

# LUMA HOMEOWNERS ASSOCIATION

## ELECTION

### PROCEDURES

#### **I. INTRODUCTION**

These Elections and Voting Rules are intended to establish certain procedural Rules for the successful management of membership meetings and the successful implementation of the relevant provisions of the Association's Bylaws concerning membership elections and membership voting. These procedural Rules are not intended to conflict with, replace, or supersede the provisions of the Association's Bylaws concerning voting rights, Board Member qualification, or any other matter addressed in the Bylaws. Any inconsistency provision between these Rules and the Bylaws shall be governed in accordance with the Bylaws.

#### **II. INSPECTORS OF ELECTION**

One (1) Inspector of Election or three (3) Inspectors of Election shall be appointed by the Board of Directors, and shall perform the duties set forth below and shall sign a report or certificate evidencing the voting results. In the event three Inspectors are appointed, the decision of a majority of the Inspectors shall control.

##### **a. Duties of Inspector(s) of Election:**

1. Determine the voting rights of any person or entity;
2. Confirm the number of lots represented at the meeting;
3. Confirm the existence of a quorum;
4. Determine the authenticity, validity and effect of proxies and ballots;
5. Hear and determine all challenges and questions in any way arising in connection with the right to vote;
6. Count and tabulate all votes;
7. Determine the result of the voting;
8. Do such acts as may be proper to conduct the election or vote with fairness to all members.

#### **III. REGISTRATION - GENERAL**

- a. A membership roster will be maintained at each registration station for purposes of registering each lot present and voting at the meeting, whether in person or by proxy. Each lot is entitled to only one registration, regardless of the number of votes the lot is entitled to cast.
- b. When the Chairperson announces, following a motion duly seconded and approved by the membership, that registration is closed, no further members may be registered, except for those who are in line and recognized by the Chairperson at the moment the announcement is made.
- c. As noted above, all decisions concerning qualification to vote shall be determined by the duly appointed Inspector(s) of Election.

#### **IV. MEMBER REGISTRATION IN PERSON - ISSUANCE OF BALLOTS**

- a. One ballot shall be issued for each lot registered, and the owner will sign the

- membership roster to indicate registration in person.
- b. NOTE: Only one ballot may be issued per lot, and the owner of each lot is entitled to cast one ballot, regardless of the number of owners shown on the association's membership roster. If one more than one owner of a jointly-owned lot attempts to register, the first registrant shall be entitled to vote on the lot's behalf, unless the Association previously received a signed statement from the owners indicating contrary instructions.
  - c. If a member attends the meeting and registers to vote, with the intent to revoke any proxy previously submitted by that member, all proxies previously submitted by the member shall be deemed revoked, but maintained in the Association's records. Provided that a valid proxy signed by a different owner has not already been registered on behalf of the lot, the member shall be issued a ballot. The member's proxies shall be so marked to indicate their revoked status.
  - d. If a member attends the meeting, but wishes to allow a previously submitted proxy stand, the member shall sign the registration sheet, but shall not be issued a ballot.

**V. PROXY REGISTRATION - ISSUANCE OF BALLOTS**

- a. Proxy holders must sign the membership roster on behalf of the member they represent.
- b. Subject to verification of a member's eligibility and validity of proxy(s), the Proxyholder is to sign the membership roster alongside the name of the member(s) they are representing and a "P" shall be placed by the member's name.
- c. Designated proxies (proxies on which the member has designated voting instructions) shall be held by the Inspectors until the registration is closed and quorum is announced at which time any conflicts
- d. relating to the proxies shall be resolved. All valid proxies shall have a Ballot attached and the votes cast on the Ballot per the member's instructions and shall be placed into the ballot box for vote.
- e. One ballot shall be issued for each Discretionary proxy (proxies which allow the Proxyholder to vote as he or she deems proper). The ballot shall be placed in the ballot box at the appropriate time, with the proxy attached to the ballot.
- f. Proxies marked for "Quorum Purposes Only" or "Abstain From Voting" shall be held by the Inspectors for quorum purposes and no ballot will be issued.
- g. If two proxies are registered for the same lot and one is dated and one is undated, the dated proxy prevails.
- h. If two dated proxies are registered for the same lot, the most current dated proxy prevails.
- i. If two proxies are registered for the same lot, carry the same date and have different votes, no votes will be cast on behalf of the lot, but the proxy will be considered for quorum purposes only.
- j. If the property is co-owned (i.e., husband and wife) or if the property is owned by a corporation, partnership, etc, and two or more co-owners or two or more representatives submit separate proxies, the most current dated proxy prevails. If the proxies have the same date, unless the Association has been previously

provided with instructions otherwise, neither proxy will be voted, but may be used for quorum purposes only.

