

Chapter 12 -Section 12.06

Election Committee

Policy: The Rotonda West Association is authorized by Florida Statues 720 and 617 to organize according to the needs of the Association. The RWA By-Laws, in Article II, Section 10, allow the Board to establish committees in order to facilitate the over-all operations of the association.

The Election Committee is hereby authorized as a Non-required Standing Operating Committee according to the Rotonda West Association's Policy for Committees, Section 12.0, to carry out the purposes stated in the Charter below. The Committee is also authorized to make recommendations to the Board of Directors as may reasonably be necessary to advance the interests of the RWA. The Board has the option of modifying the Charter at any time.

Charter: The Elections Committee establishes the rules, procedures and political campaign guidelines for holding annual elections. Two people are elected to the board of directors at each annual meeting in December. The two candidates receiving the highest number of votes will serve three-year terms.

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PROCEDURES:**12.06.01 ROLES AND RESPONSIBILITIES****A. Board of Directors**

The Board of Directors shall be responsible for appointing the Election Committee Chairman who shall then form the Committee subject to approval of the RWA Board of Directors.

B. Association Manager

The Association Manager shall be responsible for accepting Candidate Information Sheets at the August Election Committee meeting, ensuring timely receipt of the Candidate Information Sheets, and confirming that the Candidate is a member in good standing, pursuant to Chapter 720, Florida Statutes, the RWA Governing Documents and these Guidelines, as may be amended from time to time.

C. Independent Auditor

The Independent Auditor (or other independent entity selected by the Board of Directors) shall be responsible for assisting the RWA in mailing the Annual Meeting Notice Packages. The RWA Independent Auditor (or other independent entity selected by the Board of Directors) shall also be responsible for receiving, validating and assisting the Election Committee with counting and tabulating the secret ballots cast by mail and in person at the Annual Meeting. The Independent Auditor (or other independent entity selected by the Board of Directors) shall then be responsible for certifying the total of all votes cast and announcing the election results.

D. Election Committee

The Election Committee shall be responsible for coordinating the election process and shall have the following specific responsibilities:

1. Advertising on the RWA website and in the West Ways publication for Board of Director candidates.
2. Coordinating the Election Documents with the Independent Auditor.
3. Verifying that Candidate Information Sheets comply with these Guidelines.
4. Facilitating Candidates Night.
5. Securing and training volunteers for the Annual Meeting voting tables.
6. Counting secret ballots with the assistance of the Independent Auditor.

12.06.02 CANDIDATE QUALIFICATIONS

RWA POLICY & PROCEDURES

Any RWA Member in good standing, pursuant to Chapter 720, Florida Statutes, the RWA Governing Documents and these Guidelines, as may be amended from time to time, may be elected as an RWA Director. A high level of decorum is expected of all candidates.

Pursuant to Section 720.306(9)(b), Florida Statutes, a person who is delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days is not eligible for Board membership. Section 720.306(9)(b), Florida Statutes further provides that a person who has been convicted of any felony in this state or in a United States District or Territorial Court, or has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for Board membership unless such felon's civil rights have been restored for at least 5 years as of the date on which such person seeks election to the Board. RWA may conduct or have conducted a criminal investigation to verify this compliance with Section 720.306(9)(b), Florida Statutes.

A RWA member who submits his or her Notice of Intent, or other written evidence of a desire to run, and Candidate Information Sheet, both meeting the requirements set forth below, **no later than 12:01 PM on the second Friday of August** shall be considered a candidate. Reference Article II of By-Laws

A. Notice of Intent

Each candidate must submit a Notice of Intent or may state by letter or other writing his or her desire to run for the Board of Directors. The Notice of Intent or other written evidence of a desire to run must include a statement that the candidate named therein will be eligible to serve on the Board of Directors as of the date of the Annual Meeting at which he or she seeks election to the Board.

B. Candidate Information Sheet

Each candidate must submit a one page Candidate Information Sheet in written and electronic (compact disc, USB flash drive, etc.) format, which shall include the following information:

1. A brief personal summary about yourself including background, education and work experience.
2. A list of all community activity and organization involvement, including RWA. **Activities/Organizations shall be listed by dates of involvement.**
3. A brief statement as to why you would like to serve as a member of the RWA Board of Directors and what you like to see RWA accomplish in the future.
4. (Optional) A picture of the candidate. Only the candidate may appear in the picture submitted.

If a candidate needs technical assistance with the Candidate Information Sheet, prior to submission (not including content), he or she may contact the RWA office.

