

XI. Elections Rules

The HVL POA Safety, Security and Elections Committee and the HVL POA Board of Directors have approved the following Elections Rules within Hidden Valley Lake. These rules shall remain in force until changed or amended upon recommendation by the HVL POA Safety, Security and Elections Committee and approved by the HVL Board of Directors.

A. Definitions of Terms

For the following HVL POA Elections Rules, unless the context otherwise indicates when used in conjunction with the term, the definitions of the following terms apply:

- ◆ **Ballot deadline date** – A date specified by the HVL POA Board of Directors as the deadline for receiving all ballots in an annual, special or referendum election.
- ◆ **Counting Team** – HVL members reporting to the Elections Sub-committee for the purpose of tallying HVL POA votes according to the most current Vote Tally Procedure.
- ◆ **Date of election** – The HVL POA Annual meeting in the case of Annual HVL POA Board of Directors' elections or the specified ballot deadline date for special or referendum elections.
- ◆ **Elections Sub-committee** – A group of HVL members appointed by the Safety, Security and Elections Committee for the purpose of administering all HVL POA elections made up of a Chairperson and Vice chairperson and the Counting Team.
- ◆ **Incumbent HVL POA Board members** – Those Board members who are currently seated and are not running for the office in the current election.
- ◆ **List of Eligible Voters** – A complete list of all HVL POA members entitled to vote in any election, arranged in alphabetical order, with the address of each member.
- ◆ **Member voting rights** – The first party listed on an HVL property deed is given the right to vote in all HVL POA elections.
- ◆ **Open HVL POA Board Positions** – Those positions on the Board that are being filled by the current election.
- ◆ **Qualified candidate** – Any current POA member who meets the following criteria:
 - Is an HVL POA member in good standing.
 - Is not currently an employee of the HVL POA.
 - Is not currently a vendor of the HVL POA unless the selection of that vendor is the only choice available to the HVL POA.
 - Is not currently a contractor engaged by the HVL POA unless the selection of that contractor is the only choice available to the HVL POA.
 - Is a qualified member of HVL.
- ◆ **Qualified member** – Any current HVL member with no outstanding dues, fees or fine payments.
- ◆ **Special or referendum election** – An election conducted by the HVL POA Board of Directors from time to time to help conduct the business of the POA.
- ◆ **Vote Tally Procedure** – A documented process for counting ballots developed and maintained by the HVL POA Safety, Security and Elections Committee.

B. HVL POA Membership and Voting Rights Rules

- 1) Each member in good standing of the HVL POA shall have voting rights in HVL POA Board of Directors' elections, recounts, recalls, and special or referendum elections.

C. HVL POA Safety, Security and Elections Committee Rules

- 1) The HVL POA Safety, Security and Elections Committee shall choose from its membership a Chairperson and Vice-chairperson of the Elections Sub-committee.
- 2) The Chairperson and/or the Vice-Chairperson of the Elections Sub-committee shall be in charge of all elections, recounts, recalls, and special or referendum elections.
- 3) The Elections Sub-committee shall appoint the Counting Team.

D. HVL POA Board of Directors' Elections Rules

- 1) The HVL POA shall conduct elections in each calendar year for the purpose of electing members of the HVL POA Board of Directors.
- 2) To be a member of the HVL POA Board, a person must be a qualified candidate.
- 3) The annual elections shall be conducted such that two and three members of HVL POA Board of Directors shall be elected on alternate years. The term for an HVL POA Board of Directors' member is two years.
- 4) Recall elections may be conducted in the event special conditions exist.
- 5) Election recounts may be conducted in the event of the filing of an election protest with the HVL POA Board of Directors.
- 6) If at any time and for whatever reason the HVL POA Board shall not have enough members between elections to fill all available positions, the incumbent HVL POA Board members may fill the open position(s) by appointment. The rule for eligibility by appointment (X.I.E.13) shall apply. To qualify for appointment to the HVL POA Board, a person must submit an application to the Board in writing that indicates his or her desire to be a Board member and a list of his or her eligibility, qualifications and credentials.

