members of Local 88 did not receive the electronic ballot and were therefore not afforded a reasonable opportunity to vote and were not guaranteed their right to elect the candidates of their choosing. Sister Riley stated that it was not until after the election that people started complaining about not receiving a ballot, and many of them did not know that an election was taking place. She

added that she did not know to keep track of how many people did not get a ballot. Sister Christina Cantu stated that she did not receive a ballot but after three attempts she finally received an electronic ballot.

- b. Even though the election was held electronically, the Elections Code requires that the local union must mail a notice of nominations and election using the same procedures, timelines, and information as required for an election conducted in person using a paper ballot. The Protesting Parties assert that the Local did not mail the notice of nominations and elections, rather the notice appeared in the Northwest Labor Press newsletter. Although the newsletter is sent via U.S. Mail, the newsletter is not specific to Local 88. Rather, it is a newsletter sent to about 80 different unions, with a mailing list of 45,000 union members, including non-AFSCME union members. They further assert that the Northwest Labor Press should not be considered a reliable source and that the notice should be mailed directly to AFSCME Local 88 members.

The Protesting Parties also assert that the Local did not provide for an alternative voting method for those who did not have a computer or smart phone and were not able to vote electronically. There was no other alternative forms of voting offered to the members. Brother Arellano stated that his interpretation of the Elections Code is that ballots should be mailed to the members as well.

- c. The Protesting Parties assert that initially they were not provided a tabulation of results following the election. Later they were provided with the results but were not provided with information on who/how many voted, the breakdown of votes cast by candidate, or a list of eligible voters.

Sister Robin Easton-Davis stated that initially Sister Jackie Tate was the Election Committee Chairperson but stepped down when she considered running for office. President Baker was going to serve as Chairperson but later found that she could not serve as Chair because she was the Local President so she stepped back but remained on the Election Committee because she was not running for office. Sister Easton-Davis stated that she then became Chairperson, and that President Baker stepped down from the Committee toward the end of October.

Sister Easton-Davis stated that at the time of the August 3, 2023, meeting there were no official candidates yet because nominations did not occur until October. She explained that President Baker was not campaigning, she was soliciting candidates to run for office so there would be more diversity on the Local Executive Board. There was no evidence presented that showed that President Baker was campaigning for any candidate and when she met with those members on August 3, she did not do it in her capacity as a member of the Election Committee. Sister Easton-Davis said that Brother Michael Hanna never came forward to lodge a complaint, and the Election Committee did not contact him as part of its investigation; the Election Committee considered the complaint lodged in the protests as hearsay.



Regarding the positioning of candidates on the ballot and website, Sister Easton-Davis stated that the former Local Secretary Jackie Vatron recorded the names as they were nominated but she was not sure if the candidates were listed in the order they were nominated. She added that the candidates were listed in the order they were sent to Northwest Labor Press and the website administrators. The Election Committee never discussed a particular order to list candidates other than by the office for which they were nominated.

Regarding the allegation that she admonished Sister Riley during a meeting, Sister Easton-Davis said that there was discussion about Matt Davis working out of class in a management position and running for position on the Executive Board. Sister Riley was speaking in support of Brother Davis. Sister Easton-Davis said that her chat comment was meant for Sister Riley, but she accidentally sent it to everyone in the virtual meeting. At that point, Sister Riley told her to "stay in her place" to which she took offense as a Black woman being told to "stay in her place."

Regarding the allegation of what took place in the chat during the membership meeting, Sister Easton-Davis stated that no witnesses came forward and no screenshots or other evidence was presented to support the allegation. She further added that the Election Committee did not investigate the allegation because they stuck to the process of communicating to the members, holding town halls, and conducting the business of the election.

Sister Easton-Davis said that the notice of nominations and elections was sent to all members of the Local via U.S. Mail and was posted on the Local's website. Informational emails were sent to members as well. As in the past, the notice of nominations and elections was included in the Northwest Labor Press newsletter. The August 2023 edition of the newsletter included the notice of nominations which were held on September 20, 2023. The September 2023 edition of the newsletter contained the details on the election. The electronic ballot was sent by TrueBallot on November 1, 2023, around 11 a.m. and voting ended at 8 p.m. on November 6, 2023. Sister Easton-Davis further noted that the notice also instructed members what to do if they did not receive a ballot. Three members contacted her to request ballots and she sent the requests to TrueBallot. She added that the Election Committee did not receive any requests for an alternative form of voting.

Sister Easton-Davis stated that Council 75 Union Representative Jordan Muehe provided the list of eligible voters. She added that the Protesting Parties requested the list of voters after the election and the list was sent to them on November 11, 2023. Election results were also forwarded to them.

Sister Christina Cantu stated that when the ballot first came out it came from a mail exchange server called "Mailgun" not TrueBallot. Many thought that it was not a trustworthy site, so they did not open it.

Sister Joslyn Baker stated that Council 75 Representative Staff Jordan Muehe provided guidance and direction to the Local Election Committee. He advised them

on the notification process including sending the notices via the Northwest Labor Press, posting on the Local website, and sending election information via email.

Sister Baker stated that when Jordan told her that she could not serve as the Election Committee Chairperson she stepped back. She stated that members of the Election Committee volunteered their time. She noted that she never endorsed any member, but she did voice her opinion of who she would support in the election. She noted that she did ask Brother Michael Hanna to support the "Solidary Slate" following a meeting with him, but she could not recall the nature of the meeting, however she was on her own time and her own equipment when she made the request. She added that as a past officer and mentor, Brother Hanna did not tell her that her request was inappropriate. Sister Baker stated that the August 3 meeting was a luncheon that she personally called to meet with leaders and members she trusted to tell that she was not going to run for office in the upcoming election and to talk about the future leadership of their Local. Sister Jackie Tate stated that Sister Baker did not ask her to run for office, a previous vice president did. She stated that she did meet with Sister Baker in August because she wanted to find out more about what the position of local president entailed. She added that she solicited others not run with her on the "Solidarity Slate," and that she was aware that others already expressed interest in running so they were not invited.

