

Chapter 50 - Elections

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Chapter 50 – Elections

50.010. Definitions *(references to proxy voting removed – Res. 08-06am, 4/16/08)*

- A. “Designee” means an election official designated by the board secretary or the election chair to act on his/her behalf for an election. Any such designee must be sworn in before performing any election tasks. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*
- B. “Election Committee Instructions” is a board secretary and election committee chair document issuing detailed instructions to the election committee for the conduct of the election. *(Res. 09-25, 11/18/09)*
- C. “Member in good standing” means that the member is eligible to vote in a community election by virtue that all assessments, fees and charges for the member’s property are not due and payable in excess of 60 days. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*
- D. “Official register” is the list of members who are eligible to vote in the election, the basis for which shall be the ownership records. *(Res. 05-07 am, 6/15/05)*
- E. “Voting in person” means that a member presents him/herself to the election committee during the hours the polls are open to obtain and vote an official ballot in person. *(Res. 05-07 am, 6/15/05)*
- F. “Voting by mail” means that a member utilizes the option of mailing in the ballots by completing the voter affidavit form on the mail-in ballot envelope and having the ballots delivered no later than the time the polls open for in-person voting on election day. *(Res. 09-25, 11/18/09, Res. 10-09, 9/15/10)*
- G. “Voting electronically” means that a member utilizes the option of voting online using an electronic voting service as may be determined by the board secretary. *(Res. 14-05, 2/19/14)*
- H. “Yes and No Votes” where referred to in this chapter a “Yes” vote shall mean an affirmative vote or its equivalent and a “No” vote shall mean a negative vote or its equivalent (e.g., approve/disapprove, ratify/reject, etc.). *(Res. 09-25, 11/18/09)*

50.020. Rules to be prescribed

The board shall prescribe the general rules for the conduct of community elections. The board secretary, in accordance with the provisions of this chapter, shall administer all community elections, including issuing instructions to the election committee and members. *(Res. 05-07 am, 6/15/05)*

50.030. Time of elections

During the course of an annual membership meeting or a special membership meeting, the board may hold an election for the purpose as described in the notice of the election. *(Res. 05-07 am, 6/15/05)*

50.030.010 Annual election

Pursuant to By-Laws, Article V, Section 1, an annual election shall be held in the community for the purpose of filling board of directors’ vacancies and for the determination of other matters as may be placed on the ballot by action of the board. *(Res. 05-07 am, 6/15/05)*

50.030.020 Special election

Pursuant to By-Laws, Article V, Section 2, the board, by motion or adoption of a resolution, may call a special election at any time at least 10 days prior to the date of the election for the purpose as described by action of the board and in the call for the election. *(Res. 05-07 am, 6/15/05)*

50.040. Notices

- A. At least 85 days prior to the annual election, the board secretary shall post a notice at the community business office, in the newsletter and on the community website describing the manner in which members may declare candidacy for the board and stating the deadline for filing for a position. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*
- B. According to Declaration of Protective Covenants, Article VI, General Provisions, Section 7, the declaration may be amended at any time provided that notice of the amendment shall be given as

one of the stated objects of the meeting and provided further that a copy of the proposed amendment is posted upon the bulletin board of the Clubhouse at least fifty (50) days prior to such meeting. For an election where no amendment to the Declaration of Protective Covenants is proposed, the board secretary shall post a notice of the election at the community business office and provide a notice of said election to each member as prescribed in By-Laws, Article V, Sections 1 and 2. Notice shall be made no later than 10 days prior to the annual or special meeting and election. *(Res. 07-13, 9/19/07; Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)*

- C. Each notice of meeting/election shall include the following information, as applicable:
1. Type of election, whether regular or special.
 2. Date and time of the meeting/election.
 3. Location of the polling place.
 4. Times the polls will open and close.
 5. Number of board members to be elected.
 6. Ballot issues to be voted upon.
 7. Member voting eligibility.
 8. Instructions for voting in person, by mail, or electronically.
 9. Instructions for validly marking a ballot.

(Res. 05-07 am, 6/15/05; Res. 08-06 am, 4/16/08; Res. 08-19, 10/15/08; Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)

50.050. Instructions for marking in-person and mail-in ballots

- A. Instructions for validly marking a ballot: *(Res. 08-19, 10/15/08; Res. 09-25, 11/18/09)*
1. Mark ONE choice by placing an “X” or check mark in the box or by filling in the box completely.
 2. Marking the ballot in any other fashion may disqualify the vote.
 3. Mark the Ballot in INK. Ballots marked in pencil will not be counted.
- B. In addition to voting for those members who have officially declared their candidacy and are included on the ballot, voters may legibly write-in the name(s) of another member(s) on the line provided. *(Res. 09-25, 11/18/09)*
- C. The board secretary shall prepare instructions for election day explaining to members how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled. Locked ballot boxes shall be placed at the polling place in plain view of the election committee, voting members and other members. *(Res. 05-07 am, 6/15/05; Res. 08-19, 10/15/08)*