A candidate **cannot** sign his or her Candidate Information Sheet as a RWA Officer or Director even if he or she occupies such position at the time the statement is prepared. The use of business letterheads or advertising is not permissible.

A Candidate Information Sheet submitted in accordance with these Guidelines will be accepted by the Election Committee in a sealed envelope to be opened by the Election Committee members at the RWA Election Committee meeting, the second Friday of August. Once a Candidate Information Sheet has been submitted to the RWA office, the candidate may not make any changes to the Candidate Information Sheet unless required by the Election Committee to bring the Candidate Information Sheet into conformance with these Guidelines.

DISCLAIMER: Candidate Information Sheets are based solely on the opinion or opinions of the individual candidate and are NOT based on an opinion or opinions of RWA, its officers, directors, committee members, or employees (collectively referred to as the “Association”). The Association does not assume any liability or responsibility for the accuracy, completeness, or usefulness of the information contained in the Candidate Information Sheets.

12.06.03 ELECTION DETERMINATION

Pursuant to Section 720.306(9)(a), if the election process allows candidates to be nominated in advance of the meeting, the Association is not required to allow nominations at the Annual Meeting at which the election is to take place. Furthermore, pursuant to Section 720.306(9)(a), an election is not required unless more candidates are nominated than vacancies exist. Accordingly, in the event that there are only as many (or fewer) candidates pre-qualified for election as there are open seats on the Board, no election shall be held and the pre-qualified candidates shall automatically become members of the Board after the Annual Meeting.

Regardless of whether an election must be held, the names of the pre-qualified candidates will be included in the RWA *West Ways* Publication and their Candidate Information Sheets will be enclosed in the Annual Meeting Notice Package.

12.06.04 CANDIDATES NIGHT

*If there are more candidates pre-qualified for the election than there are open seats on the Board and, as such, an election will be held, a Candidates Night will be held the **third Thursday of October**. All pre-qualified candidates will have an opportunity to participate in Candidates Night.*

12.06.05 POLITICAL SIGN GUIDELINES

For purposes of these Guidelines, a Political Sign is one solely pertaining to Association election (not local, state, or national elections) that contains the words “vote”, “elect”, and/or “re-elect” or states a position on ballot issues. If an election will be held, all pre-qualified candidates may post Political Signs in advance of the election provided that the Political Signs conform to Charlotte County Regulations and these Guidelines:

A. SIZE

The size of the Political Sign shall be no larger than 12x18 inches. Distance from top of the sign to ground cannot exceed 42 inches.

B. NUMBER

Lots may contain no more than one Political Sign per candidate per lot.

C. LOCATION

Political Signs placed on private property must have permission of the owner. Since the Association mows vacant lots, it is recommended that Political Signs be placed near a tree if possible to facilitate mowing and protect the sign. **All Political Signs are prohibited from road medians and public rights of way.**

D. DISPLAY TIME

Political Signs may be displayed from October 1 to the 3rd day after the RWA Annual Meeting of the year in which the candidate is participating in the election.

Non-conforming Political Signs will be removed by the RWA and set next to the dumpster at the Community Center located at 3754 Cape Haze Drive.

12.06.06 CANDIDATE DISTRIBUTION OF INFORMATION

RWA membership mailing labels are available, at cost, from the RWA for all candidates.

REMINDER: It is a **FEDERAL OFFENSE** to use the mailbox for anything other than mail going through the postal system.

12.06.07 ANNUAL MEETING

The Annual Meeting of the Membership shall be held on the **first Thursday of December** or at such other time as may be designated by the Board of Directors. Meetings of the voting membership shall be held in Rotonda West, Florida or such other place as may be specifically stated in the Annual Meeting Notice.

12.06.08 MEMBERSHIP LISTS

The RWA Manager, through his designated staff, shall maintain an up-to-date and accurate record of Members of the RWA Association. Members shall be responsible for notifying the RWA of their correct mailing address.

12.06.09 ANNUAL MEETING NOTICE

Notice, which shall be signed by the RWA Secretary, will be sent to all Members of record not more than ninety (90) days, nor less than thirty (30) days, prior to the Annual Meeting. All Members of record ninety (90) days prior to the Annual Meeting shall receive notice of the Annual Meeting.

