



# High Lonesome Ranch Estates Property Owners' Association



## NOMINATING AND ELECTIONS COMMITTEE MISSION AND PROCEDURES

updated 20 November 2020

approved 20 March 2021

### 1. MISSION

A. The Nominating and Elections Committee (NEC) assists the Board of Directors in recruiting nominees for open board positions and managing the election process prior to and during the Annual Meeting of Members (Property Owners). In the event of a board vacancy to be filled by appointment, the NEC recruits volunteers for consideration (Bylaws, 5.1).

B. The NEC shall consist of a Chairperson, who may be a Board officer, and at least two Members of the Association. NEC members must be in good standing with the Association.

C. Nomination and voting policies and procedures are governed by Article 6 of the Association's Conditions, Covenants, Restrictions, and Easements (CCREs) (2000); Articles III, IV, and V of our Bylaws (2014); and Arizona state law (e.g., ARS 33-1812); among other guidance.

### 2. PROCEDURES

A. **Annual Meeting Election of Officers:** An Annual Meeting of Members of the Association shall be scheduled during the first quarter of the calendar year. The election of open Board of Director positions shall be held at that meeting. Election to the Board of Directors shall be by secret written ballot.

B. **NEC Timeline:** See Enclosure 1.

C. **Nominations:** Not less than 60 days prior to the Annual Meeting or 30 days prior to a Special Election, the NEC shall send in writing to all Members a call for nominations. The NEC shall recruit a number of nominees that is not less than the number of open positions to be elected and may be as many as desired. Nominees will be requested to submit a statement about why they would like to serve on the board. Nominees for the Board of Directors must be property owners in good standing with the Association. Nominations will close not less than 45 days prior to the Annual Meeting. No nominations may be made from the floor at the Annual Meeting.

D. **Ballot Material:** The NEC shall prepare, review, and mail to all property owners the materials relevant to the election, including, but not limited to, voting instructions, nominee statements, one ballot per lot owned, and self-addressed ballot return envelope. Such mailing shall occur not less than 30 days prior to the Annual Meeting. Property owners may mail their completed ballots or bring them to the Annual Meeting.



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**E. Ballot Return Envelope:** All ballot return envelopes must include the property owner's name and lot number(s) owned on the exterior.

**F. Custodian of Ballots:** The NEC shall appoint a Custodian of Ballots who shall receive all mail-in ballots and retain them in a secure ballot box (for which they do not have the key) to assure no alteration to or tampering with ballot envelopes.

**G. Incumbent Board Members Running for Re-Election:** Incumbent board members who run for re-election shall not be engaged in the NEC process. Once the ballots are mailed to property owners, no incumbent board member running for re-election shall have custody of or access to the Association mailbox keys.

**H. Close of Mail-In Ballots:** The final day that mail-in ballots shall be accepted is the third business day prior to the Annual Meeting.

**I. Close of Balloting:** Property owners may bring ballots to the Annual Meeting and place them in the secure ballot box. The NEC shall provide extra ballots, voting instructions, nominee statements, and ballot return envelopes at the Annual Meeting for those who did not use the materials mailed to them. Ballots cast at the Annual Meeting must be placed in an envelope with the property owner's name and lot number(s) on the outside and sealed before placing in the ballot box. The presiding officer of the Annual Meeting shall announce, before vote counting begins, that voting shall be closed, after which time no ballots will be accepted.

**J. Members in Good Standing:** Immediately prior to the Annual Meeting, the Secretary will provide the NEC a roster of Members in good standing who are eligible to vote in accordance with Bylaws Section 5.2 (generally, current on dues payment and not in violation of Association documents).

**K. Counting of Votes:** Counting of votes shall be conducted during the Annual Meeting by the NEC and designated volunteers under the guidance of the NEC Chairperson. The Secretary (or his/her designee) will assist the NEC as needed to verify property owner status, names, or lot numbers. The NEC shall organize a process to include, but not be limited to, collating ballots with the property owner roster, opening ballot envelopes, confirming appropriate number of votes cast per ballot, eliminating ineligible votes, and counting votes cast. All actions taken in the counting of votes will be done to ensure the secrecy of the ballots. No ballots will be written on. Detailed instructions on the ballot counting process are listed in Enclosure 2.

**L. Ineligible Votes:** The NEC shall withhold from counting those ballots that cannot be identified as valid ballots. Reasons a ballot may not be valid include incorrect number of votes, lot ownership cannot be confirmed, ballot is illegible, or member is not in good standing. Any ballots withheld shall be reviewed by the NEC Chairperson and Secretary prior to the close of



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vote counting. Every effort will be made to count as many votes as possible assuring a fair, open, and honest election.

