



# Eldorado Community Improvement Association, Inc.

## Election Committee Election Procedures

Effective: September 21, 2020

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## 1. Glossary

<b>Acronym/Term</b>	<b>Description</b>
Annual or Ballot Mailing	Election documents shall be mailed to appropriate Members for any process requiring voting by Members.
Board of Directors	As defined by the Bylaws of the Association. Further referred to as The Board.
Bylaws	The current Amended and Restated Bylaws of the Eldorado Community Improvement Association, Inc.
Calendar of Key Election Dates	Dates determined by the Election Committee and submitted to the General Manager of ECIA.
Committee Member	Regular - with full voting rights  Alternate - non-voting member who may substitute for an absent member and may vote at the Chair's request.
Covenants	Declaration of Covenants, one of the governing documents of the ECIA.
Date of Record	Shall mean and refer to the date on which final determination is made of Members Eligible To Vote in an event which requires voting:  (a) The Board of Directors annual election - First business day of March at 5:00 p.m.; or (b) Any other issue requiring voting - To be determined by The Board.
ECIA	Eldorado Community Improvement Association, Inc.
ECIA Staff	The General Manager (GM) and all other paid personnel hired by The Board or management company to carry out the duties of the Association.
Election Certification Letter	A formal letter sent by the Chairperson of the Election Committee to the Secretary of the ECIA confirming the results of an election, certifying the appropriate quorum requisite was met and certifying the election was carried out in accordance with established policies and procedures.
Election Materials	Materials either sent to or received from Members Eligible to Vote as part of an election event. These materials may include: Ballots; Return Envelopes; Ballot Envelopes (Optional); and Quorum Proxy Statements.
Governing Documents	Mean and refer to the set of documents defined by Article II Section 14 (Governing Documents) of the current Bylaws.
Invalid Ballot	A Ballot which is not valid and is not counted. Examples of Invalid Ballots can be found in Section 9.5.
Lot Owner	Shall mean and refer to the owner or owners of record of a fee simple title to any Lot situated upon any property subject to Declaration of Covenants.

Master Tally Sheet	An electronic or paper-based spreadsheet used by the Election Committee Chairperson to record and tabulate voter choices for each stack of ballots.
Member in Good Standing (MIGS)	A lot owner in Eldorado at Santa Fe whose assessments are paid in full and have been received and credited to the Association's financial account on or prior to the Date Of Record and whose rights and privileges have not been suspended pursuant to Article III Section 2 of the Bylaws.
Member Eligible to Vote	Covenant Amendment: Lot Owner All other Election types: A Member in Good Standing as of a Date of Record
Nomination Petition	A petition by a Member in Good Standing for election to The Board of Directors of the ECIA, which must contain no fewer than 25 signatures of lot owners each of whom must be a Member in Good Standing on the date they signed the petition. This petition must be filed in the ECIA office by 5:00 pm on the first business day of March.
Quorum Proxy Statement	A signed statement by a Member in Good Standing used to constitute a quorum for the Annual Meeting of the Members.
Protective Covenants	<i>Amended and Restated Protective Covenants and Building Restrictions for Eldorado at Santa Fe</i> , one of the governing documents of the ECIA.
Replacement Ballot	A Ballot issued when a Member Eligible to Vote. is issued a new Ballot in place of an original Ballot which is missing, damaged, not received or otherwise not useable in an election authorized by The Board.
Return Envelope	The prepaid envelope provided to Members Eligible To Vote for the return of the Ballot and, if applicable, the Quorum Proxy Statement.
Start of Election	ECIA elections start the date when ballots are available or mailed to Members Eligible To Vote.
Tally Sheet	A paper-based sheet affixed to a stack of Ballots used by Tellers to tally and tabulate voter choices for all the Ballots within the stack. See Master Tally Sheet.
Teller	A member of the Election Committee or a Member in Good Standing delegated by the Election Committee to count ballots cast in a Board authorized election.
Tie Vote	A tie within a Board of Director's election between two or more candidates for an open Director's position. This term is specifically defined for this procedure and details can be found in Section 9.8.
The Board	See Board of Directors

