

EAGLE PEAK RANCH PROPERTY OWNERS ASSOCIATION GOVERNANCE POLICY RESOLUTION 2022 - 11

ELECTION OF BOARD MEMBERS UNDER ARTICLE II, SECTION 4 OF THE BYLAWS

Each year, nominations will be sought from property owners to fill any upcoming Board member vacancy. If a vacancy occurs mid-term, a new board member may be appointed by the existing Board, for the remainder of that term. In order to comply with Colorado law, and the Association bylaws, the following timeline and process will be used to hold an election for a Board member:

TIMELINE	DATE
Board determines election date (a.k.a. voting deadline) for either an Annual or Special Meeting. The deadline is immediately prior to when the meeting (at which the election is held) is called to order by the chair.	~ 60 days prior to election
President sends email to all property owners announcing election, number of vacancies, meeting date and time, and request for nominations.	~ 60 days prior to election
Nominations submitted to Secretary, via email. President to confirm acceptance.	45 days prior to election
Secretary sends secret ballot, proxy form, voting instructions/information and meeting announcement via first-class mail to property owners. See PROCESS , below.	At least 30 days prior to election
Voting Deadline: All proxy forms and ballots will be placed into a ballot box by the Secretary.	Immediately prior to start of Annual or Special Meeting
Secretary will pass ballot box to election judge(s) per section 4 (ballot handling). Election judge(s) can be selected from a group of volunteers or appointed by existing Board.	At Annual or Special Meeting
Votes are counted by election judge(s) and President announces new Board members.	At Annual or Special Meeting
Board member-elect takes office as the first order of business	At first Board meeting following the election

PROCESS

1. Secret Ballot Voting Procedure

- 1.1 The following shall be mailed by the Secretary via first-class mail to all property owners not less than 30 days prior to the deadline for voting: one ballot per lot, a proxy form, TWO envelopes (one blank, and one with a stamp, pre-addressed to the secretary) along with a letter including voting instructions, and (optional) information about each nominated candidate.
- 1.2 To maintain secrecy, voters should not be identified on the ballot form by name, lot number, address or signature.
- 1.3 Every owner (one vote per lot #) is legally entitled to vote in each election for a Board member. Owners with one more than one lot are allowed one vote per lot number.
- 1.4 Methods of voting: Property owners may return their secret ballot (double envelope system) by first class mail, or another courier. Alternately, they may complete their ballot at the Annual or Special meeting location, or deliver it in person, before the meeting. Secret ballots may also be sent to the meeting with an owner's appointed proxy or may be completed by their appointed proxy at the meeting. Only ballots which are delivered to the EPRPOA Secretary prior to the start of the meeting at which votes are counted will be considered valid.

Property owners using secret ballots to vote should insert their ballot form into the supplied blank envelope and seal it.

- a. For property owners voting by mail, this blank envelope is then inserted into the second envelope, which is pre-stamped and pre-addressed to the Secretary. In the upper left-hand corner, the voter shall print their name, address, and lot number that entitles the property owner to vote. When received, the Secretary shall record the property owners lot number on a Tracking Form for the purposes of tracking that a vote has been received for that lot. The inner envelope remains sealed at this time.
- b. For property owners casting a ballot in person, they shall have their lot number recorded on the tracking sheet by the Secretary as they place their sealed blank envelope (or just the ballot) into the ballot box, before the voting deadline.
- c. Voting by proxy is described below in Section 2.

1.5 Once cast, ballots cannot be revoked or changed.

2 Proxy Voting

2.1 Voting by proxy requires that the proxy form be attached to the sealed envelope containing the ballot or, if an owner has not cast his or her own vote to be delivered by a proxy, but instead appoints a proxy to vote for that owner at the meeting, then the appointed proxy is required to provide the proxy form by which the owner appoints the person to vote by proxy. See example proxy form at the end of this document. The ballot and proxy form will be received and separated by the Secretary. The ballot may then be cast by the proxy holder. The Secretary will record the proxy-giver's lot number and the proxy-holder's name on the Tracking Form, for the purpose of tracking that a vote from that lot has been received. Both the ballot and the proxy form will be deposited into the ballot box by the proxy holder. Proxy votes must be received, tracked and cast by the voting deadline.

2.2 Utilizing this procedure protects the sanctity of the secret ballot the expectation of privacy and allows proxy voting. At the same time, it allows the ballots to be inspected after the vote for purposes of verification of voting results.

3 Ballots

3.1 See example ballot at the end of this document.

3.2 Ballot shall list name(s) of the candidate(s), have blank lines for write-in candidates, and allow the owner to mark their preferred candidate for the election.

3.3 A letter must be sent with each ballot, including the following information:

- a. The number of responses needed in order to meet a quorum (state how many ballots must be returned to meet quorum, do not just state the percentage);
- b. The date AND the time by which the ballot must be received in order to be counted; and
- c. Written information regarding the person(s) being voted upon (if provided by a candidate) such that each voter can make an informed decision regarding their choice.

