



AD HOC ELECTION COMMITTEE

AGENDA, May 10, 2023 at 6 pm

On Zoom: <https://sandiego.zoom.us/j/94512736833>

I. Call to order

- A. Introductions
- B. Adoption of small board rules of order, attached (RRO, 12th Ed, 49:21)
- C. Adoption of agenda

II. Non-agenda public comment

III. Discussion of Rules pertaining to UP Special Election

- A. Uptown Bylaws (relevant passages attached to agenda)
- B. CP 600-24 (relevant passages attached to agenda)

IV. Discussion of Logistics for Election

- A. When?
- B. Where?

V. Action Item: Recommendation to the UP Board

- A. Formulation of proposal to UP Board for special election

VI. Set Date for next meeting

VI. Adjournment

NOTES

This meeting will be recorded to facilitate production of accurate meeting minutes.

Questions or concerns: Contact the Committee Chair, Mary McKenzie: elections@uptownplannerssd.org.

Uptown Planners website: Visit uptownplannerssd.org for supporting information and updates.

Attached: [Small Board Rules of Order, \(RRO, 12th Ed, 49:21\)](#)



UP BYLAWS

Art. IV. VACANCIES

Sec. 2. "Vacancies that may occur on the Uptown Planners should be filled at the following March general election, described in Article V, Section 3, if not later than 120 days following the date of the determination of the vacancy. The term of office of any member filling a vacancy shall be for the balance of the vacated term.

If vacancy is determined with greater than 120 days until the March general election, the Uptown Planners shall hold an interim election to be filled by a vote of all eligible members of the community by secret written ballot.

ARTICLE V Elections

Section 1. General elections of Uptown Planners members shall be held during the month of March in accordance with the adopted elections procedures found in Article V, Section 5.

The Uptown Planners elections shall be held in four year cycles - (1.) The first year three board members shall be elected; (2.) the second year and third year seven board members shall be elected each year; (3.) the fourth year there shall be no election.

The deadline to qualify for candidacy in the March general election shall be up to and including the February noticed regular or special meeting of the full Uptown Planners membership preceding the election. The Uptown Planners Election Subcommittee shall be established no later than November of the preceding year and shall begin soliciting eligible Uptown community members to become candidates. In February, the Election Subcommittee shall present to the Uptown Planners a complete list of interested candidates collected up to that point in time. Candidates may be added at the February meeting. A candidate forum may be advertised and held at the February meeting.

Section 2. The Uptown Planners shall make a good faith effort to utilize means appropriate to publicize the Uptown Planners eligibility requirements for candidacy and the upcoming elections.

In the election process, the Uptown Planners shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight consecutive years to leave the Uptown Planners for at least one year.

The Uptown Planners shall hold its election concurrent with the March general meeting. The Uptown Planners will require proof of identity of those eligible Uptown community members who are seeking to vote in the election. The Uptown Planners shall ensure that voting is only by eligible members of the Uptown community.

The ballot presented to eligible Uptown community members to vote will clearly identify which seats individual candidates are running for, how many candidates can be selected, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond eight consecutive years of service.

Write-in candidates are not allowed.

Section 3. Voting to elect new community planning group members of the Uptown Planners shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances.

Section 4. The Uptown Planners election becomes final after announcing the election results at the conclusion of the noticed, regular March monthly Uptown Planners meeting. The Chair is responsible for preparing, certifying and forwarding the election report to the Council. New members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at the April Uptown Planners meeting.

Any challenge to the election results must be filed with the Chair of the Elections subcommittee in writing within 24 hours of the counting of the ballots in order to allow enough time to resolve the challenge.

Section 5. Additional Election Procedures.

