

BEAVER LAKE ASSOCIATION DOCUMENT CONTROL FORM		
Requestor: Election Committee	Ctrl Number: 322	Date: 10-6-22
Document and Section Affected: Section VII. A – C, Inclusive		
Requested Change(s) (list paragraph, page, line, and change): From: Current Handbook wording (August 30, 2022 Edition) To: Updated wording (document attached)		
Justification: Why is this change needed? To accommodate the electronic ballot format.		
Impacts: If not approved, what are the consequences? Incomplete information.		
Appropriate Committee: <u>Approve</u> ☒ <u>Disapprove:</u> <u>N/A:</u> <u>Date:</u> 10-12-22		
Recommendations for the Board: Committee: Board:		
Approval Status: <u>Approved:</u> ☒ <u>Disapproved:</u> <u>Date:</u> 10-20-22		
Board Comments: Approved as recorded at the 10-20-22 BOD Meeting Updated Handbook: 10-25-22 (jjp)		

SECTION VII
ELECTION PROCEDURES
BEAVER LAKE ASSOCIATION

A. GENERAL RULES

1. These Election Procedures are in addition to and not in lieu of the provisions of the Beaver Lake Association Covenants and Restrictions. In the event of any conflict between these Election Procedures and the provisions of the Covenants the Covenants shall govern and take precedence. The Board of Directors may approve the outsourcing of election functions and tasks to third parties that specialize in performing relevant election work.

2. The Association membership list will be available two days after the official Notice of Annual meeting and will consist of the names and addresses of all members, in alphabetical order showing the number of votes of each regular member is entitled to cast.

a. A regular member may inspect and copy the membership list after it is available and must give the Association written notice at least five business days before the member wishes to inspect and copy the list, at the member's expense. The member's written notice must be made in good faith, and for a proper purpose; it describes the reasonable particularity for the purpose of inspecting and copying the membership list, which must be directly connected to the purpose.

b. The membership list shall not be used for any commercial purpose; or sold to or purchased by any person; or to solicit money or property unless such money or property will be used solely to solicit the votes of the members in an election to be held by the Association.

3. Computer listing "Official Record" shall be prepared within 48 hours of Annual Election date in order to have most current list available for checking ownership and membership in good standing. A regular member in good standing, for voting purposes, is defined as one for which all membership fees, special assessments, and any other charges applied to the member have been paid through and including the previous quarter as indicated by Association records.

4. Lessee of property and other associate members are not entitled to vote.

5. All clubs affiliated with Beaver Lake Association, such as, Ladies Auxiliary, Nature Club, Fishing Club, Dormant Club, etc. shall exercise equality towards all candidates. All or none of the candidates shall be invited to participate in a meeting when candidates are involved in campaigning for the election.

6. No person shall do any electioneering, visiting or loitering on Election Day in the polling place (Clubhouse) or within 50 feet of the front door entrance.

7. Two (2) hours prior to voting at the Annual Meeting, sample ballots should be placed throughout the voting area. These ballots shall be marked as sample ballots.

8. Once the Election Committee starts counting the ballots, committee must continue to work as a unit until final count is completed and ballots ~~materials~~ are placed in storage.

9. No Election Committee member will participate in any election campaign for a candidate or issue.

10. The ~~election committee~~ Election Committee will not accept proxy ballots except those placed in the drop box before 12:59 p.m., on the day of the election.

~~11. All Regular members will receive an election envelope containing a notice of the annual meeting or notice of special election (the notice explains the voting process), a proxy ballot, a confidential envelope for each ballot, and a return mailing envelope for each confidential envelope. . All regular members have an option to vote either electronically or with a paper ballot. Ballots may be cast by proxy electronically or with paper; or in person electronically or with paper. Members who choose to vote electronically must opt in by the deadline set by the Board of Directors.~~

~~a. Voting Electronically~~

~~(1) Annual Meeting. Regular members who choose to vote electronically will receive an email notice of the Annual Meeting (the notice explains the voting process), stating the place, day, and hour of the Annual Meeting as provided in the bylaws, and a sample ballot.~~

~~(2) Special Election. Regular members who choose to vote electronically will receive an email notice of special election (the notice explains the voting process) and a sample ballot.~~

~~b. Voting with Paper~~

~~(1) Annual Meeting. Regular members who choose to vote with paper will receive an election envelope containing a notice of the Annual Meeting (the notice explains the voting process), a proxy ballot, a confidential envelope for each ballot, and a return mailing envelope for each confidential envelope.~~

~~(2) Special Election. Regular members who choose to vote with paper will receive an election envelope containing a notice of the special election (the notice explains the voting process), a proxy ballot, a confidential envelope for each ballot, and a return mailing envelope for each confidential envelope.~~

12. The Association Office will maintain a written ledger log of complaints received or referred with all pertinent details. ~~The office will publish a list of all ballots received (regardless of validity) by member lot number, via official media sites.~~

B. ELECTION COMMITTEE

1. The duties of the Election Committee are to oversee election procedures, conduct the election, and count the votes cast during the election. Detailed steps are identified in the Election Committee Manual. Any ~~Regular~~ regular member wishing to serve on this committee needs to apply using the BLA online committee application process or with the BLA office.

