ELECTION COMMITTEE (EC) REPORT TO THE BOARD OF DIRECTORS

BACKGROUND:

The 2022 Ocean Pines Association (OPA) Directors Election was conducted by members of the Election Committee appointed in 2020, 2021 and 2022. In accordance with OPA By-laws and Resolution M-06, Elections and Referendums, they performed functions from February 2022 through October 2022. Accordingly, they conducted the 28 Question Referendum in May 2022, and later, the Directors Election. The Referendum count of 1905 ballots was performed by-hand by EC members and volunteers, whereas the Directors Election count was a combination of the results of online voting and the scanning of paper ballots.

The initial tabulation of the Directors Election in August 2022 resulted in an excess of possible online and paper ballot votes (9,053). On 9/30/22, the EC conducted a re-count of paper ballots which resulted in a total of 8,113 online and paper ballots votes, a significant reduction. In an updated/corrected report dated October 4, 2022, the EC reported the new vote count which confirmed the initial three winning candidates, along with the need to review processes and investigate glitches in the tabulation/scanning programs.

On October 5, OPA President Doug Parks announced the EC had resigned and called for volunteers to establish a new EC. At the October 15 regular OPA Board meeting, five volunteers were appointed to form a new EC: Tom Piatti (Chairperson), George Alston, Elaine Brady, Nanci Osborne and Tom Schwartz.

On October 17, EC Board Liaison and Vice President Rick Farr emailed a Charging Document to the EC to investigate problems with the vote scan system (Task 1) below. On October 20, a Special OPA Board meeting was held to discuss a motion by Director Daly "to authorize a forensic auditor to audit the 2022 Board of Directors Election." After discussion, the Board tabled the motion to hire an outside auditor and agreed to direct the EC to conduct an "independent look" which is not to be construed as a re-count. On October 23, the EC received an amended charging document adding tasks 2 through 10 below.

Tasks, Findings, Recommendation:

TASK 1: Work collectively with the vendor of the vote scan system and software program to investigate and to review processes that produced major glitches in the tabulation of votes with the current voting scan system. Work with vendor to identify reasons for excess votes which resulted in inaccurate reporting. Make a recommendation so this issue will not arise again and that we have accurate voting tabulation in the next election cycle and provide correct results.

On November 3, members of the EC met with the OPA IT department head to review the equipment used to tabulate the election results for the 2022 election. A sample was run to test both the scanner and test any problems with scanning of the ballots. We tested the software program to determine issues with tabulating the votes on each ballot. Later, the committee spoke several times with the Berlin printing contractor (Ace Printing) and past EC Chairperson Carol Ludwig in order to understand how the list of eligible lots were handled throughout the process. Our primary objective was to find out how multiple lot ballots were handled, but did not exclude any other issues they may have had.

Findings: The Committee reviewed the operation of both the scanner and software program used to tabulate votes for the 2022 election. The scanner performed very well, has good speed and we were told there was only one or two minor jams during the processing of ballots, resulting in those ballots having to be flattened and reran or to be hand counted.

However, the scanning software leased by OPA from **Snap Survey of NH, Inc.** had two main issues that may have caused the incorrect initial count. The first issue was the instability of calibrating the software to the marked boxes on the ballot, causing a possibility of some votes to have been counted incorrectly. The second issue was the paper ballots being opaque enough to get some see-through to the other side, along with the EC not being familiar enough with the software's set-up operation as they began the count. The software reader was inadvertently set for a double-sided sheet during some portion of the process which may have caused the program to count heavily marked boxes being counted twice, as those bled through to the back side. Although the double-sided sheet function was discovered and disabled, we cannot verify that the counter was reset and the ballots rerun.

We also spoke with the printing contractor to get an opinion on the Snap Survey software package. The contractor confirmed what we were told by IT - this software is known to have issues with its calibration program. The software is also cumbersome for use by those who are unfamiliar with its operation, as settings must be on point for it to work correctly. We contacted Snap Survey. This software is primarily used to tabulate surveys with a secondary ability to tabulate ballots. Additionally, we queried the OPA Public Relations and Marketing Office concerning the program they use for online surveys. They use Survey Monkey, not Snap Survey.

