

Official Contesting of the North Park Planning Committee (NPPC) 2022 Election

Submitted to:

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Topic: Challenge to the 2022/23 North Park Planning Committee Election

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Respectfully submitted by Vicki Granowitz

Preface:

Community Planning Groups Elections are an honored, almost sacred tradition and form the bases for the public, city officials and elected members of office to trust in the recommendation such groups render. When an election is done without adequate safeguards, inclusiveness, transparency and in violation of existing standards it calls everything they do into question. As the former Chair of the NPPC and volunteer, I have served on numerous Bylaw Update and Election Subcommittees. I know first-hand the challenges and rewards of service. I know mistakes can and do get made inadvertently, some do not.

There was a whole year to fix issues identified in the challenges to last year's NPPC Election. Individuals who made challenges to last year's election participated in the Bylaws Update and/or Election Subcommittees leading me to believe things would be much improved. It is with profound sorrow that I found this to not be the case, however well meaning they might have been.

Realistically, given the overwhelming number of voters who elected the 22/23 NPPC Board, I do not expect the results of the election to change even if my challenge is upheld and a new election is called for. Changing who won the election is not the point, the point is the process was flawed. It was confusing, may have violated people's access to vote, did not ensure appropriate safeguards for those who voted, and the roles of some individuals could be viewed as a conflict of interest. The process needs to be reviewed, flaws and loopholes identified, and corrected. I have been involved with Community Planning for nearly 30 years and I deeply believe in their value and want to see them survive for the next generation which is the reason I'm submitting this document.

I find the 2022/23 NPPC Election should not be certified and should be redone for the reasons enumerated below:

1. **Ballot Irregularity:** Ballots were not numbered so once a voter took the tab with the number off the ballot, as instructed by poll worker, there is no way to confirm that it was

counted or could be traced as is a standard operating procedure conducted by the Registrar of Voters. Numbering is done only to validate ballots were submitted by legitimate voters and you have the same number of ballots as registered voters. Not for identification purposes.

2. **Brown Act Violation:** An ad hoc subcommittee is exempt from the Brown Act only when it consists solely of members of the committee that are less than a quorum. (Section 54952(b).) When a subcommittee includes members of the public, the meetings fall under the Brown Act and must be noticed and open to the broader public.

It appears that some meetings were held that included two individuals who were not Board members. This would not have been a problem had the meetings been publicly noticed and open, they apparently were not. One of these individuals, was also the organizer of an election slate which is also problematic. Who knows what malfeasance might have occurred outside the public gaze? Even if it wasn't, the process gets undermined and trust in the CPG gets diminished. There were further rumors about serial emails being exchanged, I really don't know. Rumors are never a good thing, and they flourish when a process lacks transparency and trustworthiness. These were critical meetings where the election process was nearly finalized. Did the subcommittee make decisions that adversely affected the election? It is highly likely that public participation would have changed the election procedures.

3. **Bylaws Violation, Online Voter Registration:** The Bylaws and common sense require that ALL voters establish their eligibility to vote with (1) proof of identity (a photo ID) AND (2) proof of eligibility (ID or other document with qualifying address.) (Art. V, Section 5.A.5.b). The subcommittee approved an online registration form that allowed voters to register and establish eligibility with only a document and no photo ID to establish identity. This allowed people to vote without proving their identity. There is no way to know if these voters were eligible without this step.

- a. To be specific: The form required a picture ID with a North Park address or another document that had your name and North Park address on it. You could do one or the other. *In fact, I registered and voted online without sending a picture ID only a water bill.*

This violation is so egregious it alone should invalidate the 2022 NPPC Election.

4. **Bylaws Violation, Voter Registration:** The Bylaws require that the Election Subcommittee "allow voters to establish eligibility to vote after the formation of the Election Subcommittee and through any voting period, as specified by the subcommittee." (Art. V, Section 5.A.5) This year, the subcommittee did not allow voter registration throughout the online voting period. Instead, voter registration closed entirely before the online voting period. This decision made it more difficult to vote online, which primarily affects working families without time to attend the in-person voting periods. It is impossible to calculate how many more people would have voted if online voter registration was open for the full time.

- a. To further clarify and suggest:

- i. The Election Subcommittee made a capricious distinction to close online voting early. This disenfranchised potential voters who could not make a meeting. According to sources this was done to allow processing of online registrations.
- ii. There is no need to have an early registration process. Historically the registration process was to assure attendance at meetings as well as eligibility. Since there is no longer a meeting requirement, there is no need for registration, just establishing eligibility.
- iii. Online voting should have been a one-time two-step process with a potential voter establishing eligibility (by uploading a picture ID with a North Park address or a picture ID and a document with their name and a North Park address (if their picture ID did not include a North Park address) and then voting at the same time, just like in person voting. Software could have been created to do such a process or it could have been done manually.
- iv. Letting a subcommittee “establish voting period” allows for confusion and potential manipulation. In the past voting times have always been fixed to allow for certainty. Technology can be created to follow this time-honored process.
- v. New Bylaws were approved in November, knowing the problem’s we had last year there is no excuse for not stating the exact time for voting clearly in the bylaws.
- vi. Concerns with the amount of time taken with voter’s ID’s. This information should have been quickly reviewed and returned to voter. It either confirms eligibility or not. Individuals expressed concern to me that this information might have been keep on file for no reason. Again, there is no need to have a registration process other than proving eligibility at time of voting.