50.060. Election materials preserved

The board secretary shall preserve all election tallies, registers, all voted ballots and declarations of candidacy filed for 30 days after certification of the election results by the board. The board’s certification of the election results shall be a permanent record of the community. *(Res. 05-07 am, 6/15/05)*

50.070. Board candidacy

50.070.010 Board member candidate

A candidate for board member must be a member in good standing in the community and shall have filed in a timely manner for the vacancy. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*

50.070.020 Declaring candidacy

- A. Between the dates of January 1 and 55 days prior to the election, a member in good standing, seeking to have his/her name placed on the ballot for a board position, shall file with the board secretary an application for board candidacy on the Board Candidate Form.
- B. Upon receipt of the Board Candidate Form, the secretary shall determine if the applicant is a member in good standing. Upon certifying the candidate, the secretary shall place the member’s name on the ballot for the coming election. The secretary shall notify a member failing to qualify that the application for board candidacy is rejected, provide the reason for the rejection,

and advise the applicant of the time limitations to remedy the situation. Notice of rejection shall be mailed to the member's mailing address as shown on his/her Board Candidate Form within 5 days of receipt of the application.

(Res. 07-13, 9/19/07; Res. 09-25, 11/18/09)

50.070.030 Write-in candidates

In addition to voting for those members who have officially declared their candidacy and are included on the ballot, voters may write-in the name(s) of another member(s). *(Res. 09-25, 11/18/09)*

50.070.040 Withdrawing candidacy

A candidate desiring to withdraw a declaration of candidacy may do so by filing a written request for withdrawal with the board secretary no later than 5:00 p.m. on the last day to file for office. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*

50.075. Member Petitions

- A. As provided by the Shelter Bay Community, Inc. Protective Covenants and By-Laws, members may submit a petition with supportive rationale to the board secretary proposing an amendment to the document.
- B. In order for a petitioner proposed amendment to be placed as a ballot issue for the next annual membership meeting, a pre-petition with a minimum of 10 voting member signatures shall be submitted by no later than December 1st of the preceding year. The language provided for the petition will be reviewed by the board secretary, rules committee, and legal counsel to ensure it is compatible with provisions of the Revised Code of Washington (RCW) and other governing document language. Within 30 days of receipt of the petition, the board secretary will provide the petitioners with written confirmation as to the sufficiency of the petition and will work with the petitioners on any necessary revisions to the text of the petition.
- C. Once the text of the petition has been finalized, the community will provide notice on the website and in the newsletter that the petition is available for member signatures at the office. This does not preclude the petitioners from gathering qualified signatures in addition.
- D. When sufficient signatures have been obtained as prescribed by the Protective Covenants or By-Laws, the board of directors will approve including the ballot issue, subject to final legal review, with the election materials.
- E. The gathering of signatures for member petitions, whether for the pre-petition or the petition, shall not be considered solicitation.

(Res. 17-14, 9/20/17)

50.080. Ballots

50.080.010 Form of the in-person and mail-in ballots

The title "Board Members" shall be followed by the printed names of the candidates with a box next to each name. Below the names shall be blank lines equal in number to the board positions to be elected where a member may vote for a write-in candidate by legibly writing in another member's name. The words "Vote for no more than _____," with the appropriate number replacing the blank, shall be placed before the list of candidates. Names of candidates shall be printed as they appear upon the application filed with the board secretary, except that neither an honorary nor assumed title nor a prefix shall be shown. A candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be set out on the ballot based on a random drawing. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09; Res. 12-17, 10/17/12)*

- A. The ballot issues to be voted on shall follow the candidates for office or shall be on separate ballots, as the board secretary may determine. The ballot shall contain a summary of the ballot issue and make reference as to the location of the detailed explanation of the ballot issue. The words "Yes" and "No" shall appear below each ballot issue for appropriate marking. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*

- B. Each ballot shall bear the words “Official Ballot”, the date of the election, and shall contain a ballot identifier in the upper right hand corner. *(Res. 05-07 am, 6/15/05; Res. 08-19, 10/15/08; Res. 11-17, 9/21/11)*
- C. Only official ballots provided by the board secretary will be accepted. No facsimiles or copies of the official ballots shall be accepted. This provision applies to in-person and mail-in voting. *(Res. 05-07 am, 6/15/05; Res. 07-13, 9/19/07; Res. 08-06 am, 4/16/08)*

50.080.020 Printing and availability of ballots

The board secretary shall have the ballots printed for community elections and shall possess the ballots for mail-in at least 10 days before each regular or special election. At the time of the first printing, the ballots may be inspected by any candidate whose name is on the ballot, or by his authorized agent, and any mistake discovered shall be corrected immediately prior to the mailing of the ballots. *(Res. 05-07 am, 6/15/05; Res. 08-06 am, 4/16/08; Res. 09-25, 11/18/09)*