E. HVL POA Board of Directors' Election Procedures

- 1) A copy of the nomination form for the HVL POA Board of Directors elections and the notice of registration deadline shall be published in two consecutive issues of *The Echoes* prior to the registration deadline.
- 2) Nominations shall be closed and forms received in the HVL POA Office by mid-February. The POA Office will establish that day and time near February 15th. In order to be valid, a current photo and resume of the nominee must accompany the nomination form. The above three items shall be submitted to the HVL POA Office by the candidate in person and not by an agent or representative of the candidate.
- 3) After the nominations are closed, candidate nominations shall be validated at the HVL POA Office to assure that each candidate is qualified to run for election.
- 4) A ballot, ballot return envelope, and candidate resumes shall be mailed to all HVL POA members. All ballots in their signed and sealed ballot return envelope shall be returned by mail or in person to the HVL POA Office by the date of election.
- 5) All ballots returned after the date of election or not returned in a signed and sealed ballot return envelope shall be considered invalid.
- 6) All signed and sealed ballot return envelopes shall be checked against the List of Eligible Voters by POA office personnel. They shall also check for the correct signature (first on the deed) and place them in the locked ballot box. The key to the ballot box shall be kept by the Chairperson of the Elections Committee who shall open the box in the presence of the Counting Team on the date of election.
- 7) On the date of election, the Elections Sub-committee shall open the envelopes and tally the votes according to the most current Vote Tally Procedure.
- 8) Ballots in signed and sealed ballot return envelopes shall be received until twenty (20) minutes after the last candidate's speech during the HVL POA Annual Meeting (date of election). Any ballots received during the HVL POA Annual Meeting shall be validated by the POA Office staff and delivered to the Elections Sub-committee Chairperson to be tallied and added to other ballot totals.
- 9) On completion of the voting tally, the vote summary shall be given directly to the person presiding over the HVL POA Annual Meeting in a sealed envelope. The results shall be read at the HVL POA Annual Meeting. No results shall be announced by the any member of the Elections Sub-committee prior to this time.
- 10) After the HVL POA Annual Meeting, all ballots with their ballot return envelopes shall be kept in the locked ballot box in the HVL POA office for a period of at least three months.
- 11) At the HVL POA Annual Meeting, the open HVL POA Board positions shall be awarded to the persons receiving the highest number of votes in descending sequence until all the open positions are filled. Should

there be a tie in the voting for the last open position; the tie shall be broken by a coin toss conducted by the Chairperson of the Elections Sub-committee with no less than three witnesses present. If the Chairperson of the Elections Sub-committee is not available for the coin toss, another member of the Counting Team may be designated by the incumbent HVL POA Board members to conduct the coin toss.

- 12) If at the end of the nomination period, there is exactly the same number of candidates running in the current election to fill all the open HVL POA Board positions, then an election shall not be required and the candidates running shall fill the open HVL POA Board positions.
- 13) If at the end of the nomination period, there are less than enough candidates running in the current election to fill all the open HVL POA Board positions, then an election shall not be required, the candidates running shall fill open HVL POA Board positions and the sitting HVL POA Board members may fill the open position(s) with the appointment of a qualified candidate(s). To qualify for appointment to the HVL POA Board, a person must submit an application to the Board in writing that indicates his or her desire to be a Board member and a list of his or her eligibility, qualifications and credentials.

F. Special or Referendum Election Procedures

- 1) A ballot and ballot return envelope shall be mailed to all HVL POA members. All ballots in their signed and sealed ballot return envelopes shall be returned by mail or in person to the HVL POA office by the ballot deadline date (date of election).
- 2) Any ballot returned after the date of election or not returned in a signed and sealed ballot return envelope shall be considered invalid.
- 3) All signed and sealed return envelopes shall be checked against the List of Eligible Voters by POA office personnel. They shall also check for the correct signature (first on the deed) and place them in the locked ballot box. The key to the ballot box shall be kept by the Chairperson of the Elections Committee who shall open the box in the presence of the Counting Team on the date of election.
- 4) On the date of election, the Elections Sub-committee shall, in a closed meeting, open all signed and sealed ballot return envelopes and tally the votes according to the most current Vote Tally Procedure.
- 5) Upon completion of the voting tally, the final totals shall be presented directly to the President of the HVL POA Board in a sealed envelope. No results shall be announced by any member of the Elections Sub-committee prior to this time.
- 6) After the voting results have been presented, all ballots with their ballot return envelopes shall be kept in the locked ballot box in the HVL POA Office for a period of at least three months.

G. Election Results Protest Procedures

- 1) Any HVL POA member in good standing wishing to protest the results of an HVL election may do so by submitting his/her protest in writing to the HVL POA Board of Directors within thirty (30) days after the announcement of the election results.
- 2) A letter written to protest election results must include the name, address, and lot number of the HVL POA member making the protest and the reason for the protest.
- 3) The previously constituted HVL POA Board of Directors shall determine by vote if the protest submitted is valid. A simple majority shall determine the validity of the protest.

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