

HVLA Election “Irregularities”

What the Evidence Shows

Before 2014

- NO Election Results Published 2003, 04, 05. Elections did occur.
- “Invalid” Ballots Not Counted Until 2006
 - 190 in 2010 - 21.5 %
 - 114 in 2012 - 16%
- Election Process Lacked Structure/Coherence Prior to 2010
- NO Election Rules Before 2011; despite State law 2006
- Election Rules revised 2013, 14, 15
- 2013 - Concerns re “Robertson & Assoc.” performance as “Inspector of Elections”
- Change of “Inspector of Elections” recommended (2013)

2014

- HVLA Legal Counsel Re-Wrote Election Rules - NO Committee Input
- Concerns Re Staff Election Involvement – Conflict-of-Interest
- Member Confusion Re Regular vs. Recall Elections
- Concern Re Separation-of-Roles for in-house “Inspectors of Election”
- Board Failed to Follow-Thru on Agreed Changes
- Dirs. Handled Complaints From Members Directly – Conflict-of-Interest
- One Dir. Sent Letter to Members Criticizing One Candidate
 - Offense Minimized by Board
- Confusion Re Handling Ballot Chain-of-Custody
- Recom. Updating of Membership List & Signatures
- Recom. Committee Have Liaison Authority with Legal Counsel & “Inspector of Election”

2015

- First Independent Inspector-of-Election Hired - “The Ballot Box”
 - Independent Inspector Recommended in 2013
 - “The Ballot Box” Online Reviews Very Mixed!
- Estimated 15-25% of Members Ineligible to Vote
- Walk-in Voters Accepted Without ID
- Proxy Ballots Accepted - Against Assn. By-Laws
- Many Multiple-Property-Owners Did Not Get Additional Ballots
- Member requests for ballots were ignored
- Ballots transported w/o proper security

- Ballots tabulated by only ONE person, w/o validation
- Candidates Present & Unsupervised During ballot counting
- One member unable to Vote due to Acct. not kept up-to-date by Assn.
- Ballots submitted at counting-site left in unsecure area
- Confusion AGAIN Re regular vs. recall elections
- Election Committee Charter Cited as Too Vague
- Random Listing of candidates not followed (per previous Board decision)
- Member lists/signatures not brought up-to-date
- 25 campaign signs stolen
 - Perp. caught on video; video given to Sheriff – no follow-up
- Still No standard procedures for handling members complaints
- Property managers often voted in-place-of owners
- No disciplinary/fine procedures for election violations
- AGAIN, Concerns re status of the Election Committee, i.e., independent or....?

2016

- Board Pres. Requested Recall Ballot Review (3/9) – results:
 - Not all votes counted
 - Chain-of-custody of ballots mishandled by “The Ballot Box”
 - Candidate with large-margin-loss in 2015, won recall by large-margin (???)
 - 10% of mailed ballots were non-deliverable = 300
 - No count of returned, replaced ballots

2017-18

- STILL - Member List/Signatures Not Updated
 - 3 copies sent to Inspector of Elections
 - All inaccurate
 - 1 had hand-written corrections
- GM Stalled Efforts to Update Members List, i.e., waited until too late.
- Replacement Ballots handed out with multiple ballots inside - #?
 - Inspector of Election blamed this on Assn. Staff
- Multiple ballots sent to individual addresses - #?
- Staff Review of Frequent Non-Voting Members Revealed -
 - Votes turned in for these “ghost” member addresses
- Recent member survey results withheld for several weeks
 - Incumbent Director running for re-election had access anyway!
- Committee AGAIN requested member list update before the election
 - Not done in 2017; required by CA Civil Code §4041
- Member List Update Delayed Until Nov.

- Form missing key questions: owner's legal representative; house vacant, rental; undeveloped?
- Member List with hand-written corrections used as "Official" copy on Election-Day
- Members-In-Good-Standing vs. NOT Impossible to Differentiate!
- Requests made of Acct. Mgr. for clarification = delayed follow-up
- Committee requested Audit of Member List through Independent-party
 - GM Stalled = until too late
- Recall Petitioners seen (witnesses) soliciting signatures in Golf Pro Shop - Rule Violation; reported to GM; f/u?
- Assn. employee posted candidate sign in their car window - Rule Violation; reported to GM; sign was removed.
- Committee requested (BAR) legal-consult re guidance with Recall; request denied.
- Board Kept Committee Uninvolved/Unaware re Recall, despite Charter statement.
- Excessive & Inappropriate communication between Staff and Inspectors of Elections
- Committee functioning impaired by Board refusal to allow legal-consult
- Failure of Assn. Acctg. Staff to keep accounts current impaired voting process.

PATTERNS

- Repeated and Gross Failure to follow standard "ballot-chain-of-custody."
 - Even after instruction
- Repeated and Gross Conflict-Of-Interest Behaviors by Dirs., Staff, Candidates
- Failure to Maintain Current List of Members/Signatures
 - No Staff Formally Tasked
 - Member ID Cannot be Verified
- Failure to Maintain Member Accounts Current
 - Member Eligibility to Vote Cannot be Determined
- Failure to Keep Pace with Members' Needs re election rules/processes, i.e., organizing and structuring elections
- Failure to Develop Clear Policy re "Independence" of Election Committee

4/19/19