50.080.030 Ballot issues

- A. All ballot issues shall be stated concisely and clearly to inform and advise each member on the issue(s). A summary of all ballot issues shall be provided in the notice of election and on the ballot with a reference to the location of the full detailed explanation. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09; Res. 16-18, 12/14/16)*
- B. Ballot issues proposed by the board of directors shall include an explanation and rationale statement limited to one page in length. If additional information needs to be provided, it may be made accessible at the office or by a link with the electronic voting materials.
- C. Ballot issues proposed by member petition shall include a rationale statement in support of the ballot issue. Such statement shall be limited to one page in length and shall be filed with the board secretary by the author(s) of the ballot issue within 5 days of the board of directors’ approval for including the petitioners ballot issue with the election materials. *(Res. 10-09, 9/15/10)*
- D. Pro and con statements to any board-proposed or petitioner-proposed ballot issue may be submitted by members in good standing. The board secretary will provide notice of the allowed timeframe for the submission of these statements. Pro and con statements will be limited to one per member and to one page in length and shall include the member’s name and lot number. Such statements will be included in the election materials.
- E. Pro and con statements shall provide factual information containing the member’s rationale. Statements containing profanity or derogatory statements which undermine the spirit of civility or any slanderous statements or personal attacks toward individuals or groups, as determined by the board secretary, will be rejected.
- F. The distribution of handouts, flyers, or other materials by any means except by mail or invited contact will be considered a form of solicitation as defined by Rules and Regulations, Part I, and is therefore prohibited.
- G. All ballot issues shall be stated in the affirmative so that a “Yes” vote will always mean that the member approves the affirmative of an issue and not the negative. A “No” vote disapproves the affirmative statement of an issue. Ballot issues shall not be phrased to obtain a negative result by the casting of a yes vote. Simple sentences will generally be used in preference to complex or compound sentences. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*

50.090. Election committee

50.090.010 Election committee appointed

- A. At least by the regular March board meeting before the annual election, or no later than 10 days prior to a special election, the board secretary shall recommend at least five election committee members for board appointment. The board secretary shall designate one election committee member as the chair who shall be responsible primarily for administering the election. As provided for in the election committee instructions, the committee shall set up the polling place, prepare the ballot boxes, set up the registers, register the voting members and tally the results.

- B. Should the board secretary determine that an election committee member needs a replacement or that additional members will make the election run more smoothly, the board secretary, or the designee, may appoint additional election committee members and so notify the board, in writing, as soon as practicable following the election.
- C. The election committee members will meet following the election to critique the election and send a report to the board of directors as to their observations concerning the conduct of the election. The report is due as soon as practicable following final certification of the election.

(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)

50.090.020 Election committee qualifications

- A. An election committee member must be a member of the community in good standing and may not be an immediate family member of a current member of the board. *(Res. 05-03am, 1/19/05; Res. 05-07 am, 6/15/05)*
- B. Candidates or board members shall not serve on the election committee. Certain familial, business and other legal relationships may not exist between a candidate and an election committee member in annual elections. Those relationships are:
 - Mother, mother-in-law, stepmother;
 - Father, father-in-law, stepfather;
 - Sister, sister-in-law, stepsister;
 - Brother, brother-in-law, stepbrother;
 - Spouse, children;
 - Person sharing the same living quarters;
 - Co-Manager of a property held by a limited liability company; or
 - Co-trustees of a property held in trust.

(Res. 05-03, 1/19/05am; Res. 05-07am, 6/15/05; Res. 10-09, 9/15/10)

- C. Member participation in the governance of the Community is important. Membership on the election committee does not preclude a member from supporting a candidate or ballot issue. However, members appointed to the Election Committee are charged with performing their duties in a neutral manner. *(Res. 12-17, 10/17/12)*
- D. An election committee member must be free of any conflict of interests with the ballot issues. The board secretary may determine if a conflict exists and remove the conflicted member from the election committee. Those persons authoring ballot issues would be deemed to have a conflict of interest. *(Res. 05-07am, 6/15/05)*
- E. If the board secretary or designee knows or learns that any of these relationships exist, the election committee member shall be notified and replaced. *(Res. 05-03am, 1/19/05; Res. 05-07 am, 6/15/05)*

50.090.030 Election committee oath

The board secretary or designee will administer an oath to an election official or election committee members appointed to perform duties as prescribed in this chapter. All election committee members, before entering upon their duties must subscribe to the following oath:

I _____ affirm that I will serve as an election official and/or election committee member for the Shelter Bay Community, Inc. election to be held on _____, _____. I will uphold the Rules and Regulations of Shelter Bay Community, Inc. in the conduct of my duties. I am a member in good standing of the Community and am not, nor is any member of my family, currently serving on the Board or is a candidate for a position on the Board of Directors.