2. Committee member replacements shall be made according to the number of Board seats open in the same calendar year (thus 2, 2, and 3), and members will serve

three-year terms. At the January Board of Directors meeting, the Board will name that year's ~~election-committee~~ Election Committee members and alternates.

3. Candidates

a. The Election Committee will accept until 4:00 p.m. on the last Friday of March via the Beaver Lake office the names of ~~Regular-regular~~ members in good standing who apprise the committee of a desire to run as candidate for member of the Board of Directors. Names of candidates found to be in good standing as of 4:00 p.m. on the last Friday in March shall appear on the ballot.

b. Any ~~Regular-regular~~ member who desires to run after 4:00 p.m. on the last Friday of March shall run as a write-in candidate. Any candidate engaged in or pursuing a write-in campaign shall file a notice of his or her intent with the office no later than 4:00 p.m. two Fridays prior to the election. Write-in candidate names shall not appear on the ballot.

c. Any Election Committee member who decides to run for the Board of Directors in the year of a given election must first resign officially from the Election Committee prior to submitting their candidacy.

4. The Election Committee shall report at the April Board of Directors meeting advising the Board of Directors of the names of ~~Regular-regular~~ members being submitted as candidates who have consented to run for the Board of Directors. At this time the candidate will be allowed three (3) minutes to speak to the members present. This will be the only speaking time offered by the Board of Directors.

5. It shall be the responsibility of the Election Committee to verify and submit names of ~~Regular-regular~~ members in good standing only.

6. The Board of Directors shall act on the Election Committee recommendations at the April Board of Directors meeting.

C. CONDUCTING THE ELECTION

Conducting the election includes the following tasks and responsibilities.

- Oversee and make recommendations regarding form and content of all election and annual meeting material.
- Control and account for all ballot paper stock. As appropriate, incorporate additional security features into the ballot administrative processes.
- ~~Develop clear instructions for correctly filling out and mailing-in~~ submitting proxy ballots.
- Email ballots to all regular members who choose to vote electronically.
- Print and mail ballots to all regular members who choose to vote with paper (using a third-party vendor only). The BLA office staff will not be involved with the production of mail-in balloting or other proxy material.
- Advertise election--oversee material to be included for the Beaver Lake News ~~and-on the~~ website.
- Maintain ballot table on Election Day.
- Count ballots.
- Certify and furnish results to the Board of Directors after count is completed.

- Handle and store ballots and all papers relating to results of election in area provided for in the office at the ~~Clubhouse~~clubhouse.

1. Format and Accept Ballots

- a. Before printing ballots, the Election Committee shall have a ~~Regular~~regular member in good standing draw from a box the names of candidates running for the Board of Directors. The order in which the names are drawn is the order the names shall appear on the election ballots.
- b. One (1) Official Ballot shall be printed and used for both regular and proxy voting. The color and type of paper being the only difference with proxy ~~Ballots~~ballots using water marked or more secure paper.
- c. All ballots shall include a number of lines for write-in candidates to equal the number of open positions.
- d. The Official Ballot shall include all items submitted by ~~Regular~~regular members for voting on as provided in the bylaws, Article II.
- e. A notice shall accompany the proxy ballot clearly advising that in order for the ballot to be valid, it must be placed in the confidential envelope and returned inside the provided official return envelope, sealed and marked proxy with address and lot number either in person to the office during regular office hours; or left in the drop box designated for Association payments; or sent by U.S. mail delivered no later than the Saturday before election day. Proxy ballots received in person by the Association Office can be no later than 4pm the Friday before the Annual Meeting. Proxy ballots can be put in drop box until 12:59 pm the day of election. The office will not provide any proxy ballot or envelope material to members.
- f. Proxy Ballots carried into the office during regular office hours or picked up at the drop box or delivered by U. S. Mail prior to the Annual Meeting shall be dated and initialed by a Beaver Lake staff member accepting the envelope and shall be placed in a sealed ballot box. At least two Beaver Lake Association staff members and/or ~~election-committee~~Election Committee members must be present at all times when handling proxy ballots from the drop box or the U.S. mail.
- g. Only committee members working as a committee shall open ballots.
- h. An Official Ballot shall be included with the written or printed notice stating the place, day, and hour of the Annual Meeting as provided in the ~~By-Laws~~bylaws.

