

**Report from the Director of the 2022 Vecinos Election**  
**Tandy Muir-Warden, Treasurer**

**Election Voting and Results**

<b>Total Numbers of members in attendance:</b>	<b>131</b>
<b>In person</b>	<b>35</b>
<b>Via Zoom video teleconference</b>	<b>40</b>
<b>By proxyholder</b>	<b>56</b>

*Note some members were represented by proxy but also attended on zoom, duplication has been removed.*

<b>Total Ballots cast:</b>	<b>131</b>	
<b>In person / proxy</b>	<b>82</b>	<b>(84 assigned, 2 not handed in)</b>
<b>On Election Buddy</b>	<b>49</b>	<b>(total 53, 4 were disallowed)</b>

<b>Total Votes recorded:</b>	<b>1,112</b>
<b>In person / proxy</b>	<b>707</b>
<b>Via Zoom video teleconference</b>	<b>405</b>

*Note the maximum potential number of votes was 1,179. Some members did not vote for candidates in all positions.*

<b>Adjusted Final Results</b>		
<b>President</b>	<b><i>Roy Daniel Freeman II</i></b>	<b>71</b>
	<i>Terry McLean Richardson</i>	<b>60</b>
<b>Vice President</b>	<b><i>Helmie Atarie Chan</i></b>	<b>73</b>
	<i>Rhett Bolin Schober</i>	<b>57</b>
<b>Secretary</b>	<b><i>Monica Gabriela Estrada Apodaca</i></b>	<b>128</b>
<b>Treasurer</b>	<b><i>Tandy Mary Muir-Warden</i></b>	<b>74</b>
	<i>Neil David Canter</i>	<b>40</b>
<b>Vocals</b>	<b><i>Peter William Swenson</i></b>	<b>103</b>
	<i>Lynda Joyce Kerney</i>	<b>85</b>

	<i>Ingrid Elizabeth Datica Urribarri</i>	<b>69</b>
	<i>George Ernest Pritchard</i>	<b>69</b>
	<i>Beryl van Lierop</i>	<b>66</b>
	<i>Gerardo Arturo Orozco Lopez</i>	61
	<i>Lisa Gail Wilson</i>	60
	<i>Eric Lichtenberg</i>	50
	<i>Michael Lee Stone</i>	26
	<i>Elias Papadopoulos</i>	17
<i>Write-in</i>	<i>Rhett Bolin Schober</i>	3

## **Issues identified**

### **Election of Board**

- There is no provision in the Vecinos Bylaws for an election of board members. The Bylaws refer to appointments
- There is no provision for a call for candidates for election
- The only requirement in the Bylaws for eligibility of board members is for residency of President and Vice President (secretary deleted as of Feb 17 meeting) in Akumal
- There is no process for voting
- Is one property one vote always appropriate
- There may be privacy issues concerning membership information
- Article 27 of the CFF requires board members (those who represent the civil association) to have a unique fiscal identity.
- Conflict of interest arising after the election process is underway
- Storage/filing of confidential election materials

### **Other Issues**

- Members do not understand the difference between dues and membership
- Definition of property is unclear, as is the new expansion to business
- Information on change of ownership of a property needs to be provided to Vecinos in a timely manner, by the local Realtor or Condo president
- Too much time was spent on technical irregularities rather than substantive issues
- New honorary members conversion by board to full membership rights and responsibilities needs to have a method of termination that is not unplanned or out of member's control (e.g., losing clients)

## **General observations**

### **Memberships**

Revised membership provision (Article 9) expands membership to businesses in Akumal. Better definition of right to become a member should include but not be limited to the following:

- link to property ownership not necessarily a separate title
- operation of property as separate entity, e.g., evidenced by separate CFE bills

- more than one lot owned by spouses/partners
- shared ownership of properties with a designated representative
- more than one building on a lot, etc.
- business address in Akumal Norte (if no immovable/physical property ownership)
- significant business presence in Akumal Norte

Bylaws expressly forbid multi-owner voting rights for some properties (where there is no physical separation like Mayanah, etc. even if there are separate titles)

### **Language and use of website, Akumal Now and Facebook**

Greater use should be made of Spanish, the official language of Mexico. All public documents should be available on the Vecinos website, Akumal Now and Facebook page. Preferably in both English and Spanish.