/s/ the election official and/or election committee member

/s/ attested to by the board secretary or designee. *(Res. 05-07 am, 6/15/05)*

50.090.040 Election committee training

At least once prior to the election, the board secretary and election committee chair will conduct an election committee training session with the members of the election committee. All new processes and procedures shall be thoroughly presented and the election committee instructions provided. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*

50.100. Conduct of election

50.100.010 Preparing the official register

- A. The board secretary or designee shall prepare the official register for the election. The register shall be organized by lot number, with a space for the member voting to sign his/her name next to the lot number(s) owned by the voting member. *(Res. 05-07 am, 6/15/05)*
- B. At a time designated by the board secretary and prior to the election committee validating the mail-in ballots, the board secretary or designee shall download the information from the online voting system and indicate on the official register those members who have voted electronically by placing an “E” next to the member’s name. *(Res. 14-05, 2/19/14)*
- C. At a time prior to the opening of the polls on election day, as designated by the election committee chair, the election committee will validate the mail-in ballots received by that time by: Using the information provided on the voter affidavit form, determine that the member voting by mail-in ballot is eligible to vote, that the member has not already voted electronically, and mark the official register with an “M” next to the member’s name indicating the member has voted by mail. The unopened ballot envelope shall then be placed in the ballot box being used for mail-in ballots. If the member has already voted electronically, the mail-in ballot is invalid. *(Res. 05-07 am, 6/15/05; Res. 07-13, 9/19/07; Res. 08-06 am, 4/16/08; Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)*
- D. Mail-in ballot envelopes which the election committee chair determines to be invalid shall be tallied and recorded as such. Following the election, the board secretary will attempt to notify any member whose mail-in ballots are not counted and the reason for such rejection. *(Res. 09-25, 11/18/09)*

50.100.020 Opening the polls

- A. On the day of the election, the election committee chair or designee shall open the polls for voting at the specified time and shall close the polls at the specified time as stated in the notice of election. The polls shall be continuously open throughout the stated time period. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*
- B. In compliance with the board secretary’s election committee instructions, the chair of the election committee shall determine when, where and how the committee will perform their various tasks. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*
- C. Before issuing any ballots, the election committee must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place for in-person voting. The ballot box shall then be closed, locked, and shall not be opened again or removed from the polling place until the polls have closed. *(Res. 05-07 am, 6/15/05)*

50.100.030 Announcing the closing of the polls

Fifteen minutes before the closing of the polls, and at the time of closing of the polls, the election committee chair or designee shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the polls. After closing, no person shall be allowed to enter the polling place for purposes of voting. Every qualified member present and in line at the time prescribed for closing the polls may vote. *(Res. 05-07 am, 6/15/05)*

50.110. Voting

50.110.010 Voting in-person (Deleted proxy reference: Res. 08-06 am, 4/16/08)

- A. A member desiring to vote in person shall appear at the polls during polling hours in order to register and cast an official ballot. *(Res. 05-07 am, 6/15/05)*

- B. The election committee shall cause each ballot, prior to it being issued to a voting member, to be date stamped with the date of the election using colored ink. This date stamp will become the method to determine if used ballots are authentic. The election committee may count only those marked ballots containing the applicable date stamp. *(Res. 05-07 am, 6/15/05)*
- C. The election committee shall keep an official register in which each member, before receiving his ballot, shall give his/her lot number(s) and shall sign his/her name. The signing of the register constitutes a declaration by the member that he/she is qualified to vote and that the vote being made is the only vote to which the member is entitled. If any election committee member present believes the person attempting to vote is not qualified, the election committee member may ask for identification and/or refer the person to the board secretary or designee for verification. *(Res. 05-07 am, 6/15/05)*
- D. If a person's name does not appear on the official register, such person shall be referred to the board secretary or designee for verification. If the board secretary or designee finds that the member should be added to the official register, the election committee member registering voters will be so advised and will add the member's name to the register. *(Res. 05-07 am, 6/15/05)*
- E. If the member registering has an "E" or an "M" next to his/her name, the election committee is to direct this member to the election committee chair or designee as the "E" or "M" indicates the member has already submitted a ballot. The election committee chair or designee shall advise the member that his/her electronic or mail-in ballot has been received and is ready to be counted, therefore, the member may not receive another official ballot. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)*
- F. If a member registering brings in their completed mail-in ballots, the election committee member shall relay that mail-in voting has closed and register the member for in-person voting. Members may only vote once, either electronically, by mail or in-person. *(Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)*
- G. When a member has qualified to vote, the election committee member shall give the member an official ballot or ballots. The member shall retire to a private place to mark the ballot(s). *(Res. 05-07 am, 6/15/05)*
- H. A qualified member who is unable to read, mark the ballot, or sign his/her name may request an election committee member or not more than two persons of his choice to assist him. *(Res. 05-07 am, 6/15/05)*
- I. When the voting member has marked the ballot, the voting member shall proceed to the ballot box and deposit the ballot. All actions of the election committee members shall be to protect the secrecy of the voting member's ballot. In all cases the voting member, in the presence of an election committee member, shall deposit the ballot in the ballot box unless the member requests the election committee member to deposit the ballot. *(Res. 05-07 am, 6/15/05)*

