



TIMBER LAKES PROPERTY OWNERS ASSOCIATION

218 Timber Lakes Estates Heber, Utah 84032

TLPOA ANNUAL ELECTION GUIDELINES

I. GENERAL PROVISIONS

- A. Prior to each Annual Meeting, the Board of Directors shall appoint a Nominating Committee Chairperson (the “Chairperson”) from the Board of Directors, and a committee of two (2) or more members of the Association, who will serve as the Nominating Committee from the close of such annual meeting until the close of the next annual meeting. Appointments of the Nominating Committee shall be announced at each annual meeting. (Bylaws Article V Section 1)
If possible, the outgoing and incoming nominating committees shall meet with the newly appointed Chairperson after the election to evaluate the election proceedings.
- B. The Chairperson shall provide all necessary election materials to the new Committee, The Chairperson makes sure that the call for “Declaration of Candidacy” (Board nomination application) is publicized in April and submissions are collected by May 1.
- C. All election expenses shall be born by the TLPOA budget. (Submit signed receipts to the office manager for reimbursement.)
- D. The Nominating Committee shall nominate applicants for election to the board at the Annual Meeting. (Bylaws Article V Section 1) The Chairperson confirms that nominees are Association members and are current on assessments.
- E. Voters must be legal owners of property in Timber Lakes. (Articles of Incorporation Article VI)
- F. Voters must be current with dues and assessments in order to vote. (Bylaws Article VII Section 1 (b))
- G. The ballot must be mailed with the Notice of the Annual Meeting no later than ten days prior to the Annual Meeting. (Bylaws Article III Section 3) Notwithstanding the ten day notice requirement, the Committee shall endeavor to mail the ballot and notice at least 30 days before the Annual Meeting.
- H. Notice of the Annual Meeting is to be posted at the TLPOA office and on the TLPOA website thirty days prior to the day the meeting is held.
- I. No director or employee shall conceal, destroy, mutilate or in any way tamper with ballots or election materials.
- J. The Board of Directors shall determine the date, time and place of the Annual Meeting. (Bylaws Article III Section 1)



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II. CANDIDATES

- A. Candidate forms may be obtained from the TLPOA office or the TLPOA web site. (Attachment #1)
- B. Candidates must be lot owners and eligible to vote (currently paid up on all assessments). (Knowledge of TLPOA issues is helpful.)
- C. Winning candidates in the annual meeting election will be sworn in at the conclusion of that meeting by the President or another member of the Board as directed by the President.
- D. Under penalty of candidacy forfeiture, no candidate for the Board or his /her immediate family shall have access to any opened ballots or proxies other than his/her own ballot(s) or proxy.

III. BALLOTS (See Attachment #2)

- A. Candidate names shall be listed alphabetically on the ballot.
- B. Official ballots shall provide blank lines for write-in candidates.
- C. Ballots shall provide a proxy line for those wishing to give their vote to the TLPOA Board of Directors or another designated proxy.
- D. Ballots (white) shall be mailed to all Timber Lakes lot owners of record.
- E. Each lot owner shall be mailed one ballot per lot and one return envelope-addressed, but without postage. All lot owner address labels are to show the lot number(s) above the lot owner's name.
- F. If a mail-in ballot (white) is hand delivered in a sealed return envelope on the day of the election, it shall be included with the mail in ballots if the lot is eligible to vote. Otherwise, only Official Meeting Ballots (yellow) shall be used to vote in person at the Annual Meeting.



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IV. ELECTION

A. MAIL-IN BALLOTS (WHITE)

1. Mail-in ballots shall be printed on white paper to insure that they are not used at the annual meeting.
2. The TLPOA office clerk is responsible for receiving and marking the returned ballot envelopes.
 - a. The clerk shall check the Lot# on the returned #9 envelope. If the lot owner is “paid-up” on all fees and assessments, the clerk shall highlight the Lot#/member on the Election Roster with GREEN, open the #9 envelope, and place the unopened #6 envelope marked “Ballot or Proxy Form Only” in the locked ballot box.
 - b. The clerk shall place a red mark on the unopened envelope if the lot owner is not current on all fees and assessments, and place it in a large envelope labeled accordingly.
 - c. If #9 envelopes are returned with no Lot# on them the envelopes should be left unopened and destroyed.
 - d. Clerk shall keep all #9 envelopes and bring to the election in case a member disputes having voted already.
 - e. The Master Election Roster shall be electronically generated, and highlighted by the office clerk for each mailed in ballot received. Green highlight represents eligible to vote. Red highlight represents not eligible to vote.
 - f. The Master Election Roster shall be broken down alphabetically, and into five sections. (A-C; D-H; I-M; N-R; S-Z) Election Roster is to be highlighted at the annual meeting. Yellow means meeting ballot picked up. Blue means paid on the day of the election, and ballot picked up.
 - g. The unopened #6 “Ballot or Proxy Form Only” envelopes shall be placed in a locked ballot box. The Chairperson shall provide the lockable ballot box. This is usually borrowed from the Wasatch County Clerk, 25 North Main, Heber City, Room 209. The TLPOA President and the Chairperson shall each keep a key to the ballot box. However, if the President is an incumbent candidate, a Vice President shall keep a key.