## 2. References

Document	Document Location
Bylaws	Eldorado website under “Governing Documents → 2020 <a href="#">Bylaws</a> ”
Calendar of Key Election Dates	Contact ECIA Chair of Election Committee. Document name is YYYY <i>Key Election Dates.docx</i> .
Covenants	Declaration of Covenants Eldorado Community Association, Inc. Contact ECIA GM.
Nomination Petition	Eldorado website under “Resident Resources → Forms and Applications → <a href="#">Board Nomination Petition</a> ” (Available at beginning of year)
Observer Rules	Contact Election Committee or ECIA GM. Full document name is “YYYY Director Election Observer Rules.”
Record Retention Policy	Eldorado website under “Governing Documents” → “Policies and Procedures” → <a href="#">Record Retention Policy</a> ”
Request for ECIA Records	Contact ECIA GM.
Protective Covenants & Bldg. Restrictions	Eldorado website under “Governing Documents → <a href="#">Covenants</a> ”

## 3. Purpose

1. To ensure fairness, integrity, and transparency of any election process.
2. To validate the establishment of a quorum for the Annual Meeting of the Members in accordance with the Association’s current Amended and Restated Bylaws.
3. To define responsibilities of the Election Committee and ECIA staff in any election process.
4. To declare these procedures to govern how elections are conducted within ECIA. These procedures are subservient to the ECIA Governing Documents and any conflict between these procedures and the Governing Documents are resolved in favor of the Governing Documents.

## 4. Election Committee

The Election Committee is authorized by the Board of Directors to have the following responsibilities:

1. conduct the annual election of Board of Directors;
2. conduct the voting process for a proposed amendment of a governing document; and
3. conduct any process requiring voting by the Members.

## 5. ECIA Staff and Election Committee Responsibilities

### 5.1. ECIA Staff Responsibilities

With the advice and guidance of the Election Committee, ECIA Staff shall be responsible for the following activities.

1. Submit a proposed annual budget to the Finance Committee covering anticipated election expenses and costs associated with printing and mailing of Election Materials including prepaid envelopes.
2. Create and distribute the Calendar of Key Election Dates for the upcoming year no later than December 15<sup>th</sup> of the current year.
3. Ensure publication of election dates to match the Calendar of Key Election Dates (e.g. Eldorado website, VISTAS, E-Blast (News Brief), ECIA Marquees, Annual Report, Nomination Petition, and Ballots).
4. Assist the Election Committee by communicating (via website, marquees and possibly other methods) the availability and related deadlines of the Nomination Petition to the Membership.
5. Accept and secure Nomination Petition(s) for potential Board of Directors Candidate(s) by Date of Record. After the designated cut-off time for Nomination Petition submissions, verify the Petitioner and the Nomination Petition signers were MIGS on the date they signed the Petition and the petitioner is eligible to vote as of the Date of Record.
6. Ensure the printing and distribution of Election Materials. Ballots shall be printed on watermarked or other security featured paper. Security envelopes shall be used for the return. All election materials shall be sent via first class mail.
7. Ensure the collection of Ballots, Proxies, and other voting materials (whether hand delivered or received via mail) is handled in a confidential and secure manner.
8. Record and provide replacement Ballots to qualified Members who have signed a Replacement Ballot affidavit.

9. Securely store processed Election Materials for the appropriate record retention period.
10. Perform any other actions which may be required in assistance in ECIA elections.

## 5.2. Election Committee Responsibilities

1. Contribute articles for publication to inform the community of an upcoming election, noting dates and deadlines as established in the Calendar of Key Election Dates.
2. Reserve Community Center or other community rooms for election activities and request time on marquee(s) as detailed on the Calendar of Key Election Dates.
3. Process submitted Nomination Petition(s) submitted to ECIA staff. Final acceptance shall be by the Election Committee Chairperson or designee. See Section 6.2.
4. Conduct candidate forums and informal “meet and greets” as needed to present information on candidates and issues to the Members.
5. Coordinate and assist the ECIA GM in sending invitations and Observer Rules to each candidate or their one designated observer who will witness the Ballot tallying. Notify candidate(s) of date to respond to GM and to sign a Criteria (Rules) for Observers. Follow up with the ECIA GM on who is planning to attend as an observer.
6. Coordinate with the GM to notify the Board and candidates of the date, time and place of Ballot counting.
7. Ensure the security of Election Materials as documented in Section 9.
8. Ensure the validity and accurate counting of each Ballot and Quorum Proxy Statement as documented in Section 9. The Election Committee Chairperson may temporarily replace a Member or Alternate as a Teller due to an unforeseen absence.
9. Certify election results and quorum proxy counts in writing by the Chairperson to the Board Secretary. Signatures of all Tellers are required on the certification letter which shall be hand delivered to the Secretary.

