

2016 Indianapolis Continuum of Care (CoC) Election Ad Hoc Workgroup Statement on the November 2015 Blueprint Council Election

Executive Summary

The November 2015 Blueprint Council Election was deemed as defunct for a myriad of reasons, most of which were in violation with the election procedure outlined in the CoC Governance Charter. This deviation from the CoC Governance Charter prohibited the City of Indianapolis, the CoC grant Collaborative Applicant, from signing and submitting the application under penalty of perjury.

In short, the main reasons that the election was defunct include:

1. Ballots were unverifiable due to oversight in the construction of and inconsistencies between the electronic and paper ballots.
 - Paper ballots had no name field to verify eligible CoC members
 - Electronic ballots did not differentiate the “homeless/formerly homeless” identification from the “CoC member with a signed membership statement and CoC participation” identity.
2. Election candidates and voters in the election were not verified as eligible to run and/or vote in the election. This allowed ineligible nominees to run for the Blueprint Council and ineligible voters to cast ballots and affect election results.
3. A considerable number of the ballots received were manually entered by individuals not tasked to tabulate and verify the election ballots. This duty was charged with Community Solutions and CHIP.

A more detailed timeline and explanation of the reason why the 2015 Blueprint Council Election is being redone follows this executive summary.

Communication to the full Indianapolis Continuum of Care of what went wrong during the 2015 Blueprint Council election with recommendations to the CoC and Blueprint Council from this Ad Hoc Workgroup.

Election Ad Hoc Workgroup Members: Rev. Antonio Alexander (Co-Chair), Zachary Alexander (notes), Tom Babb, Rachael Candee, Jennie Fults, Matt Holland, Sandy Jeffers, Julia Kathary (Co-Chair), Don Sawyer, Karin Thornburg, Abby Vesga, and Alan Witchey.

Timeline of developments and actions taken during the 2015 Blueprint Council election process:

- May 20, 2015: (Blueprint Council published minutes) “Phil [Smith – BPC Chair] said the Blueprint Council will be holding elections for first time since forming and that they are looking to put together a committee. A majority of those on the committee cannot be on the Blueprint Council, according to the Governance Charter.” **Indications in May 2015 appear that an awareness existed of the requirement to follow the standing Charter for an election process.**
- August 19, 2015 (Blueprint Council meeting) as documented in Blueprint Council minutes that day regarding a 2015 Blueprint Council election: “Six seats are opening up. The election committee is comprised of Michael Butler and Phil Smith, Terri Bailey, Brianna Gates, Tyler Stumm, Colleen Gore (66% of the committee are non-BPC members). The first meeting is scheduled for August 26th and will either be in person at CHIP or via a conference call. The group will follow the same process and procedures as a prior election.” **This should have been the first indication that there would be election issues since the Governance Charter in its current 2015 form, did not exist during the “prior election” which took place in 2013.**
- September 15, 2015: electronic communication through Michael Butler representing the Election Committee stating that nominations for vacant seats would be accepted from Sept 16 – October 16, 2015. The communication was sent with a nomination form, a timeline for the 2015 election process, and the current (at that time) Blueprint Council roster with terms. **Problematic was that no instruction was given regarding establishing voting rights to participate in the election process (as a voter or nominee) according to the Blueprint Council Governance Charter (by participation in the Continuum of Care and signing a Membership Statement or by self-verifying as Homeless/Formerly Homeless).** At that time, it was communicated that CHIP (as evidenced by the Election Timeline provided with the 9/15/15 email) would “house the electronic votes” and the Election Committee would oversee the nomination and election process. **Additionally problematic was that no information was given about how the paper ballots would be handled other than where the blank ballots would be available. There is no documentation in publicly available notes from that 2015 Election Committee that ballot templates were reviewed and ensured to provide the adequate data fields to verify the vote according to the Governance Charter in order to be counted. Additionally problematic is that the Blueprint Council did not ensure that the nomination process nor the election process aligned with the standing Charter at that time.**
- September 16, 2015: nominations opened through October 16, 2015 to accept nominations to seat Blueprint Council vacancies with terms ending at the end of 2015. **Problematic was that vetting of the nominees only included the nominee’s willing to accept the nomination. Vetting did not include indicating that to be a nominee one’s voting rights had to be established as mandated by the Charter.**

