

**Procedure for Member Voting by Secret Ballot for the
KINGSWOOD ESTATES UNIT III OWNERS ASSOCIATION, INC.**

Revision A

Adopted Effective: July 23, 2020

Notice of the Annual Meeting or any special meeting of the Association Members

At least 14 days before the meeting of the members, a written notice specifying the time, date and location of the meeting will be mailed to each association member. The notice will contain the purpose and agenda of the meeting. Included in the notice will be the details of the balloting to be conducted at the meeting. The notice will indicate that an online voting system will be utilized and that ballots will be due no later than the day of the membership meeting.

Written Ballot Delivery to Association Members

Concurrent with the meeting notice, each member shall be delivered a written ballot for purposes of voting for elected Board positions or approval of proposed actions. For members who have provided an e-mail address, a written ballot shall be delivered through an online voting system. For members without e-mail or who have not provided an e-mail address to the association, a mail-in voting packet will be included in the meeting notice mailing.

Online Voting System

A vote shall be conducted by electronic means when a written ballot is delivered through an online voting system that provides all the following capabilities:

1. Authenticates the member's identity.
2. Authenticates the validity of each electronic vote to ensure that the vote is not altered in transit.
3. Transmits a receipt to each member who casts an electronic vote.
4. Stores electronic votes for recount, inspection, and review purposes.

Mail-in Ballot Distribution and Return Procedure

- 1) Each Lot owner entitled or qualified to vote that has not provided a valid e-mail address for written ballot delivery, must be mailed a voting packet by first class mail. The voting packet shall include a ballot containing instructions on how to return ballots and two envelopes (one preaddressed). Owners of more than one lot, shall receive a separate packet for each lot owned.
- 2) Ballots themselves may not identify the recipient or the voter in any fashion.
- 3) Ballots shall not be signed by the voter.
- 4) Completed ballot shall be inserted by the voter into the plain envelope and sealed.

- 5) The unmarked, sealed envelope containing the ballot shall be inserted by the voter into second sealed envelope that contains the voter's (a) name and signature, (b) address, and (c) the Lot number for which the member is voting.
- 6) The outer envelope addressed to inspectors of election, must be mailed to the address specified in the voting instructions or may be delivered by hand at the location specified where the counting of ballots will occur.

Inspectors of Election

- 1) Inspectors of election must be "independent third parties."
- 2) The Board of Directors must select one or three inspectors of election.
- 3) "Independent third party"
 - a) May be a member of the association.
 - b) May not be a member of the Board of Directors, a candidate for the Board of Directors, or related to a member or candidate for the Board of Directors.
- 4) Inspectors of election shall perform all the following functions:
 - a) Determine the number of members entitled to vote
 - b) Receive mail-in ballots at the location where ballots should be counted
 - c) Resolve any issues related to a member's right to vote
 - d) Count/tabulate votes
 - e) Determine and report the results of election
 - f) Perform any acts necessary and appropriate to conduct a fair, impartial election consistent with Arizona statutes and association's governing documents Decisions of a majority of inspectors control in the event of any disagreement among the inspectors.

Counting and Tabulation of Ballots

- 1) All mail-in votes shall be counted and tabulated by inspectors at properly noticed, open meeting of Board of Directors or of members. The total of these votes will be added to the results reported by the online voting system to determine the result of the election or approval of the proposed actions.
- 2) All association members are entitled to witness the counting and tabulation of votes.
- 3) No one other than inspectors of election may open or otherwise review any ballot prior to inspector's tabulation of ballots at designated time and place.
- 4) Sealed ballots shall remain in custody of inspectors, or at location designated by inspectors, until tabulation of votes.
- 5) In the event of recount or voting challenge, the association shall (upon written request) make ballots and the online voting results available for inspection and review by association members or their authorized representatives without identifying in any way the vote of any specific association member.

Reporting Results of Voting

- 1) Results of election shall be promptly reported by inspectors to the Board of Directors.
- 2) Results of election shall be recorded in the minutes of the next meeting of the Board of Directors and be made available for review by members of association.
- 3) Within 15 days of the completion of voting, the Board of Directors shall notify all association members the results.