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CC: <eesanchez@sbcglobal.net>
Date: 12/1/2007 8:47 PM
Subject: Official challenge to ASNC election results (due 12/2)

DONE
 WATTS CIVIC CENTER
 2007 DEC -3 A 9:49

Re: Election Challenge - ASNC

Dear Jerry, the ASNC Election Committee, & Dept. of Neighborhood Empowerment

As much as I hate to drag things out, I can't find a way around taking this action.

Having now had the time to go over the numbers in some detail, I feel duty bound as someone who values the neighborhood council concept -- and the fair election of our board members -- to challenge the results of the most recent election of the Arroyo Seco Neighborhood Council, officially. This should meet all requirements of our election procedures and the challenge process outlined therein.

I believe there were several errors, but one had a profound effect on the outcome (possibly changing it), but at the very least depressing the number of votes cast by a relatively large amount in one community (enough to HAVE actually changed the outcome).

I can explain the rationale in some detail, but let me try and summarize it, and leave the added detail for when/if needed.

The portion of the election that involved votes cast by mail for the two "geographic representative" seats for the community of Mount Washington (MW) was very obviously and seriously affected by an error in the instructions on the original ballot mailed early last month.

On that ballot, 459 registered Mount Washington stakeholders were told in writing that they should ONLY vote for "one" of the four listed candidates for that position -- when in reality, there have always been multiple seats open each election year (two since 2004; four seats, the very first year)

In every other "similar" ASNC election in which that information was printed correctly (i.e., "you may vote for up to two candidates" -- or similar words), less than 1 in 5 ballots were returned with only one candidate name marked. This year, that number was closer to 1 in 3.

Here's how it looks numerically, the "undervote" percentage would be those ballots on which less than the maximum number of votes were cast for candidates. As you can see, the difference is profound -- nearly doubling this year as a result of the ballot text error:

2003 -- Possible votes (4 per ballot counted) = 732; actual cast = 648; UNDERVOTE = 19 percent

2004 -- Possible votes (2 per ballot counted) = 240; actual cast = 202; UNDERVOTE = 16 percent

2005 -- Possible votes (2 per ballot counted) = 292; actual cast = 245; UNDERVOTE = 17 percent

For these past three similar years the UNDERVOTE averaged 17 percent.

THIS year: Possible votes (2 per ballot counted) = 312; actual cast = 217; UNDERVOTE = 33 percent

SO, this year the UNDERVOTE nearly doubled in that specific contest, for no other possible reason than the error in the instructions.

Assuming the UNDERVOTE would have followed every similar past election (if that error had been

corrected before the mailing), then the uncast votes (avg. 17 percent) would have numbered something like 54 this year. Instead, they totalled 95, meaning that more than 40 additional votes for the candidates listed would have been cast.

Why is this so important? In the outcome last week, only 30 votes separated the top three contenders (Schaefer, Walnum, & Folsom). Even more specific to the 40+ uncast votes, there were ONLY 8 votes separating the second place finisher -- who was elected -- from the third -- who was not. An additional 40+ votes added to this mix could have obviously produced a different outcome.

It's true, attempts were made to correct this after the error was discovered, but not of the level that could undo the damage enough to let this pass. By restricting the "correction" message sent out primarily (perhaps exclusively), to e-mail forms of communication, we can be assured that less than half of MW's registrants were informed -- and by extension -- less than half of those who voted knew of the problem.

This is because only about half of the ASNC's registered stakeholders supply us with e-mail addresses when they register (it's optional). Even if that percentage is slightly higher in MW, we must also factor in that the "correction" message e-mailed was sent primarily through the ASNCalert, an opt-in Yahoo membership group that not all ASNC stakeholders with e-mail choose to subscribe to after being invited.

Bottom line: after the mailing, LESS THAN HALF the eligible voters who received mail-in ballots were duly informed of the ballot error.

Result: TWICE AS MANY as many as in any similar past election voted for only one candidate (not the two they were allowed).

(Because one year is unaccounted for above, namely 2006, I should explain the repeated use of "similar" election here. That year, the "undervote" percentage was somewhat higher than the average for the three previous years -- but for an entirely different reason. That year was the only year in ASNC election history when only two names appeared on the ballot as options in a "vote for two" race. This "one party election" scenario historically leads to much greater undervoting in American elections (as evidenced by our own uncontested "at-large" vote tallies. That election must be thrown out of the equation as an anomaly.

Whenever MW stakeholders have been presented with three or more candidates on the printed ballot, as they were this year, the undervote has been half what it was in the 2007 election just completed.

Please understand, I have no preference for who "wins" that community's vote. However, the partial disenfranchisement -- due to a typo -- of nearly one-third of those who made the effort to vote does affect us all, especially if we believe that the "people" should decide these things. And all should be able to make their choices based on being provided the same information.

Therefore, I am calling for a re-vote, for just the affected portion and believe that a new ballot (possibly mail-in only, if bylaws allow), should be mailed to the nearly 500 MW stakeholders who received the first -- along with anyone new who registered and voted that day. The new mailing should include some extremely obvious explanation of the unfortunate error, the names and statements of all four candidates again (only -- "at large" races were not affected by this), and instructions for completing the re-vote in a timely manner.

We have the money (although I would love to see it spent on something else), and we have time -- the next board isn't seated for nearly two months).

I was unable to assist with the last election (and was not a member of the ASNC Election Committee, as incorrectly listed), because I was a candidate for another position. I would be happy to take a serious role in mailing and counting the corrected (partial) ballots to correct this unfortunate situation.

It is the only fair thing to do to show people that we value ALL their votes, not just the votes of those for

whom we have e-mail addresses on file.

Joseph Riser
ASNC Board Member, 2006-07

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