50.110.020 Voting by mail

- A. Voting by mail may be used for the annual election and any special elections. The board secretary shall furnish mail-in ballots to each member in good standing wishing to vote by mail. The notice of the election shall contain detailed instructions for voting by mail including how to obtain the official mail-in ballots, a ballot secrecy envelope, and ballot mailing envelope. These three components shall be of different colors, as selected by the Board Secretary. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09; Res. 11-17, 9/21/11; Res. 13-07, 3/20/13; Res 16-18; 12/14/16)*
- B. An eligible member desiring to use a mail-in ballot, shall mark the official mail-in ballot, place it into the ballot secrecy envelope, insert the secrecy envelope into the ballot mailing envelope, complete the voter affidavit on the back of the ballot mailing envelope, and mail it as defined in this subsection. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09; Res. 11-17, 9/21/11; Res. 13-07, 3/20/13)*
- C. The content of the voting member's affidavit shall be as shown in the Mail-in Voter Affidavit Form prescribed in this chapter and attached hereto. A member voting a mail-in ballot must print and sign his/her name on the Mail-in Affidavit in order for the ballot to be counted. *(Res. 05-07 am, 6/15/05; Res. 07-13, 9/19/07)*

- D. Mail-in ballots must be received no later than the time the polls open for in-person voting on the day of the election in order to be counted. *(Res. 05-07 am, 6/15/05; Res. 07-13, 9/19/07; Res. 08-02, 3/4/08; Res. 09-25, 11/18/09; Res. 10-09, 9/15/10)*
- E. For purposes of this subsection “by mail” means delivered either by U.S. mail or by other means at the discretion of the member voting. This provision may not be construed to mean that facsimiles of the ballot will be accepted, but it does mean that the voter is not limited to the U.S. Mail to timely deliver his/her ballot so that it can be counted. Only the official ballot will be accepted. *(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)*

50.110.030 Voting electronically

- A. Voting electronically may be used for the annual and any special elections as determined by the board secretary. The board secretary shall determine the online voting service best suited to serve the needs of the members and shall furnish instructions for voting electronically with the notice of the election.
- B. The board secretary or designee shall be the administrator for online voting.
- C. Members will be provided with a unique account/registration code to setup an online voting account. Only those members in good standing will be allowed to access the electronic voting system. *(Res. 14-05, 2/19/14)*

50.120. Tallying and teller’s report

The election committee chair shall place the results from the tally into the teller’s report. Tallying shall be performed in such a manner so as to provide the accurate total number of members voting in the election as well as the votes cast for the candidates and any ballot issues. No ballot shall be tallied before the closing of the polls. *(Res. 09-25, 11/18/09; Res. 12-05, 3/31/12)*

50.120.010 Voter count

Upon the closing of the polls, the election committee shall use the official register to obtain the total voter count for the election. The total number of members voting electronically and the total number of members with an “M” next to their names (indicating members voting by mail-in) and the total number of member signatures (indicating members voting in-person) on the register shall be tallied and added together to obtain the “total official voter count.” *(Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)*

50.120.020 Accounting for the ballots

- A. All official ballots not issued to a member shall be destroyed before the ballot boxes are opened.
 - B. When the polls open and the mail-in voting has officially closed, the election committee shall open the mail-in ballot box and begin to prepare the ballots for the tally as provided for in the election committee instructions. No ballots are to be tallied until after the polls close and all ballots (from both the mail-in and in-person voting) have been sorted and prepared for the tally.
 - C. When the polls close and the last vote has been cast, the election committee shall open the in-person ballot box and prepare the ballots for the tally as provided for in the election committee instructions.
- (Res. 09-25, 11/18/09; Res. 12-05, 3/31/12)*

50.120.030 Tallying votes

- A. The election committee shall go through the sorted ballots and remove any ballots which are blank, illegible or not properly marked and note all such ballots on the rejected ballots sheet.
- B. The election committee shall then count the votes for the candidates or ballot issues where the voter has clearly indicated his/her preference as provided for in 50.050 of this Chapter. If a member votes for more board candidates than there are board vacancies, the ballot will be considered invalid and none of the votes will be counted.
- C. At the completion of the tallying for the mail-in and in-person voted ballots, the election committee will enter the total votes for each candidate and ballot issue on the tally sheet, sign the tally sheet and present it with their rejected ballots to the election committee chair for inclusion in the teller’s report.