2. Advertise the Election

a. February Beaver Lake News

Provide material for the February "Beaver Lake News" ~~and-on the Official~~official Beaver Lake ~~Web-site~~website regarding the election and the Annual Meeting.

b. April Beaver Lake News

A photograph of each candidate and a statement of up to 300 words in length in support of his or her candidacy should be submitted by the candidate. All information to be published must be submitted to the BLA office by the deadline set by the Board of Directors.

3. Maintain Ballot Table on Election Day

a. Two (2) hours before the annual meeting begins on election day, the Election Committee and the balloting materials shall be in the annual meeting area ready to receive voters. Only members in good standing shall receive a ballot. The Official Record shall be marked with a (V) or (NV).

b. A ballot table shall be set up in the ~~Clubhouse~~ clubhouse meeting room with voter names listed alphabetically and staffed with members of the Election Committee. ~~The ballot table shall be divided in two or more sections.~~

c. Only ~~Regular~~ regular members in good standing are entitled to vote. ~~Association~~ Regular members not in good standing and wishing to vote in the annual election may vote prior to the close of voting, upon appropriately resolving the circumstances of potentially not being in good standing, to the satisfaction of the Association. Each member of the Election Committee shall be assigned to one of the sections to verify on the Official Record (computer listing of ~~Regular~~ regular members in alphabetic order) that a ~~Regular~~ regular member who wishes to vote is in good standing and has not voted by proxy.

d. ~~A regular member who chooses to vote electronically may use the device(s) available.~~

~~e. A member of the Election Committee will validate that a regular member who chooses to vote with paper. After verification is established that Regular member is in good standing and has not voted by proxy, voter will record signature and write lot number on the voter verification sheet.~~ A member of the Election Committee shall give the voter an Official Ballot which will be a different color of paper than the proxy. The Official Record shall be marked with a "V" next to the ~~Regular~~ regular member's name indicating that the ~~Regular~~ regular member has received an Official Ballot.

~~ef.~~ A sealed box shall be placed on or near the ballot table for ~~Regular~~ regular members to place their ballots in after voting.

~~fg.~~ Voting shall be made available two (2) hours prior to the Annual Meeting being called to order and continue until the director in charge of the Annual Meeting announces that the election is closed. No ballots will be accepted by the Election Committee after closing is announced.

4. Count Ballots on Election Day Only

a. Electronic ballots are counted electronically.

b. Ballots-Paper ballots shall be counted only by the members of the Election Committee acting as a unit. No one shall be present during the counting of ballots except the committee members, Board approved designated observers, the Managing Director and the Association Attorney (~~required~~). A limited number of Regular-regular members in good standing, chosen at random and approved by the Board Directors, and non-candidate Board Members may qualify as designated observers.

bc. Ballots-Paper ballots shall be counted as follows:

(1) On date of the Annual Meeting prior to the time election is open for voting, envelopes with proxy ballots are removed from the sealed ballot box.

(2) The envelopes, containing proxy ballots, shall be alphabetized and divided into two or more sections. The name of the Regular-regular member and lot number, as it appears on the mailing envelope, shall be verified against the Official Record to determine that the Regular-regular member is in good standing. The Official Record will be marked with a (PV) next to the Regular-regular member's name, indicating the Regular-regular member is in good standing and has voted by Proxy proxy. If the Regular-regular member is not in good standing, the ballot will not be counted and the Official Record shall be marked (NV) indicating the ballot was received, but not valid. These envelopes deemed invalid shall remain sealed, marked (NV,) and set aside for storage with other election material.

(3) Mailing envelopes of Regular-regular members in good standing shall be opened. If documents other than the confidential envelope are enclosed, the documents shall be given to the Beaver Lake Association Managing Director. These envelopes shall be marked (NV) and set aside for storage with other election material and will not be counted. The Official Record will be changed from (PV) to (NV), indicating that an envelope was received but not valid. An official mailing envelope (the BLA proxy return envelope marked with a lot number) that contains only one confidential envelope is considered valid. The mailing envelope will be removed and set aside for storage with other election material. All confidential envelopes removed from valid mailing envelopes, will be returned to the sealed ballot box to be counted under sequestration. **All envelopes and ballots shall be retained for storage.**

(4) Under ~~Sequestration~~ sequestration, Official Ballots shall be removed from the sealed ballot box. Confidential envelopes shall be opened, and their contents removed. All in-person votes shall be checked for correct paper color and all proxy ballots checked for correct water mark. All Official Ballots, including unused Ballots-ballots and all envelopes shall be retained for storage.

