

The CSI Chapter elections were contested by two slates. One slate was the CSI-New Caucus Slate and one slate was the CSI Brand New Day Slate. The voting resulted in a mixed result, with Brand New Day winning some offices, including chapter chair, and CSI-New Caucus winning others. The vote for chapter chair was 139 votes for George Sanchez from Brand New Day and 133 votes for Vasilios Petratos from CSI New Caucus.

The CSI-New Caucus slate timely challenged the result of the election alleging four violations of the election rules and seeking to have the election overturned and the entire CSI New Caucus slate candidates declared the winners.

In response Brand New Day denied any intentional wrongdoing, and suggested that the CSI New Caucus slate had also committed rules infractions. The Brand New Day Slate also pointed out that the PSC had not provided any orientation or candidate training on the complex web of federal law and PSC rules governing the election and, as first-time candidates therefore, the Brand New Day Slate (“BND”) was at a disadvantage.

The Election Committee was extremely cautious in its approach to this challenge as it represented a request to overturn the votes of the members of the CSI chapter.

The CSI-New Caucus (“NC”) slate raised four specific challenges to the election. These challenges and the Election Committee’s (“the Committee”) response were as follows:

Allegation 1: Misrepresentation of the Members of the Brand New Day Slate. NC alleged that in campaign literature and its Facebook page BND had falsely stated that Professor Jacqui LeBlanc was a member of the BND Slate when she was not in fact a member of the BND Slate.

Election Committee Response: This did not establish a violation. Professor LeBlanc was by admission of all parties a vocal supporter and endorser of the BND slate, although not a candidate on the slate. There was a campaign flyer also posted on the BND Facebook page that included Professor LeBlanc’s name as a signatory under a heading of BND slate. The flyer did not misrepresent Professor LeBlanc’s endorsement of BND and did not mislead voters by misstating her position on the election choices. Nowhere on the ballots sent to CSI members was Professor LeBlanc listed as

a candidate. This did not constitute a violation and could not be said to have affected the outcome of the election.

Allegation 2: Misrepresentation of Department Chairs Endorsement and Coercion of Votes. The NC alleged that an email sent by a department secretary to other department secretaries for distribution announcing the BND Facebook page was an attempt to mislead voters into believing that the Chairs of those departments had endorsed the BND Slate.

Election Committee Response: This allegation did not state a violation of the rules or applicable law. The Committee did not believe that the email could reasonably be interpreted as an endorsement by Department Chairs. The email was retracted shortly after it was sent, although the retraction language used by the secretary was imprecise. The Committee also rejected the idea that there was an attempt by BND to mislead voters that any department chair had endorsed the BND slate. The Committee also strongly rejected the idea that endorsement by a department chair could be considered coercive, as department chairs are members of the union and entitled to be fully involved in union elections.

Allegation 3: The BND slate deliberately misled voters into believing that new elections would be held in the Fall if BND's incomplete slate were elected. Since BND did not have a candidate for every office, BND could not have won every position. BND produced a flyer stating, in the event of a BND win, those positions not contested by BND would be filled by a chapter election in the Fall. This is not the rule under the PSC Constitution and therefore this constituted a violation.

Election Committee Response: The investigation made clear that the initial BND mistake came as a result of incorrect information being given by the PSC staff. Investigation also revealed that NC was aware of the error in BND's flyer at the time it was made and challenged the BND on the issue publicly. Although BND apparently repeated the erroneous statement after being corrected by PSC staff, the Committee did not believe that an erroneous factual statement that is publicly rebutted by the opposing candidate can serve as the basis to find a violation requiring the overturning of an election.

Allegation 4: Malicious, false and ad hominem attacks by BND. The NC alleged that BND and its supporters made numerous false and malicious attacks on NC chair candidate Petratos, for example referring to him as "pompous, self-aggrandizing and chest thumping."

Election Committee Response: The Election Committee viewed the statements made as part of the rough and tumble of campaign speech and did not find a violation.

### The Election Committee's Independent Investigation

The Election Committee was aware that federal law governing union elections prohibits the use of employer resources for campaigning. The definition of employer resources is evolving and imprecise. In reviewing the challenges initially the Committee held that the use of a department secretary by BND to distribute the email about its Facebook page was a use of employer resources, although the NC had not alleged it as such. At that review, however, the Committee also concluded that the NC had also used employer resources in sending out numerous emails to the members at CSI. The Committee therefore held that the two violations canceled out and that the election should be certified.

Upon further review and discussion however, it was not clear to the committee that sufficient evidence of the use of employer resources by NC had been uncovered. The evidence was only that election/campaign information was sent to members' CSI email addresses. Thus, the Committee held that this did not amount to a use of employer resources.

Due to the close vote, this violation (use of a department secretary to send an email), although relatively minor, was held to be sufficient to have possibly affected the outcome of the election and therefore, the Committee felt that it must order a new election.

The Committee denied the remedy sought by the NC which was to have all NC candidates declared the winner. The Committee felt that this was a remedy that was beyond the power of the union to award, possibly prohibited by law, and in any event unwarranted by the Committee's findings.

The Committee, also addressed the BND point that the rules and laws are difficult to parse, and can be pitfalls for new candidates, putting them at a disadvantage. The Election Committee therefore recommends establishing a procedure for candidate education that will commence in time for the new CSI election in the Fall.

The Committee recommends that the ballots for the new election be mailed on or about October 1, 2013 in order to permit the candidates campaign time and to permit the adjunct payrolls to be verified so that membership status may be properly established.

The Committee recommends that the election be rerun with the candidates/slates as constituted in April with no replacements permitted. Withdrawals of candidates or removals of individuals from slates should be permitted.

Regarding the status of the officers and delegates representing CSI; as of May 26, 2013, the terms of the prior officers and delegates have expired. No new officers and delegates can represent CSI until ten days after the certification by the DA of the results of the rerun.