1. Candidate Information:

The Election Committee will provide the following information to the Board at the February Board Meeting:

- a. Number of seats open for election.
- b. Number of seats currently held by Board members eligible for a second term of four years, whether completing their first term or appointed to fill a vacant seat.
- c. Candidates with service beyond eight years who will appear on the ballot along with new candidates. The ballot must identify any candidates that exceed the Uptown Planner's allowable term limits, and the fact that the candidates must receive a 2/3 vote to be elected. (Policy 600-24 states that such candidates will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., new candidates receive priority over candidates exceeding the term limit).
- d. Number of new eligible candidates that meet the following qualifications:

To be an eligible Uptown community member an individual must be at least 18 years of age, and shall be associated with the Uptown community as one or more of the following:

- A property owner, who is an individual identified as the sole or partial owner of record, or their designee, of real property (either developed or undeveloped), within the Uptown Boundary; or
- A resident, who is an individual whose primary address of residence is an address within the Uptown Boundary; or
- A local business person, who is a local business owner, operator, or designee at a non-residential real property address within the Uptown Boundary; or

Candidates must have submitted a membership application to the Uptown Planners Secretary or Election Committee prior to the March election and have attended two previous meetings in the last 12 months.

Election Committee - An Election Committee will be formed each year to facilitate all facets of the election process. This committee will be formed of members not running for election and will be validated by a majority vote of the Board. The detailed procedures for the election including time and location of polls and candidate package shall be established by the Election Committee and subsequently approved by the Board no less than thirty (30) days prior to the election and a copy of said procedures shall be posted on the Uptown Planners website within 72 hours of Board approval.

The Administrative Guidelines provided by City of San Diego may provide additional guidance should these election procedures not address a specific issue. During the conduct of voting, the Election Committee will be primarily in charge of validating the qualifications of potential voters.

Additionally, the Election Committee will be charged with managing the polling area and for the safekeeping of ballots and ballot box(es). The Election Committee will conduct the counting of ballots and validating the results of the election.

COUNCIL POLICY 600-24, Approved September 2022

D. Community Representation

The City may, and each recognized CPG must, gather certain demographic data of existing and new CPG voting members and the community at large, at the time of elections or other regular periods, to measure inclusion and diversity on the CPG. The CPG shall compare this data with the demographics of the community at large as may be available from the City or other agencies, such as <https://datasurfer.sandag.org/> and submit to the City as part of its annual report. Participation in any survey of demographic data will be voluntary and must be conducted in a manner to ensure the privacy of responses and respondents. The CPG may not request this information as part of an application with personal identifying information.

The demographic data gathered should include age range, nature of relationship to community (homeowner, renter, or business owner), duration of relationship to community, ethnicity, race, gender, professional background or expertise, and length of service or involvement with the CPG. The City may assist with outreach efforts to broaden the scope of diversity and inclusion in participation on CPGs.

E. Open and Public Elections.

CPGs must develop election procedures to ensure equal participation by all members of a community, including limiting the time that voting members of a recognized CPG can serve. All community members, as defined in Section II.D, within the boundary of a CPG may vote in CPG elections, and no additional qualifications, such as attendance requirements, may disqualify someone from voting. No voting requirement can be stricter than the requirements allowed by the California Elections Code voter qualifications.

Each recognized CPG must adopt provisions within its operating procedures that will govern the election or appointment of voting members of the CPG, their removal if necessary, and the process to fill vacancies. These provisions should provide for a fair and transparent process intended to ensure outreach to the entire community in CPG operations.

When elections for CPG voting members take place in person, CPGs must adopt procedures to ensure a fair and open process; for example, making voting available for at least two hours at the time and place of the CPG’s regularly scheduled meeting.

F. Established Policies and Procedures.

Each CPG must establish operating procedures that include the requirements set forth in this Policy and the Terms and Conditions. The operating procedures for each recognized CPG must ensure that the public has notice of the operations and activities of the CPG and includes the following topic areas:

.....

4. Voting member and CPG responsibilities such as the process for filling vacant seats either during a term or following an election; how CPG positions will be reported to the City; and discipline or removal of an individual voting member.

Attachment to CP 600-24 –Terms and Conditions

TERMS AND CONDITIONS FOR CITY COUNCIL RECOGNITION OF {NAME OF COMMUNITY PLANNING GROUP} AS AN INDEPENDENT COMMUNITY PLANNING GROUP PER CITY COUNCIL POLICY 600-24

5. Open and Public Elections

5.1. Equal Participation

The CPG shall develop election procedures to encourage equal participation by all members of the public of a community, including term limits which voting members of a recognized CPG can serve.