- k. Any changes to the proxy must be initialed by the member. Changes not initialed will result in the proxy not being used for voting purposes, but used for quorum purposes only.
- l. When membership privileges have been suspended following proper notice and an opportunity to be heard, all proxies, submitted on behalf of the lot are invalid and no ballot shall be issued.
- m. If a proxy is signed by a tenant or any other person whose name does not appear on the membership roster, the proxy shall be invalid and no ballot shall be issued. However, a tenant or any other person may be named as Proxyholder for a member.
- n. If the member has registered and a Proxyholder presents a proxy on the member's behalf, the proxy is invalid and no ballot is issued.
- o. If the Proxyholder has registered and the member later attends the meeting and wishes to register, the member may revoke his/her proxy only if a ballot has not been issued. If a ballot has been issued to the Proxyholder, the member shall not be issued another ballot but may retrieve the already issued ballot from the Proxyholder. Once a ballot has been placed in the ballot box, it may not be revoked, retrieved or altered in any way.
- p. All voided/invalidated proxies are to have "VOID" written across them, the reason for voiding and the initials of the Inspector(s) of Election
- q. Proxies naming a Proxyholder not in attendance shall not be counted for voting or quorum purposes.
- r. All unsigned proxies shall be invalid and shall not be used for voting or quorum purposes.

#### **VI. PROXIES RECEIVED BY MAIL**

All proxies received by mail prior to the election may be held by management and brought to the meeting for validation and registration at the meeting, or management may register the proxies prior to the meeting, with confirmation by the duly appointed Inspector(s) of Election

#### **VII. ADJOURNED MEETING - ISSUANCE OF BALLOTS**

If the meeting is adjourned to another date due to lack of quorum, at the adjourned meeting date, new ballots are to be issued in a different color from those issued on the original meeting date, to all members and Proxyholders present.

#### **VIII. DETERMINATION OF QUORUM**

At the close of registration, the Inspector(s) of Election shall confirm the memberships verified as being in attendance in person or by proxy, as indicated on the official membership roster and shall inform the Chairperson that a quorum is or is not in attendance. Except as otherwise provided in the Bylaws, the presence in person or by proxy of 51% of the Association's voting power constitutes a quorum.

**IX. VOTING BY ACCLAMATION**

If, following the close of nominations, the number of candidates is equal to the number of open positions for election; the Chairperson may call for a vote by acclamation. In this case, the Chairperson, upon a motion and second from the floor, may call for a voice vote of those eligible voters in attendance. In elections where differing terms of office for Directors is determined by the vote count, a count of all votes cast must be entered into the record and a voice vote shall not be used.

**X. COUNTING OF BALLOTS/PROXIES**

- a. All questionable proxies and ballots are to be separated for a determination of validity by the Inspector(s).
- b. If the number of votes cast on a ballot or proxy exceeds the number of positions to be elected, the ballot or proxy is invalid and shall not be counted for voting purposes.
- c. When a box is checked or otherwise marked for a candidate, and it is the only box checked or marked, all of the member's votes shall be counted for that candidate. When fewer boxes are checked on the ballot than the number of Directors to be elected, the count shall be one vote per check not to exceed the number of authorized votes.
- d. If votes are cast on a proxy but the member failed to check the box instructing votes to be cast, the votes cast shall be counted as marked by the member, provided there are no other conflicting instructions on the proxy and proxy is otherwise valid.
- e. Votes cast on anything other than the official ballot, except for validated proxies, shall be invalid and not counted.
- f. When counting the valid proxies and ballots, one Inspector will call the vote, one Inspector will keep the tally and one Inspector will oversee the count.
- g. At the discretion of the observing Inspector, the votes may be recounted by rotating Inspectors, i.e., the person that counted will then tally and the person that tallied will count.

**XI. ANNOUNCEMENT OF RESULTS**

When total votes cast have been verified by agreement or recount, the results shall be announced to the Chairperson, if the meeting is still in session. If the meeting has been adjourned, the results shall be provided to management.

**XII. TIE VOTES**

In the event of a tie vote among any number of the candidates, another runoff election of the only candidates involved in the tie shall be held immediately following the announcement of the results. In this case, all members and Proxyholders in attendance shall re-register and a new ballot marked with the word "RUN-OFF" shall be issued, containing only the names of the candidates involved in the tie vote. Those in attendance will then cast their ballots.