Sister Baker stated that the Northwest Labor Press publishes a newsletter twice each month. She added that the Local has always used them to notify their members

of the election. The newsletter dedicates one (1) page to the Local 88 election process. Sister Jackie Tate, current Local President and past Election Committee Chairperson also stated that the Local has published and sent nomination and election information to its members via the Northwest Labor Press in the past. Local 88 Vice President, Brother Grant Swanson stated that the notice of nominations appeared in the August 4, 2023, edition of the Northwest Labor Press, and nominations were held on September 20, 2023.

After hearing the facts presented and further review of the evidence provided, the undersigned renders the following decision.

- 1a. The Protesting Parties assert that then President Joslyn Baker met with a select group of members to identify a slate of officers to run in the election that is the subject of this protest. It was noted that members of the "Solidarity Slate" were present at the meeting. The Protesting Parties further assert that President Baker pledged her support to the "Solidarity Slate" and committed to campaigning for them. Sister Baker stated that she personally called the luncheon meeting to inform members and leaders she deemed as allies of her intent to not run for reelection and discuss the future leadership of the Local.

There is nothing in the Elections Code that prohibits a local leader, and more importantly a local member, from exercising their freedom of speech concerning the operations of the union. In fact, such discussions of union affairs

are protected activity under the Bill of Rights for Union Members contained in our International Constitution. Therefore, item number 1a of the protest is denied.

1b. In protest item number 1b the Protesting Parties assert that then President Joslyn Baker used union time and resources to campaign for the "Solidarity Slate." More specifically, it was stated that following a meeting with Brother Michael Hanna, Sister Baker solicited his support for the "Solidarity Slate." Sister Baker recalled that she did ask Brother Hanna to support the slate but asserted that she did so on her own time, using her own equipment, and not in her capacity as a union officer. She further asserted that as a member of the union she is entitled to her opinion of which candidate to support. Sister Baker noted that Brother Hanna, as a past officer of the Local, did not tell her that it was inappropriate for her to ask him for his support. Further, Sister Easton-Davis said that Brother Hanna did not come forward to lodge a protest, nor did the Election Committee contact him; in their opinion the allegation was hearsay. This item of protest also asserts that Sister Baker served on the Local Election Committee while she was President of the Local. Sister Baker Stated that she was not a candidate in the election but later stepped down from the Election Committee at the advice of the Council 75 Staff Representative.

As previously noted in protest item 1a, as a member of the union Sister Baker is entitled to her opinion and has the right to exercise freedom of speech regarding the affairs of the union. Admittedly, Sister Baker made the request of Brother

Hanna following a meeting in which they were engaged over a non-specified topic. Therefore, it does not appear that the “ask” occurred on union time or in her capacity as a union officer or member of the Election Committee. Article VII – Duties of Officers and Executive Board, Section 1c. of the Local 88 Constitution states, “The president shall be a member of all committees except election committee.” The AFSCME Local Union Election Manual provides further clarification; “The president may not serve as a member of an election committee in any election where the president is a candidate, nor may any other candidate serve on the election committee.” The facts presented were clear in that Sister Baker was not a candidate in this election. Therefore, item 1b. of the protest is denied in its entirety.

1c&1d. Items 1c and 1d of the protests have to do with the positioning of the candidates’ names on the ballot and on the Local’s website. The Protesting Parties allege that the “Solidarity Slate” candidates were listed as the first option in each category on both the ballot and website. They assert that there was no order or explanation for why they were listed that way. Sister Easton-Davis stated that the former Secretary took down the names during the nomination process and that each candidate was nominated individually. Although she could not recall in what order each individual candidate was nominated, Sister Easton-Davis stated that the Election Committee only discussed that the candidates would appear on the

ballot under the position they were nominated for, no other criteria were discussed.

The AFSCME Local Union Election Manual states that most locals list the names on the ballot in the order in which the candidates were nominated or in alphabetical order, both are proper. What is not proper is to change from a new method after the nominations have taken place. In reviewing the ballot and the "Meet Your Local 88 Candidates" page on the Local 88 website, the method by which the candidates are listed is consistent. Therefore, items 1c. and 1d. are denied.

1ei. Sister Riley alleges that Election Committee Chair Easton-Davis publicly admonished her for speaking out at an Executive Board Meeting on October 4, 2023. Sister Easton-Davis stated that she was offended by Sister Riley telling her to "stay in her place." This type of discord does not fall under the purview of the Elections Code and this protest item is therefore denied.

1eii. Protest Item 1eii alleges that then President Baker allowed members to "voice" their preference for members of the "Solidarity Slate" in an open chat during the October 4, 2023, general membership meeting. Sister Baker was asked to stop them from expressing their views, but she allowed it to continue.

Expressing one's views cannot be construed as campaigning. Further, there is nothing in the Elections Code that prohibits members from exercising their freedom of speech concerning the union. Freedom of speech is a protected activity

under the Bill of Rights for Union Members contained in the International Constitution. Therefore, item number 1eii. of the protest is denied.

- 2a. Item 2a. of the protests alleges that "many" members of Local 88 did not receive the electronic ballot and were therefore not afforded a reasonable opportunity to vote. Sister Riley stated that it was not until after the election that members started complaining about not receiving a ballot, and many of them did not know that an election was taking place. Sister Cantu stated that initially she did not receive a ballot but after three attempts she finally received an electronic ballot. Sister Easton-Davis stated that Council 75 Staff Representative Jordan Muehe provided the list of eligible voters. She further stated that only three (3) members contacted her stating that they did not receive a ballot and she immediately contacted TrueBallot and had a ballot sent to them.

The AFSCME Local Union Election Manual recognizes that membership mailing lists are not one-hundred percent accurate. In this instance it is clear to the undersigned that the Election Committee made every effort to ensure that those members who contacted the Committee and requested a ballot were handled accordingly. Therefore, this item of protest is denied.