- September 29, 2015, Alan Witchey sent out an email to the Blueprint Council reminding them that they had adopted a new Charter since the prior election and needed to consider how that impacted voting rights. From Alan's email: *"...the charter notes that in order to qualify for a vote, a person must attend any one meeting within the year before the election. I think some people have been still operating under the thought that anyone will be allowed to vote as long as they complete the form and that this will allow more people an opportunity to get engaged. I am sending this email because as a body, we need to decide which way we would like to do it this year:*

- 1. Allow anyone who completes the registration form to vote*
- 2. Allow only those who have attended at least one meeting to vote*

As you know, the deadlines are coming up quickly, so please reply all so we can make a decision this week if possible. If you prefer to talk about it via conference call, please let me know and I will set one up. I apologize for the lateness in this discussion, but I wanted to make sure we were honoring the intent of the group." **This became problematic on a few levels. Alan indicated in his email that he is new and is asking for clarification (he'd recently assumed the Executive Director position at CHIP, the support entity for the CoC and the Blueprint Council). He pointed out the concern to the Council that the standing Charter wasn't being followed. No one clarified for him from the Blueprint Council if a decision to not follow the Charter was allowable. Silence may have been implied as consenting support to not follow the Charter. Additionally, some BPC members might have perceived the communication as indication that the Support Entity (CHIP) presenting this option cleared the way for the Charter to be**

'negotiable' regarding the election process. Electronic discussion focused on interpreting the attendance requirement to include committees and workgroups along with CoC meetings. Some discussion occurred about following the process to amend the Charter prior to voting occurring. But the required amount of time to present amendments to the Charter prior to the next CoC (30 days) was already too few.

- October 1, CHIP sent out a list of eligible voters according to the Charter guidelines. This led to some Blueprint Council members becoming concerned that a large number of people were going to be excluded from voting because of incomplete records of Signed Membership Statements and incomplete and inconsistent tracking of attendance at CoC, Blueprint Council, Committees, Sub-Committees, and Workgroup gatherings. **There is indication that this limited pool of verifiable voters led some Blueprint Council members to support an interpretation of a proposal presented on October 14th to follow the 2013 election process instead of the process outlined in the standing Charter to establish voting rights in a well-intentioned effort to be inclusive in the voting process.**
- October 14, 2015: (Blueprint Council meeting) discussion and determination on how to proceed with the election (from Blueprint Council published minutes): *"Sandy [Jeffers] motioned to use the election process used in 2013. [There was] No opposition."* **This action by the Blueprint Council became extremely problematic in that 1) the election process was already underway and these determinations should have been made and communicated prior to or along with initial communication to the CoC regarding the election process; 2) in review having supported Sandy Jeffer's motion to use the election process of 2013, there is evidence to indicate that the full Blueprint Council did not collectively understand what supporting the 2013 election process entailed. To this present time there exists varying understandings of what individual Blueprint**

Council members thought they were voting to support. Some Council members thought that the proposal intended to merely appoint Community Solutions to run the election as they did in 2013 by handling the voting and tallying system. Other Council members perceived the proposal intended to loosen the active participation in the CoC requirement as the determinant to having voting rights so that more people could be involved in the election process. In the 2013 election, only signed Membership Statements were required to vote. Because the CoC itself was so new at that time, active participation was not required in establish voting rights as it was required in the standing Charter at the time of the 2015 election.