Recommendation: Due to the obvious scanning software problems, we should not renew Snap Survey at an annual cost of $999.00 (the OPA agreement expires on February 11, 2023, well in advance of the 2023 Directors Election). We also recommend that any new scanning program be researched with input from both IT and our printing contractor, as they both have the knowledge and experience working with those types of software packages. Ballot scanning procedures and process must be developed and multiple tests should be conducted in advance of counting to ensure accuracy. Finally, and most importantly, in our view ballot scanning should not be a task performed by the EC. This function should be outsourced to an independent contractor for continuity and to avoid any conflict-of-interest claims.

TASK 2: Determine if the number of votes cast exceeds the maximum number of votes expected based on the number of lots that participated in the election. Examine the envelopes, determining how many multiple lot owners voted by paper, and determining the maximum number of multiple owner lots that could have voted via email.

Findings: Due to the envelopes being separated from the ballots, it is impossible, even by an outside auditor, to determine how the mailed-in multiple lot owners voted. They are deliberately separated to prevent identifying how an owner voted. There is simply no way to match them up. Also, we have no reason to question the results of the hand-count by the EC as stated in their October 4 updated summary.

We confirmed with the printing contractor, who was the interface with **VoteHOA Now,** and by viewing output reports, that there were 213 eligible multi-lot owners representing a maximum of 479 lots that could have voted online. Forty-four (44) of those eligible multi-lot owners mailed in their ballots.

TASK 3: Accurately determine scanner repeatability of lack thereof.

This is addressed in Task 1 findings.

TASK 4: If scanner repeatability is an issue to determine the potential range of errors that may have occurred in the past.

This is addressed in Task 1 findings.

TASK 5: If an audit determines a different hand count than that was reported on September 30, the actual vote count, and the reason for the discrepancy.

Findings: The EC did not conduct another hand count. Please consider that we are five new volunteers with no previous OPA Election experience. However, we did check the hand counted ballots to see how they were tabulated and the process seemed to be accurate. All ballots were batched in units of 25, counted and then marked on a separate cover sheet as a double check. It did not appear that any error occurred in the hand count.

TASK 6: Determine exactly what traceability exists in the HOA voting system software.

Findings: The printing contractor has an electronic interface with **VoteHOA Now** to identify and prevent duplicate voting, thus there is traceability in voting and obtaining totals.

Recommendation: However, even though there is traceability, our recommendation for the next election will be to suspend (not eliminate) online voting and to mail a vote envelope to each lot owner. There will be no "weighting" of multiple lots, if you own 5 lots you will receive 5 envelopes. Afterward, we will re-look at online voting as permitted by Resolution M-06 along with the possibility of telephone voting.

TASK 7: Determine if the governing documents were followed as written.

Findings: The previous EC requested changes to Resolution M-06 to allow for online voting. The OPA Board approved those changes after a second reading at a Board meeting held on June 27, and accordingly, the EC followed Board direction by implementing online voting during the 2022 Directors Election. Although the changes were effective, the actual document was not published. We are currently working on a modification to, and ultimate finalization of M-06 after Board approval, and review by legal and the OPA Bylaws and Resolutions Committee.

TASK 8: Determine as accurately as possible the real vote count.

This is addressed in Task 2

TASK 9: Provide a level of confidence to all homeowners that are voting procedures, when followed, can provide accurate and verifiable tabulations for each candidate and that every vote is properly counted and tabulated.

Remarks: We are determined to identify the equipment, software and processes required to ensure accurate and verifiable tabulations for each candidate, and that every vote is properly counted. We will work with all vendors to ensure an accurate count. We will reach out to other large HOA's for voting "best practices".

TASK 10: Recommendations and/or suggestions for changes in equipment, software, systems, and procedures (as outlined in our governing documents) if any are needed.

Remarks: Most of this is covered in TASK 1 with our recommendation to replace the current scanning software.

Other Suggestions:

There is the need for close collaboration between the EC and Secretary, therefore, we suggest the Board Secretary be appointed Elections Committee Liaison.

All automated reports from the Membership Office must be password protected to prevent unwarranted changes. The EC will request updates or ancillary reports from Membership Office rather than making changes in the field. Further, internal EC procedures must be developed to destroy automated reports after one year of issue like the policy to keep ballots and envelopes for one year only. Presently, the EC has retained reports going as far back as 2018.

On behalf of the Elections Committee:

Thomas A. Piatti   11/14/2022
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Elections Committee Chairperson