The following documents shall be included with the Annual Meeting Notice (which shall collectively be referred to as the “Annual Meeting Notice Package”):

1. RWA President’s Letter to Members
2. Candidate Information Sheets of pre-qualified candidates

In the event that an election will be held (pursuant to Reference note 12.6.03 hereof), the following documents shall also be included in the Annual Meeting Notice Package:

1. Instructions for completion of the Absentee Mail-In Ballot. [Reference 12.6.18 (1.)]
2. Secret Absentee Mail-In Ballot (one ballot for each Lot/Tract). [Reference 12.6.18 (2.)]
3. Ballot Envelope (one envelope for each Lot/Tract)
4. Pre-Addressed Outer Return Envelope (one envelope for each Lot/Tract)

The RWA Board of Directors must approve all items included in the Annual Meeting Notice Package. The Annual Meeting Notice Package will be sent by United States Mail, posted on the RWA website and referenced in the West Ways Publication.

12.06.10 UNDELIVERABLE ANNUAL MEETING NOTICE PACKAGES

Undeliverable Annual Meeting Notice Packages returned to the Independent Auditor will be marked as undeliverable and retained as official records of the Association as required by Chapter 720, Florida Statutes, as amended from time to time.

12.06.11 CASTING BALLOTS

In the event that an election will be held (pursuant to Reference 12.6.03 hereof), election voting shall be by secret ballot using mail-in ballots or by voting in person at the Annual Meeting. Proxy voting for candidates is not allowed at the Annual Meeting. Cumulative voting is not permitted. Ballots once submitted in person or by mail-in ballot cannot be changed. Reference Article IV of By-Laws.

A. Absentee Mail-In Ballots

The ballot must be placed and sealed in the ballot envelope. If a Lot/Tract Owner is entitled to cast more than one ballot, the Lot/Tract Owner must use separate ballot envelopes. **No markings shall be made on the outside of the ballot envelope(s).**

The ballot envelope must then be placed and sealed in the pre-addressed outer envelope. Each pre-addressed outer envelope is pre-marked with the Lot/Tract and ownership information. It shall be the responsibility of each Lot/Tract owner to notify the Association if the information printed on the outer envelope is incorrect. The Lot/Tract Owner must sign his or her name on the outer envelope.

If a Lot/Tract Owner is entitled to cast more than one ballot, he or she must still place each ballot envelope in a SEPARATE pre-addressed outer white envelope marked with the corresponding Lot/Tract information. All outer white envelope(s) may be placed in one large envelope addressed to Rotonda West Association, Inc., c/o Webb, Lorah & Company, PL, 1107 West Marion Ave., Suite 115, Punta Gorda, Florida 33950.

The Independent Auditor shall be responsible for validating mail-in ballots. Mail-in ballots will be invalidated when:

1. The Lot/Tract cannot be determined.
2. There is no signature on the outer envelope or the signature on the outer envelope is not the name of the Lot/Tract Owner.
3. More than one ballot is placed in the ballot envelope.
4. More than one ballot envelope is placed in the pre-addressed outer envelope that is pre-marked with the Lot/Tract information.
5. The ballot is not received at the Association or Independent Auditor office by **5:00 PM on the day before the Annual Meeting.**

With respect to those ballots received at the Association office before 5:00 PM on the day before the Annual Meeting, the date and time such ballot was received shall be stamped on the unopened envelope and shall thereafter be delivered, unopened, by the Association to the Independent Auditor office for confirmation of eligibility. With respect to those ballots received at the Independent Auditor office before 5:00 PM on the day before the Annual Meeting and those received by the Association before 5:00 PM on the day before the Annual Meeting and thereafter delivered to the Independent Auditor office, if the eligibility of the Member to vote is confirmed and no other ballot has been submitted for the Lot/Tract for which the mail-in ballot has been submitted, the sealed inner envelope shall be removed from the outer envelope bearing the identification information and set aside until the Annual Meeting.

With respect to ballots received at the Association or Independent Auditor office after 5:00 PM on the day before the Annual Meeting, the date and time such ballot was received shall be stamped on each unopened envelope, and it shall be marked “Too Late To Be Counted”.

B. Ballots Cast at Annual Meeting

Members whose Absentee Mail-In Ballots are received at the Association or Independent Auditor office after 5:00 PM on the day before the Annual Meeting may vote in person at the first part of the Annual Meeting. It shall be incumbent upon the member to verify whether his or her ballot was received prior to the 5:00 PM deadline.

Additionally, members who have not previously voted may vote in person at the Annual Meeting. Absentee Mail-In Ballots will not be accepted for verification and tabulation at the Annual Meeting. Different Ballots will be provided for voting at the first part of the Annual Meeting.

Members voting at the Annual Meeting must produce picture identification.