- October 19, 2015: no update on the election is included in the Blueprint Council minutes from that date. **The Blueprint Council failed again to check in at that time to ensure that the creation of the electronic and hard copy ballots and the voting processes were in compliance with Charter so that casted votes could be verified (according to the Charter) and counted toward the results. But, also by this time a palpable confusion about the election processes existed. The confusion of the council leaned toward the side of understanding that voting rights were established by signing a membership form, and active participation in the CoC was not required.**
- October 21, 2015: The slate of nominees were presented to the full Continuum of Care (CoC) by Lena Hackett of Community Solutions and voting opened. It was communicated (as indicated in the published minutes) that voting would close November 20th, that there were 21 nominees for six vacancies, and “To vote, you must either be currently or formerly homeless or signed the CoC Membership Statement.” Later that day, an email was sent by Michael Butler inviting people to participate by voting in the election. The email contained a link to the electronic ballot and an attachment of the hard copy ballot along with these instructions: “Feel free to share this link with your colleagues. Remember, to be eligible to vote you must either self-identify as homeless or formerly homeless, or have a signed Membership Statement on file. If your organization wishes to provide paper ballots to your clients you may print and make copies of the attached or contact Lena Hackett lena@communitysolutionsinc.net or Michael Butler mbutler@chipindy.org to have copies delivered. Please let us know if you think you’ll have paper ballots so they can be picked up when the election period closes on November 20.” **This publicly published communication is extremely problematic and should have alerted the Blueprint Council immediately that the 2015 election was not aligning with the standing Governance Charter. It clearly indicates that the proposal supported by the BPC on October 14th was being broadly communicated and acted upon to support the entirety of the 2013 election process in looser eligibility to vote. However, the standing Charter establishes voting rights as:**

Voting Rights: Those individuals that meet the following provisions are eligible to vote at Continuum meetings:

- ***Self-identification as homeless or formerly homeless, OR;***
- ***Commitment to Blueprint 2.0 as demonstrated by completion of a Continuum Membership Statement AND active participation in the Continuum over the prior 12 months as demonstrated by Continuum, Blueprint Council and/or Committee attendance sheets.***

The Support Entity will maintain eligibility lists and make them available prior to all meetings of the full Continuum.

This is also the first indication of public instruction on an expectation of how paper ballots should be physically handled yet problematic because the instructions are not adequately complete. Also problematic is the Council was already aware at this time that incomplete and inconsistent attendance records were going result in a much smaller pool of verifiable voters than desired to be considered inclusive if the Charter was to be followed to verify votes. At this point, the Council was very much acting under a large assumption that not following the Charter during the election was negotiable and allowable. Sandy Jeffers did attempt to address amending the Charter at that meeting but the Charter does not allow for action on amendments to be taken without a 30 day notice to allow for discussion and thoughtful consideration.

- November 20, 2015 voting closed.
- November 23, 2015, Michael Butler sent an email to the seated Blueprint Council stating: *"... there are 2 seats on the Council that are vacant because of member resignations. These seats were not included in the election because the charter says vacancies should be filled by the Blueprint Council. The selected person(s) would complete the term of the person who resigned their position. One of our two vacancies is Currently or Formerly Homeless Individual, Adam Hutton who resigned with 1 year remaining on his term. The other seat is an At-Large position held by Phil Smith who also had 1 year remaining on his term when he resigned. It has been recommended that we fill these vacancies with the persons who receive the 2nd highest number of votes in each of the categories during the election which has just closed. If approved by you, those 2 people would serve in their respective positions for 1 year, then their seats would be up for reelection with all others whose terms expire in 2016 (see attached). By so doing, we could have all the new members go through orientation and start at the same time, getting us off to a good start for 2016."* Electronic discussion ensued over a several day period and the Blueprint Council decided to hold a telephone conference meeting on December 15th to fill the two vacancies according to the Charter. Nominations were to be given to Michael Butler by noon on December 14th. **This indicates that the Blueprint Council was aware and attempting to follow the Charter. This leaves the Election Ad Hoc Workgroup to wonder what assumptions the Blueprint Council had made regarding the Charter for the general election and why they did not question further to ensure due diligence was achieved. This indicates evidence that a developing culture was taking root of viewing the Charter as either negotiable, negligible, navigable, perhaps even deficient in practical application as the CoC and the Blueprint Council evolved.**
- December 2, 2015, CHIP published the results and analytics of the votes of the general election on the Indianapolis CoC website and through electronic communications. The elected candidates to the Blueprint Council were published as: Crystal Haslett; Nicole Spacey; Maurice Young; Kim Boyd; Pastor David Greene; and, Gabie Benson. **During this review, it appears that by this time the Election Committee had developing concerns about the election. Without historical context (this was the first regular BPC election) and clarity from the Charter on how to address such election concerns, the Election Committee published the results. This became problematic because, according to the 2013 election process, the results were accurate, but according to the Blueprint Charter, the results**

