

# **VOTING GUIDELINES FOR MONTCLAIR PROPERTY OWNERS ASSOCIATION ANNUAL MEETINGS**

## **FOREWORD**

The Election Committee, appointed by the Board of Directors, has developed and formalized election procedures. These guidelines have been adopted by the Montclair Property Owners Association (MPOA) Board of Directors for use at Annual and Special Meetings. The guidelines will be reviewed each year and revised as needed. Suggestions for improvement should be directed to the Election Committee in care of the Montclair Property Owners Association. These guidelines were developed to ensure that every valid vote is accurately counted.

## **ELIGIBILITY**

The Articles of Incorporation state that members shall have one vote for each lot owned. When more than one person owns a lot, all owners may participate and vote by unanimous consent. However, only one vote per owned lot may be cast on any one issue properly coming before the meeting.

For a member to be eligible to vote, he or she must not be delinquent as to any financial obligation to the MPOA as of the Record Date (close of books). Only an Owner of Record will be eligible to vote. It is the responsibility of new property owners to notify MPOA of ownership changes. Any member may assign their voting rights to a lessee of the lot owned, providing that the initial period of the lease is not less than one year, by providing a written certificate signed and dated by the Member and witnessed by a person, other than the member and the assignee, who signs their name and address. Such certificate shall be filed with the company contracted to collect election ballots by 5pm ET two days prior to the meeting.

Any person filing a signed Power of Attorney with the Secretary of MPOA must also exhibit a valid picture identification card as identification and will be allowed to vote if the person to be represented is a property owner in good standing. The MPOA will notify the company contracted to collect the election ballots to issue the correct ballots.

If the original ballot is lost or not received by the Owner of Record, contact MPOA Office at 703-670-6187 and they will contact Survey & Ballot Systems for a replacement. You must leave your name, Montclair address, official billing address and contact phone number.

## **VOTING OPTIONS**

Votes may be cast by one of these three methods:

1. **By Internet:** Online go to the link for the website address provided, or by scanning the QR code on the ballot and, using your Member Number and Election Passcode located on the ballot sent to you. You must vote no later than the **5:00 p.m. ET** two days prior to the Meeting.
2. **By Mail:** Official Paper Referendum ballot mailed to Owners of Record is used for the election of the Board of Directors, Annual Budget and all issues for which prior official notification has been given and any possible Advisory question(s) to the Board. All ballots received shall be recorded. Referendum ballots must be mailed to the company contracted to collect the ballots to be received by **5:00 p.m. ET** two days prior to the Meeting.
3. **In Person at the Annual Meeting:** “Day-of-Meeting Referendum Ballots” may be cast at the Annual Meeting.

## **REGISTRATION AND VOTING THE DAY OF THE MEETING**

Individual members attending the meeting intending to exercise their privilege to vote must register. A member registering may receive voting materials and vote from 9:00 a.m. until after the Budget Presentation (approx. 11:00 a.m.). If quorum is met, the meeting will be called to order at 10:00 a.m. Nominations for Write-In candidates can only be made “from the floor” if a quorum is present. The nominees must be present, consent to the nomination, or have indicated in writing their willingness to serve. Members may not revoke previously submitted ballots.

If there is no declared candidate in a Precinct Board of Directors election, candidates may be nominated from the floor at the Annual Meeting if a quorum is present. If the voter has already voted by mail or electronically, they can be issued a ballot for a Write-In candidate the day of the meeting. Also, in the event of an At-Large Board of Directors election where there are not the required number of candidates to fill the existing slots, a voter who has already voted by mail or electronically can be issued a Write-In ballot the day of the meeting if a quorum is present. (Only voters who register to vote at the Annual Meeting receive floor ballots which have write-in slots.)

## **VALIDATION, REGISTRATION AND VOTE TALLY PROCEDURES**

1. The Election Committee will formulate and oversee the validation, registration and vote tally procedures. Candidates for Board of Directors and their immediate family members may not participate in the validation, registration or vote tally processes.
2. A candidate shall be elected as a Director by a simple majority of the Referendum Ballots timely submitted when no more than two candidates have been nominated for a single seat on the Board of Directors. In the event that more than two candidates are nominated for any single seat on the Board, the candidate receiving the most votes shall be elected for that seat, even if such candidate does not receive a majority of the votes cast for that seat.
3. In the event that both regular terms and vacancies are to be filled by an election, the candidate receiving the greatest number of votes, is elected for the longest term of office available; the candidate receiving the second highest number of votes, is elected to the second longest term of office, and so on until all of the vacant positions on the Board of Directors are filled.
4. In the event of a tie vote for a position on the Board of Directors, a new referendum ballot will be issued to all members and a vote will be taken at a future date to fill the remaining seat. Provided, however, that the candidates receiving more votes than the candidates who tie, shall stand elected. The candidate receiving a lower number of votes than the candidates who tie are eliminated from the next referendum ballot. The referendum will continue until the tie is broken and all vacancies are filled.
5. Nothing in these Guidelines shall be deemed to modify the residency requirement for precinct seats contained in the Bylaws.
6. **Procedural Voting**
  - **Procedural Floor Voting Cards:** Cards issued to property owners indicating the number of votes entitled to be cast on floor votes for procedural (i.e. tabling, motions, adjournment, etc.) matters.
  - **Procedural Paper Floor Ballots:** Used only when a paper ballot vote is requested by a duly registered member or assignee regarding a procedural floor vote.
7. **Three Types of Ballots Tallied**

- Internet Referendum Ballots and mailed Referendum Ballots will be collected and tallied by the company contracted to receive all ballots prior to the Meeting.
  - Day-of-Meeting Referendum ballots cast between 9:00 a.m. and at the end of the budget presentation (approx. 11:00 a.m.) these totals will be added to the other totals and announced when available.
8. **Recounts:** Any duly registered member or assignee at the Meeting may request and receive a voter recount as follows:
- **Procedural Votes:** the request must be made immediately after the vote tally is announced. Only one recount by show of voting cards will be permitted. Should a second recount of a floor vote be requested and the majority consents, the recount must be by paper procedural ballot. Only one paper procedural ballot will be allowed.
  - **Referendum Ballot Votes:** the request must be made verbally at the meeting or in writing to the MPOA office no more than three days after the adjournment of the meeting.
9. Unless otherwise directed by the Board of Directors, the Election Committee will dispose of ballots, envelopes, tally sheets, and registration lists 30 days after the adjournment of the meeting.