

## Nominating Committee Report on March 2020 Election Process

Association procedures governing nominations and elections are set forth in the document titled "HLRPOA Nominating Committee Policies and Procedures (Final as of 3 Dec 2011)."

Our procedures require that the nominating committee submit a report reviewing the process of the prior nominations and election and suggesting any improvements for the conduct of future elections. According to our policy document, "Prior to the end of the second quarter of the calendar year, the Nominating Committee shall convene a meeting to review the process of the nominations and election, and shall investigate any changes in relevant rules of conduct of POA board elections, and shall make recommendations, if any, to the Board of alterations to the nomination and election procedure. The Board shall discuss and vote upon adoption of such changes prior to the end of the third quarter of the calendar year for use in the upcoming election. Such changes shall be recorded in this document."

I was present at the 3/28/2020 association meeting at which the annual election took place and wish to provide the following observations and suggestions for conducting future elections. The March 2020 election did not follow some of the association's documented policies and procedures, and I observed some irregularities that could be avoided in future. Everyone involved in counting ballots should be commended for adapting well to the challenging windy conditions.

Recommendations, with supporting observations:

1. Prepare and mail *one ballot per lot owned* as called for in our policies and procedures (the italics are original to the policy document). The recent election did not follow this procedure and therefore we did not have a secret ballot, as specified in the election procedures and in our bylaws. Instead of one ballot per lot, we mailed out one ballot per property owner, regardless of number of lots owned. The ballot instructed property owners they could cast a specified number of votes per lot owned, on the single ballot. This caused confusion and lack of secrecy during the vote counting process. We should immediately return to the secret ballot process by mailing one ballot per lot.
  - a. There was confusion caused by having multiple lots voting on one ballot. The person who opened each envelope took out the ballot and wrote a number on the corner of each ballot indicating either how many lots were owned or how many votes were allowed (it is unknown to me which it was). In at least one instance, one of the ballot counters asked for clarification because there seemed to be a discrepancy between the number in the corner and the number of votes. The envelope opener was unsure if he had written the correct number in the corner. This process introduces a level of confusion that is not necessary and should not happen.
  - b. The use of one ballot per property owner instead of one ballot per lot means that our voting process is not secret. For example, there is only one property owner who owns 6 lots, so it is obvious whose ballot has been received.

- c. In addition, since the envelope opener handles the ballot and writes a note on it, the envelope opener can inadvertently see the votes cast and associate the vote with the lot numbers on the envelope. This is inappropriate for a secret ballot voting process.
    - d. Mailing one ballot per lot would incur a minimal additional cost in postage and envelopes.
2. Ensure that no ballots are accepted after the vote counting has begun, as specified in our policies and procedures. At the March 2020 meeting, a ballot was accepted after counting had begun.
  - a. A property owner delivered a ballot to the meeting after ballot counting had started. This property owner handed the ballot to a person at the meeting, and this ballot was accepted into the ballot count. This is expressly prohibited by association policies and procedures. "Close of Balloting: (excerpt) The presiding officer of the annual meeting shall announce, after the opening of the meeting, that voting shall be closed, after which time no ballots will be accepted." This delivered ballot should not have been accepted.
  - b. In future, this policy can be stated in the Annual Meeting announcement and by any other means so that property owners are aware they cannot arrive late and submit a ballot after counting has started.
3. Provide clear assurance to the property owners that no persons running on the ballot have been allowed to prepare ballots, mail ballots, check the association mailbox after ballots were mailed out, or handle collected ballots. This would include informing property owners that a custodian of ballots was assigned to receive and retain all mail-in ballots in a secure location, as specified in our policy. There was no assurance that this was the case for the March 2020 election, in which board members were running on the ballot and may also have been HLRPOA mailbox key holders.
  - a. I was unaware of who prepared and mailed the ballots for the March 2020 election. There was no clear assurance that the sitting board members on the ballot did not prepare and mail the ballots.
  - b. I was not aware if the sitting board members on the ballot collected HLRPOA mail during the election period. If these board members handled the ballots, this should not have been allowed. If this was not the case, and instead another (disinterested) board member took control of the mailbox key, collected mail, and handled the ballots, then the presiding officer could have reported this information to assure property owners of the integrity of the election.
4. Ensure that property owner status and mailing addresses are up to date immediately before ballots are sent out.

- a. At least one ballot was sent to a former property owner, who returned the ballot with a note on it stating they no longer owned the property. This indicates we had an out-of-date property owner/address list and could have led to an improper vote being cast. It also may mean that the present owner of the lot in question did not receive a ballot and therefore was unable to exercise their voting rights.
5. Send an email to all property owners to inform them that ballots have been mailed out so they can expect to receive them.
    - a. At least one property owner did not receive a ballot and had to request one from the board. Things get lost in the mail, so sending an email to property owners is a courtesy that will allow owners to keep an eye out for the ballot.
  6. After election results are announced, decide and assign board positions in the regular, open part of the board meeting, not an executive session. At the March 2020 meeting, the board called an unnecessary executive session.
    - a. Deciding on board positions is not a reason to call an executive session, per the criteria enumerated in our bylaws and Arizona open meeting law.

I was Chairman of the Nominating Committee, but not part of the ballot preparation or election processes. I did make known that I wanted to be part of the process, if only as an observer, but was not included.

I would like to suggest the Board, on a yearly basis, contact those members on the Committees and make sure they want to continue on the committee and actually include these members in full filling the duties of those committees. I would also like to see more reports from the committees as to what actions are being taken over the year and provided on the website.

Karen Tribby  
Chair, NEC