- 2b. The Protesting Parties assert that the Local did not mail the notice of nominations and elections, rather the notice appeared in the Northwest Labor Press newsletter. Although the newsletter is sent via U.S. Mail, the newsletter is not specific to Local 88; rather it is a newsletter that is sent to more than 80 different



unions, with a mailing list of approximately 45,000 union members in Oregon and Southwest Washington, including non-AFSCME union members. The Protesting Parties also assert that the Local did not provide for an alternative voting method for those who did not have a computer or smart phone and were not able to vote electronically. Brother Arellano stated that his interpretation of the Elections Code is that ballots should be mailed to the members as well. Those speaking in opposition to the protests asserted that the Local has traditionally utilized the Northwest Labor Press newsletter to notify members of the nominations and elections. Sister Easton-Davis stated that no one requested an alternative form of voting.

Appendix D, Section 1D of the AFSCME International Constitution states that, "Not less than fifteen days prior to the holding of nominations for local union officers a notice of the nominations and elections shall be mailed to each member at the member's last known home address." The AFSCME Local Union Election Manual further clarifies that, "This requires using the United States Postal Service, and the mail must be sent by first class mail. Sending emails does not satisfy this requirement." Further, the Local Union Election Manual offers the following guidance regarding the form of notice, ". . . the information may be included as a part of a regular meeting notice. It may be given by printing the notice in a newsletter or other publication that is mailed to the membership, provided it is prominently displayed and not buried in the middle of an article on some other

subject. Notice may also, of course, be given in a special letter addressed to each member.”

In addition, Appendix D, Section 2F provides for conducting “secret ballot elections with the use of remote electronic voting systems provided an alternative voting method is made available to any member who does not have access to the electronic system selected.” The AFSCME Local Union Election Manual provides additional direction stating in part, “In an election using an electronic voting system, the local union must mail a notice of nominations and election using the same procedures, timelines, and information as required for officer elections conducted by paper ballot. The notice should also include a date by which a voter must notify the elections committee if they do not receive the necessary credentials to access the electronic system the local has selected.”

This decision finds that the notices of nominations and elections were deficient in that the Local failed to comply with the requirements of mailing the notice to the members’ last known address.

The Northwest Labor Press is a semimonthly newsletter that is mailed to members’ addresses, but it is not an exclusive AFSCME publication. While Local 88 can take out space in the newsletter, the Northwest Labor Press’ contents are of general interest for the labor movement, not specific to Local 88. It would be proper for Local 88 to mail members the notice or include the notice in an internal publication (so long as it is mailed), but the use of a third-party publication such

as the Northwest Labor Press does not satisfy the notice requirements set forth in Appendix D. In acknowledging that the Local Union Election Manual does say that notice “. . . may be given by printing the notice in a newsletter or other publication that is mailed to the membership. . .” it is implied that said publication must be a union’s internal newsletter or publication.

In addition, the notice did not include a date by which a voter must notify the election committee if they did not receive the necessary credentials to access the electronic ballot. Further, it did not notify members how to request an alternative form of voting. Finally, Brother Arellano’s interpretation that paper ballots should be mailed to the members is incorrect. Nonetheless, the notice should make clear to the eligible voters that an alternative method of voting is available, what the alternative method is, and how to access the alternative method. Additionally, the Local must post the notice of nominations and elections in accordance with the Elections Code contained in Appendix D of the AFSCME International Constitution. This item of protest is upheld.

- 2c. The Protesting Parties assert that they were not provided a tabulation of results following the election. Later they were provided with the results but not specific information on who/how many voted, the breakdown of votes cast by candidate, or a list of eligible voters. Sister Easton-Davis provided information that was shared with the Protesting Parties. Based on the information provided by

Sister Easton-Davis the undersigned determines that the information is sufficient.

This item of protest is denied.

There were other matters expressed at and after the investigative hearing that are not specific to the protests and were not addressed in this decision.

**DECISION**

The protest item 2b. is upheld. Local 88 is directed to rerun nominations and election of officers within 45 days of this decision. All other items of protests are denied.

January 23, 2024  
Harrisburg, PA

Carla Insinga  
Judicial Panel Chairperson  
AFSCME, AFL-CIO

To the AFSCME Judicial Panel,

According to the Article XI (Section 1 and 2) of the Rules of Procedure of Judicial the members of AFSCME Local 88 - Council 75 NW the below signatories file the following appeal to the decision/recommendations arrived by the Local Election Committee of Local 88 communicated on 12/04/2023.

We appeal the following decisions:

1. There is no evidence given to support the claim that this election was not balanced and fair.
2. There are no rules or restrictions which prohibit President Baker from participating on the Elections Committee.
3. President Baker, like all members of our union, is entitled to share her preferences and opinions about union issues to other members. There is no evidence to suggest she stated her opinions to our GM during union time and/or that her opinions would have impacted the election results.

Former President Baker and Elections Committee Chairperson Easton-Davis were not impartial in this election. Even though the Chairperson of the Elections Committee recommended that there wasn't enough grounds to consider these accusations substantiated, we are in the capacity to assure that former President Baker organized, guided the membership to vote for the "Solidarity Slate" (Jackie Tate, Grant Swanson, Cindy Sierra and Hillary Zust) and asked for votes for the named "Slate" from different members while on County Union time.

Former President Baker was also part of the Elections Committee and as part of it called for meetings for a selected group of members to organize the "Slate", knowingly that due to her position she shouldn't. This gathering happened on August 3rd 2023 at a restaurant called Fire on the Mountain. She then guided the "Slate" through the election process and asked for votes for the "Slate". Robin Easton-Davis was also at this organizational meeting at Fire on the Mountain.

Proof of the latter is that she asked member Michael Hanna at the end of a meeting to vote for this "Slate" after a meeting where she acted as President during Union Time and primarily over video calls. Being a part of the Election Committee and also campaigning while on County Union paid time is specifically prohibited according to the Elections Manual.

The primary argument by the Elections Committee was that these actions would not have affected the vote because the winners won by a large margin. We attest that the reason they won by a large margin was both because of former President Baker's campaigning on County time and because of the failed voting process.

4. The EC acknowledges that we did not create or follow any consistent process for listing for any of the candidates on the website or ballot. However, there is no evidence to suggest that our failure to do this had an impact on the election, especially considering the wide margins in favor of the winning candidates.