- were not accurate. This is the result of the Blueprint Council agreeing to follow the 2013 election process. To the community and to the Blueprint Council it indicated that the election results had been verified according to at least what had been communicated as the right to vote (by either self-identifying as homeless or formerly homeless or having a signed Membership Statement on file).
- December 15, 2015 the Blueprint Council met via telephone conference. Two nominees were presented to fill the two vacancies left by resignations. The Council appointed Raymond Berry and Jenni White to finish terms that were set to expire at the end of 2016. The Council discussed questions about the data in the analytics and how concerns had begun to circulate informally among Blueprint Council members about a ‘high’ number of electronic votes that appeared to come from the same IP address in the overnight hours. From the published minutes, *“The question was asked regarding will analysis of the election process be a topic of conversation during 2016? The response was yes, there will be and a message will go to the Blueprint Council regarding review of the election process. There have been several questions raised about the results. Mary Jones [BPC Vice Chair and Acting Chair] has talked to the [2015] Elections Workgroup. She held a call with the Workgroup to understand the process used and there will be communication to the Council. Mary is currently investigating to look at the results. The Workgroup will have recommendations to the Blueprint Council by Friday, December 18. There will be a Council call and follow up on the recommendations.”* **At this point in time, the lack of clarity about how to handle paper ballots is indicated. Additionally problematic is that a larger portion of the Council appears to just now becoming aware of its lack of oversight and understanding of the complications of allowing the election process to get so far off course from the Charter and from not addressing a lack of clarity in the Charter prior to the general election. But at this point the main concern of the Blueprint Council is not whether the Charter was followed but the question about high number of votes coming from one location and if something questionable had happened where the election needs to be scrutinized.**
 - December 18, 2015, Mary Jones (acting Blueprint Council Chair) sent an email to the Blueprint Council stating: *“As Chair I received several requests to review the process of the CoC Blueprint Council Election process over the course of a few days beginning on Thursday December 10, 2015. These requests all identified the analysis that was posted as a matter of great concern showing the number of ballots entered as well as 190 ballots entered from the IUPUI IP address in one night. Based on what I learned during those conversations I began a full review of the election process. This review included the processes used by community solutions, the election committee, the process in which votes were cast, and discussions with CHIP on how the election process was communicated to all involved.”* Mary outlined her review to find that Community Solutions (based upon what they told her) did not cross reference votes received to any list of eligible voters and that they followed the same process as they did in 2013. *“CHIP also stated they did not Cross reference the votes with eligible voters, believing it was done by Community Solutions.”* It was pointed out that the electronic ballot in Survey Monkey did not allow for voters to differentiate themselves between “Homeless/Formally Homeless” or an active CoC member therefore making verifying voting rights highly unlikely. Two recommendations from the (then standing) Election Committee were presented by Mary to the Blueprint Council to decide at a called-

for meeting on December 22 to be: 1) Declare the election invalid and hold another election ensuring the process follows the Charter; or, 2) To consider the votes entered through IUPUI web address invalid, and cross reference the rest with the list of eligible voters. **The 2016 Elections Ad Hoc Workgroup points out that providing these two options at that time indicates that the Blueprint Council was woefully unaware of their lack of oversight to abide by the Charter in the whole election process and had made large assumptions about how the election was aligning with the Charter in practicality. This level of lack of clarity and decision-making in the election is indicated by the action of the (then standing) 2015 Election Committee actions as presented in Mary's email to be "They [the 2015 election committee] did express concern about the numbers of votes received through the IUPUI IP address, but upon seeing the impact if those votes were removed and felling this needed to be resolved immediately agreed to accept the results and to post the analytics as well." This action is problematic in that instead of bringing the processes under full review of the Blueprint Council at that time, the election committee forged ahead and published the election results. And at this time, it is only now becoming apparent to the broader Council that the ballots have serious issues in their construct, handling, and ability to be verified by neither the 2013 or a Charter aligned process.**