D. The board secretary or designee shall cause the votes for those voting electronically to be entered into the tally and included with the teller's report.

(Res. 09-25, 11/18/09; Res. 14-05, 2/19/14)

50.120.040 Teller's report

A. According to the By-Laws, Article V, Section 3, members of the corporation representing 20% of the membership entitled to vote shall constitute a quorum for the transaction of business. If, based on total voter count, the board secretary determines that a quorum is not present, then the meeting/election was not validly held and the election results cannot be certified.

B. The election committee chair shall complete the teller's report from the sets of tally sheets presented by the election committee counting teams. The teller's report shall show at least the following information:

- The number of members eligible to vote as provided by the board secretary.
- The minimum number of members which constitutes a quorum, 20% of the members eligible to vote.
- Total number of eligible members voting, as determined from those persons registering and receiving a ballot, mailing in a valid ballot, or voting electronically.
- The number of members voting that represents a majority of the quorum, 50% plus 1 of the total number of eligible members voting in the election.
- The number of votes required to adopt an Articles of Incorporation, Declaration of Protective Covenants or By-Law amendment.
- Total number of votes cast for each ballot issue.
- Total number of votes cast for each candidate, including write-in candidates.
- Total number of rejected ballots.
- Report of any issues raised and decisions made during the course of the election that the election committee feels may be relevant to the validity of the election.

A summary page for the online voting results containing the total number of eligible members voting, the number of votes cast for each ballot issue, and the number of votes cast for each candidate shall be included as an attachment to the teller's report. The board secretary and election committee chair shall sign and date the teller's report and present it to the board president for presentation to the board for certification.

(Res. 05-07 am, 6/15/05; Res. 07-13, 9/19/07; Res. 09-25, 11/18/09; Res. 11-19, 11/16/11; Res. 14-05, 2/19/14)

50.130. Determination of winning candidates

Once a quorum is present, three directors shall be elected by the membership. The three director candidates with the highest number of votes are elected. In the case of a tie vote for the third vacancy, the affected candidates shall decide the issue by a coin toss in the presence of the board secretary or designee. As provided in By-Laws, Article IV, Section 7, if there are more than three candidates for the board, the person who receives the fourth greatest number of votes over a minimum of fifty (50) shall be appointed for one year as the Reserve Director.

If there are less properly filed candidates than the number of open seats to be filled, a write-in candidate with the highest number of votes over a minimum of fifty (50) shall be elected as a director. The write-in candidate with the second highest number of votes over a minimum of fifty (50) shall be appointed for one year as the Reserve Director.

(Res. 05-07 am, 6/15/05; Res. 07-02, 4/20/07; Res. 11-19, 11/16/11; Res. 16-09, 4/20/16)

50.135. Determination of passage of ballot issues

A. Articles of Incorporation: According to By-Laws, Article I, Section 3, which states in part, "The Articles of Incorporation and the purpose for which this corporation was created may be altered, modified, enlarged, diminished, and/or amended by a vote of the members of at least 2/3 of the votes which members present or voting by mail, at such meeting..." *[This clause means an amendment to the Articles of Incorp requires approval by 2/3rds of the eligible members voting.]*

- B. Sale of Real Property: According to By-Laws, Article V, Section 3, which states in part, “To authorize the sale of any real property of the corporation, it shall require a two-thirds majority vote of such a quorum at an annual or special meeting of the membership.” *[This clause means the sale of Community property requires approval by 2/3rds of the eligible members voting.]*
- C. By-Laws: According to the By-Laws, Article X which states in part, “These By-Laws may be amended at any regular or special meeting of the corporation by a vote of a majority of a quorum of members entitled to vote.” *[This clause means an amendment to the By-Laws requires approval by a majority (50% plus 1) of the eligible members voting.]*
- D. Declaration of Protective Covenants: According to Article VI, Section 7, which states in part, “This Declaration may be amended at any time by the affirmative vote of a two-thirds majority of the votes entitled to be cast by the members present or voting by mail at any annual meeting or at any special meeting specifically called for that purpose...” *[This clause means an amendment of the Protective Covenants requires approval by 2/3rds of the eligible members voting.]*
- E. Annual Budget: According to Article IX, Section 1 of the By-Laws, which states in part, “The budget will be ratified by the membership, unless an absolute majority of the total votes allocated rejects it. If a quorum is not present, either in person or by mail, at the meeting, the budget is deemed ratified.” *[This clause means a majority (50% plus 1) of the total eligible voters, whether they vote or not, must vote to reject the budget or else it is ratified.]*

(Res. 05-07 am, 6/15/07; Res. 08-06 am, 4/16/08; Res. 08-19, 10/15/08; Res. 09-25, 11/18/09; Res. 11-19, 11/16/11)

50.140. Certification

The board shall meet in public session to receive the report of the election committee, as soon as is practicable. If, after considering the report, the board determines that the election was validly held, the election shall be certified and entered upon the minutes of the meeting, together with the total number of votes cast for each board candidate and for or against each ballot issue.

