



Wednesday, January 22, 2020

TO: PVHA Board of Directors  
Dale Hoffman, Carol Swets, Marlene Breene, Richard Fay, Charles Tang

FROM: Members of Palos Verdes Residents for Responsible Government

Dear Board members of PVHA,

We write today to express our points of view related to the recent PVHA Board of Directors election that concluded on January 13, 2020. We were very pleased to learn that the ballot proposal to lower the quorum requirements for a valid election from 50% to 35% received 69.7% favorable votes, which means that the new quorum will now be 35%, subject to final approval by Judge Kwan.

On the other hand, we were dismayed to learn that the vote count fell short of the required 35% level by just 33 votes and therefore PVHA President Dale Hoffman at the Board's January 14 meeting declared the election invalid as it relates to election of Board Members. It is our understanding that the Board will provide additional election updates at its next meeting on January 28 including the count of votes tabulated by candidate.

We urge the Board to immediately consider taking the following actions to effect a valid election:

- **Accept the 221 unsigned ballots that were rejected.** This number of rejections represents over 10% of the ballots received and points to a failure of the ballot's design that such a significant number of voters were apparently confused about either the need to sign or where to sign. Points to consider regarding this recommendation:
  - No signing instructions included
  - The font size was very small
  - The signature was on the outside of the envelope for the first time which some homeowners could have considered a privacy concern or simply missed

- PVHA doesn't have signatures on record to compare to ballot signatures, which makes ballot signatures meaningless

Most significantly, nothing in the PVHA Bylaws requires signatures on ballots and nothing in the Board's resolutions related to elections requires ballots be signed either. Ballot signatures also seems unnecessary as a means to prevent forgery since each ballot comes pre-printed with name, address and a bar code providing lot information.

- **Extend the election.** This was done most recently in 2018, and, as we understand, many times in the past in hopes of reaching a quorum. For example, in the 2018 election, the first ballot generated 1456 responses and a second ballot sent out in January got the total to 2153 (just under 40%), so we know extension works. The PVHA Bylaws specifically support extending the election day-to-day until a quorum can be achieved as shown by the following Bylaw quotation:

**“At such annual meeting of the members, Directors for the ensuing year shall be elected by secret ballot, to serve as herein provided and until their successors are elected. If, however, for want of a quorum or other causes, a members meeting shall not be held on the day above named, or should the members fail to complete their elections, or such other business as may be presented for their consideration, those present may adjourn from day to day until the same shall be accomplished.”**

- Certainly those property owners that made a good faith effort to get a ballot and were unable to vote because they did not receive a ballot should now be allowed to vote during this period of extension and PVHA should make every effort to get ballots to these members. At the annual meeting, there were multiple reports of people who moved to PVE recently and did not receive a ballot. One individual stated they had contacted PVHA 20 times without getting a ballot. We believe it's highly possible that there were more than 33 examples of such an inability to obtain a ballot and these are obviously motivated voters that could have made a difference in the final results.
- **Other considerations.** If for any reason the Board decides not to pursue the two above-described actions to validate the election, we strongly urge that the two individuals who chose not to get signatures from the community endorsing their candidacy (as required by PVHA Bylaws) and submit their candidacy to the choice of the homeowners (specifically, Dale Hoffman and Carol Swets), should not be seated on the board. Additionally, we recommend that ballots that were brought to the PVHA meeting on January 14 should be counted rather than excluded, and that this be allowed in the future (and noted as an option in future instructions) as it was for the first 80 or so years of the PVHA.

Respectfully,

PVRRG Steering Committee Members

Kate Greenberg, Patricia Kasschau, George Kay, Rose Ramsay, and Jenene Wilson