All members of the public affiliated with the community within the geographical boundary of the CPG will be allowed to vote in CPG elections, so long as they meet minimum conditions for eligibility per Section 4.2 of these Terms and Conditions and comply with the following:

- Only one elected CPG voting member per business tax certificate
- Only one elected CPG voting member per property tax billing

No additional qualifications, such as attendance requirements, will disqualify someone from voting, and no voting requirement will be stricter than allowed by the California Elections Code or Section 5.1.1.

5.1.1 Voter Identification for Resident Community Members

Consistent with state and federal law, proof of residency or identity, should consist of presenting an original or copy of any of the documents described below in either paragraph (1) or (2). These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

(1) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents: (A) driver's license or identification card of any state; (B) passport; (C) employee identification card; (D) identification card provided by a commercial establishment; (E) credit or debit card; (F) military identification card; (G) student identification card; (H) health club identification card; (I) insurance plan identification card; or (J) public housing identification card.

(2) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last election, unless the document is intended to be of a permanent nature such as a pardon or discharge, including: (A) utility bill; (B) bank statement; (C) government check; (D) government paycheck; (E) document issued by a governmental agency; (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity; (G) voter notification card issued by a governmental agency; (H) public housing identification card issued by a governmental agency; (I) lease or rental statement or agreement issued by a governmental agency; (J) student identification card issued by a governmental agency; (K) tuition statement or bill issued by a governmental agency; (L) insurance plan card or drug discount card issued by a governmental agency; (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter; (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency; (O) identification documents issued by governmental disability agencies; (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities; (Q) drug prescription issued by a government doctor or other governmental health care provider; (R) property tax statement issued by a governmental agency; (S) vehicle registration issued by a governmental agency; or (T) vehicle certificate of ownership issued by a governmental agency.

5.1.2 Voter Identification for Community Business Owners Business Owners within the community should present an original or copy of a Business Tax Certificate or equivalent document showing a business address within the CPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community business owner to vote in the election.

5.1.3 Voter Identification for Community Non-Profits

Employees of non-profits within the community should present an original or copy of their founding documents or a related document showing an associated address within the CPG boundaries. These requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.1.4 Voter Identification for Community Non-Resident Property Owners

Non-residents who own property within the community should present documents similar to those described in 5.1.1 above, however at least one of these documents should show the address of the property in the community owned by the non-resident and be sufficient to prove ownership. These

requirements should be construed liberally by CPGs and any doubt resolved in favor of allowing a community member to vote in the election.

5.2 Transparency and Inclusion in Operations

The CPG will adopt provisions within its operating procedures that will govern the election or appointment of voting members of the CPG, their removal if necessary, and the process to fill vacancies, among other provisions. These provisions will provide for a fair and transparent process, intended to ensure broad outreach to the community, sufficient time for community members to participate in elections, and the principles of inclusion and diversity in CPG operations.

CPG operating procedures should address the following:

- Cut-off date for candidates to submit nominations, which generally should be a CPG's regular February meeting before an annual March election
- Verification of candidate eligibility prior to printing a ballot
- Creation of a ballot with all candidates identified by name
- Handling of write-in candidates, if applicable, including how to verify eligibility for a write-in candidate's name on a submitted ballot
- Handling of a candidate's absence from a scheduled candidates' forum
- Location(s) of polls, including managing multiple concurrent polling locations, if allowed
- Management of the polls
- Verification of voter eligibility as referenced in Sections 5.1.1-5.1.4 in these Terms and Conditions
- Ballot construction & content
- Setting election date(s)
- Setting voting time(s)
- Mail-in ballot procedures, if applicable
- Closing the polls
- Counting the ballots, including when, by whom, and how to account for a candidate continuing beyond eight or nine consecutive years of service
- Clarifying whether a plurality voting system is being used, or if a majority is required for a seat to have a declared winner
- Ballot record keeping
- Tie-breaking procedures

- Election challenge procedures
- Timing of installation of newly elected voting members
- Maintaining confidentiality of secret written ballots
- Discouragement of electioneering (individuals actively trying to convince voters to vote for a specific candidate at the time and place of the election)
- Next steps if a seat remains unfilled due to lack of, or ineligibility of, a candidate, or as a result of a successful election challenge.

5.3 Election Timing

The CPG will endeavor to host its elections during the month of March each year to be consistent with other CPGs.