## 6. Nomination Procedure for Election to Board of Directors

### 6.1. Board of Directors Candidate Requirements

A candidate for election to the Board of Directors must meet the requirements stipulated below. Candidates are to refer to the Nomination Petition which includes all instructions and requirements.

1. Shall be a Member in Good Standing with the Association, a full-time resident and a Member Eligible to Vote by the Date of Record.
2. Complete a Nomination Petition as specified in the attached Information and Instruction section. The Nomination Petition can be downloaded from the Eldorado website or obtained from the ECIA



Office.

3. Submit a signed Nomination Petition to the ECIA office no later than 5:00 PM on the Date of Record.

## 6.2. Submitted Nomination Petitions

1. Submitted Nomination Petitions shall be secured by the GM or designee.
2. At 5:00 PM on the Date of Record, two members of the Election Committee shall review Nomination Petitions as follows:
  - a. stroke diagonally through all remaining blank lines of each page to show the Nomination Petition as submitted;
  - b. each committee member affixes their signature along the diagonal line of each Petition page;
  - c. double count the number of signatures per petitioner and record the total on the top of the first page; and
  - d. return the Nomination Petitions to ECIA Staff for secure storage prior to verification.
3. The verification process that all signatories were MIGS when they signed the petition shall commence on the first business day after the Date of Record at 9 AM. An Election Committee representative(s) may observe the verification process.
4. Candidates(s) or their designated observer may witness the verification process but must provide notice to the General Manager no later than 5:00 PM on the Date of Record.
5. Verified Nomination Petitions are to be securely stored by ECIA Staff until the day of Ballot Counting when they shall be given to the Chair of the Election Committee or their designee.

## 7. Ballot and Quorum Proxy Statement Requirements

### 7.1. Ballot

#### 7.1.1. Board of Directors Election

Conducted annually for election of Directors to the Board for expiring terms. MIGS as of the Date of Record shall receive a Ballot for each lot with a paid in full assessment.

The candidates receiving the largest number of votes are elected.

See Appendix 11.1.1 for a suggested layout of this Ballot.

The Ballot shall contain the following attributes:

- a) Ballot year;
- b) number of candidates;
- c) number of open positions and the ending date for the term;
- d) instructions to "Vote for no more than {number} candidates;" and "Write-in candidate names shall not be accepted.";
- e) candidate's names shall appear on the Ballot preceded by a check box in an order determined by a draw conducted by the Election Committee;
- f) instructions for how to properly mark the Ballot, for returning it within security envelope(s), and any applicable deadlines for receipt by the ECIA office either via mail or hand delivery; and
- g) any additional issue(s) to be voted upon are listed at the bottom of the Ballot or on a separate Ballot. These additional issues(s) shall be preceded by boxes to indicate the voter's choice.

#### 7.1.2. Amendment of a Governing Document

Conducted for routine updates (e.g. Bylaws) or as otherwise required or directed. MIGS as of the Date of Record shall receive a Ballot for each lot with a paid in full assessment.

- a) For an election concerning amendment of the Bylaws:  
The Bylaws may be amended and new Bylaws adopted by written Ballot upon the affirmative vote of not less than sixty percent (60%) of the votes cast by Members Eligible to Vote. (See Bylaws Article XVI.)
- b) For an election concerning amendment of the Covenants:  
Fifty percent (50%) of the owners of Lots having been recorded must consent to the amendment(s). (See Covenants Article VI.)
- c) For an election concerning amendment of the Protective Covenants:  
A majority of the current number of Lot Owners must consent to the amendment(s). (See Protected Covenants Article XV.)

See Appendix 11.1.2 for a suggested layout of this Ballot.

The Ballot shall contain the following attributes:

- a) Ballot year;
- b) the current wording and the proposed amendment wording preceded by check boxes to indicate the voter's choice; and
- c) instructions for how to properly mark the Ballot, for returning it within security envelope(s), and any applicable deadlines for receipt by the ECIA office either

via mail or hand delivery.

### 7.1.3. Director Removal

Conducted when needed per the Bylaws. MIGS as of the Date of Record shall receive a Ballot for each lot with a paid in full assessment.

A Director is removed from their position on The Board of Directors for the remainder of their term when at least sixty percent (60%) of all votes cast support removal.

See Appendix 11.1.3 for a suggested layout of this Ballot.