(5) Write-In Votes: Voters naming write-in candidates must include the candidate's first and last names. Cumulative voting is prohibited; each ballot shall deliver a maximum of one vote per candidate. Ballots failing to comply shall be deemed non valid.

(6) The Election Committee will count election ballots until the Committee is satisfied the count is correct. A statement shall be prepared showing number of votes cast for each nominated candidate and for each officially filed write-in candidate. In the event there is a difference of 10 votes or fewer between any candidates, where ten votes or fewer could alter the results of the election, the Board will announce unofficial results and a recount shall be made immediately. The Board will be advised of the final count as soon as a recount is completed.

(7) Candidates may also request a recount. Such a recount must be approved by the Board of Directors and shall be conducted only after the ~~individual candidate~~ making the request has paid a \$75 recount fee to the Beaver Lake Association.

5. Furnish Results

The Committee Chairperson shall provide a statement showing results of the election to the Board of Directors immediately after the count of ballots has been completed. If there is a tie, following the recount, the Board of Directors shall break the tie by drawing lots when more than two candidates are tied, or by flipping a coin when only two candidates are tied. Results of the election shall be announced by the Board of Directors and included in the minutes of the meeting. Results shall also include the number of invalid ballots and the reason for each exclusion and shall be published in the newsletter.

6. Store Ballots

a. Store Official Ballots and all papers relating to results of the election in a sealed box in the office at the Clubhouse. Such papers include but are not limited to the following:

- (1) Outer proxy envelopes.
- (2) Confidential envelopes.
- (3) Official Ballots, both valid and invalid.
- (4) Official record (membership listing and tally sheets).
- (5) Statement showing results of election.

b. The sealed box shall have the following notation shown thereon:

- (1) Date of election.
- (2) Names of Election Committee members present.
- (3) A notice saying "Do not open or destroy before destruction date unless a majority of the Nominating and Election Committee members are present."

c. Sealed election material is considered private and can be re-opened only by directive of the Beaver Lake Board to the Election Committee.

d. Documents of election shall be retained for six years and then destroyed by the Managing Director. All documents will be shredded before disposal.

D. PETITIONS REFERENCES

1. Bylaws, Article II, Section 4 describes requirements for member initiative to be decided at a general election.
2. Bylaws, Article III, Section 13 describes requirements for member referendums to be decided at a special election.

3. Petition Process

- a. The ballot proposal of the petition shall be visible at the top of each sheet of signatures.
- b. Those who collect signatures shall be Beaver Lake property owners and members in good standing, per law.
- c. Those who collect signatures shall witness signing.
- d. Those who collect signatures shall provide their own signatures and lot numbers plus the date at the bottom of each page of signatures.
- e. Signatures collected shall also include date, printed name, and lot number.
- f. One signature per membership is permitted.
- g. Submitted petitions shall contain signatures from a minimum of ten percent (10%) of the entire membership in good standing as shown from the books of the Association.

4. Petition Validation

- a. The Board shall accept proposed ballot petitions from petitioners authorized to do so and deliver them to the Election Committee, as well as the Association attorney for legal review and validation.
- b. The Election Committee shall verify signatures and correct petition process within ten (10) working days. Validation will be based on the official list for members in good standing compiled on the date the petition was submitted.
- c. The Election Committee shall notify the Board at or before the next scheduled Board meeting when signature and process validation is complete, and assuming the petition satisfies the Association attorney legal review and validation, petitioners, authorized to do so, will present the validated petition to the Board.
- d. For special elections, the Board will select a date for ballot voting for validated ballot initiatives to be held within 90 days of receiving signature verification from the Election Committee.
- e. For validated member initiatives included in a general election, a ballot initiative shall be added to the official ballot.

- f. For special elections, a ballot initiative shall comprise the ballot.
- g. For special elections, the Board will notify the Election Committee of the election date within ten (10) days of receipt of signature and process certification and attorney validation.
- h. Proxy mailing will be sent three weeks before an election.
- i. Member initiative shall comply with all government laws, rules and regulations, as well as the Association covenants and bylaws. The precise wording of the initiative to be placed on the ballot will conform to guidance provided by the Association attorney.

E. VOTING PROCEDURES FOR SPECIAL ELECTIONS

- 1. Voting procedures apply as for a general election and will comply with all Covenants and Restrictions, as well as government laws, rules, and regulations.
- 2. Bylaws, Article II, Sections 3, 4, and 6 and Article X delineate voting and election restrictions.

Handbook Section VII, Paragraphs A and C define procedures for all elections, including special elections.