

# GLA Annual Election and Voting Rules and Procedures September 2019

## Candidate Nominations

Prior to each Annual Meeting, the Board shall prescribe the opening date and the closing date of a reasonable filing period in which every Member in good standing who has an interest in serving as a Director may file as a candidate for any Board or Ombudsman position up for election (Bylaws, Article VI. C.). The GLA will send a nomination packet to all landowners, by postal mail or email, at least 30 days before nominations will be due. The packet will include a nomination letter (explaining eligibility criteria for voting and for running as a candidate), the nomination form, instructions on completing the nomination form, and guidelines for candidate bios. Candidates whose nominations are received after the deadline will not be listed on the absentee ballot mailed to all Members. Any voting landowner may write-in their vote for unlisted candidates. A landowner who wishes to be considered for the Board after the nomination period deadline is solely responsible to inform Membership of their candidacy and request Members' write-in votes. Write-in votes will also be allowed for candidates who are nominated from the floor at the Annual Election Meeting.

**Candidate Eligibility.** To be accepted as candidates, landowners must be in good standing (Bylaws Article VI. C); that is, paid in full on all lots as of the last quarterly assessment due date and not in violation of any Covenant, which they declare by signing the nomination form or by accepting their nomination from the floor. Quarterly assessment due dates are January 31, April 30, July 31, and October 31 (Covenant 11.03). The GLA Board of Directors reserves the right to determine, with a majority vote at any time prior to the close of the election, that a candidate is ineligible due to a Covenant violation or nonpayment of amounts due (Bylaws Article VI. B). A candidate who is later discovered to have been ineligible as of the nomination form filing date or who later becomes ineligible prior to the election due to a discovery of a covenant violation, or due to delinquency of assessment debts prior to the election, forfeits their candidacy. The Board will immediately attempt to notify the candidate that they will not be listed on the final ballot. Likewise, if a candidate decides to rescind their nomination and not run, the board will no longer consider them a ballot candidate, and they will not be listed on the final ballot. Any election vote cast for an ineligible candidate or checked for a candidate removed from the outdated absentee ballot will not be counted. [See section below: **Change in Candidate Line-up On the Final Ballot**, for the new procedure that will apply in this situation.]

**Guidelines for Candidate Bios.** Candidate biographies cannot exceed **200** words. They should state the candidate's qualifications and goals in serving on the GLA Board or as Ombudsman, describing how they will contribute to the GLA. Personal attacks or any statements naming other persons or entities are not allowed and such bio will not be distributed in the election mailing.

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<sup>1</sup> The GLA sent all Landowners a short survey twice (April 25 and May 14), explaining that the Board was considering these two new procedures. The notice of the July Special Members Meeting, sent June 22, gave further information about these procedures and they were further discussed at that meeting.

## Voter Eligibility and Representation

Only Members in good standing, as defined by Covenant 3.19, are entitled to vote their Membership Interest(s) (Covenant 3.20 Bylaws Article V. F). **A Member is in good standing if they are not in violation of any Covenant and have paid in full all association assessments, interest and penalties.** Landowners who own multiple lots must be in good standing on all lots they own (their Membership Interests) in North and South Glastonbury in order to be eligible to vote.

For a member to be in good standing, payments for current quarterly assessment installments must be postmarked on or before the due date specified in Covenant 11.03, (January 31, April 30, July 31, October 31), that immediately precedes the election or voting meeting. Payments for past due quarterly assessment installments and any accrued interest or fee, must be received by the due date specified in Covenant 11.03. Delinquent landowners may ask the GLA Treasurer for their full amount due on that quarterly date. Payments made after that due date, including any walk-in payments on the day of the GLA Election or voting meeting, will be accepted, **but these payments will not make you eligible to vote on that day.**

**Representatives for Legal Entities.** Legal entities, such as corporations, trusts and LLC's, that own GLA parcels must designate in writing the person who will speak for the legal entity in all matters and represent their Membership Interest(s) in-person at an Election or voting meeting (Bylaws Article V. G.). Designated Legal Representatives who are also landowners themselves must be in good standing on their own parcels in order to serve as the designated representative. In September 2018, the GLA mailed all named Legal entities a **Legal Entity Representative Designation Form**. Designated Legal Representative forms are valid for three years or until revoked. Legal entities recorded as GLA landowners may submit an absentee ballot without providing a Legal Entity Representative Designation Form.