On the ballot and on the Candidate page on the website, the candidates are listed with the "Solidarity Slate" as the first option in each category (President, Vice President, Treasurer and Secretary.). There is no other uniform order to those names being first (not alphabetical, not by seniority).

Due to the guidance and influence of Former President Baker and Elections Committee Chairperson Robin Easton-Davis, the members of the "Solidarity Slate" were listed at the first option in the electronic ballots. This decision was manu-military and didn't follow any criteria used to give candidates fair opportunities in order to be selected by the voters.

When reading the Elections Committee findings, Robin stated that there was no order to the way that the candidates were listed on the website and on the ballot. However, there was an order. The Solidarity Slate candidates were always the first choice or on the top.

AFSCME Locals have democracy as the way to conduct business and be fair to all their members. We believe that this maneuver influenced the results of this election.

With the behaviors listed in the previous paragraphs, President Baker and Robin Easton-Davis, with their partial and one-sided attitudes and behaviors made us believe that these elections were not handled with neutrality, justice or fairness from the members of the Elections Committee due to their preference for the "Solidarity Slate". Therefore, we don't believe these elections were unbiased and impartial or were handled according to what is established in the AFSCME Elections Manual.

Election Committee Chairperson Easton-Davis, did not deny the accusation that she didn't handle the Elections with neutrality, justice or fairness. In addition, she admitted that she did not have the capacity to investigate it fully. For example, no one reached out to Michael Hanna from the Elections Committee in this investigation, even though he was the only specific witness mentioned. In addition, she accepted being part of

meetings where coordinations for preparing a "Slate" were taken. She even tried to justify that this meeting (08/03/23) took place before the Election Process started. We believe that due to her involvement in the elaboration of this scheme she couldn't act in an unbiased way while conducting such an important election process.

5. Regarding the electronic voting system and their failure to offer a mail in ballot, their decision was: ●
  - a. There is no evidence to support the claim of any violations. The EC conducted the process below:
    - The election process is handled by a third-party company, who has been trusted by AFSCME to run previous election processes for multiple AFSCME union elections
    - We have a list of the members who voted, however, how they voted remains disaggregated (separate and unknown) to the EC, the officers, the board, the broader union, or anyone else.

The Manual also states, "In an election using an electronic voting system, the local union must mail a notice of nominations and election using the same procedures, timelines and information as required for officer elections conducted by paper ballot. The notice should also include a date by which a voter must notify the elections committee if they do not receive the necessary credentials to access the electronic system the local has selected."

"Local unions electing to use electronic voting systems are required to provide an alternative voting method (e.g., mail ballot) for any member who does not have access to the technology required to cast a vote using the electronic system selected for voting."

This plainly didn't happen. The Elections Committee argued in their response that their publication of the election in the Labor Press qualified for this requirement. Again our members were not given the right or enough information in order to express their choice by voting for the candidates of their preference. The most basic and important instructions given by the Manual weren't followed by the Elections Committee.

Election Committee Chairperson Easton-Davis said that they didn't get any requests for paper ballots. However, they didn't comply with providing an alternative voting method. With this behavior, the Election Committee Chairperson violated the right for all members of our Local to express their voice by voting. Democracy is a foundation of the labor movement and by doing this, the Election Committee and former President Baker purposely left an indeterminate group of members out of this election by taking away their basic right to elect among the different candidates that participated in this election.

In addition, the Elections Committee cut short the terms of some Executive Board members in their rough interpretation of the Elections Manual. The manual states that election winners will be installed "immediately", to which they assumed in September (prior to November terms ending) when the nominations were taken in September. This resulted in some Executive Board members' terms being ended early and a lack of clarity as to which existing board members' seats would be taken by newly elected members. For example, there are 4 executive board seats open. One newly elected member gets voted in, one incumbent gets voted in. Which of the three previous executive board seats does the one newly elected member take? Some of us argued that they would take their place at the November date, but they insisted that it was immediate.

The Elections Committee also did not take care in pronouncing the candidates names properly in General Membership meetings, even after repeated corrections. We believe that this communication soured the perception of one candidate due to the ridiculous pronunciation and repeated correction. Since these meetings were the only communication for the candidates with the general population, we believe it affected the election.

Our request is for the Judicial Panel to have these election results reversed and for a new election to be done, using a different and unbiased Election Committee who can organize the election properly, or with oversight by a Judicial Panel member. We are bothered not just by their mishandling of the election, but also by the failure of the democratic process.

Manuel Arellano  
Rachael Riley  
Matt Davis  
Christina Cantú  
Sean O'Brien  
Stacey Burton

References:

Rules violated (text from the Elections Manual):



**Preparation of the ballot**

The election committee is responsible for seeing that all names are correctly spelled or pronounced on the ballot.

**Election campaigning**

The general provisions on the rights and the restrictions on campaigning for office in the local union can be found in Section 1 of Appendix D of the International Constitution.

Basically, these provisions are as follows:

1. No union funds or resources, and no funds or resources of any employer, can be used in campaigning for union office.

**Notice of election**

If the original notice sent out announcing the nominations included an announcement of the date, time, and place/manner of conduct for the election, no additional election notice is required. If the nomination notice did not announce the election, an additional notice must be given. This notice must be "mailed to each member at the member's last known home address" at least 15 days before the election date. It should state the date, time, and place/manner of the voting and should, in addition, indicate which offices are to be voted on and, if possible, list the candidates. If there are more than two candidates for a single office, it is wise to include in this notice the date, time and place/manner of conduct for any run-off election that might be necessary, otherwise, the local will be required to mail a separate notice for a run-off election if one is required. Sending the notice by email does not satisfy these requirements. If the voting itself is to be done by mail, or by use of an electronic voting system, the notice may be included in the mailing of the ballot or electronic voting materials. See "Voting by mail" and "Voting by electronic voting systems" later in this manual.

**Preparation of the ballots**

The next question is, "In what order will names appear on the ballot?" Most locals list the names of the ballot in the order in which the candidates were nominated, and this practice is perfectly proper. Some locals list the candidates in alphabetical order, and this practice is also perfectly proper. Some locals determine the order of names by drawing lots, and this practice is also perfectly proper. What is not proper is to change from the method used previously to a new method after the nominations have taken place. If a change from one method to another is desirable, the new procedure should be approved by membership vote (or announced by the election committee) before the nominations begin.