The Information Packet and Ballot shall contain the following attributes:

a) Information Packet

1. an explanation stating a certified petition has been received for removal of a member of The Board of Directors;
2. a copy of the specific section in the Bylaws regarding *Removal of Directors*;
3. a copy of the *Removal Cause* from the Removal Petition; and
4. a copy of the rebuttal statement from the Director subject to removal.

b) Ballot

1. ballot year;
2. instructions for how to properly mark the Ballot, for returning it within security envelope(s), and any applicable deadlines for receipt by the ECIA office either via mail or hand delivery; and
3. a choice to either “Remove” or “Do Not Remove” where the Director’s name subject to removal is included on both choices. The choices shall be preceded by a checkbox.

### 7.1.4. Combination Ballot

If the election is for both the Board of Directors and any other issue(s) requiring voting, MIGS on the Date of Record shall receive a Ballot for each lot with a paid in full assessment. The Ballot shall contain the attributes and layout requirements for each type of voting issue, with the voting issue for the Board of Directors preceding the other voting issue(s). Each voting issue will be clearly delineated from each other.

## 7.2. Quorum Proxy Statement

Sent annually to each Member Eligible to Vote to solicit their proxy for the Annual Meeting of the Members. The proxy is granted to the Secretary of the Board. Members Eligible to Vote as of the Date of Record shall receive a Quorum Proxy Statement for each lot with a paid in full assessment:

1. the Quorum Proxy Statement shall be printed on different colored paper separately from a Ballot; and
2. instructions shall direct Members to sign and date the Quorum Proxy Statement and insert it into the security return envelope.

See Appendix 11.2 for a layout of the Quorum Proxy Statement.

Only the Annual Meeting of the Members requires a quorum of one-tenth (1/10) of the Members Eligible to Vote either in person or by proxy (see the Bylaws). The Quorum Proxy Statement is included with the mailing of the Board of Directors Election Ballot. No other voting process requires a quorum or Quorum Proxy Statement.

## 8. Election Timing Requirements

All Election Timing Requirements should refer to the Calendar of Key Election Dates.

### 8.1. Candidate Nomination Petition

Shall be submitted to the ECIA Staff no later than 5:00 PM on the Date of Record for an annual Board of Director's election.

## 8.2. Board of Director's Election / Annual Meeting of the Members

Notice of the Annual Meeting of Members is mailed via first class mail to all Members not less than ten (10) calendar days nor more than fifth (50) calendar days prior to the meeting. Only Members Eligible to Vote shall receive within the mailing an election Ballot and a Quorum Proxy Statement which must be returned in the secure postage paid envelope by the required deadline.

Notice of the Annual Meeting of Members shall include date, time, place, and agenda, plus the following:

1. notice of the number of Director positions on The Board which are to be filled;
2. candidate(s) résumé(s) and goal statement(s);
3. notice of any issue(s) to be presented for a vote;
4. ECIA Committee Reports;
5. letter from the ECIA Board President; and
6. additional materials as directed by The Board.

The Election Committee shall convene no later than the Friday prior to the Annual Meeting of Members to validate, sort and count:

- a) the Quorum Proxy Statements;
- b) Ballots for the Director's election; and
- c) any other issue(s) requiring voting.

## 8.3. Other Elections and Issues Requiring Voting

Election Timing Requirements such as the Date of Record and deadlines for return of Ballots for all other election(s) or issues requiring voting is determined by The Board. As directed, the Election Committee shall prepare Election Materials and coordinate with ECIA Staff as to the timeline for printing and mailing of the materials.

## 9. Ballot and Quorum Proxy Counting Procedures

### 9.1. Ballot Box Security

On the date of mailing the Ballots, the Election Committee Chairperson (or designee) and one other Election Committee member shall in the presence of ECIA staff, candidates or their designated observer, verify the Ballot Box is empty. The Ballot Box shall be closed, locked and sealed.

The keys to the Ballot Box shall be placed in an envelope which shall be sealed, signed by both Election Committee Members and secured in the ECIA GM safe by staff until removed by the Election Committee Chairperson (or designee) on the Ballot counting day. Photo documentation of the empty ballot box, locks and seals will be collected by one of the Election Committee Members.

### 9.2. Observers

**Board of Directors Elections / Director Removal / Other Issues Requiring Voting:** Any candidate or their one designated observer may observe the counting process and may only interact with the Chairperson prior to the start of the counting process.

**Bylaws or Covenant Amendment:** Any Member may observe the counting process via video stream.

See *Observer Rules* document for definitions of observers, limits and any requirements that may be placed on observers.

### 9.3. Collect Nomination Petition

On Ballot counting day, the Chair of the Election Committee or designee shall collect the Nomination Petitions from ECIA Staff. The petitions are to be securely stored along with other Election Materials. This step may be performed at any time on Ballot counting day prior to sealing of the Election Materials storage box.

