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Elections, Ballots, and Recount Policy

WHEREAS we interpret that, in law, some information within membership voting ballots is of an executive nature, that owners have a right to expect ballot privacy, and

WHEREAS applicable state statutes and governing documents provisions allow the records of the HOA to be inspected by all owners, and that records in the form of membership voting ballots are not expressly excluded from being regarded as records to be inspected, and

WHEREAS we regard it our duty to provide a solution that at once satisfies both acknowledgments above, and

WHEREAS there are legitimate circumstances under which the membership can require the Board to conduct a recount of an HOA election, and

WHEREAS original election vote tallying and any potential verification is probably the single most potentially consequential act on the confidence and proper function of a voting fiduciary-based organization, such that we consider it detrimental to the HOA to have any number of individual members creating their own unofficial 'recounts' and thereafter potentially promulgating varieties of individual conclusions that cause an undue undermining of the 'public confidence' in election processes, and that allowing copies of ballots to be made and/or distributed would have the same detrimental effect,

THEREFORE BE IT RESOLVED that the following criteria be met and followed regarding inspection of prior HOA election ballots, conduction of future membership election ballots, and cause for official election recounting:

1. Inspection of Prior HOA Election Ballots

It is understood that all membership ballots cast in elections prior to July 2020 were of a non-secret format, ie. in a single ballot paper form bearing a member's voting choices and also identifying the voter by name, signature, date, and Division and Lot number. An HOA member may inspect these ballots under the following conditions:

- a. The HOA attorney will receive from the Board the currently bulk-sealed ballots for each election the member has requested copies of and make copies of those ballots with having

the names, division and lot numbers and signatures in those copies redacted; these redacted copies are what the member can inspect. The HOA attorney is a fiduciary of the Association, required to protect and represent the Association; the HOA attorney does not represent or protect individual HOA members or Board members.

b. The member can only view the redacted copies, may not make copies of them or reproduce them in any way or take the copies away, and the copies will be destroyed by the HOA attorney upon completion of the member's inspection.

c. Pursuant to RCW64.38.045(2) the member is responsible for paying the HOA attorney fees for this action, and a written agreement for this will be made between the member and the HOA before commencing the attorney action. In order to keep costs as low as possible the Board would seek to have the HOA attorney's paralegal perform the action, as the rate for a paralegal is typically substantially less than an attorney.

2. Conduction of Future Membership Elections and Ballot Requirements

a. The Board will conduct membership elections using a typical 'secret' ballot format, including the following features and providing all materials and instructions:

- (1) the only marking by a member contained on the actual ballot will be marks selecting a member's voting choice(s), which will be unable to be identified as being any specific person's vote, and
- (2) the member will place their marked ballot in the provided unmarked envelope and seal it, and
- (3) place that sealed ballot in the provided larger envelope, such envelope which the member will be required to write upon it their name, signature, date, Division number and Lot number on the outside of the envelope.

b. The Board will tally the votes in the following manner:

- (1) Receive each sealed outer envelope and verify the voter's personal information for eligibility, and keep the outer envelopes as records of the HOA,
- (2) Accumulate all sealed inner envelopes for the election until the time of official counting, having deliberately separated all inner envelopes from all outer envelopes,
- (3) Upon official counting, open each inner envelope that contains the ballot and tally the voter's selection(s).

3. Membership Inspection of Secret Ballots

Members can view/inspect all secret ballots and outer envelopes pursuant to the requesting process for inspection of HOA records stated at RCW64.38.045(2). Members will not be allowed to copy or otherwise reproduce images of the ballots and envelopes, nor take the ballots/envelopes away from the place of inspection.

4. Official Election Recounting

Pursuant to the minimum expressed will of the membership to cause the Board to act as implied at Bylaws Article III, Section 2: if the board receives written request of members entitled to vote, in the

aggregate, at least 10% or more of the membership, the board will cause to happen and oversee an official recount of the election(s) requested according to the following process:

- a. The group of petitioning members will designate one (1) representative from the group to participate in the recount. The recount shall also involve one (1) non-9MR owner, named by mutual agreement of the Board and the petitioning group representative, who is a local Oroville-area resident/citizen of reputable standing. The 'representative' and the 'non-9MR' person will be the "re-counters".
- b. The two re-counters will conduct their counting of the votes in the same manner as was performed by the board in the original election tally process, and the re-counters will issue a verification statement with the same addressed content that the original election counts included. The recount verification statement will be a record of the Association.
- c. Two (2) board members will be present to observe the recount process, with one of the Board members being the Chair of the recount process.
- d. The board will publish the recount verification statement to the entire membership.

Adopted at the 7/11/2020 Board Meeting