**Reasonable opportunity to vote**

Mail and electronic ballots cannot be used for those who are on duty during voting hours. The same balloting method must be used by all members, except when the method used is by electronic voting system and a member does not have access to the technology needed to cast a vote. In such circumstances the local must offer such members an alternative manner of voting in the election.

### **Installation of officers**

When do the newly-elected officers take office?

“Those elected shall be installed in office immediately, but in no event later than 10 days after the tabulation of the election ballots, and regardless of any election related protests that are filed.” (International Constitution, Appendix D, Section 2, sub-section K).

### **Voting by electronic voting systems**

Appendix D, Section 2, sub-section G of the International Constitution allows for voting using remote electronic voting systems in local unions with 2,000 or more members, and in local unions with less than 2,000 members provided they have received advance approval from the International President to use this voting method. Locals with less than 2,000 members must make a request for approval before each election. Local unions electing to use electronic voting systems are required to provide an alternative voting method (e.g., mail ballot) for any member who does not have access to the technology required to cast a vote using the electronic system selected for voting. In an election using electronic voting systems, the two basic requirements for the actual conduct of the election contained in Appendix D, Section 2, sub-section F of the International Constitution still apply in full force:

1. “Election shall be by secret ballot.”
2. “All local union members shall be afforded a reasonable opportunity to vote.”

Elections conducted by electronic voting systems require different procedures and safeguards than those conducted in-person or by mail. Because of the complexity of remote electronic voting elections, it is extremely important that the system selected for use in an election meets the requirements set forth in this section. “Do it yourself ” election software or apps available on the internet are not acceptable for use. Nor is it permissible to use employer email addresses for the distribution of electronic ballots. In an election using an electronic voting system, the local union must mail a notice of nominations and election using the same procedures, timelines and information as required for officer elections conducted by paper ballot (see pages 1-2 of this manual). The notice should also include a date by which a voter must notify the elections committee if they do not receive the necessary credentials to access the electronic system the local has selected.



Rachael Riley

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**Fwd: Protest: Request the Nullification of the 2023 Local 88 Officer Elections**

1 message

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Manuel Arellano To: Rachael Riley

Tue, Nov 7, 2023 at 9:10 PM

——— Forwarded message ———

From: **Manuel Arellano**

Date: Tue, Nov 7, 2023, 9:00 PM

Subject: Protest: Request the Nullification of the 2023 Local 88 Officer Elections

To: Joslyn Baker, Robin Davis, Jackie Vitron, Matt Davis, Niyia Batugo, Darlena Hale, Eben Pullman

Robin Easton-Davis  
Chairman of Local 88  
Elections Committee

Joslyn Baker  
President of Local 88

Jackie Vitron  
Secretary of Local 88

Robin, Joslyn and Jackie,

According to the AFSCME Local 88 Union Election Manual regarding Protest (Page 23 of Printed Version) we request the Nullification of the 2023 Local 88 Officer Elections due to the following violations:

**President Baker and Elections Committee Chairperson Easton-Davis were not impartial in this election.**

- a. On August 3rd, 2023, President Baker invited a group of Local 88 members to tell them that they'll have her support for the upcoming elections if they decided to run either for E-Board and Officers. Among the participants were members of the current Elections Committee and members of the "Solidarity Slate" - Jackie Tate, Grant Swanson, Cindy Sierra and Hilary Zust; who have been announced as the winners for the offices they were running for. This meeting took place in the Restaurant "Fire on the Mountain".
- b. President Baker dedicated Union time and resources campaigning for the so-called "Solidarity Slate". She also used Union video calls to promote her candidates with Multnomah County Staff. President Baker is listed in election communications as a member of the Elections Committee.

- c. On the ballot, the "Solidarity Slate" candidates were listed as the first option in each category (President, Vice President, Treasurer and Secretary.). There wasn't a uniform order or an explanation for why their names were first (not alphabetical nor by seniority).
- d. On the website with the candidate information, the "Solidarity Slate" candidates were listed as the first option in each category (President, Vice President, Treasurer and Secretary.). There wasn't a uniform order or an explanation for why their names were first (not alphabetical nor by seniority).
- e. With the behaviors listed in the previous paragraphs, President Baker and Robin Easton-Davis, with their partial and one-sided attitudes and behaviors made us believe that these elections were not handled with neutrality, justice or fairness from the members of the Elections Committee due to their preference for the "Solidarity Slate". Therefore, we don't believe these elections were unbiased and impartial or were handled according to what is established in the AFSCME Elections Manual.

In addition, in this elections process, the Election Manual was either violated or not followed according to the following events:

- a. **The Manual states; " In an election using electronic voting systems, the two basic requirements for the actual conduct of the election contained in Appendix D, Section 2, sub-section F of the International Constitution still apply in full force: 1. "Election shall be by secret ballot." 2. "All local union members shall be afforded a reasonable opportunity to vote."**

This didn't happen, many of our members didn't receive the electronic ballot. It became evident that some of our members weren't guaranteed their right to elect the candidates of their preference. Summarizing, the Elections Committee was unable to protect our members' votes.

- b. **The Manual also states, "In an election using an electronic voting system, the local union must mail a notice of nominations and election using the same procedures, timelines and information as required for officer elections conducted by paper ballot (see pages 1-2 of this manual). The notice should also include a date by which a voter must notify the elections committee if they do not receive the necessary credentials to access the electronic system the local has selected."**

**"Local unions electing to use electronic voting systems are required to provide an alternative voting method (e.g., mail ballot) for any member who does not have access to the technology required to cast a vote using the electronic system selected for voting."**

This plainly didn't happen. Again our members were not given the right or enough information in order to express their choice by voting for the candidates of their preference. The most basic and important instructions given by the Manual weren't followed by the Elections Committee.