4 Handling of Ballots

- 4.1 Secret ballots, if returned by mail, must be returned to the Secretary in the envelopes provided by Eagle Peak Property Owners Association. Otherwise, the secret ballots may be dropped into the ballot box before the Annual or Special Meeting by an owner or an owner's appointed proxy. However, before any vote is cast, the Secretary shall check off on the Tracking Form that a ballot has been cast, and the associated property lot number. The first ballot received for any property will be the ballot which is counted. Any subsequent ballots for the same property which are received shall be deemed invalid, and shall be discarded.
- 4.2 Once cast, the sealed ballots shall be in the custody of the Secretary until delivered to the election judge(s) for tabulation of the vote. After opening and counting the ballots, and certification of the vote results by the election judge(s), the ballots and any proxy forms will be returned to the Secretary for record keeping and retention. Outcome of the election shall be recorded in the minutes.
- 4.3 No person shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.
- 4.4 After tabulation, the ballots and proxies shall be stored by the Secretary in a secure place for a period of not less than one year after the date of the vote. In the case of a recount or other challenge to the voting process, the EPRPOA Board shall, upon written request, make the ballots available for inspection and review by property owners or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

5 Tabulation of Votes and Quorum Requirements

- 5.1 All votes must be counted and tabulated at the Annual or Special Meeting by the election judge(s) who are selected from a group of volunteers. In accordance with Colorado law, these volunteers shall be from a group of owners who are selected or appointed at an open meeting. Volunteers cannot be Board members or candidates in the election.
- 5.2 The Secretary will determine that a quorum is present, in person or by proxy in order for the vote to be valid.

6 Election

The candidate receiving a simple majority vote of all votes cast is elected. If there is more than one vacancy, then the candidate receiving the next highest number of votes is also elected, and so forth, if there is a third vacancy. If there is more than one vacancy, then the candidate with the highest number of votes will be elected to the board position with the longest term of office and the candidate with the next highest number of votes will be elected to the next-longest term of office.

7 Tie votes

In the event of a tie for the same elected Board seat, the Board will vote to break the tie. In the event of there being only 2 seated Board members, The Treasurer or Secretary, to be selected randomly, will join the two Board members in the tie-breaking vote. The tie-breaking vote will be taken at the same meeting where the vote was originally counted. The tie-breaking vote will be taken by secret ballot.

SAMPLE Ballot

Secret Ballot for Election of Board Member(s) for Eagle Peak Ranch POA

Date forms sent: _____

For this election _____ open Board positions exist. Please vote for (or write in) the same number of candidates, below. See below, for methods to return your ballot (vote)

VOTING DEADLINE: Election will be held on _____(date/time)_____ at _____(location)____.
(deadline to vote is BEFORE the meeting is called to order)

Mickey Mouse

Donald Duck

Goofy

Write-in candidate: _____

Write-in candidate: _____

Directions: See attached letter, with information on the candidate(s). Each candidate was allowed to provide a 75-word paragraph of information. Once you have filled out this ballot, please seal it in the (supplied) blank envelope and return it via first class mail in the (supplied) pre-addressed, stamped envelope to the Secretary. It must be received by the voting deadline. You must write your name, address and lot # in the upper left-hand corner of the return envelope, for purposes of tracking receipt. Your sealed ballot will only be opened by election judge(s), who will not see identifying information.

Alternately, you may bring your sealed secret ballot to the physical location of the meeting, OR send your sealed ballot with a proxy, by filling out and including (attached) proxy form. You may also fill out a proxy form allowing your appointed proxy to fill out a ballot for you at the Annual or Special Meeting.

Information in yellow highlight to be removed or filled in by Secretary, as appropriate, before sending out the ballots with accompanying information.

SAMPLE Proxy Form

EAGLE PEAK RANCH PROPERTY OWNERS ASSOCIATION
MEETING (GENERAL PROXY)

I/we hereby authorize the Board of Directors of Eagle Peak Ranch Property Owners Association (EPRPOA) or _____ to vote on my/our behalf at the Meeting to be held on _____. VOTER shall be authorized to exercise my/our rights to vote on all matters that come before this meeting and any adjournment thereof. If I wish to direct VOTER how to vote on specific issues I will communicate that direction to VOTER.

Lot Number _____

Check if proxy is for quorum purposes only _____

Property Owner(s)

Name(s) Print _____

Signature(s) _____

Date _____

Proxy form must be received by Secretary (Name and Address) or delivered to the Secretary at the meeting location by your appointed proxy.

Information in yellow highlight to be removed or filled in by Secretary, as appropriate, before sending out.

SAMPLE Tracking Form
EAGLE PEAK PROPERTY OWNERS ASSOCIATION
VOTE TRACKING FORM

MEETING NAME: _____ DATE: _____

LOCATION: _____

MARK (X) BELOW (IN BALLOT RECEIVED COLUMN) WHEN RECEIVED

LOT NUMBER	BALLOT RECEIVED	PROXY/PROXY HOLDER LOT # *	OTHER INFO
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			

* If proxy holder is not an EPRPOA member, note proxy holder's first and last name.

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Board of Director's Certification: The undersigned, respectively being the Board members of Eagle Peak Ranch Property Owners Association, a Colorado nonprofit association, certify that the foregoing Resolution 2022-11 was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on August 26, 2022, and in witness thereof, the undersigned have subscribed their names.

By: 

Date: 8/31/22

By: Sam, Ben

Date: 9/1/22

By: Brian Hyman

Date: 9/1/22