Applicability of Modified Parliamentary Rules in Small Boards and in Committees 1:24

The distinction between a board and a committee must be briefly noted here for an understanding of what follows. A board of any size is a form of assembly as just explained. Committees, on the other hand, are bodies that are often, but not necessarily, very small, and that are subordinate instruments of an assembly or are accountable to a higher authority in some way not characteristic of an assembly. Large boards generally follow parliamentary procedure in the same way as any other assembly. In small boards, and in committees, most parliamentary rules apply, but certain modifications permitting greater flexibility and informality are commonly allowed (see 49:21, 50:25–26). The distinguishing characteristics of boards and committees are discussed in 49 and 50.

Robert, III, Henry M.; Honemann, Daniel H.; Balch, Thomas J.; Seabold, Daniel E.; Gerber, Shmuel. *Robert's Rules of Order Newly Revised*, 12th edition (p. 63). PublicAffairs. Kindle Edition.

49:21 Procedure in Small Boards.

In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

- 1) Members may raise a hand instead of standing when seeking to obtain the floor, and may remain seated while making motions or speaking.
- 2) Motions need not be seconded.
- 3) There is no limit to the number of times a member can speak to a debatable question.³ Appeals, however, are debatable under the regular rules—that is, each member (except the chair) can speak only once in debate on them, while the chair may speak twice.
- 4) Informal discussion of a subject is permitted while no motion is pending.
- 5) When a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by unanimous consent, however, all proposed actions must be approved by vote under the same rules as in larger meetings, except that a vote can be taken initially by a show of hands, which is often a better method in small meetings.
- 6) The chairman need not rise while putting questions to a vote.

7) If the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.

Robert, III, Henry M.; Honemann, Daniel H.; Balch, Thomas J.; Seabold, Daniel E.; Gerber, Shmuel. Robert's Rules of Order Newly Revised, 12th edition (pp. 528-529). PublicAffairs. Kindle Edition.

Adoption of a Motion, or Action Without a Motion, by Unanimous Consent 4:58

In cases where there seems to be no opposition in routine business or on questions of little importance, time can often be saved by the procedure of unanimous consent, or as it was formerly also called, general consent. Action in this manner is in accord with the principle that rules are designed for the protection of the minority and generally need not be strictly enforced when there is no minority to protect. Under these conditions, the method of unanimous consent can be used either to adopt a motion without the steps of stating the question and putting the motion to a formal vote, or it can be used to take action without even the formality of a motion. 4:59 To obtain unanimous consent in either case, the chair states that “If there is no objection... [or, “Without objection...”],” the action that he mentions will be taken; or he may ask, “Is there any objection to...?” He then pauses, and if no member calls out, “I object,” the chair announces that, “Since there is no objection...,” the action is decided upon. If any member objects, the chair must state the question on the motion, allow any desired debate (unless it is an “undebatable” parliamentary motion—see 6 and pages t46–t47), and put the question in the regular manner. Or—if no motion has been made—the chair must first ask, “Is there a motion to... [stating the proposed action]”; or he must at least put the question, assuming such a motion. If an objection is made with reasonable promptness, even though the chair may have already announced the result as one of “no objection,” he must disregard such an announcement and proceed to state the question in the usual manner. 4:60 “Unanimous consent” does not necessarily imply that every member present is in favor of the proposed action; it may only mean that the opposition, feeling that it is useless to oppose or discuss the matter, simply acquiesces. Similarly, when a member responds to the chair’s inquiry, “Is there any objection...?” with “I object,” he may not necessarily oppose the motion itself, but may believe that it is wise to take a formal vote under the circumstances. In other words, the objection is raised, not to the proposed action, but to the action’s being taken without a formal vote. No member should hesitate to object if he feels it is desirable to do so, but he should not object merely for dilatory purposes. If a member is uncertain of the effect of an action proposed for unanimous consent, he can call out, “I reserve the right to object,” or, “Reserving the right to object,...” After brief consultation he can then object or withdraw his reservation.

Robert, III, Henry M.; Honemann, Daniel H.; Balch, Thomas J.; Seabold, Daniel E.; Gerber, Shmuel. Robert's Rules of Order Newly Revised, 12th edition (pp. 102-103). PublicAffairs. Kindle Edition.