B. MEETING BALLOTS (YELLOW)



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1. Meeting ballots shall be printed on yellow paper to distinguish them from the mail-in ballots (white), so mail-in ballots are not used at the meeting.
2. A yellow meeting ballot may be obtained at the cashier table upon verification of “paid-up” status according to the Election Master Roster.
2. After the president’s welcome, etc. the Chairperson will introduce the candidates and call for any nominations from the floor.
3. Each candidate may give a 3-minute speech (timed).
4. After all the candidates have had the opportunity for their 3-minute speech, members may ask the candidates questions.
5. A board member will present the pros & cons for any resolutions on the ballot.
6. The poll will be open for five (5) minutes. Members place yellow meeting ballots in the lock box. When the poll closes the lock box is taken to the counting judges in a secured chamber for tally.

C. COUNTING BALLOTS (See Attachment #9)

1. The Chairperson recruits at least four (4) Ballot Counters prior to the annual meeting. These Ballot Counters shall count and verify the votes.
2. The Ballot Counters shall meet one to two hours prior to the annual meeting and shall count the mail-in ballots. The result of this count shall be kept confidential and shall not be discussed with anyone outside of the Ballot Counters. Separate Tally List Sheets shall be kept for mail-in (white), meeting (yellow) and proxy ballots. During ballot counting, the top of the Tally List Sheet must be filled out completely (Type of Ballot being counted, Sheet #, etc.)
3. The office clerk shall deliver the locked ballot box and its contents to a secure room at the annual meeting where ballots will be counted. One Ballot Counter will open the envelopes, one reads aloud the ballots one at a time, two Ballot Counters record the vote on two separate tally list forms. (Attachment #3)
4. Ballot Counting Instructions:
 - a. If the voter’s choices for a candidate or a resolution are not clear on a portion of the ballot, that section(s) shall be treated as if the voter had left that section(s) blank.



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- b. If more names have been marked than are called for on the ballot, the voter's choices are not clear. The ballot shall be counted as if all votes for candidates were left blank.
 - c. If on "Yes/No" choices, the voter has marked both, the voter's choice is unclear, therefore the ballot shall be counted as if this portion was left blank.
 - d. If a voter has crossed out a mark on the ballot and made another selection, if his intent is clear, it shall be counted.
 - e. Write-in votes for fictitious persons, non-persons, or persons clearly not eligible to qualify for office shall not be counted.
 - f. The Chair will confirm that any write-in candidates are members, current on their assessments.
 - g. If one portion of the ballot is ruled as unclear that shall not void other sections that are marked correctly.
 - h. If a ballot envelope is opened with both a valid ballot and a signed proxy form inside, the ballot shall be used and the proxy form shall be marked as not used. If the ballot is blank the proxy form shall be used.
 - i. Voided ballots shall count towards meeting the quorum requirements.
5. Counted ballots shall be stored in an envelope marked **COUNTED BALLOTS**.
6. **PROXIES:**
- a. Mailed-in proxy ballots shall be placed in an envelope marked **PROXY**.
 - b. In the June Board meeting prior to the election, the TLPOA Board shall determine how to vote the proxies not assigned to a specific Board member. Generally, past Boards divided the "un-assigned" proxies to the Board members who are NOT running for a Board position in that election.
 - c. As Ballot Counters open the mail-in ballot envelopes in the secure room, they staple any proxies to a separate white ballot. As the Ballot Counters come across any proxy forms in the locked box containing the yellow ballots from the day of the election, they staple a yellow ballot to each proxy form.