**M. Close of Vote Count:** Upon completion of the above, eligible votes shall be tallied a minimum of two times or until two consecutive tallies accomplish equivalent numbers. The election results will be given to the Annual Meeting presiding officer for announcement to the meeting. In case of a tie vote, the Board shall decide the outcome. Upon conclusion of voting, all ballot materials shall be collected by the NEC and retained in Association records. Each person handling ballots and participating in the vote count shall sign their name and date on the relevant documents (e.g., member roster, vote tally sheets) as if signing an affidavit stating the below.

**N. Affidavit:** “I swear that in the performance of my duties in the election process, to the best of my knowledge, no ballot has been discarded, destroyed, or otherwise tampered with. Information learned as part of the ballot tallying shall remain confidential and private.”

**O. Post-Election Meeting of NEC:** Prior to the end of the second quarter of the calendar year, the NEC shall solicit property owner input and convene a meeting to review the nomination and election procedures and shall make recommendations, if any, to the Board about alterations to the procedures. The Board shall discuss and vote upon adoption of such changes prior to the end of the third quarter of the calendar year for use in the upcoming election. Such changes shall result in the updating of this document.

Enclosure 1: Nominating and Elections Committee Timeline

Enclosure 2: Ballot Counting Procedures



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### **ENCLOSURE 1: Nominating and Elections Committee Timeline** \*

\* Timeline is condensed in the event of a special election.

- D (Annual Meeting Day) minus 60 days: Mail all property owners information about the date, time, and location of the Annual Meeting of the Members, the number of upcoming board vacancies, and the call for members to run for the board vacancies.
- D minus 45 days: Receive and consolidate the list of members running for the board vacancy(ies). Prepare ballot material.
- D minus 30 days: Mail ballots to every property owner.
- D minus 3 days: Conduct the final check of the Association mailbox for mail-in ballots.
- D day: Annual Meeting and voting day.
- Not Later Than D plus 90 days: NEC captures lessons learned from past election and recommends updates to NEC procedures to the board.
- Not Later Than D plus 180 days: Board votes on updated NEC procedures.



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## **ENCLOSURE 2: Ballot Counting Procedures**

1. The NEC Chairperson oversees the ballot counting process.
2. The Secretary (or designee) assists the NEC Chairperson as needed to clarify information about property owner status, names, and lot numbers. Secretary may write on ballot envelopes to clarify information when discrepancies occur. No one shall write on the ballots.
3. Detailed procedures are divided, generally, into (i) checking ballot envelopes, (ii) separating ballots from envelopes, and (iii) counting votes.
  - A. Volunteer #1:
    - (1) Check each ballot envelope to compare the name and lot number(s) against the approved roster of property owners.
    - (2) Set aside envelopes if the property owner is not in good standing or if the lot numbers or lot quantity do not match the property owner roster. Give these to NEC Chairperson for resolution.
    - (3) Ensure the ballot box is empty and pass all checked ballot envelopes to Volunteer #2.
  - B. Volunteer #2:
    - (1) Slit open each envelope and ensure the number of ballot sheets enclosed does not exceed the number of lots the Member owns. (Example: If the property owner owns two lots, the envelope should contain no more than two ballot sheets.)
    - (2) If the envelope contains more ballot sheets than owned lots, restuff the envelope and pass to the NEC Chairperson for resolution.
    - (3) Separate ballot sheets from envelopes and stack ballots face down. Pass stack of ballot sheets to Volunteer #3. NEC Chairperson collects and retains empty envelopes.
  - C. Volunteer #3:
    - (1) Ensure each ballot sheet contains no more votes than the number of open board positions. (Example: If there are two board positions up for election, each ballot sheet can contain no more than two votes.)
    - (2) Set aside any ballot sheets that exceed the number of allowed votes and pass to the NEC Chairperson for resolution. Ballots with fewer votes than the allowed maximum will continue to be counted. (Example: While the maximum number of votes allowed may be two, the property owner may decide to use only one vote.)



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(3) For each valid ballot, write on the vote tally sheet by the candidates' names the number of votes each candidate receives.

(4) Write the names of write-in candidates and number of votes received, as needed.

(5) Pass ballot sheets to Volunteer #4.

D. Volunteer #4: Repeat the same procedures listed above for Volunteer #3.

E. Volunteers #3 and #4: Tally the total of number of votes a minimum of two times or until two consecutive tallies match and until the tallies of Volunteers #3 and #4 match.

F. Volunteers #1 through #4 and the NEC Chairperson will sign their names on the bottom of the two tally sheets and property owner roster as per signing an affidavit (see paragraph N. above).

G. The NEC Chairperson will collect all ballots, tally sheets, property owner roster, envelopes, and other election materials.