- December 22, 2015 Blueprint Council meeting was called to consider two options as presented by Mary Jones previously listed as: 1) Declare the election invalid and hold another election ensuring the process follows the Charter; or, 2) To consider the votes entered through IUPUI web address invalid, and cross reference the rest with the list of eligible voters. The meeting was emotionally charged fueled by several days of electronic communication sharing insights, concerns, and questions. **It appears that the large number of votes coming in from one IP address served as an aggravating factor that collectively awakened the Council that the 2015 election had serious issues.** The emotional charge of the meeting was increased in that election results had been published and some of the announced winners were present, which as the Blueprint Council holds open meetings, was certainly within proper contexts. Through much deliberation, at times contentious, and with newly elected members of the board present in the room and rendering opinions, the Blueprint Council Board chose a third option that was not on the table: It voted to uphold the results of the 2015 election and vowed to address the concerns going forward into 2016 by reviewing and amending the Charter accordingly. **While the action to uphold the election results was proper for the election and rooted assumptions that had occurred, the Blueprint Council's response was still problematic in that it was still functioning as if the Charter alignment was negotiable instead of binding.**
- January 5, 2016, CHIP announced again publicly the results of the upheld election congratulating the winners, along with the two new appointees filling vacated terms, and bidding the termed-off Council members thanks and farewell in its newsletter.
- January 11, 2016, Jennie Fults notified the Blueprint Council leadership: *"I have some concerns that I need to bring to the Continuum of Care and Blueprint Council. After I received your email on December 28th stating that the election results are to be upheld, I started to look at the federal requirements to move forward. It was brought to my attention that, as the Collaborative Applicant of the CoC grant, the City is required to sign under federal penalty of perjury that every document that we are submitting as part of our application to the federal government is true and accurate. The CoC Governance Charter is*

one of the required documents that must be submitted. By submitting this document and signing the required certification, we are stating that we have followed the Governance Charter and are in compliance with the requirements of the Governance Charter. Based on the process that we went through and the actions that were taken in regards to the election process, the City of Indianapolis cannot sign the application certification because we did not follow the Governance charter throughout the process. I have consulted with my legal counsel and they have advised me not to sign this certification for these reasons. Legal has further advised that the election should be redone in accordance with the Charter before I can sign this document when our next funding application is due. I have also discussed this with HUD. HUD has given me a clear response that we, as a Continuum, must follow our Governance Charter.” **A more ideal situation would have the City of Indianapolis alerting the Blueprint Council earlier in the election process to the pitfalls that were impending. Hindsight allows for idealism. Much like the other Blueprint Council members as a whole, the City representatives on the Council were experiencing the newness of the CoC, the untested practical application of the Charter, and the evolution of all the moving pieces. And like the other Blueprint Council members they did not grasp the unintended outcome that occurred when the election process was decided to follow the 2013 process until too late and too far down the road. When the election process came under question in December 2015, it prompted further scrutiny by the City which resulted in their alert. This reveals a gap in the manner in which the Blueprint Council functions in that it is not immediately clear in practice who or what is policing the alignment to the Charter. Most assumed that CHIP was doing it, some assumed that some other committee existed that was doing it, some assumed that Phil and Mary were doing it, some assumed that the original Charter creation committee was doing it. Some may have thought TAC, Community Solutions, or other consultants were doing it. We had at least three consulting 'groups' involved - coming and going; we had a turnover in the leadership of the Council with Phil not only stepping out of the leadership role but also leaving altogether; there was turnover at the applicant agency (DMD) as new staff came on or switched roles and, there was turnover in leadership at the support entity (CHIP) also with Christy Shepherd not only stepping off but leaving altogether and Alan Witchey trying to get up to speed as an "expert go to" to provide support. All of these things contributed.**