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- d. During the voting period of the annual meeting, the Lead Ballot Counter gives all the mailed-in proxies (each stapled to a white ballot) and the day-of proxies (stapled to a yellow ballot) to the Chairperson. The Chair confirms that all proxies are from members, current on their assessments, and distributes them to the relevant Board members. At the close of the voting period, the Chairperson collects the proxy ballots from the Board and takes them to the Lead Ballot Counter in the secure room.
7. The Lead Ballot Counter finalizes a Master Tally Sheet for Mail-in ballots (white), Meeting ballots (yellow) and Proxy ballots to determine the election results.
8. The Chairperson shall confirm that quorum requirements were met and report to the audience the names of the candidates receiving the three highest vote tallies.
9. At the conclusion of the Annual Meeting, the Chairperson shall provide to those being sworn in, a hard copy of the "oath of office" verbiage. The President or another Board Member designated by the President shall administer the oath of office to the new directors. (Attachment #5).

D. QUORUM REQUIREMENTS:

All ballots with valid votes shall be counted to determine if the quorum requirement was met.

1. For the election of candidates to the TLPOA Board the quorum requirement is 10% of those eligible to vote. (Bylaws Article V Section 2)
2. For a resolution, which increases the assessments or levies a special assessment the quorum requirement is 1/3 (33 1/3 %) of those eligible to vote. (CCRs Article VI Section 5)
3. All invalid and blank ballots provided by Owners by mail, proxy or in person shall count towards the constitution of a quorum.

E. DETERMING RESULTS

1. For the election of members to the Board of Directors, if the quorum requirements have been met, the winners shall be those with the three highest totals.
2. For resolutions requiring a majority vote. A majority vote shall mean a majority of votes cast.



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3. For resolution requiring a “vote of two thirds of members voting”. A two-thirds majority shall mean two-thirds of the votes cast.

F. ELECTION CHALLENGES

Any lot owner contesting election results must present a written request for a recount within thirty (30) days after the election. The guidelines for contesting an election must fall within one of the following:

1. Fraud or corruption
2. Matters of candidate ineligibility
3. An error by election personnel which affected the outcome of the election

Members of the prior and incoming Nominating Committee shall be present for the recount and certify their findings.

After recount the results will be given to the TLPOA board. This recount is final and no other contest is permitted.

G. ARCHIVE

Original forms and information shall be placed in the election archive data file in the TLPOA office. Election Archive Data File: A hard copy sample of every item included in the Ballot Mailer Packet (See Attachment #7), printing instructions, and notes from those involved in the election. The TLPOA office manager shall keep organized computer files for each year’s election.

30 days after the election, and when any election contests are complete, the Chairperson shall dispose of the used ballots and surplus/unused ballots and materials.

H. AMMENDMENTS

Amendments to this document shall require the approval of a minimum of six of the nine directors.



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Attachment #1

**DECLARATION OF CANDIDACY
BY**

_____ for the office of TLPOA DIRECTOR
(Print candidate's name)

DATE: _____

I, _____ Declare my intention of becoming a candidate for the office of Director on the Timber Lakes Property Owners Association Board. I do solemnly swear (or affirm) that I qualify to hold said office according to its Bylaws, Declaration of Protective Covenants, Maintenance Agreement, & Articles of Incorporation.

I own lot(s) # _____ in Timber Lakes.

I reside at _____

(Address- include zip)

Phone: _____

Fax: _____

E-mail: _____

I will not knowingly violate any TLPOA policies or procedures governing this association.

Signature of Candidate

TO BE RETURNED TO THE TLPOA OFFICE
BY _____

(OVER-PLEASE FILL OUT BACK SIDE)



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What areas are you most interested in serving on the TLPOA Board? (Security, Roads, Plan Approval, Government Liaison, Newsletter, or Recreation)

Please list experience/education you have relating to your choice that may be helpful.





How do you feel you can best help on the Board and serve the people of Timber Lakes?



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Attachment #2 – Sample Ballots

 OFFICIAL BALLOT TLPOA Board Election Heber, Utah Date: July ____	 OFFICIAL BALLOT TLPOA Board Election Heber, Utah Date: July ____	 OFFICIAL BALLOT TLPOA Board Election Heber, Utah Date: July ____	 OFFICIAL BALLOT TLPOA Board Election Heber, Utah Date: July ____
<p>VOTING INSTRUCTIONS: To vote for a candidate place a cross (X) in the square at the right of the name of the person, or write in the name(s) of write-in candidate(s), or place a cross (x) in the square at the right of the Proxy.</p>			
For DIRECTOR Three Year Term	Vote for Three (3) only	For DIRECTOR Three Year Term	Vote for Three (3) only
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Write-in Candidate(s)		Write-in Candidate(s)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PROXY: I assign my vote(s) to the TLPOA Board as proxy to cast my vote(s).		PROXY: I assign my vote(s) to the TLPOA Board as proxy to cast my vote(s).	



