

February 17, 2020

To: Marlene Breene

Thank you for taking my call on Friday. You asked me to summarize my points in an email to the Board – so here are my thoughts on bringing closure to this election.

Since its inception, ROBE's objective was to bring democracy to the PVHA by challenging and stopping the past practice of a self-perpetuating Board that didn't truly engage member participation in an election. In the past, every election offered a slate of 5 existing/current Board members for 5 future Board positions at every annual meeting; there were no alternative candidates offered in the election process. When Renata and Ried (separately and on different occasions) approached the PVHA office to ask how PVHA members could be considered for the Board, they were told that the Board chose who would serve on the Board and that there was no process for other PVHA members to nominate alternate candidates; the selection process was solely in the discretion of the Board – only the Board could pick the individuals that would serve as PVHA representatives on the Board. Until ROBE surfaced, there was no mechanism for a democratic election. At this point, our Community is close to achieving our objective of bringing democracy to the PVHA, and frankly, to me that is much more important than who ends up on the Board. It certainly is much more important to me personally than whether or not I become a Board Member.

In that spirit, I believe there is only one path that accomplishes the objective of having a legitimate democratic election, and here is the outline:

- Give voice to the 221 members that submitted ballots unsigned, as well as the 20 or so members whose ballots were received on the day of the election (and not counted), by stating that they will be counted at the beginning of your next Board meeting. Same day votes have been accepted in the past and should be accepted in this election. The rules established by the current Board run counter to what has been acceptable in the past and have differed from past elections, which certainly may have impacted responses.
  - Acknowledge that instructions differed from past practices and that signatures on an outside envelope (which may have raised privacy concerns) were significantly different from past election instructions
  - Acknowledge that the list of instructions on the first ballot were unclear and did not mention signing on the outside envelope, even though that was just an oversight; in addition, the printed material on that outside envelope was in a font so small that members either couldn't read it or were unaware of its existence
  - Acknowledge that the letter sent to those who hadn't signed was sent out (and received) 3-4 days after the second ballot was sent instead of in the same envelope; consequently, some members reported that they threw out that second ballot believing that they had already voted (not aware that their signature was missing)

- Acknowledge that for many years members were allowed to bring ballots to the Annual Meeting (as is standard practice in most corporations and can be confirmed if you go back through past PVHA Board Minutes), and that the Board intends to make this practice explicitly allowed in the next election and future elections
- State that accepting the unsigned ballots is appropriate because doing so:
  - Allows the best chance of allowing the election to truly reflect the desires of those PVHA members who sent in their vote by reflecting their wishes
  - Does not create meaningful risk of election fraud because each ballot is pre-printed with a name, address and bar code including lot info that would be very difficult to forge
  - Voter secrecy is respected, thus complying with the By-laws
  - Signatures serve no purpose because the PVHA has no signatures on file; therefore, submitted signatures cannot be compared to ones on file and therefore cannot be verified
  - Signatures are not required in the By-laws or the most recent resolutions passed by the Board pertaining to elections
  - When this was discussed by the Board last fall, my understanding is that two of the three current board members voted to accept ballots without signatures for many of the reasons articulated above. So why not do so now?
- **Point out that in the absence of a quorum, the By-Laws allow that the Board may adjourn day-to-day until a quorum is reached. Therefore, making this determination now is consistent with the By-Laws:**

*“If, however, for want of a quorum or other cause, a member's 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.*
- Announce that the 221 unsigned ballots plus the ones received on January 14 will be accepted and re-tabulated in the next week. Once that is done, accept that the top five candidates identified after this tally establishes the 2020 PVHA Board.
- Announce that the additional votes will mean that the 35% quorum has been met, and, assuming the court concurs with the lowering of the quorum, that the new Board will consist of the five candidates who received the most votes. Until the Court date occurs, the top five will be appointed by the current Board to serve as Board members
- Announce this at the February 25<sup>th</sup> meeting, and state that the Board will discuss and decide how to spread the terms out in order to achieve the staggered terms required in the By-Laws, advocating terms based on the number of votes received in the election
  - 2 will be for 3 years
  - 2 will be for 2 years
  - 1 will be for 1 year

All ROBE candidates ran on a platform to bring democracy to PVHA’s elections, and all four were in the top five in this election. In the last contested election, all four ROBE candidates

received more votes than any of the five incumbents. Members have supported ROBE because they want change, and they want to have a democratic say. Since two of the three Board members are ROBE candidates, it might be viewed as a betrayal if the opportunity were lost to have a valid election outcome because any ROBE candidate fails to support counting all ballots received, signed or not.

I understand that there is a possibility that someone may sue to have the election overturned -- whichever path you choose. I therefore urge you to choose the path that is what most members want – and that is clearly the path described above. Please do the right thing and **let democracy prevail**.

Respectfully,

A handwritten signature in blue ink, appearing to read "John Harbison". The signature is fluid and cursive, with the first name "John" and last name "Harbison" clearly distinguishable.

John Harbison

Cc: Board, Candidates