## 9.4. Process Return Envelopes

The Tellers and any assisting staff shall open each business return envelope. Tellers shall remove the Ballot and if applicable the Quorum Proxy Statement and place them face down in respective stacks. The Tellers shall pass the empty return envelopes to the chairperson for processing per ECIA Record Retention Policy.

## 9.5. Sort Quorum Proxy Statements

Tellers shall sort Quorum Proxy Statements into valid or invalid stacks.

Invalid Quorum Proxy Statements are passed to the Chairperson for review. Invalid examples include, but are not limited to:

1. missing or invalid signature;
2. missing date; and
3. not returned in a prescribed manner.

## 9.6. Quorum Proxy Counting Procedure

Tellers shall count the valid Quorum Proxy Statements into stacks of fifty (50)<sup>1</sup>, attach a Post-It note, indicate the count and initial the Post-It note or other tally record (hereafter referred to as Post-It note) affixed to the stack. Each stack of Quorum Proxy Statements shall be recounted by a second Teller. The second Teller shall document their count and initial the Post-It note. If the counts match, the stack count is verified. If the counts do not match, this process shall be repeated until the counts agree and the stack count is verified. The verified count shall be written, initialed and circled on each stack's Post-It note which shall be secured to the stack. The Chairperson or designee shall assign a stack number and record the stack total on the Master Tally Sheet. Notification shall be given on Ballot counting day to the Board President and the ECIA GM as to the status of achieving a quorum for the Annual Meeting of the Members. Note: Invalid Quorum Proxy Statements shall be stacked, banded, and marked accordingly, however there is no requirement to count.

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<sup>1</sup> If fifty (50) Quorum Proxy Statements are not available for the last stack, the number of for that stack is amended to the actual count.

## 9.7. Ballot Counting Procedure

When counting Ballots, a Tally Sheet shall be utilized which permits recording of whether the vote is an abstain, is invalid, or the actual vote (if valid). The Tally Sheet is preassigned a stack number by the Chairperson.

For Combination Ballots (more than one voting issue), each voting issue is distinct and separate from any other voting issue. The Tally Sheet for Combination Ballots shall allow for separate recording of each voting issue.

### 9.7.1. Ballots Counted into Stacks

Ballots shall be counted into stacks of fifty (50)<sup>2</sup> as documented in Section 9.6.

### 9.7.2. Ballot Tally

Tellers will work in pairs or groups to validate each other's work.

Ballots are reviewed and tallied in a single pass utilizing a Tally Sheet for all voting issues on the Ballot. For Combination Ballots, each voting issue is reviewed independently from any other voting issue.

Votes are reviewed to determine if they are valid, invalid or an abstain. A Ballot shall be presumed valid until proven contrary.

An abstain is a voting issue on the Ballot which contains no markings. An abstain is not a vote and does not count as a "vote cast".

An invalid vote does count as a "vote cast". An invalid vote may contain any one of the following characteristics:

1. proven to be a duplicate;
2. illegible;
3. incomplete entry;
4. markings which can directly identify the voter;
5. not returned in the prescribed manner;
6. write-in choices; and
7. votes for more choices than allowed.

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<sup>2</sup> If fifty (50) Ballots are not available for the last stack, the number of Ballots for that stack is amended to the actual count.



For votes deemed valid, the Teller will record the vote for each issue into the appropriate box on the Tally Sheet. The Tally Sheet shall be marked with one tally for each vote. The tally mark shall be placed in the “tally box” associated with the appropriate row and the Teller’s column. This tally process is repeated for each vote on the Ballot and for each Ballot in the stack. Note: The tally marks shall be clustered in groups of five lines with the first four marks being vertical and the fifth mark diagonally crossing the first four.

When the tally is finished for the last Ballot in the stack, the Teller shall count the tally marks within each tally box for their column and record the value in the lower right-hand corner of the tally box. When complete the Teller shall initial their respective column at the top of the Tally Sheet, and trade stacks and Tally Sheets with the other Teller.

The second Teller shall tally and count each Ballot in the traded stacks as documented above. If the candidate counts between the two Tellers disagree for any tallied result, then Tellers shall re-tally and recount the votes for that result for each Ballot in the stack. This process is repeated until the counts agree. When all counts agree on the Tally Sheet, the vote counts for the stack are verified. The Tally Sheet shall be secured to the stack and the stack passed to the Chairperson. The Tellers shall then repeat this process under Section 9.7.2 until all Ballot stacks have been processed.