- c. **"The vendor shall provide the union with a digital and paper copy of the count and/or tabulation results at the conclusion of the election and must retain the voting system and all digital records (e.g., voting system, credentials, log files, time stamped software codes, tally results) related to the election for at least one year."**

After multiple attempts to find out the results, the list of members able to vote, the analytical data or the margin of the wins we haven't heard a word from the Elections Committee.

We need to remind you that the Election Committee should observe the following procedure according to the Elections Manual:

**“Protests should be heard by the election committee, in the first instance, unless the committee has been discharged prior to the filing of the protest. In any event, the final decision to accept or reject the recommendation of the election committee is made by the membership and it must be decided within thirty days after the protest is filed. If the membership decides that there were violations that were of such a nature that they may have affected the outcome of the election, they may order the election, or any part of it, set aside and a new election held. Appeals on protests (or on challenges) may be made to the Judicial Panel (1) within 10 days following the decision of the local, or (2) within 40 days after the protest was filed, if no decision has been reached by the local union within 30 days after the protest (or challenge) is filed with the local.”**

Finally and due to all the violations, misconducts, impartialities and omissions, the below cosigners request the Nullification of this Elections Process and order the re-run of a new one as soon as can be done logistically.

In Solidarity,

Manuel Arellano  
Darlena Hale  
Matthew Davis  
Niyia Batugo

--

**Manuel Arellano**  
Library Co-Lead Steward  
Local 88

*Put your heart aside. Duty comes first. But when fulfilling your duty, put your heart into it. It helps!...Saint José María Escrivá de Balaguer*

*The sole and basic source of our strength is the solidarity of workers, peasants and the intelligentsia, the solidarity of the nation, the solidarity of people who seek to live in dignity, truth and in harmony with their conscience. Lech Walesa*

*Inadequacy of his own strength, learned from experience, impels and urges a man to enlist the help of others. Pope Leo XIII*

## **Election Protests Notes and Final Recommendations**

**Election Committee Recommendation:** The Elections Committee Recommends that these protests are dismissed, and that current election results remain valid and all officers will remain in office pending any appeals made to the Judiciary Panel appointed by the AFSCME International.

### **Protest #1 (received November 6, 2023 at 3:24pm)**

1. President Baker has not been impartial in this election since before the process started. She is listed in communications as being on the Elections Committee.

- **There is no evidence given to support the claim that this election was not balanced and fair. The Elections Committee, (will be referred to as the E.C.) performed what it is tasked to do:**
  - The EC informed the general membership (GM) of the upcoming elections and requested nominations within the expected timeline and the EC followed the guidelines for performing these tasks.
  - The EC took nominations and informed the GM of the nominations.
  - All nominees in contested elections were provided equal access to the same union platforms so they could inform the GM about who they are and why they are running in their own words. Two of the candidates, who are also a part of the protest filed, (Matt Davis and Darlena Hale) did not submit their statements by the deadline, however, the EC Chair gave them the opportunity to add a statement to the ballot landing page, along with the candidates who had completed their statements by the deadline.
  - The GM were sent notifications about the election before and during the actual election
    - All election notifications and any candidate statements provided by the candidates were posted on our Local 88 website.
    - Election nomination and notifications were sent to all members in the President's emails
    - Notification of the election timeline was posted in the Northwest Labor Press published on 9/1 and mailed to all members.
  - The current member list compiled by a Union Representative and sent, via email, to the EC Chair. The Chair sent the member list, also via email, to True Ballot, the third-party vendor contracted by AFSCME to conduct our elections.
  - True Ballot creates the ballot and sends them out at our designated election time, including the reminder email blast.
  - The EC Chair immediately sent ballot requests from the True Ballot platform when members reached out to request one. Requests for ballots were made 3 times during the election and once after the election.

- The EC received the election results from True Ballot and we immediately notified the Cabinet and the candidates, and sent the results out to our GM within 24 hours of their receipt.
- All candidates were given equal opportunity to speak during designated union platforms.
- There are no rules or restrictions which prohibit President Baker from participating on the Elections Committee. We eagerly and enthusiastically encourage any eligible members to participate in this Committee!
- President Baker, like all members of our union, is entitled to share her preferences and opinions about union issues to other members. There is no evidence to suggest she stated her opinions to our GM during union time and/or that her opinions would have impacted the election results.
- It is important to understand the distinction between

**2. On August 3rd, 2023, President Baker invited a group of select members to communicate to them that they'll have her support for the upcoming elections. The meeting took place at Fire on the Mountain.**

- This event occurred in August before nominations were formally submitted for any of the positions. Nominations were accepted at the General Membership on September 20, 2023.
- Personal recruitment of nominees, by elected officers or others, is not a unique or uncommon practice, including in this Local. In fact, it is a best practice for soliciting folks from within marginalized communities, such as women, BIPOC, and the working-class poor, who wouldn't normally self-select into these processes.

**These statements also apply to protests 3 and 4 below.**

**3. Members of the current Elections Committee were invited to this meeting.**

- See response #2 above. Robin Easton-Davis, EC Chair, was the only member invited, and she opted not to run for any open positions—specifically the e-board. There is no evidence that her attendance is an example of or resulted in any unfair or biased election practices.

**4. Members from the "Solidarity Slate" also participated in this meeting - Jackie Tate, Grant Swanson, Cindy Sierra, and Hilary Zust. This statement was evaluated with item 3 as it clearly was a direct factor in the referenced event above.**

- See response #2 above.

**5. Since that time, President Baker has asked several people to vote for the "Solidarity Slate", including previous Officer Michael Hanna. These were primarily over video calls. This is biased behavior.**

- President Baker, like all members of our union, is entitled to state her preferences and opinions about union issues to other members. There is no evidence that her statements to individual members affected the outcome of the elections.

6. President B has been using time during her work day (union time paid by Multnomah County) to campaign for the "Solidarity Slate". This is against Election Policy. "No union funds or resources, and no funds or resources of any employer, can be used in campaigning for union office." Examples include campaigning over video chat at the end of a regular business meeting.

- President Baker, like all members of our union, is entitled to state her preferences and opinions about union issues to other members during her own personal time. There is no evidence to suggest she stated her opinions to members using union or county resources and/or that her opinions would have impacted the election results.

