



PO Box 332
Oroville, WA 98844
9mileranchhoa.org

Ballot Inspection & Recount Policy

Adopted by the Board of Directors at the April 6, 2021 Board meeting.

WHEREAS many Lot Owners have expressed, and have the right to expect, that their ballot votes are private, and

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

WHEREAS election and ballot counting processes should be conducted with as much transparency and efficacy as reasonably possible, and

THEREFORE BE IT RESOLVED that the following criteria be met and followed regarding inspection of prior and current HOA cast voting ballots, and cause for official recounting. Note the Ballots Counting Procedure Policy which addresses the original procedure for counting of ballots.

1. Inspection of Prior non-secret HOA Election Ballots

It is understood that all membership ballots casts in voting 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. A Board-designated neutral fiduciary will receive from the Board the requested ballots for

inspection and will make copies of those ballots with having redacted either 1) the selection of the votes cast or 2) the names, signatures, division and lot numbers; these redacted copies are what members can inspect. No copies will be provided that contain both options 1 and 2 information on the same copy, but sets of both redaction options can be viewed.

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

c. Pursuant to RCW 64.38.045(2) the member is responsible for paying for the fiduciary's fees and all other costs for this action, and a written agreement for this will be made between the member and the HOA before commencing the fiduciary action.

2. Membership/Lot Owner Inspection of Secret Ballots

Upon written request mailed to the Board of Directors, Lot Owners can view/inspect all secret ballots and signed outer/return envelopes pursuant to the requesting process for inspection of HOA records stated in RCW 64.38.045(2); this may include the inspecting members paying reasonable fees and costs for a Board-commission fiduciary to facilitate the inspection. Lot Owners 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. If the inspection of envelopes and/or ballots causes those envelopes and or ballots to be extracted from a sealed container, after inspection a statement will be created and signed by the inspecting party and the secretary (or other fiduciary who may have been appointed or commissioned by the Board in place of the secretary), stating the identity of the inspecting party and on what date the inspection occurred, a copy of that statement will be provided to the secretary, and the original statement and all envelopes and ballots will be placed back in the container along with all other contents that were in container; the container will be resealed using high-adhesion tape and shall have fiduciary's name and signature placed on the tape using an indelible marker.

3. Official Election Recounting

If the membership duly carries a motion at a duly-held¹ membership meeting to cause the Board to conduct a vote of the membership for a recount of an election, and that vote passes with 25% or more of allocated votes in the Association, the board will send out notice to all Lot Owners of a special vote recount meeting and cause to happen and oversee an official recount of the election 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 person, named by mutual agreement of the Board and the petitioning group representative, who is a local Oroville-area resident/citizen public fiduciary, like a notary, broker, or non-interested attorney. 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 same manner outlined in the Ballot & Counting Procedure Policy, using verified voter list for that election, verifying return envelopes, etc. The counters will issue a verification statement with the same addressed content

¹ Bylaw Article III, Section 4: Quorum: "The presence at the beginning of any meeting of members entitled to cast twenty percent (20%) of the votes of the Association shall constitute a quorum throughout that meeting for any action.

that the original counts included. The recount verification statement will be a record of the Association. This will be published to the entire membership.

All casts ballots from HOA election/votes will be destroyed two years after voting is originally counted and completed unless legal suit to challenging the vote commences within two years.

4. Official Election Certifications and Statements, & Other Related Statements

Certification statements or other sworn statements provided by original election counters or other fiduciaries/non-interested parties associated with any election are regarded as part of the official elections results, and any interpretation of inspection of voting results must include inspecting these statements in order to arrive at a correct understanding of true election results. These will be kept and filed by the secretary of the HOA. Any statement created by way of section 2 above shall also be included with this clause.