### 9.7.3 Tabulating Results

The Chairperson accepts each verified stack from a pair of Tellers and records the stack number and stack vote counts for each voting issue on the Master Tally Sheet.

When all stack totals have been entered on the Master Tally Sheet, the Chairperson shall calculate the grand total of votes for each voting issue and another Teller shall verify these totals. Election results shall be determined by comparing the final vote counts against the criteria documented in Section 7.1.

### 9.8. Tie Votes

For this procedure, a Tie Vote occurs only if **all** the following conditions are met:

1. the Election is for the Board of Directors;
2. two or more candidates have the exact same number of votes; and
3. one or more of the tied candidates will be elected and one or more of the tied candidates will not be elected by resolving the tie.

As defined above a Tie Vote shall result in an immediate recount by the Election Committee Tellers of all Ballots for those individuals who are tied. The Tie Vote is verified if the recount yields the same result.

The Chairperson (or designee) shall inform the tied candidates, the ECIA GM and The Board of the tie vote. The tied candidates shall be instructed to meet at the Community Center at 10:00 AM the morning of the Annual Meeting of the Members. If a candidate is unable to attend, a delegate may be chosen by the candidate and the Election Committee Chairperson must be notified. The winner shall be determined by drawing cards from a deck of playing cards as described below. Note: The process shall be observed by the ECIA GM (or designee from ECIA Staff).

1. The Election Committee Chairperson (or designee) shall remove cards two (2) through ten (10) of the same suit from the deck;
2. Chairperson (or designee) shall display the selected cards to the candidates and shuffle the cards;
3. Chairperson (or designee) shall fan the cards out face down on a flat surface;
4. The tied candidates (or designee) shall draw a single card in alphabetical order of the candidate's surname. When there is only one position on The Board for which the votes are tied, the candidate with the highest card is elected. When there is more than one position on The Board for which votes are tied, the order of the drawn cards from highest to lowest determines who is elected until all open positions are filled.
5. A record of the card drawn by each candidate shall be documented within the Election Certification Letter and confidentially retained within the Election Committee. The results shall not be revealed until the Election Certification Letter is delivered to the Secretary of the Board.

## 9.9. Reconciling Ballots

The Chairperson shall reconcile the number of printed Ballots with the number of Ballots mailed to Members Eligible to Vote and the number of replacement Ballots remaining in the custody of the ECIA office. In addition, the Chairperson shall record the number of undeliverable Ballots, replacement Ballots (if applicable), and valid and invalid Ballots received.

## 9.10. Certification Letter

The Election Committee Chairperson shall provide an Election Certification Letter to the Board Secretary or designee certifying:

1. If applicable, whether the quorum requisite for the Annual Meeting of the Members as defined by the Bylaws has been met;
2. Ballot and any applicable Quorum Proxy tallies were conducted per Election Procedures;
3. The election results; and
4. Identification, date and signature of the Chairperson and each Teller involved in the

### Ballot tallying.

When the Election Certification Letter is complete, the Chairperson or designee shall deliver the letter directly to the Secretary of The Board. If the results are for a Board of Directors election, or for any vote conducted along with a Board election, then all results shall be delivered to the Secretary at the Annual Meeting of the Members. Otherwise the voting results shall be delivered to the Board Secretary as soon as possible.

## 9.11. Recounts

### 9.11.1. Automatic Recount

An automatic recount shall occur when the following conditions are met after completion of the vote tallying.

For a Board of Directors Election:

- two or more candidates are vying for an open position where at least one candidate will not be elected and
- the vote differential between the vying candidates is less than one-half of one percent (0.5%) of the total valid votes cast.

For other type Election:

- the vote differential between the two choices (e.g. “Yes” or “No”, etc.) is less than one-half of one percent (0.5%) of the total valid votes cast.

Where the above conditions are met, the Election Committee shall conduct an automatic recount of the two choices or only the candidates within one-half of one percent vying for the open positions. This automatic recount shall occur within 24 hours.

### 9.11.2. Request by Candidate

1. For a Board of Directors Election, any candidate for that election may submit a written request for a recount to the ECIA GM until the close of business two (2) business days after the Annual Meeting of the Members. For other elections, any Member in Good Standing may submit a written request for a recount to the ECIA GM until the close of business two (2) business days after the public announcement of the election results.
2. As soon as possible within the same business day upon receipt of the recount request, the ECIA GM shall provide the recount request to the entire Board (electronically and by hardcopy). Within two (2) business days The Board shall inform (electronically and by hardcopy) any requestor and the Election Committee Chairperson of their decision. If the recount is granted, the Election Committee Chairperson shall reconvene the Election

Committee for a recount within two (2) business days.