### **Membership information: acquisition and sharing**

There were a number of changes of ownership of properties in North Akumal of which the Vecinos President/Office was not aware. There were also additions to the membership list that may not have been provided in a timely manner to all candidates. Vecinos needs a single repository of basic ownership information.

At this time, only a member's name and email and possibly some reference to property is provided to the person standing as a presidential candidate. Other candidates are not provided with this information. While some owners have in the past requested that all their information be kept private this is not appropriate for a Civil Association where much of the information is already not private. The membership database should be permanently stored on "the cloud" (as should all relevant documents) not on an individual's computer. Secure "limited" access should be provided to all candidates for election so that they have updated information as it becomes available.

### **Difference between Dues and Memberships**

Joining the Association is voluntary and there is a one-time mandatory fee to become a member. Annual dues, on the other hand, are set by the general assembly of the Association, and should be paid by all North Akumal owners who benefit from the Vecinos maintenance operations (lights, road, etc.). However, payment of dues is voluntary. If accession letters are signed by members, members can then be "required" to comply with bylaws including the payment of dues. Failure to sign accession letter would put a membership in "limbo", as an incomplete membership process. Failure to pay dues should remove a member from "in good standing" and be grounds for automatic suspension of voting rights.

### **Fairness/Appropriateness of one property - one vote**

We need to ensure fairness and equality in voting. A single property on a lot has one vote, a condo (maybe one of 16) has a vote, a shared property owner (10 owners with a shared right to use title) has one representative for all owners, and a property owner of multiple lots has a single vote. There has to be some logical criteria in how votes are allocated or for a substitute regime for exceptional cases. If 2 members are the largest property owners within the boundaries of North Akumal but each has only one vote, we have an obvious problem. But similarly, we do not want the 2 largest property owners to be able to control decision-making affecting all members.

## **Meeting preparation**

In order to prepare for the meetings, an indication of the number of in-person attendees, number of proxies, and number of remote attendees needs to be provided to the meeting organizers (online and in person) to ensure adequate seating, ballots and licenses. The Association requests that proxies be filed with lawyer/meeting host/ Director of Elections by end of the day preceding the Annual meeting at which the election is held.

## **Timing of Meeting**

The Annual meeting has usually been held in the month of February. Consideration should be given to holding the meeting in November so that the budget and new board would be in place to start the new year. Consideration should also be given to a transition period.

## **Director of Elections specific observations in relation to the 2022 Annual meeting and election process**

### **The process**

I had no clear idea of the number of individuals and their proxies who would attend the meeting at La Buena Vida. Usually, members identify the number of proxies they will bring and often provide copies in advance. This did not happen with some proxy-holders who refused to provide the information in advance. Covid requirements limited the number of seats allocated for the meeting to a total of 35 (including board members). Despite the limitation, a number of people came to the meeting without having made arrangements for seats and I allowed entry. Total attendance was over 40. However, the number of ballots printed was only 54 and the printer, wi-fi and computer were unable to communicate and print additional ballots. To make up the shortfall, I used some candidate preference sheets (which were initialed by me in green to indicate validity) as well as a handwritten sheet/hand-numbered sheets and 2 Bulk voting sheets indicating the number of votes the sheet represented, also initialed by me in green.

The 54 printed ballots had unique identifiers (tmw1-tmw54) and a letter on the reverse of the ballot to ensure that invalid photocopies were not introduced into the process. Each ballot was assigned to an individual and recorded so that confidentiality could be maintained but verification/matching of electors and ballots could be made if necessary. Ballots were kept under supervision until assigned to members.

