

## ARTICLE 03 OWNER MEMBER ELECTION/MEETINGS

### Sections 3.09/3.10/ 3.11:

**Section 3.09 OVERALL VOTING PROCESS:** The Governing Board shall select an external, independent service provider to manage the voting process, ensuring that the vendor is independent from RCSCW staff and the Governing Board itself, and that the vendor selected is able to provide in-person and absentee ballots as described below. As used throughout Articles 03 and 04, the term absentee ballot shall mean any ballot cast during the Association's early voting period.

Section **3.10** ABSENTEE BALLOTS: At any meeting of the Owner Members, each Owner Member shall be entitled to vote by absentee ballot. **The eligibility of all absentee voters shall be verified, and the absentee ballot may be submitted via electronic means (online), or by telephone.**

**3.10.1** The absentee ballot must comply with all of the following:

**3.10.1.1** Set forth each proposed action to be taken at the meeting;

**3.10.1.2** Provide an opportunity to vote for or against the proposed action;

**3.10.1.3** State that the absentee ballot is valid for only one specified election or meeting of the Owner Members and expires automatically after the completion of the election or meeting, including any duly noticed adjournment thereof;

**3.10.1.4** Specify the time, date, and place where the ballot must be delivered to the Election Committee in order to be counted, which shall be at least seven (7) days after the date that the Governing Board makes available the non-voted ballot to the Owner Member; and

**3.10.1.5** Clearly state the following: "The recipient of this Absentee Ballot may **submit** vote this ballot **online, or by telephone** ~~by mail or in person at the meeting or polling place~~, but not both."

**3.10.2** Absentee ballots shall not be opened or counted until the day of the election.

**3.10.3** An absentee ballot shall not be cast by any person except the Owner Member to whom it was issued.

**3.10.4** An absentee ballot shall be provided at the request of any Owner Member, or the Governing Board may provide for ~~mailing-of~~ absentee ballots to all Owner Members.

### ~~Section 3.10 MAIL-IN-VOTE:~~

~~3.10.1-A majority of the Governing Board may authorize use an implementation of a mail-in ballot for the election of Directors or issues it deems appropriate.~~

~~3.10.2-When mail-in ballots are authorized, said ballots shall be prepared and mailed to the Owner Members at the address of record not less than twenty-two (22) calendar days prior to the date of~~

~~the election. The ballot shall state a cutoff date for its return. Ballots received after the cutoff date shall not be counted. The determination of eligibility and tabulation of votes shall proceed under the supervision of the Election Committee.~~

Section 3.11 OTHER METHODS OF VOTING: A voice vote, standing vote, show of hands, or electronic voting of Owner Members shall prevail on all matters of business, except any of the following items, which require a vote by ~~written~~ ballot:

3.11.1 The election or removal of Governing Board Directors;

3.11.2 Matters on which the majority of the Governing Board requests a vote by ~~written~~ ballot;

3.11.3 Matters on which a vote by ~~written~~ ballot is requested by a majority vote of the eligible Owner Members attending the meeting;

3.11.4 All matters for which an absentee ballot has been issued and returned; or

3.11.5 The Governing Board may provide for voting by other forms of delivery even when written ballots are otherwise to be utilized, including voting electronically, emailing ballots, or **telephone** ballots.

3.11.5.1 If electronic voting is utilized for those Owner members who do not have computer access, in-person voting will be provided at a designated polling location.

3.11.5.2 Absentee ballots, **as described herein**, will be available for those requiring them.

3.11.5.3 Electronic voting will be deemed to constitute a written ballot or ballot vote for purposes of these Bylaws.

## ARTICLE 04 GOVERNING BOARD

### Sub-Sections 4.2.1-4.2.2:

~~4.2.1 Any Owner Member in good standing who is available on a year-round basis for participation in the business affairs of the Association, in accordance with the section defining "Director Meeting Attendance," may become a candidate for election to the Governing Board by filing with the elected Secretary of the Governing Board or through the Executive Assistant, not later than the first business day of January each year, each of the following: Committee:~~

**4.2.1 Principal election process dates are set forth in Association Policy C-02. Any Owner Member in good standing who is available on a year-round basis for participation in the business affairs of the Association, may become a candidate for election to the Governing Board by filing with the Executive Assistant each of the following:**

4.2.1.1 A petition, on the official Association form, signed by at least two hundred (200) Owner Members in good standing, with an "Affidavit of Circulator" on the reverse side of each page of the petition signature page "Appendix 1 & 1a"; and

4.2.1.2 A typed résumé of not more than five hundred (500) words completed by the candidate.

4.2.2 Owner Members interested in being a candidate ~~may~~ **must** pick up **an** official candidate packet, which includes ~~the~~ **s** the required petition forms (Appendix 1 & 1a), ~~on or after the first business day of November~~ **on a date as established in Policy C 02.**

4.2.3.2 ~~The Secretary of the Association shall ensure that n Names~~ of all certified **candidates are** ~~will be~~ **will be** posted on ~~the~~ **the** Association bulletin boards and on the Association Website, and ~~the~~ **the** ~~Association~~ **Association** shall publish such information in a general press release issued ~~no later than the first business day of February, seven business days after the candidates are certified.~~ **on a date as established in Association Policy C 02.**

### Section 4.03:

Section 4.03 ELECTION OF CANDIDATES: The election of Governing Board Directors **shall be conducted in accordance with Article 03, Owner Member Election/Meetings,** held during the month of March and all polling places shall be located on Association property. Each year the specific date of the election shall be designated by the Governing Board at its Regular October Governing Board meeting.