5. **Bylaws Violation, Voting Flexibility.** The Bylaws provide that if a person registers to vote online but is unable to submit an online ballot, they may vote in person. (Art. V, Section 5.B.3.) However, the voting registration form stated that once a person selected online voting, “your voting preference is [sic] cannot be changed after submitting this form.” This is confusing & contradictory at best and could preclude someone from voting.

6. **Bylaws Violation, Voting Guide Disenfranchisement:** The Bylaws allow for property owners who do not reside in North Park to vote. (Art. III, Section 2(2).) For both candidates and voters, the voting guide posted for the public refers only to residents and business owners and does not allow for voting by property owners who do not reside in North Park. Any property owner who read this guide would believe they were not eligible to vote and disenfranchised possible voters. See excerpt from Voting Guide included immediately below.

do I have to register before I can vote?

YES, you have to register as a North Park Resident/Business Owner before you can vote. You can register ONLINE or at one of the IN-PERSON events. See below for more information.

what are the candidate requirements?

- you must submit CANDIDATE information by Tuesday, Feb 15th, 6:30pm
 - you must live within the North Park boundaries and/or own a business within the North Park boundaries
7. **Brown Act/Bylaws Violation, Voting Guide:** The Bylaws require the subcommittee to present the voting guide at the February meeting. (Art. V, Section 5.A.2.) This year, the subcommittee continued to change the voting guide after the February meeting, and it appears it was not finalized by a Board action. This likely affected the election as voters were not certain which procedures would apply nor were the final procedures vetted in public or by the full Board. I could not find a copy of the draft or final Voting Guide posted on the NPPC website.
8. **Brown Act/Bylaws Violation, No Subcommittee Minutes:** Every meeting, including subcommittees, must be memorialized in approved minutes. (Art. VI, Section 2(a)(v) and Section 2(d)(iii). As I could find no Election Subcommittee Committee Minutes posted anywhere. It can be surmised that the election subcommittee did not prepare minutes from their meetings or, if they did, they were never posted (either draft or approved) publicly for review as required by the NPPC bylaws. This prevents the public from knowing that the voting procedures were approved and who supported them. Further, while it is true some actions by a subcommittee do not need Board approval. In general, NPPC Board should approved the actions of the Election Subcommittee requiring something as essential to the healthy running of a CPG as Election Procedures additionally actions are not considered valid until the Board blesses them. I have no idea how many meetings were held, or who attended
- a. It appears that no final Election Procedures were presented to the public for review or approved by the NPPC Board. I could not find them posted online, although I think I received a final version via email.
9. **Bylaws Violation, No Announcement of Right to or How to Challenge the Election:** Following the announcement of the Election Results there has always been a statement, made that someone has 24 hours to challenge the election to the Chair of the Election subcommittee. The bylaws do not seem to require this be announced although traditionally it has always occurred, until this election. (To the best of my recollection and in my 25+ years of NPPC election watching it has always occurred.)
10. **Conflict of Interest, Election Subcommittee:** The Bylaws prohibit candidates from serving on the Election Subcommittee to avoid conflicts of interest. I do not make the following statements lightly. This year, there was an individual who served on the Election Subcommittee who had a conflict and should not have served. It is true, this individual was not a candidate, however it is well known that she organized and lead one

of the two slates of candidates, "North Park United." That is and was not the problem, it's democracy in action and her actions should in part be commended and congratulated however, her leadership of this slate should have also been seen as creating a conflict of interest to serving on the election subcommittee. In theory she should have been treated as having the same interests as a candidate. I have no doubt this person will deny serving in this capacity and I while I have no concrete proof, it is common knowledge in the community. By keeping her position underground, she never had to officially disclosed this conflict or recuse herself from voting on any matters while serving on the election subcommittee. This kind of behavior may have given her slate an advantage in the election registration process at a minimum, but it certainly gives the appearance of manipulation. It is impossible to know whether her direct actions in approving voters or running the election gave a preference to certain voters or candidates it creates doubt and uncertainty that the election was conducted fairly. At the very least, she should publicly release under the California Public Records Act, all her communications with her slate since she was appointed to the Election Subcommittee to determine whether she undermined the integrity of the election. This kind of subterfuge is an example of the kinds of problem with Community Planning Groups that have led to people calling for their disbandment.

- a. **One solution to this issue would be to amend the Bylaws to preclude such conflicts in the future.**
- b. **Interestingly, one of the reasons the election was contested last year was for a very similar conflict of interest charge. However, it was unsubstantiated as the person who had been on the Election Subcommittee resigned when she decided to run for the Board and support a slate.**