3. All Ballots shall be recounted following the processes defined within this procedure. Following the recount, the Chairperson shall indicate changes, if any, to the original tally and reissue the Election Certification Letter within the same day including both the original and recount results to the ECIA Board Secretary.

#### 9.12. Request to Inspect Election Materials

The Election Committee shall assist ECIA Staff in the event a *Request for ECIA Records* has been submitted by an ECIA Lot Owner to inspect any Election Materials. The *Request for ECIA Records* is the approved document with which to request ECIA records, including Election Materials.

The Chairperson of the Election Committee shall be notified and provided with a copy of the approved records request by the ECIA GM. The Chairperson shall note all conditions or restrictions which have been stipulated for the request.

ECIA Staff shall appoint a staff member to monitor the inspection.

The Chairperson shall appoint a member of the Election Committee to observe the inspection.

The following are conditions to be applied to the inspection. Other restrictions or conditions may be imposed upon the inspection as stipulated on the Records Request.

- ECIA Staff shall reserve a Community Center room for the date and time in which the inspection is to occur.
- ECIA Staff shall make available for the Requestor only the Election Materials approved within the Records Request.
- The Requestor may not remove Election Materials from the room assigned for inspection.
- The Election Committee representative shall only observe and not handle any Election Materials.

#### 9.13. Process for Ballots Returned after Deadline

For a period of two weeks after the Ballot return deadline, ECIA Staff shall date stamp any Ballot Return Envelopes received and securely save these unopened envelopes for the Election Committee.

Two weeks after the Ballot return deadline, the envelopes secured by ECIA Staff shall be processed by the Chairperson (or designee) as noted below. Ballots arriving after the deadline are not counted.

1. Each return envelope shall be opened and the contents removed.

2. All materials shall be dated as to the current date, initialed and reassembled.
3. The Chairperson (or designee) shall record the envelope count on a Post-It note and initial the note which shall be affixed to the envelopes. The envelope stack shall be added to the Election Materials storage box.

#### 9.14. Adjustments

The Election Committee reserves the right to adjust the execution of this Procedure as circumstances warrant. Changes to this document require The Board's approval as stated in the Bylaws.

## 10. Election Materials Storage – Record Retention

Upon completion of the election process, Ballots (valid or otherwise), Quorum Proxy Statements and any replacement Ballot affidavits, are returned by the Election Committee Chairperson to the General Manager (GM) or designated ECIA staff for secured storage. The Election Materials shall be placed in storage container(s). The container(s) are secured via tape or other means and labeled: "Expires {Date}", where {Date} is a value equal to the date specified in the ECIA Record Retention Schedule. The ECIA GM and a delegated ECIA staff member shall both set a calendar event to destroy the Election Materials upon the expiration date.

Online Election Materials should be deleted according to the ECIA's Record Retention Policy.

## 11. Appendix

### 11.1. Ballot Formats

#### 11.1.1. Board of Directors

### Eldorado Community Improvement Association, Inc.

#### (Year} Board of Directors Ballot

There are {number} candidates for {number} open positions with terms ending {Date};

Vote for no more than the number of open positions.

Write-in candidate names shall not be accepted.

- A-Surname, Given name
- B-Surname, Given name
- .
- .
- N-Surname, Given name

#### 11.1.2. Governing Documents

### (Ballot Year} Proposed {Bylaws Amendments/Amended Covenants}

Should the proposed amendments to the current {ECIA Bylaws/Protected Covenants} be adopted?

- Yes
- No

11.1.3. Director Removal

(Ballot Year} Director Removal Election

Check the box indicating your preference to retain or remove  
Director {surname} from their term on the Board of Directors

- Do Not Remove Director {surname}
- Remove Director {surname}

11.2. Quorum Proxy Statement

QUORUM PROXY STATEMENT

for

Annual Meeting of the Members

I appoint the ECIA Board Secretary as my non-voting Proxy only for the purpose of establishing  
a quorum of owners at the ECIA Annual Meeting of the Members to be held on May \_\_, 20\_\_.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please sign, date and place in the Return Envelope.

