

CHAPTER SIXTEEN - SECTION 16.08

ELECTION COMMITTEE CHARTER

ATTACHMENT: ELECTION COMMITTEE RULES AND PROCEDURES

Date:	September 20, 1983
Amended:	August 23, 1986
Amended:	March 28, 1988
Amended:	November 20, 1997
Revised:	March 22, 2001
Amended:	February 28, 2002
Amended:	May 23, 2002
Amended:	November 20, 2003
Amended:	December 16, 2004
Amended:	February 24, 2011

The following Rules and Procedures, when followed by the Election Committee and supported by administrative staff, will ensure that the Association's Bylaws and Policies regarding the Committee's duties are correctly and consistently followed. These Rules and Procedures are a supplement to the Election Committee's charter, and are not intended to alter or expand that charter. In any situation where an unintended contradiction exists between these Rules and Procedures and the Association's Bylaws or Policies, the Bylaws or Policies shall prevail.

I. PURPOSE

The Election Committee shall be responsible for receiving, validating, counting, tabulating and reporting the results of the proxies and ballots cast in Annual Meeting and Special Meeting elections; and for validating, counting and tabulating the signatures on member petitions in support of Member Proposals and Declarations of Candidacy.

II. MEMBERSHIP LISTS

A. Establishing Owners Entitled to Vote

1. The General Manager, through his designated staff, shall maintain an up-to-date and accurate record of property owners that shall be based on documents showing proper proof of ownership of each residential lot. [Ref.: Bylaws 2.01 and 8.03]
2. a. At all meetings where members are entitled to vote, each member in good standing shall be entitled to cast one (1) vote for each lot. Any lot owned by more than one individual or entity shall have only one vote in the aggregate. [Ref.: Bylaw 4.10(a)]
 - b. Each member shall be entitled to one vote for each lot or Marina Point Condominium unit owned of record in Lake Monticello, exercisable in person or by proxy; provided, however, that where any lot or Marina Point Condominium unit in Lake Monticello is owned by two or more persona or entities, all of them shall have one vote in the aggregate with respect to such property. In no event shall there be more than one vote per property regardless of the number of joint owners. [Ref.: Bylaw 2.01 (a)]
3. A member shall be in "good standing" if the member is current in payment of dues, assessments and charges, and if there are no determinations by the Compliance Committee of violations of the Association's governing documents which remain uncorrected. [Ref.: Bylaw 2.01(f)]
 - a. A member not in good standing shall not be eligible to vote. In the event that a member is not in good standing with respect to any lot owned by that member,

the member's entitlement to vote shall be suspended with regard to each and every lot owned by him. [Ref.: Bylaws 2.01(f) & 8.03].

- b. Jointly owned property with any owner being a member not in good standing removes the voting rights on said property for all owners.
- c. All members not in good standing shall be so noted on the Membership List by the Election Committee.

B. Lists Available for the Election Committee

- 1. Immediately after the date of mailing to the membership of the “Notice of the Annual Meeting” or “Notice of a Special Meeting”, copies of the Association’s lists identifying all members shall be delivered to the Chairperson of the Committee. Four (4) lists are required for Committee administrative use:
 - a. One (1) alphabetical list containing data identical to that on the mailing labels of the Notice of the Meeting;
 - b. One (1) Section/Lot sequence list containing data identical to that on the mailing labels of the Notice of the Meeting and indicating the balance of each member’s LMOA account. This list shall be used as the Membership List to record receipt of proxies and ballots through the process of validating and counting each proxy or ballot.
 - c. One (1) alphabetical list displaying the names of only lot owners with multiple owned lots. This list shall indicate all of the lots owned by each member and the account balance for each.
 - d. One (1) alphabetical list of all members not in good standing due to Compliance Committee determinations of violations, which violations remain uncorrected.
- 2. Seven (7) days prior to the deadline for submission of Petitions for Member Proposals and Petitions for Candidate for Election to the LMOA Board of Directors, copies of the necessary lists shall be delivered to the Chairperson of the Committee for purposes of validating petition signatures.

C. An alphabetical Membership List, without member account balances, shall be available for inspection by any property owner at the LMOA administrative offices for at least ten days prior to each Annual Meeting and Special Meeting, and during the thirty-day period immediately prior to the deadline for submitting petitions.

D. Changes to Lists

Should changes in the list be required prior to the time of the meeting or prior to the deadline for submitting petitions, a member of the Committee shall be present to witness, date and initial all such changes. Any change shall be noted in writing with the reason for change listed beside the change.