Members who attended the meeting, or their proxies, were given a ballot at the start of the meeting and completed ballots were returned to the accountant and lawyer at the front table. The completed ballots were kept in a separate briefcase on the table under constant supervision until the meeting ended and the "tally counters" adjourned to another location. *(Note that 2 ballots were not completed and handed in. I checked the room and collected all left over papers, they were not found.)*

The lawyer (David Jafet Vilar) had control of the votes at all times. Monica, David and I adjourned to the accountant's office for the purpose of counting and verifying the votes. We each had an Excel grid sheet on which the ballot number for each voter was noted and on which the votes were tallied. Any questionable votes were checked to ensure no duplication of in-person and proxy votes. Membership was also checked where necessary (in most cases this had been done in person prior to or at the meeting).

*The original intent was that there would be 3 independent tally counters and I would act as scrutineer. However, late in the process, I became the 3<sup>rd</sup> counter as well as scrutineer/checker. Not ideal but no other option.*

### **Conflict of interest**

I was aware of the potential conflict of interest as both a candidate (and existing Treasurer) and Director of Elections. Originally, my candidacy was unopposed, but was subsequently opposed. To ensure that this was not an issue for members I obtained an email from Terry Richardson on February 12 stating he saw no conflict of interest. A secondary issue came to light at the meeting. As one of the original new members in 2012, I had often been appointed a proxy-holder for other members. This time 11 members who were not in physical attendance at the meeting had given me their proxies. (I was unable to print one that arrived late and only voted 10.) All proxies were given with voting instructions: 6 in writing and 4 orally. No discretion in voting the proxies was exercised by me as Director of Elections and no conflict existed.

**Property ownership issues.** In the last-minute scramble for memberships, I was made aware of a number of new members and related property. Where necessary in the case of shared ownership, I asked for evidence of designation of representation by Condo president or primary owner.

**Last-minute Memberships.** Memberships were still rolling in after 5 p.m. on February 16: Too late for the individuals to be verified, their emails checked and the money processed. Memberships are processed and the money handled by the President as he is a local resident. In the interests of cooperation, the President (Dan) and I accepted all of the membership requests and added them to voting lists, etc. Because there was no possibility of verification of email addresses, some last-minute members were advised to vote in person rather than on Election Buddy. At the meeting, there were new members for whom I had no formal information but I accepted them based on the information they provided and confirmed by other attendees at the meeting.

## **Recommendations**

### **Elections**

The following recommendations relating to an election should be incorporated into the Bylaws:

- A process is required for potentially contested elections from start to finish, including
  - Nominating and Selection committees,
  - Committee recommendations,
  - Candidate profiles,
  - Mexican eligibility requirements
  - Director of Elections responsibilities
  - Independent tabulators/counters
  - Coordination/involvement of Zoom meeting host
  - Definition and use of members' confidential information

- In addition, the process needs to include fact checking; guidance on use of Vecinos logo on candidate materials; and use of Vecinos website, Akumal Now and Facebook page
- New Memberships must be received at least 48 hours before the meeting starts in order to process the request. Names must be clearly printed or typed. Email addresses must be verified
- Proxies must be delivered to Director of Elections, Zoom meeting host/EB host at least 24 hours before the election so that adequate ballots are available i.e., need to know the approximate number of proxies expecting to vote at the meeting
- Members intending to vote remotely need to inform the Zoom host of their planned attendance so that adequate licenses are obtained for Zoom and EB/voting software

### **Other Bylaws Recommendations**

#### **Technological improvements**

Licenses for meetings: Vecinos needs to acquire its own Zoom license, needs to acquire “cloud storage” for all files; and ultimately needs bandwidth that will permit future meetings to run smoothly. However, that is not possible in the short term as the Guardia National is using the Community Center.