7. Robin Easton-Davis, Elections Committee Chair, publicly admonished Executive Board member Rachael Riley for speaking out in a General Membership meeting on October 4, 2023, even after Ms. Riley asked her in a private message to stop.

- Context: during said union meeting, Rachael Riley was verbally supporting Matt Davis—several times—during the discussion about whether he (or anyone else) should be able to be in an officer position at the same time they are in a WOC management position. Robin Easton-Davis, EC Chair, informed Rachel Riley that our discussion should focus on the "issues not the individual candidates".

8. People were voicing their preference for members of the "Solidarity Slate" in open chat during the General Membership meeting on October 4, 2023. President B was asked to stop it and she insisted that it was appropriate and let it continue.

- The EC is unable to determine whether this incident occurred. Even if it did happen, there is no evidence that this event could have changed the outcome of the election.

9. On the ballot and on the Candidate page on the website, the candidates are listed with the "Solidarity Slate" as the first option in each category (President, Vice President, Treasurer and Secretary.). There is no other uniform order to those names being first (not alphabetical, not by seniority).

- The EC acknowledges that we did not create or follow any consistent process for listing for any of the candidates on the website or ballot. However, there is no evidence to suggest that our failure to do this had an impact on the election, especially considering the wide margins in favor of the winning candidates.

#### **Protest #2 (received November 7, 2023 at 9pm)**

President Baker and Elections Committee Chairperson Easton-Davis were not impartial in this election.

- The EC has responded to this protest in the previous protest and there is no need to expand on this. See #1 in the first protest.

a. On August 3rd, 2023, President Baker invited a group of Local 88 members to tell them that they'll have her support for the upcoming elections if they decided to run either for E-Board and



Officers. Among the participants were members of the current Elections Committee and members of the "Solidarity Slate" - Jackie Tate, Hilary Zust, Cindy Sierra, and Grant Swanson; who have been announced as the winners for the offices they were running for. This meeting took place in the Restaurant "Fire on the Mountain".

- The EC has responded to this protest in the previous protest and there is no need to expand on this. See #2, #3, and #4 in the first protest.

b. President Baker dedicated Union time and resources campaigning for the so-called "Solidarity Slate". She also used Union video calls to promote her candidates with Multnomah County Staff. President Baker is listed in election communications as a member of the Elections Committee.

- The EC has responded to this protest in the previous protest and there is no need to expand on this. See #5 and #6 in the first protest.

c. On the ballot, the "Solidarity Slate" candidates were listed as the first option in each category (President, Vice President, Treasurer and Secretary.). There wasn't a uniform order or an explanation for why their names were first (not alphabetical nor by seniority).

d. On the website with the candidate information, the "Solidarity Slate" candidates were listed as the first option in each category (President, Vice President, Treasurer and Secretary.). There wasn't a uniform order or an explanation for why their names were first (not alphabetical nor by seniority).

- The EC has responded to this protest in the previous protest and there is no need to expand on this. See #9 in the first protest.

e. With the behaviors listed in the previous paragraphs, President Baker and Robin Easton-Davis, with their partial and one-sided attitudes and behaviors made us believe that these elections were not handled with neutrality, justice or fairness from the members of the Elections Committee due to their preference for the "Solidarity Slate". Therefore, we don't believe these elections were unbiased and impartial or were handled according to what is established in the AFSCME Elections Manual.

- **Members of Afsme Local 88 and employees of Multnomah County. We are a part of a diverse member workforce who work with diverse communities, and to perform our jobs well, we are expected to be anti-biased and fair. The foundations of anti-bias work are to (1 ) recognize that everyone has biases, (2) be aware of our personal biases and mindful of how these can show up in our work, and (3) do the necessary work to not be biased towards our colleagues or in the community.**

**The EC successfully followed anti-bias practices to ensure that personal biases held by our members, for or against any of the candidates, did not affect the election processes.**

In addition, in this elections process, the Election Manual was either violated or not followed according to the following events:

a. The Manual states; " In an election using electronic voting systems, the two basic requirements for the actual conduct of the election contained in Appendix D, Section 2,

sub-section F of the International Constitution still apply in full force: 1. "Election shall be by secret ballot." 2. "All local union members shall be afforded a reasonable opportunity to vote." This didn't happen, many of our members didn't receive the electronic ballot. It became evident that some of our members weren't guaranteed their right to elect the candidates of their preference. Summarizing, the Elections Committee was unable to protect our members' votes.

- There is no evidence to support the claim of any violations. The EC conducted the process below:
  - The election process is handled by a third-party company, who has been trusted by AFSCME to run previous election processes for multiple AFSCME union elections
  - We have a list of the members who voted, however, how they voted remains disaggregated (separate and unknown) to the EC, the officers, the board, the broader union, or anyone else.

### **2023 Election-related communication Log**

#### **1. NWLP**

- Local 88 Submission 7/24/23 - mailed to members 1st week of August
- September 2023 NWLP submission - mailed to members 1st week of September - this served as our mailed notification to members
- October NWLP Submission - mailed to members 1st week of October - full elections details

#### **2. Emails to members (via action network)**

- Sent 10/2/23 10/2/23 - AFSCME Local 88 Election Update - opened by 1618 members
- Sent 10/11/23 Register now - AFSCME Local 88 Office Candidate Forums - opened by 1511 members
- Sent 10/23/23 10/28/23 Candidate Forum - AFSCME Local 88 - opened by 1538 members
- Sent 10/31/23 AFSCME Local 88 \* 10/31/23 Updates - opened by 1546 members
- Sent 11/6/23 Officer Election ends - 8pm Monday 11/6/23 - opened by 1317 members

#### **3. Discussed at general membership meeting**

- 8/16/23 GM Agenda/Minutes
- 9/20/23 GM Agenda/Minutes
- 10/18/23 GM Agenda/Minutes

#### **4. Discussed at executive board meeting**

- 9/6/23 EB Agenda/Minutes
- 10/4/23 EB Minutes

**b. The Manual also states, "In an election using an electronic voting system, the local union must mail a notice of nominations and election using the same procedures, timelines and information as required for officer elections conducted by paper ballot (see pages 1-2 of this**

manual). The notice should also include a date by which a voter must notify the elections committee if they do not receive the necessary credentials to access the electronic system the local has selected.”

