Report of the Elections Committee on the Ocean Pines Association 2021 Board of Directors 2021 Election and Referendum

November 19, 2021

Submitted by

Steve Habeger, Chairperson

Mark Heintz, Member

Carol Ludwig, Member

Mary Anne Whitcomb, Member

Bob Windsor, Member

Overview

The 2021 Referendum was completed on May 14, 2021 in accordance with the Ocean Pines Association By-Laws and Resolution M-06 and a report was submitted to the Board in August 2021. This report will also cover the election of candidates for the Board of Directors.

The 2021 Ocean Pines Association (OPA) Directors election was approached in accordance with the By-Laws and Resolution M-06 Elections and Referendums. Completion was delayed due to court orders and injunctions as the result of a lawsuit brought forward by candidate Rick Farr.

This report outlines the Election Committee (EC) timeline and steps in the election process, ballot mailing, receipt and final election count, support provided by OPA staff and any issues encountered and recommended changes. The committee held 16 scheduled meetings, including 2 candidate forums, from February 2021 through November 2021. These actions included:
- Creation of a timeline for the election process and conduct of monthly meetings with committee staff, Board Liaison and OPA staff member Josh Davis worked well to accomplish tasks. Meeting agendas and minutes were submitted to OPA and posted, as appropriate on the OPA website.
- Conduct of a candidate draw for ballot position and workshop were held on June 4.
- Conduct candidate forums held on June 9 and July 13.

All these election deadlines were met but final vote counting was delayed due to legal actions.

Election overview

On May 20, 2021, the Association Secretary sent the EC a letter informing the EC that five candidates were qualified for the 2021 election to fill two Director positions. On June 1, 2021, candidate Lisa Romersa sent the Elections Committee a letter announcing her withdrawal as a candidate in the 2021 election. At the candidate draw on June 12, the ballot order was determined to be:
Frank Daly
Stuart Lakernick
David Hardy
Rick Farr

The ballot count (held by court order) on October 20, 2021 results were:
Frank Daly   1,571
Stuart Lakernick 1,511
David Hardy   941
Rick Farr   1,629

Ballot Report

The new vote counting system performed accurately but slowly due to the slow speed of the scanner. The finalization of tallies and review of questioned or unreadable ballots was completed in about 6 hours, which included a major power outage, on October 20. Six assistants were invited to open ballot envelopes and review ballots. (Appendix I and II)

Support Provided by OPA Staff

The five members of the Election Committee could not complete the administration of the election without the assistance of OPA staff and we greatly appreciate their assistance. As part of the annual report, the committee prepared a list of support requirements. The support requirements are listed in Appendix III.

Issues Encountered and Recommendations for Changes

Recommendation: If the current balloting system will be remain in place, the purchase of a higher capacity and faster scanner is recommended.

The Election Committee encourages the Board to communicate to Association Members what constitutes voter eligibility in elections and how to ensure their account is in good standing and contains the correct mailing information.

Recommendation: Adjustment in Timeline: The Bylaws provide a very tight timeline for Board of Directors elections. As noted above, candidate names were received June 1; forums were held June 9 and July 13; ballots were posted on July 16 with completed ballots due by 4 pm on August 11, 2021.

Problems were encountered with the delivery of ballots to members as well as the receipt of ballots due to changes in the U.S. Postal service. 290 ballots were received after the deadline so were ineligible. Combined with the late receipt of 112 ballots for the May referendum this is a major issue. The committee believes that the current schedule required by the Bylaws is not tenable with documented slow delivery of ballots by the Postal Service.

Problems were also encountered with scheduling of two forums within this timeframe with the result that 2 of 4 candidates did not attend the second forum.

Recommendation: The Election Committee completes a detailed proposal on electronic voting and presents it to the Board in January 2022 for consideration.

Fiscal Performance

The 2021 election was accomplished at a cost within the approved budget of $25,000. In addition, the cost of $7,373.22 was incurred for the redo requested by the Board on September 30, 2021 which was subsequently overruled by the court.
Recommendation: Board gives a directive regarding the status of the "re-do" mailing materials and ballots. They are currently being stored by the contractor.