## 12. Revision History

Revision ID	Date	Description of Revisions
1.0	January 12, 2012	Initial version of Election Committee Policies and Procedures.
2.0	September 19, 2013	Minor formatting changes.
3.0	April 17, 2014	Minor formatting changes. Added step to process tie votes.
4.0	October 16, 2014	<p>Major Revision</p> <ul style="list-style-type: none"> <li>• Added Committee and Staff responsibilities</li> <li>• Reformatted from bullet points to numbered steps</li> <li>• Added new layouts, requirements by election type, and Ballot and Quorum Proxy Statement return instructions.</li> <li>• Separated counting procedures by election type</li> <li>• Added instructions on processing Ballots received after deadline</li> <li>• Added step allowing for minor adjustments to procedure.</li> </ul>
4.1	March 29, 2015	Minor changes regarding language concerning Date of Record.
V5.0	February 16, 2017	<p>Major Revision</p> <ul style="list-style-type: none"> <li>• Document Format: Document converted to new format. Added new Title Page, Table of Contents, Glossary, Reference Section, Appendix, and Revision History.</li> <li>• General: Improved language and granularity of procedures. Moved Ballots layouts and formats to Appendix. Many sections renumbered.</li> <li>• Purpose Section: Expanded to include definition of responsibilities for elections.</li> <li>• Election Committee Section: Added.</li> <li>• Election Committee and ECIA Staff Responsibilities Section: Moved definitions of the Election Committee to Election Committee Charter. Moved Election Committee procedures to new Section 9. Enhanced and added documentation of Election Committee responsibilities.</li> <li>• Ballots and Quorum Proxy Section: Reduced in scope. Moved all formats and layouts to Appendix. New instructions added for "Director Removal" type election.</li> <li>• Election Timing Requirements Section: Consolidated four subsections by rearranging and eliminating redundant language.</li> </ul>



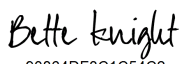
		<ul style="list-style-type: none"> <li>• Ballot and Quorum Proxy Counting Procedure Section: Consolidated all subsections for each election type into a single procedure. Added subsections for <i>Director Removal</i> elections and <i>Requests to Inspect Election Materials</i>. Modified requirements surrounding Election Certification Letter.</li> <li>• Election Materials Storage Section: Expanded and renamed to include concept of Record Retention and destruction of records. Added table documenting each type of Election Material and Retention Period.</li> <li>• Revision History Section: Added</li> <li>• Approval Section: Revised</li> </ul>
V5.1	March 16, 2018	<p>Minor Revisions</p> <ul style="list-style-type: none"> <li>• Modified definition of MIGS to match Bylaws.</li> <li>• Added “Record Retention Policy” to Reference Section.</li> <li>• Clarified the timing up on which the Election Committee is to hand the certification letter to Board Secretary.</li> <li>• Removed candidate requirements from these procedures as they are specified in the Nomination Petition.</li> <li>• Added secure storage requirements for Nomination Petition up to and post Ballot counting.</li> <li>• Added instructions on Ballot format for additional issues.</li> <li>• Modified the number of lots to “current number of Lot Owners”.</li> <li>• Clarified the number of observers allowed per candidate.</li> <li>• Added confidentiality requirements to Election Committee members.</li> <li>• Other small grammatical changes or word choices.</li> </ul>
V5.2	October 25, 2018	<p>Minor Revisions</p> <p>Simplification of tallying process by using a one-pass tally sheet.</p>
V5.3		<p>Minor Revisions</p> <ul style="list-style-type: none"> <li>• Modified definition of Board of Directors, Governing Documents and Member in Good Standing to refer to or agree with Bylaws instead of having a separate definition.</li> <li>• Removed definition of Designated Staff (no longer needed).</li> <li>• Modified definition of Replacement Ballot.</li> <li>• Expanded Purpose to clarify order of Governance between this document and Governing Documents.</li> <li>• Modified text in several locations to agree with Bylaws and New Mexico Statutes.</li> </ul>

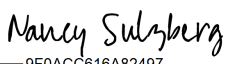
		<ul style="list-style-type: none"><li>• Modified text in several locations to clarify language, simplify or make other grammatical changes.</li></ul>
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### 13. Approvals

Effective Date: September 21, 2020

#### Signatures

<p>DocuSigned by:</p>  <p>90864DF8C1C54C2... Bette Knight – Election Committee Chairperson</p>	<p>9/22/2020</p> <p>Date</p>
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<p>DocuSigned by:</p>  <p>8F0A6C616A82497... Nancy Sulzberg – Board of Directors President</p>	<p>9/22/2020</p> <p>Date</p>
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