

RULING (2022-3) ON AN ELECTION-RELATED MAILING

In March, member Mike O'Brien contacted the Club about conducting a mailing to members about the upcoming Board election. He stated he wanted the mailing to go out to members who had voted in at least one of the last three years and that the mailer would advocate for the election of five of the six nominating committee candidates. On March 18, O'Brien formally notified the Club's Executive Office of this matter and provided a draft copy of the mailer. Thus, this was a "Valid Request" under Section D.1. of the Guidelines for Access to Sierra Club Membership Mailing List By Club Members or Club Candidates (the "Guidelines").

The Guidelines and Standing Rule 5.6.1(h)(ii) state that if a Valid Request is made, "the Executive Office will notify all candidates" in the election of the mailing request when it is received. Unfortunately, this was not done. Instead, candidates were not so notified until March 29, eleven days later.

It is important to note that Mike O'Brien did not violate the Guidelines. He made a Valid Request and duly notified the Club's Executive Office. It was up to the Executive office to notify candidates at this time. O'Brien's duty to notify candidates only arises "at the time it is first sent to Club members" (Guidelines Section D.2.).

It is unfortunate that timely notice was not provided to all Sierra Club board candidates per SR 5.6.1(h)(ii) and Guidelines Section D. 1. It also must be noted that the mailer has already been delivered to the post office, so there is no way to stop the mailing at this time. To date, the third party election counters have informed us that they have currently received 16,391 ballots, which represents less than 2.5% of potential ballots cast.

In order to give all candidates time to communicate directly with voters, the Inspectors are removing the 30 day deadline put in place under SR 5.6.1(h)(ii) and will allow for mailing requests to be made for the remainder of the election period. If any member wants to exercise this option please contact the Executive Office staff. Staff will work closely and diligently with any such member to help ensure the mailing is made as quickly as possible.

For the Inspectors,

Steve Krieg

Chief Inspector of Election