III. OFFICIAL PETITIONS

- A. Only signed and notarized petitions printed on official LMOA letterhead stationery shall be eligible for validation and counting of signatures by the Election Committee. Photocopies or other facsimiles shall not be accepted.
- B. The signature of each person shall be counted once regardless of the number of lots or units owned by that person in determining whether the petition contains the minimum number of signatures. [Ref.: Bylaws 2.01 (e)]

IV. OFFICIAL PROXIES

- A. Each proxy shall set forth the section and lot number owned by the property owner. Each lot shall have only one proxy except as established for block proxies, which shall list multiple lots.
- B. A proxy shall be valid only if it specifies the meeting for which it is submitted, and shall only be voted for the proposals on the agenda requiring member vote. In the absence of the designation of how the proxy is to be voted, the proxy shall be treated as an abstention on that proposal. A proxy representing an abstention on all issues shall still be counted toward establishing a quorum for the meeting.
- C. The Chairperson shall refuse to accept any proxy that is misleading.
- D. Individuals or entities owning more than 25 lots shall be provided with a block proxy for a block vote. A list of lots owned by such voters shall be provided to the Election Committee for validation. Block proxies shall be tabulated and summarized as separate “sections” on all recap sheets.
- E. Proxies must be received no later than 5:00PM on a date five business days prior to the Annual or Special Meeting.
- F. The Election Committee shall make every reasonable effort to include and count each member’s valid proxy using all the options it has available, including the determination of the member’s lot and section if necessary and possible.

V. TIE VOTES

In the event of a tie when there are more candidates than seats to be filled, or when terms of less than three years are being filled, the Election Committee shall cause the candidates who receive an equal number of votes to draw lots. [Ref.: Bylaw 5.04]

VI. SAFEKEEPING OF PROXIES AND PETITIONS

- A. After mailing to the membership, all extra blank proxy forms shall be kept in a secure place.
- B. All proxy envelopes shall be stored in a secure place unopened until turned over to the Election Committee. The Election Committee shall open, validate and count proxies, after which the proxies shall be returned to a secure place.
- C. All petitions submitted to the office shall be date stamped by Staff when received and stored in a secure place unopened. If not in an envelope they shall be placed in an envelope identified as a petition. A receipt for each petition shall be provided and, if the petition is open, the receipt shall note the number of petition pages submitted.
- D. All returned proxies shall be date stamped by the Committee, validated and counted, and the Membership List appropriately marked. The Committee member annotating the Membership List shall initial and note the date and/or batch number for each entry.
- E. A final tally (count) shall be made for all proxies received, validated and counted by the time of the meeting.
- F. At no time are opened proxies to be out of the secure place without at least two members of the Committee present. If the proxies are out of the secure place, a record will be kept noting the date and time of the occurrence, the reason and the individuals present.
- G. At least four members of the Committee must be present at meetings where proxies or petitions are to be validated, or where proxies are to be counted. Committee members shall count the proxies, place the counts on the tally sheets, and affirm the proxies

received at this meeting have been properly and accurately validated and counted, and so recorded on the Membership List.

- a. In the case of petitions, Committee members shall count the number of valid signatures for each petition until the required number of signatures have been reached, and affirm that the required number of signatures have been accurately validated and counted, and so recorded on the Membership List.
 - b. If any petition fails to meet the requirements of the Bylaws the Committee's records shall show this and the Board of Directors shall be so notified.*[Ref.: Bylaw 4.08]*
- H. Situations not covered by these Rules and Procedures, or by the applicable Bylaws or Policies of the Association shall be handled with the approval of the majority of the Committee and in accordance with any legal requirements. If required, access to Legal Counsel may be obtained through the General Manager. A written record will be kept of any such decision if the Committee believes it would be of use to future Committees. Access to Legal Counsel shall be documented and retained with the records of the specific meeting of Members.
- I. Until such time as the official announcement of the results of the vote count is made by the Chairperson at the Annual or Special Meeting, all information concerning the proxies/ballots and the results shall be kept confidential by the Committee, LMOA Employees and others assisting the Committee and shall not be disclosed to anyone including officers of the Association. Information on individual voting or account status shall be maintained confidential at all times including after the Meeting of Members.

VII. OFFICIAL BALLOTS

- A. A member attending an Annual or Special meeting who is eligible to vote and whose proxy has not been registered shall be furnished with an official ballot on request by a member of the Election Committee. A member whose proxy has been registered and not revoked prior to the registry deadline shall not be furnished with a ballot, and shall not be allowed to vote in person at the meeting. The membership List shall reflect the member's receipt of the ballot if the ballot is returned to the Committee for validating and counting.
- B. Ballots shall be handled and processed in the same manner and using the same procedures as for proxies heretofore described.

VIII. OTHER ELIGIBILITY

- A. **Appointing a Physical Proxy**
A member may appoint another individual as an authorized agent to vote or otherwise act for him by signing an appointment form, either personally or by his attorney-in-fact. An appointment of such agent becomes effective when received by the Association.. If the name signed on a proxy, ballot or petition corresponds to the name of the authorized agent, the Chairperson is entitled to accept the proxy, ballot or petition and give it effect as the act of the member.
- B. **Member Not in Good Standing**
A member not in good standing may pay the required dues or other payments, or correct outstanding violations, up to the call of the meeting and thus reestablish eligibility to vote. In such cases the member will be provided a ballot or proxy on request.