- January 11, 2016, Mary Jones communicated electronically to the Blueprint Council: *“Based on the legal review of the requirements of signing the HUD required documents, the Blueprint Council election that occurred this past fall was not valid and will therefore need to be redone in accordance with the Charter. As the currently seated Blueprint Council we will still meet on January 13 from 2:30 – 4:00 to plan the new election timeline and designate another election work-group as required by the Charter. Until the new election has run and new council members elected this current council membership will stay seated. We are currently notifying the individuals that were elected to let them know that the election results are invalid; therefore they will not be seated on the council on January 13 as previously planned. I do ask that you respectfully allow us time to speak to these individuals prior to talking with them to ensure they have all been notified prior to January 13. Carefully read the attached Charter to ensure that we follow its direction when planning the election timelines during the meeting on January 13.”*
- January 13, 2016 the Blueprint Council met to determine a timeline and process going forward and asked for Blueprint Council to serve on the Election Ad Hoc Workgroup to look at the issues of the 2015 election and to conduct a new election.

- January 19 & 29, 2016 the BPC Election Ad Hoc members met to draft preliminary planning details and to recruit CoC members to the Workgroup.
- February 10, 2016 the Blueprint Council appointed the proposed Election Ad Hoc Workgroup according to the Charter with at a maximum of 49% Blueprint Council members and at least 51% CoC or Homeless/Formerly Homeless individuals to create a process to address the issues of the 2015 election and bring a recommendation to the Blueprint Council as soon as possible.

The Work of the Election Ad Hoc Workgroup:

- The group spent time going over the history of what happened to determine the issues to address.
- The group then decided to spend time ascertaining if the votes cast (or a high portion of) in the 2015 election could indeed be verified if time was given to checking the accuracy of the CoC attendance and signed membership statements on file. The group proposed to the City legal department that the group be allowed to make a good faith effort to verify the votes cast in the 2015 election and the City agreed to let the group try.
- During this process, the Workgroup realized that without being able to differentiate between ballots cast by Homeless/Formerly Homeless individuals (who can vote whether they participate in the CoC work or not), there was no way to know who was voting as an active CoC member regardless if attendance/participation records could be more fully completed with a quality assurance sweep and if missing signed Membership Statements could be located with a thorough search. The City could not sign contracts and NOFA applications since the votes could indeed not be verified according to the standing charter.
- The Workgroup began working on a proposed process for another election to fill the vacant seats with terms ending in 2015.

A process has been presented to the Blueprint Council to have a “re-do” of the 2015 election and not a new election.

The Issues and Recommendations:

- Prior to the 2015 election, the Blueprint Council erred in voting to follow the 2013 processes for the 2015 election. The outcome was that the Charter was not followed when conducting the 2015 election process due to 1) the current charter didn't exist during the 2013 election and therefore the process could not have followed a chartered process; and, 2) the Blueprint Council did not have the authority to, in effect, change the Charter without due process. There is a process within the Charter outlining how to amend the Charter. At present, a Charter Review group has been formed by the Blueprint Council which will be receiving the findings from this Election Ad Hoc Workgroup so that amendments might be made to the Charter according to due process.
- The hard copies and the electronic ballots did not match. The hard copies of the ballots did not have a place for a name and did not contain a place for the voter to indicate whether they are “Homeless/Formerly Homeless” or a CoC member with voting rights as is required in the standing Charter. The electronic version of the ballot lumped these two categories together. These issues made it impossible to verify a large percentage of the votes.

- The election process itself was unclear and not clearly communicated. Ballot templates were not approved by the standing Election Committee nor the Blueprint Council before being disseminated resulting in the hard copy and electronic version of the ballot not being identical and not collecting the required information to be able to verify the votes. Also, the process in which hard copy ballots would be physically handled and maintained until verified and counted was not delineated nor communicated.
- Attendance sheets and records of signed Membership Statements are incomplete as no consistent means was in place the entire time of the 12 months considered for this election to be deemed a CoC member with voting rights.