“Local unions electing to use electronic voting systems are required to provide an alternative voting method (e.g., mail ballot) for any member who does not have access to the technology required to cast a vote using the electronic system selected for voting.”

This plainly didn’t happen. Again our members were not given the right or enough information in order to express their choice by voting for the candidates of their preference. The most basic and important instructions given by the Manual weren’t followed by the Elections Committee.

- Please refer to the communication log above
- There was adequate notification of the election and who to inform if they didn’t receive their ballot.
  - A total of 4 members either notified us or their steward who then reached out on their behalf. One of the members asked after the election results were announced. The EC Chair requested new ballots for all 3 members who requested before the end of the voting period. The EC Chair also followed up with them to ensure they received another ballot.
  - There was not one single request for a mail-in ballot before or after the election took place.

c. “The vendor shall provide the union with a digital and paper copy of the count and/or tabulation results at the conclusion of the election and must retain the voting system and all digital records (e.g., voting system, credentials, log files, time stamped software codes, tally results) related to the election for at least one year.” After multiple attempts to find out the results, the list of members able to vote, the analytical data or the margin of the wins we haven’t heard a word from the Elections Committee.

- The vendor fully complied with all regulations and procedures and ensured complete confidentiality of voter’ choices. The “multiple attempts to obtain information” were made the day of and the day after the elections, and the same day this protest was filed. The information requested was sent to the protesters within a reasonable time.

We need to remind you that the Election Committee should observe the following procedure according to the Elections Manual:

“Protests should be heard by the election committee, in the first instance, unless the committee has been discharged prior to the filing of the protest. In any event, the final decision to accept or reject the recommendation of the election committee is made by the membership and it must be decided within thirty days after the protest is filed. If the membership decides that there were violations that were of such a nature that they may have affected the outcome of the election, they may order the election, or any part of it, set aside

- The EC followed all protocols. The EC is providing the full text regarding protests and the following page about installation of officers to provide full context.

**The Text is copied from pp 23 - 26 of the 2021 AFSCME Local Union Elections Manual (pdf). This pdf can be found on the AFSCME website.**

### ***Protests***

***A protest is not the same as a challenge. A challenge questions a nominee's right to run for office. A protest questions the actual conduct of the election itself.***

**24**

***A protest may be filed immediately upon completion of the election or within ten days thereafter. It should be filed in writing, with the election committee chairperson, if the committee has not yet been discharged, or with the president or secretary of the local.***

***Protests should be heard by the election committee, in the first instance, unless the committee has been discharged prior to the filing of the protest. In any event, the final decision to accept or reject the recommendation of the election committee is made by the membership and it must be decided within thirty days after the protest is filed.***

***If the membership decides that there were violations that were of such a nature that they may have affected the outcome of the election, they may order the election, or any part of it, set aside and a new election held.***

***Appeals on protests (or on challenges) may be made to the Judicial Panel (1) within 10 days following the decision of the local, or (2) within 40 days after the protest was filed, if no decision has been reached by the local union within 30 days after the protest (or challenge) is filed with the local.***

***There is a tendency on the part of some to file formal protests based on the most minute and technical of violations. This is, of course, the right of any member and the local — or the Judicial Panel — is bound to investigate the matter and rule on it.***

***When the matter is investigated by the Judicial Panel, it tends to take a somewhat practical position. If a violation is found that is of a purely technical nature, it then asks the inevitable question: "Did the violation or could the violation have affected the outcome of the election?" If the answer is "No," it will not set aside the election. On the other hand, if the violations were of such a nature and***

scope that they might have affected the result, it will order a re-run — and may even supervise it.

**Installation of officers**

The election committee makes its general report to the membership. The membership votes to accept it. (If there is no formal protest pending, the membership has no choice but to accept it.)

**When do the newly-elected officers take office?**

**“Those elected shall be installed in office immediately, but in no event later than 10 days after the tabulation of the election ballots, and regardless of any election related protests that are filed.”**  
**(International Constitution, Appendix D, Section 2, sub-section K)**

Some local union constitutions have provisions that would seem to provide for a delay of anywhere from a few days to a couple of months between completion of the election and the installation of the new officers. No such provision is valid. Those elected must be installed immediately.

This means that those elected officers who are present when the election committee completes the tabulation of ballots should be installed at that time.

For those elected officers who are not present, the International Constitution requires that arrangements be made to install them no later than 10 days after the tabulation. **The installation of officers may not be delayed because of any pending election related protests or the scheduling of a membership meeting.**

The outgoing officers are obligated to turn over to their successors “all books, papers and other property” of the union, and they remain under bond until they have done so.

**Election Committee Recommendation:** The Elections Committee Recommends that these protests are dismissed, and that current election results remain valid and all officers will remain in office pending any appeals made to the Judiciary Panel appointed by the AFSCME International.



Rachael Riley

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## Election Results - AFSCME Local 88 Update

1 message

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**Oregon AFSCME Local 88** <88cabinet@afscmelocal88.org>  
Reply-To: 88cabinet@afscmelocal88.org  
To: Rachael Riley

Tue, Nov 7, 2023 at 6:47 PM



RACHAEL,

Below is a summary of the election results:

**Number of ballots sent:** 3263

**Number of voters who voted:** 531

**Election Results:**

Here are the votes received for each candidate. These results are unofficial pending the resolution of a protest filed regarding conduct during the election period:

**President:**

Jackie Tate: 321

Manuel Arellano: 201

**Vice President:**

Grant Swanson: 322

Darlana Hale: 187

**Treasurer:**

Cindy Sierra: 330

Matt Davis: 154

**Secretary:**

Hilary Zust: 295

Niyia Batugo: 190

Thank you for your patience as we move through this process.

The Elections Committee

Connect with **AFSCME Local 88**:



Oregon AFSCME Local 88 | 6025 E. Burnside Street Portland Oregon 97215

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Sent via ActionNetwork.org. To update your email address, change your name or address, or to stop receiving emails from Local 88, please [click here](#).