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Attachment #3

Tally Sheet

COUNTING JUDGES NAMES: _____

Type of Ballots being counted _____

Sheet Number _____

Candidate Name/Resolution:																Total Votes			
5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300
305	310	315	320	325	330	335	340	345	350	355	360	365	370	275	280	385	390	395	400

Candidate Name/Resolution:																Total Votes			
5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300
305	310	315	320	325	330	335	340	345	350	355	360	365	370	275	280	385	390	395	400

Candidate Name/Resolution:																Total Votes			
5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300
305	310	315	320	325	330	335	340	345	350	355	360	365	370	275	280	385	390	395	400

Candidate Name/Resolution:																Total Votes			
5	10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200
205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300
305	310	315	320	325	330	335	340	345	350	355	360	365	370	275	280	385	390	395	400



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Attachment #4

MASTER TALLY SHEET
TLPOA BOARD ELECTION

Date: _____

Ballot Type & TALLY SHEET #	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution	Candidate/Resolution
Total:									

We, Judges(s) of the above tally sheets, do hereby certify that it is a true and correct list of all the persons voted for at the TLPOA Annual Meeting and the number of votes cast for each candidate respectively named.



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Attachment #5

Oath of Office
Of the
Timber Lakes Property Owners Association

I (state name) do solemnly swear that I will support, obey and defend the By-laws, Declaration of Protective Covenants, Articles of Incorporation, and Maintenance Agreement of the Timber Lakes Property Owners Association. I will not knowingly violate any policy or procedure of this association. I will discharge the duties of this office of director with fidelity.

Affirmed:

Sworn on this the _____ day of _____, _____

By _____



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Attachment #7

Election Checklist and Timeline

(This checklist assumes the Annual Meeting is held on the second Saturday in July. If the Board determines to hold the Meeting on a different date, the dates in the checklist need to be adjusted accordingly.)

1. Prior to Annual Meeting, Board appoints Nominating Committee and its Chairperson to serve for the NEXT YEAR's election.
2. The Nominating Committee Chairperson makes sure that the call for "Declaration of Candidacy" (Board Nomination Application) is publicized by the first week in April.
3. The Nominating Committee Chairperson makes sure that the "Declaration of Candidacy" (Board nomination application) submissions are collected by May 1.
4. All Resolutions to be on the ballot completed by May 15th
5. President's letter to be mailed with the ballots complete by May 15th
6. Bios for Board Nominations due by May 15th
7. Ballot design complete by May 15th
8. Ballot Mailer Packet finalized and sent to printer by May 20th
 - Ballot Mailer Packets May Include:**
 - a. Letter from the President (optional)
 - b. Informational Flyer (optional)
 - c. Common Area Committee Update (optional)
 - d. Notice of the Annual Meeting (which includes a list of candidates for the TLPOA Board of Directors, voting instructions, etc.)
 - e. Annual Election Instructions
 - f. Official Proxy Form
 - g. Official Ballot
 - h. #10 envelopes
 - i. #9 envelopes pre-addressed to the TLPOA, has line for members to write in Lot#
 - j. A #6 envelopes marked "Ballot or Proxy Form Only"
 - k. The budget for the next fiscal year beginning July 1 (optional)
 - l. Contact Info Update Form (optional)
 - m. Matching Fire Funds Form (optional)
 - n. Weed Form (optional)
 - o. Rules Flyers (optional)
 - p. SNM/ATV Permit Form (optional)
9. Mail Ballot Mailer Packets by the first week in June.



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10. June 1, Nomination Committee Chair secures lock box
11. By June 7 create the Master Roster, listed by lot#. The clerk marks the roster as mail-in ballot envelopes are received. Green means mail-in ballot envelope received and eligible to vote. Red means mail-in ballot envelope received but not eligible to vote.
12. By June 7 create A-Z (by last name of member) lists broken down into five sections (A-C; D-H; I-M; N-R; S-Z). As the mail-in ballots are received by the office manager, the A-Z lists will be marked in Orange if a mail-in ballot envelope was received AND Green (if assessments are paid) or Red (if assessments are not paid). The A-Z lists are to be marked at the annual meeting as follows: Yellow means meeting ballot (yellow) picked up; Blue means paid on the day of the election and meeting ballot (yellow) picked up.
13. Post Annual Election, former Nomination Committee Chair, Secretary and Office Manager meet to discuss process and make any necessary revisions to election documents.