**Proxy Designations.** Any GLA Member may designate any person (who need not be a GLA landowner) to cast the vote(s) for the Member's Membership Interest(s) as their proxy (Bylaw V. G.). Proxy appointees who are also landowners themselves must be in good standing on their own parcels in order to vote as proxies. The only other limitation is that, as a result of a legal settlement,<sup>2</sup> current GLA Directors are not permitted to receive proxies. The proxy appointment may be submitted on the "Proxy Designation Form" or by using another format that fulfills the validity requirements: a proxy must be in writing, dated, executed by the Member of record or legal representative of such Member and filed with the Secretary, or other designated person, before or at the appointed time for a meeting. The proxy appointment could, if the Member chooses, remain effective for one year after its execution or up until the date of the next Annual Meeting after the proxy was used at the previous Annual Meeting, unless specified otherwise (e.g., only for voting at a specific meeting). The proxy appointment remains in force until it expires or is voluntarily revoked, or amended (documented via mail, email, or voicemail). The proxy representative should keep a copy of the proxy appointment to use during the oncoming year.

## Election Materials and Procedures

The GLA will mail election packets to all Members at least 30 days before the Election Meeting. The packets will include the Absentee Ballot for the appropriate division (NG or SG), with specific instructions on how to complete it and on Voter Eligibility, the corresponding Candidate Bios, and two envelopes—one large outer envelope addressed to the GLA with a label that shows the

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<sup>2</sup> DV-2011-193 Stipulated Settlement Agreement

Member's name and parcel number and a small blank envelope for their completed ballot. Owners of multiple parcels will receive separate mailings for each lot they own, with small and large envelopes provided for each lot. See the section below titled "**Change in Candidate Line-up on the Final Ballot**" for details on the procedures that will apply if the candidate line-up changes before Election Day. Members with email addresses registered by October 31, 2019 with the GLA will be able to submit their ballot by email.

**Submitting and Handling Absentee Ballots.** These can be mailed, faxed, emailed, or hand-delivered to the GLA. If mailed, faxed, or emailed, the GLA must receive them no later than 4 p.m. the day before the Election Meeting. If hand-delivered, they must be brought to the Sign-in table at the Annual Election Meeting prior to 12 noon. Mailed and hand-delivered absentee ballots must use the two envelopes, placing the small blank envelope into the larger envelope. The sign-in table staff will use the owner and property information on the larger envelope to verify the voter's eligibility. After sign-in, the blank small envelope will be deposited into the sealed absentee ballot box. Landowners who fax their absentee ballots will, as in previous elections, provide a cover sheet with their name and parcel number. Landowners who email their absentee ballots will mark and scan the ballot, sending the scan as an attachment to their email and giving their name and parcel number in their email message. To verify that their email comes from the Member authorized to vote for that parcel, they must send their email from the email address they have registered with the GLA.

As in previous elections, faxed ballots come to the GLA through the GLA's info email account. Similarly, emailed ballots must be sent to the info account. In processing, the cover sheets of faxed ballots and the email message pages of emailed ballots will be printed with the ballots. The cover sheets/email message pages will then shield the actual ballots from view. These shields will remain while the ballots are brought to the sign-in table to verify the owner's eligibility to vote. The shielding page will be removed only when the ballot is placed anonymously into the sealed ballot box. The Board will make every effort to respect Landowners' privacy and to protect ballot anonymity to the extent possible. However, Landowners who opt to fax or email their absentee ballots to take advantage of the convenience must understand that the full Board receives messages to the Info account and that, unlike absentee ballots that are mailed or hand-delivered in sealed envelopes, the process for faxed and emailed absentee ballots cannot guarantee strict anonymity.