Database: The membership database should be permanently stored on “the cloud” (as should all relevant documents) not on an individual’s computer

Bulk emails using bcc. Security advice is always to use bcc on mass mailings to limit opportunities for email hacking and the irritating possibility of inadvertently hitting the “reply to all” key. Many email packages send bulk email (particularly from “foreign” countries) to Spam/junk folders.

#### **Privacy of information and updating**

We need a definition of what part of the members’ database is private. We also need a mechanism for updating member’s information. However, the responsibility lies with the members not the board

#### **Property definition**

Article 9 is just the outline of how property is tied to membership. Need more specifics. Rather than detailing in Bylaws, a better solution is an Association policy which can be made more flexible.

#### **Calling meeting**

Currently only the President can call an extraordinary or ordinary/annual meeting.

#### **Unenforceable or unnecessary provisions**

We need to remove provisions in bylaws that cannot be enforced or that serve no useful purpose.

### **Other Questions that have arisen since the meeting**

I am aware that some members are concerned about transparency and have raised issues. While I don't know the extent of their concerns, the following questions have been brought to my attention:

Q. Should voter accreditation have been granted to an HOA president who claimed a voting membership on behalf of the common room at their condominium?

*A. I expressed concern at the time of the membership application. The membership applies to the commonly owned lot across the street. There was an error on the membership form. I accepted that the membership giving the right to vote was attached to the lot.*

Q. If a member failed to sign in for the in-person meeting should their vote have been invalidated?

*A. Signing in for the meeting is used for quorum purposes and is convenient for the lawyer to prepare the attendance list attached to the minutes. If a person was known/seen to be in attendance there is no question, their vote counts.*

Q. If a member failed to sign in for the online meeting should their vote have been invalidated?

*A. We (the members present and on Zoom) agreed informally at the meeting that because of Zoom problems we would accept members' votes on Election Buddy if they were able to phone or email a member to pass on the information that they couldn't log into Zoom. In some cases, they were able to login subsequently. This issue relates only to votes cast on Election Buddy where "attendance" on Zoom allows their vote to be validated. We were able to identify all but one EB voter, whose vote was invalidated. One other voter acknowledged they were not online during the meeting and their vote was also invalidated.*

Q. Should the membership have been informed when a supposedly "final" vote tally turned out to be inaccurate? Or is it only necessary to inform the membership when the new count changes the outcome of the election?

*A. A preliminary or final vote detail can always be subject to further correction. For example, if the member who voted on EB whom we cannot identify replies to us we would be able to validate his vote and adjust the number of votes. But yes, if the adjustment changes the outcome of any candidate then the adjusted vote detail must be made available to all members.*

Q. Should data on who voted by which voting method have been made available to candidates (or other interested members)? Or does it violate a member's privacy to track and share information on whether or not they voted?

*A. The list of EB voters was provided in confidence to the candidates for President, they also received copies of the attendance list which we know may not be complete once quorum is attained. In-person attendance at the meeting would have been obvious to all members in attendance. The list and copies of proxies was recorded at the meeting (but has not been provided to the candidates for president.) One of the issues to be reviewed is the application of Mexican privacy laws. This will also allow us to determine how much personal information (beyond name and email) may be shared with other members and whether different rules should apply for access by candidates.*

### **Closing**

I welcome comments and criticisms from all members. This was a learning experience for us all. Hopefully the recommendations and issues will be addressed in a complete rewrite of the Association's Bylaws.

Thanks to Terry Richardson and Dan Freeman for trusting me with the responsibility to oversee our first contested election.

And a huge vote of thanks

- to Jon Kantor for Zoom and Election Buddy hosting, without whom we would never have been able to hold the remote part of the meeting
- to "guinea pigs" who helped with Election Buddy testing (Alex and Lisa and others)
- to Fred Hollinger for his technical assistance and support at La Buena Vida
- to all members for their patience while we tried something new
- and to Jamie Cost for providing us, as always, with a special space to hold our meetings.

Tandy Muir-Warden  
Director Vecinos 2022 Election