

2022/2023 OPA Elections Committee (EC) Supplemental Report

The purpose of this supplemental report is to provide answers to questions and/or comments resulting from our initial November 14, 2022, report and to summarize the comprehensive changes we plan to implement to improve the OPA Board of Director election and referendum process.

1. BALLOT COUNT: Statement by Director Daly during the December 17 Board meeting: "Determine if the number of votes cast exceeded the maximum number of votes expected based on the number of lots that participated in the election."

It did not. The first reported vote count of 9,053 by the former EC was in error. The EC realized this, delayed reporting during the 2022 Annual Meeting and pursued a recount of paper ballots. This error also exploded in local papers and on social media. However, the recount shows the number of votes cast did not exceed the maximum number of votes expected. In fact, the opposite occurred. The tabulation of online voting results along with the tabulation of hand counted ballot votes show the potential of 8,718 votes, with a total of 8,113 actual votes cast, a delta of 605 votes. This is because not all owners cast three votes per ballot. Some chose to cast less than three as explained below.

FINDINGS: The 2022 Board Election consisted of the processing of two forms of balloting by two separate contractors: (1) online through VoteHOA NOW, a National company in Portland, Oregon; and (2) ballot processing by Ace Printing, a local Berlin, MD, contractor. It should be noted that Ace Printing has 18 years of experience as OPA's only election printing and processing contractor.

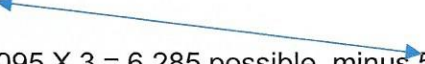
ONLINE VOTING: The results of online voting cannot be audited. The automated reports from the contractor are considered accurate, simply because of a single registration number that records the number of votes cast online for a candidate and the date, time, email address and the Internet Protocol (IP) address of the voter, who also receives email confirmation that their vote was recorded. The automated reports from the VoteHOA NOW contractor provided the following online totals:

<u>Candidate</u>	<u>Votes</u>
Gray	199
Peck	382
Lakernick	462
Rakowski	433
Wheatley	276
Jacobs	<u>589</u>
TOTAL	2,341

Automated reports from VoteHOA NOW reveal 811 ballots were received online, but not all cast three votes ($811 \times 3 = 2,433$ possible, minus 2,341 actual, equals 92 votes less than possible or 3.8%. Additionally, the online votes of multiple property owners were weighted as to the number of properties they owned. The practice of weighting did not apply to paper ballots (below).

PAPER BALLOTS: The hand recount of 2,095 valid paper ballots shows the following:

<u>Candidate</u>	<u>Votes</u>
Gray	637
Peck	966
Lakernick	1,220
Rakowski	930
Wheatley	714
Jacobs	<u>1,305</u>
TOTAL	5,772



Of note, not all voters cast three votes per ballot ($2,095 \times 3 = 6,285$ possible, minus 5,772 actual, equals 513 votes less than possible or 8%. Thus, the vote count of 2,341 online, plus 5,772 paper ballots, equals a total vote count of 8,113, well short of the 9,053 initially reported by the previous EC (a 940-vote error).

The corrected report by the previous EC dated October 4, 2022, and our findings after research and as reported in our initial report, concludes that the scanning operation was the cause of these errors. The use of large 8 1/2" by 11" opaque plain paper for ballots, with colored photo, over previously used 3-1/2" by 6" card stock, was a poor choice for many reasons (needed to be folded when placed into the envelope and then flattened when removed for scanning). This was unnecessary in our view - the candidate resume with photo was included in the packet. We can only speculate that adding photos to the ballot was done to visually aid the voter. We are adamant about eliminating plain paper ballots and returning to card stock ballots with candidates listed in order of the candidate draw. Samples of card stock and paper ballots used in past elections (with dimensions) are attached.