Volunteers at the sign-in tables will first record and verify voter eligibility for all absentee ballots received before Election Day, before registering and verifying any attendees (Members or their Proxies) and provide them with in-person ballots. This will allow the ballot counters to begin their work as soon as the totals of the early absentee ballots are verified. Hand-delivered absentee ballots that arrive later, before noon, will be processed during the meeting.

**Change in Candidate Line-up on the Final Ballot.** When the candidate line-up changes after the election packet mailing, absentee voters lose a vote if they had assigned a vote to a candidate who is no longer listed on the final ballot. Their vote for that candidate is not counted. Members in this situation who have registered their email address with the GLA can revoke their outdated absentee ballot. Note that this option is strictly limited to Members who have registered their email address with the GLA because their identity can be verified.

If the candidate line-up changes, the GLA will notify landowners by email or phone message, describing the change and giving instructions on what they can do if they voted for the now-unlisted candidate. The GLA phone line will also announce the change in its greeting and the GLA website

will announce the change in the candidate line-up if there is time to post the notice. Affected landowners would email the GLA, using their email address on record, no later than the day before the Election Meeting. Their message must state that they want to cancel their original absentee ballot so as not to lose a vote. In that email, they would (1) request the final, corrected absentee ballot or (2) say that they don't need an updated absentee ballot form because they plan to vote some other way; (they could vote in person or by proxy at the meeting on the final ballot). The GLA will pull their original absentee ballot, write "revoked" and the date on the envelope, enter it on a preliminary sign-in sheet as a "revoked original absentee ballot," and place it in a separate manila envelope labeled "Revoked Absentee Ballots."

If affected landowners request the updated absentee ballot, the GLA will email it to them. They can then print it out and treat it as a standard absentee ballot: mail it in (if there is still time), fax or email it in, or have it hand-delivered at the Election Meeting. As described above, all mailed and emailed absentee ballots need to be received by the GLA no later than 4 pm the day before the Election Meeting. Landowners who choose postal mail must use the two-envelope method described above. Note that no remedy is available if the candidate line-up changes at the very last minute with no time for landowners to revoke their outdated ballot.

## **Signing-In, Verifying Eligibility, Voting, and Ballot Counting**

**Signing-In and Verifying Eligibility.** Volunteers at the Sign-In Desks will record and verify all voters' eligibility. Sign-In sheets will have a column to show that an absentee ballot was revoked for a Membership Interest. The volunteers will record and verify Member eligibility for all absentee ballots received by mail, fax, or email prior to signing in any Members or Proxies who appear in person. On Election Day, no absentee ballot can be revoked.

Members and Proxy Representatives appearing in person will register at the Sign-In table for volunteers to verify their eligibility. If eligible, they will be given an in-person ballot. If a Member or Proxy Representative appears for a Membership Interest that has already been voted by an eligible (not revoked) absentee ballot, they will be informed of that and denied an in-person ballot. Any absentee ballots that are hand-delivered during the meeting will be honored as long as the Member is eligible to vote and no in-person ballot has been given out for the Membership Interest(s).

### **A ballot is defined as "voted" once it is deposited into the sealed Ballot Box.**

**Voting Period Termination:** The Sign-In Table will close at noon—the end of the voting period—when no further absentee ballots will be accepted and no In-person Ballots will be handed out. Only ballots placed in the Ballot Boxes by the end of the voting period will be counted.

**Ballot Counting:** Ballots will be counted by two teams, each team neither owning nor representing property in the geographical area being counted (i.e., North Glastonbury ballots counted by owners/representatives from South Glastonbury; and South Glastonbury ballots counted by owners/representatives from North Glastonbury). A minimum of two individuals will be on each team. Any election votes cast for an ineligible or withdrawn/rescinded candidate on an absentee ballot will not be counted.

**Voter Intent Determination:** Soiled Ballots or those not clearly displaying a vote will be reviewed by two appointed Election Officials to determine whether the voter's intent can be clarified and the vote can be counted.