IX. COUNTING AND VERIFICATION OF PROXIES, BALLOTS AND PETITIONS

- A. The opening, validation and counting of proxies shall begin on a date prior to the meeting, as set by the Chairperson of the Election Committee.
- B. The opening, validation and counting of the proxies and/or ballots shall be done by the Election Committee and any additional personnel deemed necessary by the Chairperson to permit accurate and efficient counting. All additional help shall be properly trained in the necessary procedures and rules/regulations, and shall be required to sign the Committee's Oath of Office prior to having access to ballots or other confidential materials.
- C. The opening, validation and counting of petition signatures shall be completed by the Election Committee and reported to the Board of Directors not later than ten (10) days after the filing deadline. Once the Committee has determined that the minimum number of valid signatures has been obtained for each petition, further validation will be suspended and the Committee shall certify that the required number of signatures for that petition has been obtained.

X. VOID AND IRREGULAR PROXIES/BALLOTS

- A. A proxy/ballot is void when it is not an original proxy/ballot; it is not signed; when the lot/section cannot be determined for validation; or when the signature on the proxy/ballot is not the name of the lot owner identified on the Membership List. In this last case, a verification of lot ownership shall be attempted in consultation with Business Management to determine if the lot has been legally transferred.
- B. A proxy/ballot is void for the election of directors when it is so marked as to cast votes for a greater number of names than vacancies. No proxy/ballot shall be void if it casts votes for a number of names less than the number of vacancies. Voiding a proxy/ballot for voting on the proposal for election of directors does not void the proxy/ballot for voting on any other proposal on the proxy/ballot.
- C. A proxy/ballot is void for any proposal concerning changes in the Bylaws, the Articles of Incorporation, or any other matter as may require the vote of the membership when it votes more than once (i.e., both for and against). Such voting shall not invalidate the voting for the election of directors or for any other proposal on the proxy/ballot.
- D. A proxy/ballot is void when it is received from a member not in good standing. When such a void proxy/ballot is received, it is not to be placed with the valid proxies/ballots to be tabulated, but is to be retained in a separate group for reprocessing prior to the final tabulation of results.
- E. LMOA does not recognize or employ the cumulative voting system.
- F. A proxy/ballot is irregular if a vote has been ranked for the proposals or marked in ways other than as specified by the proxy/ballot form. However, any type of marking applied to the name of a candidate will be considered a vote for that candidate. These could be ranking numbers (1. 2. 3), checks, Xs, or circling the name of the candidate.
- G. A proxy/ballot is irregular if a proposal is not marked at all. In this case it will be treated as an abstention on that issue. Abstentions shall not be counted or tallied, other than to be counted toward establishing a quorum for the Meeting.
- H. Only those individuals duly nominated under the Bylaws shall be candidates. No write-in candidate shall be considered. Any ballot containing a write-in candidate shall be deemed

irregular, and a vote for a write-in candidate shall not be counted. Any votes for listed candidates shall be counted as long as the provisions of X.-B. above are not violated.

XI. COMMITTEE REPORT OF RESULTS

- A. Not later than ten (10) days after the deadline for filing of petitions, the Elections Committee shall provide to the Board of Directors a report indicating whether the required number of valid signatures was obtained for each petition submitted.
- B. At the conclusion of the count of proxies and ballots, the Committee shall prepare two copies of the statement of results and all Committee members shall sign both copies affirming that the statement is complete and the information thereon is true and correct to the best of their knowledge. One copy of the results shall be delivered to the meeting Chairperson and one copy retained with the ballots/proxies and other documents relating to the voting
- C. The statement of results shall list (1) the total number proxies received; (2) the total number of proxies/ballots ruled void; (3) the total number of proxies/ballots counted; (4) the number of votes cast for each candidate (if applicable); and (5) the number of votes cast "for" and "against" each proposal (if applicable). The number of abstentions shall not be recorded or reported.

XII. LATE PROXIES

Proxies received after the deadline for registration of proxies, which is 5:00PM on a date five business days before the meeting, shall not be counted. The date and time such proxy was received shall be stamped on each unopened proxy envelope, and it shall be marked "Too Late To Be Counted" and placed unopened in the file for that specific meeting.

XIII. FRAUDULENT VOTING

Any persons attempting to cast a vote by fraudulently signing the name of an LMOA member in good standing may be charged with forgery.

XIV. COMMITTEE OATH OF OFFICE

Each member shall read and sign the following oath of office:

"I have read these LMOA Election Rules and Regulations and, to the best of my ability, I will carry them out as specified herein. I understand that the member lists are the property of LMOA, and all information I receive in carrying out my duties as a member of the Election Committee shall be used only for the purposes prescribed. I further understand that the information to which I will be given access is personal and privileged, and I shall not reveal or divulge any confidential information obtained as a member of the Election Committee."

Signature

Date