We also invite your attention to comments in the 2021 (yes 2021, not 2022) Election Committee 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." The recommendation: "If the current balloting system will remain in place, the purchase of a higher capacity and faster scanner is recommended." Our research shows a higher capacity and faster Xerox scanner was purchased for the 2022 election; however, poor scanning software used in both 2021 and 2022 elections, opaque paper ballots and a lack of pre-flight testing resulted in the wrong initial count in 2022. Therefore, based on two successive years of poor performance, OPA should not perform this function in-house and by volunteers. Ballot counting must be outsourced and performed professionally by an independent contractor under the physical supervision of the EC, as was done in the past. Doing so ensures consistency going forward as Board and committee members change and volunteerism wanes. And, as stated in our initial report, outsourcing eliminates potential conflict-of-interest claims.

2. SUSPENSION OF ONLINE VOTING: Question from Director Horn in a November 22 email to EC Liaison Rick Farr: What justifies doing away with online voting at this time? What plans are in place to secure a safe and valid online and phone-in option for voting?

First, online and telephone call-in voting cannot be audited. You must "trust" that the vendor's "Second Party" processes and procedures have no glitches and that they provide an accurate result. Perhaps "trust" is why we do not vote electronically in Federal elections. Thus, the EC cannot ensure a secure, safe and valid online and phone-in option for voting. However, that is not the case with paper ballots that can be tabulated by scanning or secured in the Admin Bldg. and rescanned and/or manually recounted or both if election results are challenged.

Second (and this information was not included in the 2022 EC report), was the extra "crossover" work required behind the scenes by the EC concerning online voting which made more room for error. On a weekly basis during the voting period, Ace Printing would collect envelopes from our USPS mailbox in downtown Berlin and the drop box in the OPA Police station. Ace would scan the envelope's registration number and provide an automated list to the EC of those who had voted. The EC would email that report to VoteHOA NOW who would run a software program to compare information in their database to identify those who voted online. That report, which identified potential duplicative voting, was returned to the EC via email. The EC would then invalidate the physical ballot and let the online vote stand. Conversely, if a physical ballot had been received, the Member was restricted from voting online by VoteHOA NOW.

SUMMARY: Based on the processes OPA underwent and our in-depth research, the EC desires to not just temporarily suspend online voting, but to discontinue online voting altogether. The back-and-forth email transmission of personal data (explained in the above paragraph) is subject to error, hacking, and potential manipulation. All which are legitimate concerns pertaining to voting accuracy, not to mention personal privacy. Additionally, the weighting process was confusing and deemed to be unfair by multi-lot owners. Returning to card stock ballots is a "First Party" process. The mailing of a vote/annual meeting packet for each lot owned and outsourcing to a professional vendor will restore confidence in the OPA voting process. This is the EC's position on this matter.

On behalf of the Elections Committee:

 1/19/23
Thomas A. Piatti
Elections Committee Chairperson

2 Attachments:
2022 ballot
2019 ballot

Ocean Pines Association

2022 ANNUAL ELECTION

OFFICIAL BALLOT

VOTE FOR NO MORE THAN THREE

Please fill in the box or use "X" with
dark pen or pencil.

Additional marks or writing will render this ballot as invalid
and will not be counted!

☐

PAULA GRAY

☐

AMY PECK

☐

STUART LAKERNICK

☐

MONICA RAKOWSKI

☐

JOSETTE WHEATLEY

☐

STEVE JACOBS



8-1/2" x 11" plain paper
can be reproduced on a color printer

Attachment 1

2019

Ocean Pines Association Official Ballot

Read the voting instruction sheet before marking this ballot.



Important

- Use **ONLY** No. 2 pencil or blue or black ink
- Do not fold or staple
- Erase **COMPLETELY** to change
- Bubbles need to be filled in completely

USE BLUE OR BLACK INK PEN

OR NO. 2 PENCIL ONLY

☐ VOTE FOR NO MORE THAN THREE

☐ TOM JANASEK

☐ LARRY PERRONE

☐ CAMILLA ROGERS

☐ PAULA GRAY

☐ SHAWN KOTWICA

☐ ED SOLUM

☐ GREGORY TURNER

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6"

3-1/2"

CARD stock used for years