(Res. 05-07 am, 6/15/05; Res. 09-25, 11/18/09)

50.150. Recount

50.150.010 Automatic Recount

An automatic recount of the election results for the third and fourth highest candidates will be held for those two candidates, or any ballot issue, if there are five votes or less separating those candidates or ballot issue. Within two calendar days following the election, the election committee will conduct the automatic recount, complete the teller’s report, and report to the board of directors. *(Res. 07-13, 9/19/07)*

50.150.020 Recount Requested Under Provision of By-Laws, Article V, Section 5

A recount may be requested and authorized by the board in the manner as provided for in the By-Laws, Article V, Section 5. The recount shall be conducted within 7 days of the date that the board ordered a recount. The election committee chair and the members of the election committee conducting the recount shall follow the procedures outlined in this chapter for counting ballots and preparing the teller’s report. Upon completion of the recount, the election committee shall meet and adopt a report of the results of the recount for submission to the board. The board will meet and recertify that portion of the election being recounted. The board shall abide by procedures for issuing a certificate of the election as set forth in this chapter. *(Res. 05-07 am, 6/15/05; Res. 07-13, 9/19/07)*

The following is to be printed on the front of the Return Mailing Envelope included in the Election Packet to the Members:

<p>From</p> <hr/> <hr/> <hr/>	<table border="1"><tr><td data-bbox="1791 391 1923 526">Postage Required</td></tr></table> <p>Shelter Bay Community, Inc Attn: Chair, Election Committee 1000 Shoshone Drive La Conner, WA 98257</p>	Postage Required
Postage Required		

(Res. 13-07, 3/20/13)

The following is to be printed on the back of the Return Mailing Envelope included in the Election Packet to the Members:

Insert your (color) Official Mail-In Ballots into the (color) Secrecy Envelope, then insert the Secrecy Envelope into this Mailing Envelope and complete the affidavit below:
1) Print Name and Lot # 2) Sign and Date
Thank You

This Affidavit must be completed in order for your Ballot to be counted.

shelter bay community, inc.
Mail-In Voter Affidavit

I, _____, Lot # _____, a member of Shelter Bay Community, Inc., do hereby submit my Official Mail-In Ballot for the Annual (or Special) Election.