Election Committee Membership and Terms

COMMITTEE MEMBERS:
Name   Date Appointed -   Term Expires
Steve Habeger September 24, 2016   2 September 24, 2021 (extended to November 2021)
Mark Heintz September 24, 2016   2 September 24, 2021 (extended to November2021)
Carol Ludwig February 6, 2020   1 February 5, 2023
Bob Windsor February 20, 2019   1 February 16, 2022
Mary Whitcomb March 10, 2020   1 March 7, 2023
Jean Pennington November 20, 2021 1 November, 2024
Joe Peloso November 20,2021   1 November, 2024

BOARD LIAISON: Alternating through Frank Brown, Camilla Rogers, Josette Wheatly

Requirements for modern OPA balloting process:

Accuracy. The balloting system must be accurate; every valid ballot must be counted, invalid ballots must be identified and rejected, and votes must be assigned to the correct candidate(s).

Accessibility. The selected system will be used by a wide range of voters. People with a diverse range of education, literacy, and technical acumen, etc. It must be able to navigate and vote within the system without issues.

Flexibility. OPA elections can have many candidates (three years ago we had 11 candidates) and the number of open positions vary from year-to-year. The selected system must be able to easily adjust to changing election environments.

Security. The system must be impervious to outside agents attempting to gain access as well as extracting or changing data in the system. Even if the system has strong guards against infiltration, a method must be built-in which would provide evidence of an attempt to enter as well as any successful break-ins to the system.

Affordability. The system must be reasonably affordable for an association the size and complexity of Ocean Pines. While a low price is beneficial, the selected system will provide the "Best Value" possible to OPA.

Sustainability. The selected system must be one that can be updated or modified at a reasonable cost as technologies evolve.

OPA Ballot Report for 2021 election

Overview

Number of ballots mailed	7999
Computer Count	2810
Manual count	231
Total number of ballots counted	3041

38.0% Valid ballot return rate

Letters sent to ineligible voters	710

Rejected ballots

No box marked	3
Ballot marked improperly or comments on ballot	28
Improper envelope used	1
Voted for more than allowed number of candidates	4
Write-in attempt	0

Appendix III Elections Support Required of OPA Staff

Association elections are an annual occurrence. While the details of each election are unique, there are several repeating (and predictable) activities that require support from the OPA staff. This document will attempt to identify those activities.

Public Relations and Marketing: Beginning early in each year, advertising for the upcoming election and the need for interested members to volunteer to run for a Director position is needed. After the candidates are established by the Association Secretary, advertising of candidate forums and publication of election information is needed.

Senior Executive Secretary: Once the Association Secretary determines the list of eligible candidates, the Elections Committee (EC) will provide a letter and define the attachments to the letter that must be mailed expeditiously to all candidates. The letter contains several deadline items required from all candidates. It is requested that the letters be mailed to each candidate using overnight delivery with tracking enabled. Additionally, each candidate should be sent their letter via email.

Membership Office: The EC will establish the member voting eligibility deadline. After COB on the established deadline, EC needs to have two Excel files prepared:
- A mailing list of eligible voters and
- A mailing list of ineligible voters.

These files are pacing items; several actions are dependent upon the delivery of these two files including establishing the print and mail quantities of the outgoing posts to all members and calculation of the cost of the outgoing mail. The pace of the election is dependent on the speed with which these two files are prepared. (EC will provide duplicate ballots and mailing envelopes for staff to assist with questions/requests received.

The Finance Department When the required postage is determined, the Finance Department will have to issue a check for the requisite postage. Postage costs (both outgoing and incoming (using Business Reply Permit #32 at the Berlin Post Office)) are not included in the election print and mail support contact.

IT Department: Ballot counting uses a dedicated laptop and scanner which is maintained and provided by the IT Department.

Annual Meeting: EC is required to ascertain if a quorum has been met at the Annual Meeting. The EC members check property owners in and maintain a count of properties represented. To accomplish that task, EC requires:
- A file (in Excel) from the Membership Department which lists all property owners
- A set of four tablets or laptops for the EC members to use to check owners into the Annual Meeting.
- Electrical power for each of the laptops or tablets used.