4.3.1 UNCONTESTED ELECTIONS: In the absence of more than a single candidate for each regular full term Governing Board position to be filled, and there are no partial terms to be filled, no ballot shall be cast and the candidates shall be declared to have been elected.

4.3.2 CONTESTED ELECTIONS: Voting for the Directors of the Governing Board shall be by secret ballot and absentee balloting shall be allowed in accord with Article 03, Owner Member Election/Meetings Section 3.9 hereof. In addition, other methods of voting, in accord with Article 03, Owner Member Election/Meetings Section 3.11, such as

electronic voting, email ballots and faxing of ballots may be allowed at the discretion of the Governing Board.

4.3.2.1 Cumulative voting for the election of a Governing Board Director shall not be permitted.

4.3.2.2 At the discretion of the Governing Board, selected election services of Maricopa County may be utilized, or electronic voting offered through a service provider.

4.3.2.3 Candidates receiving the highest number of votes shall be elected to the open full-term positions on the Governing Board. At the time of the election, if there is any open position(s) to be filled for a partial term, the person(s) having the next highest number of votes shall fill the partial term(s) after the full terms have been filled.

4.3.2.3.1 A tie vote for the final position shall be decided by lot.

4.3.2.4 Voting shall proceed under supervision of a special Election Committee composed of not less than five (5) Owner Members who are appointed by the President with the consent of the Governing Board.

4.3.2.4.1 No member of the Election Committee shall be a member of the Governing Board, candidate for the Governing Board, a member of a Director's immediate family or living in the same household as a Director.

4.3.2.5 At least two (2) members of the Election Committee shall be present at the polling place at all times during voting. They shall **ensure the eligibility of all voters.** ~~is determined, determine eligibility of all voters, issue all official ballots~~ and witness the casting of the ballots. Other methodology may be determined for electronic voting.

4.3.2.6 All absentee ~~ballot boxes or early electronic~~ votes cast shall remain sealed until the date set for regular ballots to be cast. On that day, ~~at least two (2) Election Committee members shall open the sealed ballot boxes and prepare the ballots for the counting process prior to the closing of the polls. In the case of electronic voting,~~ the selected vendor **or service provider** shall release the results to the Election Committee in a manner determined by the Board.

4.3.2.7 ~~After counting all ballots,~~ the results shall be certified by the Election Chairperson to the Governing Board President or designee and, within one day following the election, the results shall be officially posted on the Association Website and bulletin boards, and a press release shall be issued.

~~4.3.2.8 Any Owner Member may observe the counting of the absentee ballots.~~

4.3.2.8 ~~9~~ Electronic voting may be tabulated digitally.

4.3.2.9 ~~10~~ Following the **election ballot count**, all results **and all voting materials** shall be ~~ballots will be sealed and~~ stored for a period of not less than one year in the custody of the Secretary of the Governing Board (per Arizona law, A.R.S. 33- 1812(A)(7)).

## **APPENDIX 1 (Petition Signature Page):**

Any Owner Member in good standing **who is available on a year-round basis for participation in the business affairs of the Association, in accordance with the section defining "Director Meeting Attendance" (Section 4.10 of the Bylaws)**, may become a candidate for election to the Governing Board by filing with the ~~elected Secretary of the Association.~~ **Executive Assistant**. Petitions are available on ~~the first business day in November~~ **a date as established in Policy C 02.** Petitions on the appropriate Association form, provided by the Association must include an "Affidavit of Circulator" on the reverse side of each petition signature sheet, and signed by the person circulating the petition. The petition must be signed by at least two hundred (200) Owner Members in good standing. Candidates must be an Owner Member in good standing, must declare availability on a year-round basis for participation in the business affairs of the Association and must be available for any office which the Governing Board may select them to hold. Upon the Owner Member filing the foregoing petition and typed résumé, the ~~elected Secretary~~ **Executive Assistant** shall obtain from ~~the Member Services Office of~~ the Association, certification that the Owner Member is in good standing and verify all petition signatures. Upon this certification and verification, the ~~elected Secretary~~ **Executive Assistant** shall report to the President the names of all Owner Members who have qualified as candidates for Director by petition. Names of the candidates shall be posted on Association bulletin boards, and the website. ~~and shall be published in the Association newsletter.~~ A press release shall be issued to local newspapers.