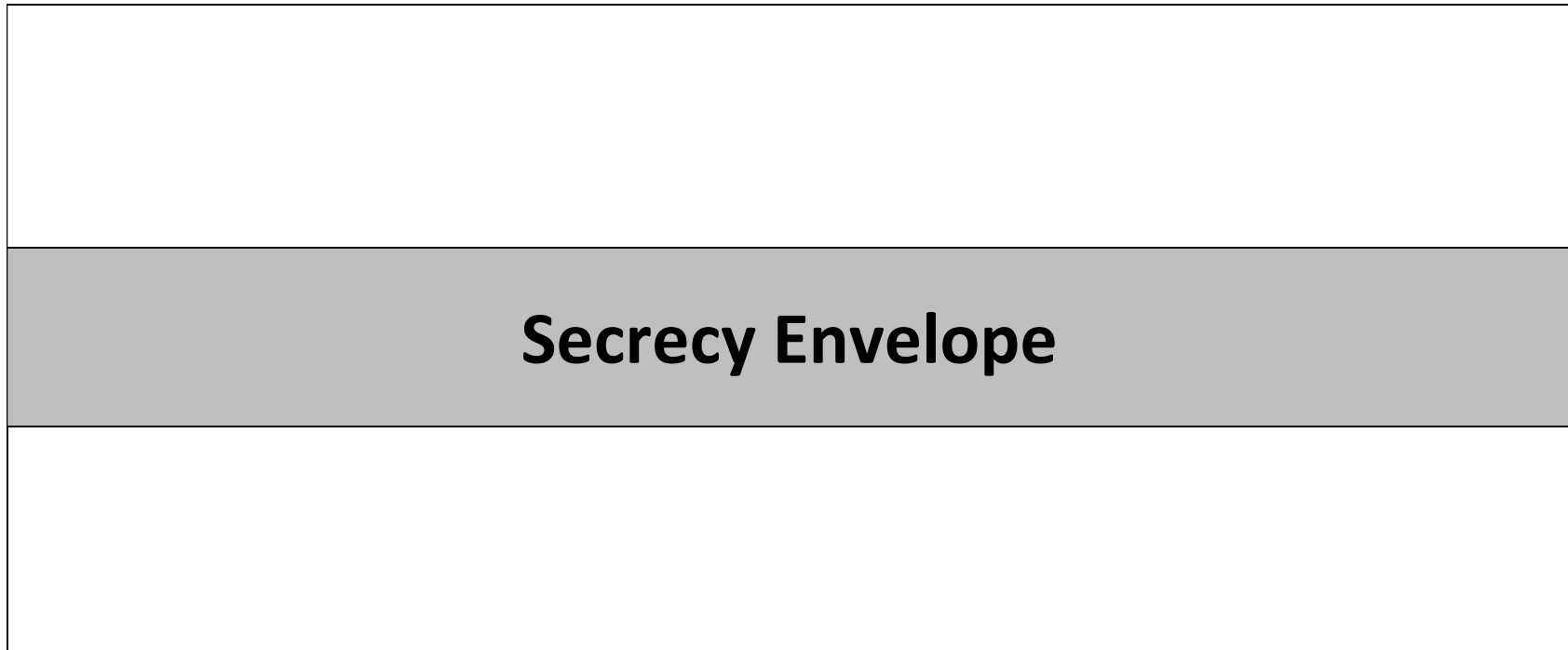
Signature: _____ Date: _____

Per Rules and Regulations, Part II, Chapter 50.110.020, failure to print and sign your name to this Affidavit will invalidate your Mail-In Ballot.

Your Mail-In Ballot must be received by no later than the time the poles open on Election Day.

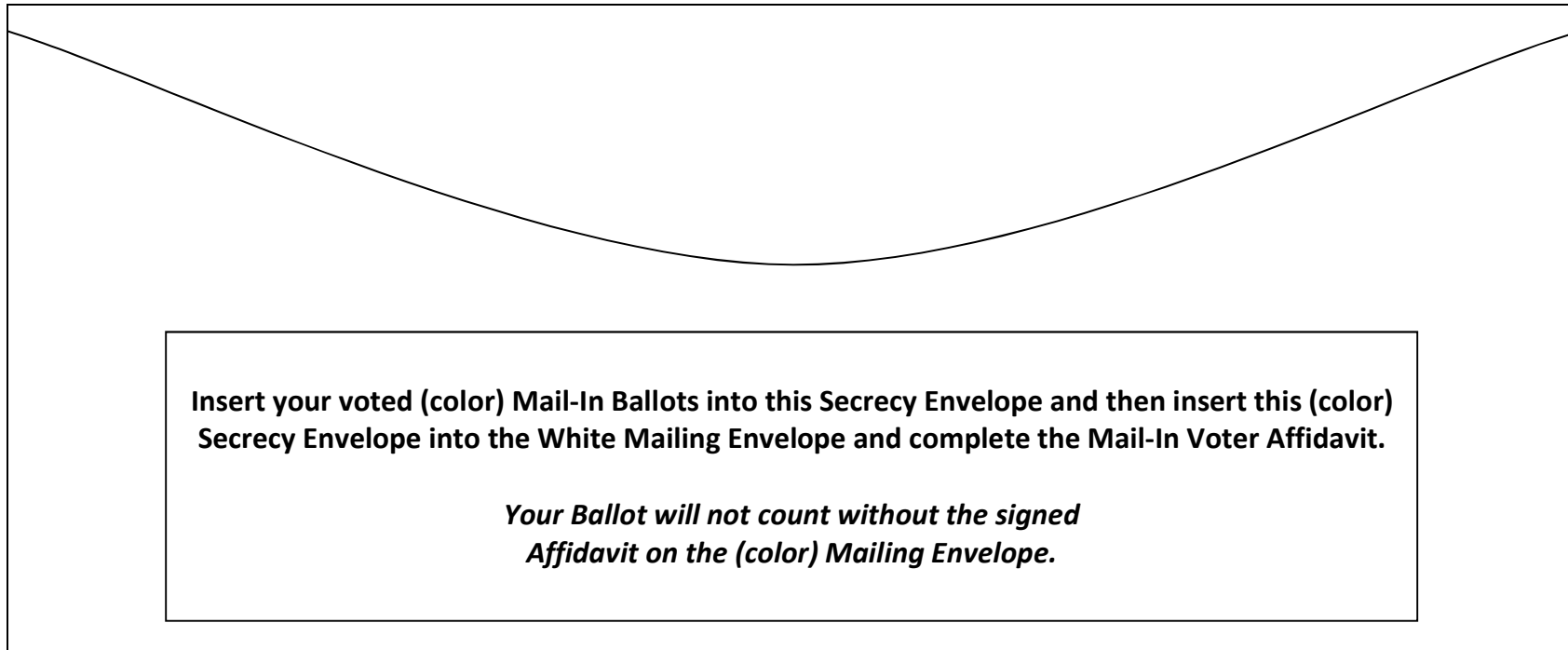
(Res. 13-07, 3/20/13)

The following is to be printed on the front of the Ballot Secrecy Envelope included in the Election Packet to the Members:



(Res. 13-07, 3/20/13)

The following is to be printed on the back of the Ballot Secrecy Envelope included in the Election Packet to the Members:



(Res. 13-07, 3/20/13)