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ATTACHMENT #8

Timber Lakes Property Owners Association- Annual Election SAMPLE Printing & Mailing Instructions

Printing

We need 1537 sets, consisting of the following documents:

1. Letter from the President (1 page)
2. Notice of Annual Meeting (1 page)
3. Annual Election Instructions (1 page)
4. Candidate Bios for TLPOA Board of Directors (1 page)
5. TBD – Informational Flyer (1 page)
6. Official Proxy Form (1 page)
7. Official Ballot (The ballot is printed three to a page and needs to be cut into three separate ballots. One ballot is included in each set)
8. The Budget for next fiscal year beginning July 1 (1 page)
9. #9 Envelope with our address preprinted and “Lot # _____” printed in the top left (return address location) (one envelope – See Sample #9)
10. #6 envelope with the preprinted phrase “Ballot or Proxy Form ONLY” (one envelope – See Sample #6)
11. #10 envelope stuffed with the above items, addressed to the owner

Items #1 and #2 can be printed back to back on one piece of paper.

Items #3 and #4 can be printed back to back on one piece of paper.

Items #5 and #8 can be printed back to back on one piece of paper.

The Fold and Stuff operation should be completed so the paper with Items #1 and #2 are the first page (or top page) in the inserted material. Print everything black on white except the yellow paper for the one set of ballots. The ballots included in the mail out are black on white. The ballots you return to us are black on yellow.

NOTE: Some items may be provided, already printed (i.e. Common Area Committee Update) and ready to stuff with the items above.

PROOF: A TLPOA representative needs to sign off on a proof of all items to be included in the #10 envelope AND the envelopes.

Mailing

1537 - #10 envelopes with our address printed in the return address area as follows:

Timber Lakes Election Committee
218 Timber Lakes Estates
Heber City, UT 84032-9695

with the name & address of the owner printed on the envelope as addressee. Mail one separate set of documents to the owner of each lot. If an owner owns three lots, he will receive three mailings. This means we will be mailing duplicates, but that is simpler than worrying about stuffing the correct number of ballots into each envelope.

Ballots

Three to a page; so print 513 ballots on white paper, cut each page into thirds, trimming excess if possible. White ballots are stuffed into the #10 envelopes. Also, print 130 ballots on yellow paper, cut each page into thirds, trimming excess if possible. Return the yellow ballots to Timber Lakes. The yellow ballots are not mailed out. They are used for owners who vote in person at the meeting.

PDFs

Send all forms to the printer as a PDF as this will eliminate the need for you to proofread. The printer can simply print what you send them.



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ATTACHMENT #9
Timber Lakes Property Owners Association
Annual Election
Supplies Needed for Ballot Counters

1. Letter Openers
2. 12 Tally Lists (attachment #3)
3. 6 Master Tally Sheets (attachment #4)
4. Mechanical pencils
5. Envelope marked for "Void Ballots"
6. Envelope marked "Counted Ballots"
7. Envelope marked "Proxy Ballots"
8. Pre-label and number Tally Lists (attachment #3)



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Revision History

		<u>Approved</u>
Revision 1		March 23, 2000
Revision 2	Added paragraph II D	June 26, 2000
Revision 3	Modified wording of sections: I H; III E; IV A; IV A c; IV B 1; IV C 5; IV C 6; and IV C 9. Added sections: IV B 1; IV C 4 D; IV C 4 E; IV C 10; IV C 11 and Attachments #5, #6 and #7.	May 31, 2001
Revision 4	Added letter designation for colors Section IV 2c; Modified Attachments 2, 3, 4, and 5	July 5, 2001
Revision 5	Additions to I A, section III E., section IV A2d, section C 1 and section F. Change section C 4. Add Section D and E	Aug 1, 2002
Revision 6	Modified wording throughout document and sections: I B, I G, IV A 2 a, b, c and e, IV C 2, 4 and 9, IV D 3, IV G, Attachment #3, Attachments #4, and Attachment #7; Added sections: I J, IV B (new)4, IV C 7 and IV A 2 (new) c; Omitted Attachment #6; Added Attachment #8 and Attachment #9	June 19, 2013
Revision 7	I A; IV A added d, edit g; IV C 4 added f; IV C 6 d; Attachment #7 2, removed 4, edited items in 8, 9, 11, 12	April 22, 2014
Approved	<u>(Enter date of revisions)</u>	
