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Ballots & Counting Procedure Policy

Adopted by the Board of Directors at the April 6, 2021 Board Meeting

WHEREAS Bylaws Article III, Section 5 and RCW 24.02.085 state that members can vote by mail, and

WHEREAS at this time the majority of Nine Mile Ranch HOA Lot Owners are absentee owners and roughly 10% of the membership are Canadian, this creating difficulties in Lot Owners attending a physical meeting, and also establishing a quorum, and

WHEREAS legal counsel has stated that ballots are private, and many Lot Owners have stated they expect their cast ballots to be private, and

WHEREAS legal counsel has stated that Nine Mile Ranch HOA can conduct voting through ballots mailed to all Lot Owners and counted in a scheduled open meeting. This meeting will be the Annual Membership Meeting, unless a special meeting is called for a special ballot vote, and

WHEREAS the HOA needs utmost validity of the ballots and ballot counting so Lot Owners can trust the ballot count outcome,

THEREFORE BE IT RESOLVED that the following criteria be met and followed:

I. General

Quorum for the meeting (20% = 63 Lots) will be establish based on the number of valid¹ ballots received. This will be done first, by the ballot counters, to be able to conduct official business.

Members wanting to add items to the agenda of an Annual Membership Meeting need to contact the Board by April 15th to place requested agenda items on the meeting notification sent to all Lot Owners; the deadline for agenda items submission to the Board for all other meetings is not less than (60) days prior to the meeting. If any additional voting – beyond said ballots – takes place at the meeting then a quorum of those present at the meeting would be required. If there is quorum then a member may make a motion to be discussed and voted on, depending on the validity of the motion. Also, some proposed actions in motions require notice to all HOA members prior to a vote so that all members have an opportunity to be present for the motion, second, discussion and amendments, and the final vote.

¹ Validation for quorum purposes depends upon the governing document or state statute provision relative to the matter(s) voted upon.

II. Conduction of Membership Elections/Voting/Ballot Counting

a. The Board will conduct the membership election/voting using a typical 'secret' ballot format (much like many state voting processes), including the following features and providing all materials and instructions to each HOA Lot Owner:

1. the only marking by a Lot Owner contained on the actual ballot will be marks selecting a Lot Owner's voting choice(s), which will be unable to be identified as being any specific person's vote, and
2. the Lot Owner will place their completed ballot in the provided return envelope, sign and date the envelope, seal it and mail it back to the Association.
3. return envelope will include the following statement requiring signature of Lot Owners or agent: "I do solemnly swear or affirm under the penalty of perjury that I am a legal owner of the Lot I am signing for below. I understand that it is illegal to forge a signature or cast another person's ballot. I declare I am the Owner or agent designated to vote for this Lot I am casting a ballot for."
4. as addressed further below there will be provisions for Lot Owners who come in person to a ballot counting meeting *without their ballot* to be able to cast a ballot vote at the meeting.

b. Process for securing the ballots will be as follows:

1. The Board will designate and hire, or allow by volunteer if possible, a local fiduciary or non-interested person (hereafter referred to as Fiduciary) to receive the cast ballots. Without any other party involved the Fiduciary will procure and control a post office box exclusively for the purpose of receiving the return envelopes. Only the Fiduciary will possess the key to this box. Cost of the PO Box will be paid for by the HOA.
2. The PO Box number/address will be printed on the ballot return envelopes.
3. The Fiduciary will collect the return envelopes from the PO Box, final collection just prior to meetings. The fiduciary will then create a sworn statement attesting to the number of return envelopes received and by what final date the envelopes were accumulated up through.
4. Fiduciary will place sworn statement and return envelopes in a non-transparent container (brown paper bag, box, etc.) and seal the container with tamper-evident (high adhesion) tape, and print their name and sign and date & time the tape with an indelible marker.
5. Fiduciary will then deliver container to the scheduled HOA ballot counting meeting, giving them to the secretary.
6. The HOA secretary will then give said container immediately to the two (2) arranged counters. Counters will be two (2) non-interested, non 9MR parties who have agreed to count the ballots for the HOA.

c. Ballot Counting Process:

1. Lot Owner who come to a meeting to vote without a ballot and ballot envelope may obtain one at the meeting from the secretary. These ballots must be completed and sealed in the completed return envelope. The secretary will then give them to the counters.
2. Counters will be seated at a table by themselves where all Lot Owners present can observe.

3. The secretary will explain counting procedure to the counters and supply them with the verified voter list². Those Lot Owners who have their voting privileges³ suspended will be highlighted on said list.
4. Counters will open the sealed container and count and record the number of sealed envelopes in the container, verifying that the Fiduciary's sworn statement of the number of ballots is correct, and report this number to the secretary. Total number of ballots received will assist in confirming a quorum of the meeting in order for ballot counting to be valid.
5. Counters will review and validate that all return envelopes are signed and dated properly, while also comparing names on return envelopes to the provided verified voter list, checking off the matching names. This will verify the name on the ballot is indeed a Lot Owner, and that no Lot Owner votes more than once per Lot owned. Any envelope that is found to be incomplete, incorrect, cast from an ineligible vote or Lot, or otherwise invalid is set aside unopened, and those ballots are regard as invalid. Counters will set aside envelopes received from those Lot Owners with suspended voting rights.
6. Counters will then open all validated envelopes and remove cast ballots (there should be one ballot per envelope), separating ballots from envelopes. Lot Owners who own multiple Lots will be sent a ballot and envelope for each Lot that they own.
7. Counters will then tally the votes from the ballots on provided tally form. The counters will tally the ballots twice. Any ballot that has indeterminable markings will be invalid and set aside.
8. Counters will count the number of ballots and the number of validated signed envelopes to ensure there is the same number of each.
9. Counters will then complete the provided final count outcome form (election results certification), signing and dating it.
10. A counter will read election results out loud and then them to secretary. Results will be posted on the HOA website as soon as possible.
11. Counter will place the envelopes and ballots into a non-transparent container, seal the container with tamper-evident (high-adhesion) tape, and print their name and sign and date the tape with an indelible marker. This will be given to the secretary for HOA archiving.
12. No Board or Association member will handle or directly view any ballot return envelopes or casts ballots during this process except the secretary, as discussed above, who may have to assist in answering questions from the counters.
13. All Association members present at the meeting will have the opportunity to respectfully witness the process from when the Fiduciary delivers the ballots to when the counters complete their counting.
14. Certification statements or other sworn statements provided during the above process by election counters or other Fiduciaries/non-interested parties associated with any election are regarded as part of the official elections results. These will be kept and filed by the secretary of the HOA.

2 Verified Voters List is created directly from the HOA's Quickbooks accounting system and adjusted as/if needed in comparison to county records, officially filed proxies and Designed Voter Forms. The HOA Quickbooks list is the official membership billing account list, kept up to date by the HOA Treasurer using information and updates from Okanogan county records, escrow companies or directly from Lot Owners.

3 Regarding suspended voting privileges, please see CCRs Article III, 1 a.: "The right of the Association to suspend any Lot Owner's voting rights...for any period during which any assessment against the Lot Owner's Lot remains unpaid or the Lot Owner is in material breach of the Declaration".