12.06.12 COUNTING BALLOTS

The Election Committee shall count all ballots at the Annual Meeting with the assistance of the Independent Auditor.

A ballot is deemed void and shall not be counted when it is so marked as to cast votes for a greater number of names than vacancies. No ballot shall be void if it casts votes for a number of names less than the number of vacancies. Voiding a ballot for voting on a proposal for election of directors does not void the ballot for voting on any other proposal on the ballot. Voided ballots must be marked as void and kept as prescribed in Reference 12.6.17 below.

12.06.13 TIE VOTES

In the event of a tie, the Independent Auditor shall cause the candidates who receive an equal number of votes to draw lots.

12.06.14 REPORT OF RESULTS

In the event that there are only as many (or fewer) candidates pre-qualified for election as there are open seats on the Board, no election shall be held and the pre-qualified candidates will be announced at the Annual Meeting and shall automatically become members of the Board after the Annual Meeting.

If an election must be held, candidates receiving a plurality of the votes shall be elected. The total of absentee mail-in votes and votes cast in person are to be tabulated by the Election Committee, with the assistance of the Independent Auditor, and then certified and announced at the Annual Meeting.

12.06.15 ELECTION DISPUTES

Pursuant to Section 720.306(9), Florida Statutes, any election dispute between a member and the Association shall be submitted to mandatory binding arbitration with the Division of Florida Condominiums, Timeshares and Mobile Homes and any challenge to the election process must be commenced within sixty (60) days after the election results are announced.

12.06.16 WRITTEN CERTIFICATION/EDUCATIONAL CERTIFICATE RULE

Within ninety (90) days after being elected or appointed to the Board, each newly elected or appointed director shall certify in writing to the secretary of RWA that he or she has read the RWA Governing Documents; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the RWA members. Within 90 days after being elected or appointed to the Board, in lieu of such written certification, the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a division-approved education provider within 1 year before or 90 days after the date of election or appointment. The written certification or educational certificate is valid for the uninterrupted tenure of the director on the Board. A director who does not timely file the written certification or educational certificate shall be suspended from the board until he or she complies with the requirement. The Board may temporarily fill the vacancy during the period of suspension.

12.06.17 OFFICIAL RECORDS

Sign-in sheets, ballots, envelopes and other papers relating to elections which have been used during the Annual Meeting must be kept by the Association for the period prescribed in Chapter 720, Florida Statutes, as amended from time to time, and may be destroyed by the Manager in his or her discretion after said time.

12.06.18 ATTACHMENTS

The following documents are attached as sample Annual Meeting Notice Package forms:

1. Absentee Mail-In Ballot Instructions
2. Absentee Ballot
3. Notice of Intent to be a Candidate for the Board of Directors
4. Association Board Member Certification Form
5. Attention Reminder Notice

Committee Authorization Resolution Follows Attachments

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ATTENTION:

REMINDER NOTICE

THE ENCLOSED VOTING INSTRUCTIONS MUST BE FOLLOWED, INCLUDING YOUR SIGNATURE ON THE WHITE OUTER ENVELOPE, OR YOUR VOTE WILL NOT BE COUNTED.

YOU MAY ENCLOSE THE OUTER WHITE ENVELOPE WITH YOUR SIGNATURE ON IT IN ANOTHER ENVELOPE OF YOUR CHOOSING IF YOU DO NOT WANT YOUR SIGNATURE TO BE VISABLE.

IF YOU DO NOT WISH TO SIGN THE ENVELOPE AND PARTICIPATE IN THE ABSENTEE VOTING PROCESS, YOU MAY COME IN PERSON AT THE ANNUAL MEETING AND CAST YOUR BALLOT AT THAT TIME.

ABSENTEE MAIL IN BALLOT INSTRUCTIONS

If a Lot/Tract is owned by multiple individuals, such as a husband and wife, any record Owner may vote on behalf of the Lot/Tract. If a Lot/Tract is owned by a corporation, any officer may vote on behalf of said corporation. If a Lot/Tract is owned by a partnership, any general partner may vote on behalf of the partnership. If a Lot/Tract is owned in trust, any trustee of a trust shall be entitled to vote. If a Lot/Tract is owned by a limited liability company, any member or manager may vote on behalf of the limited liability company. Any person with apparent authority asserting the right to vote on behalf of a Lot/Tract owned by an artificial entity shall be conclusively presumed to be entitled to vote on behalf of said Lot/Tract, unless the Lot/Tract has filed voting instructions with the Association designating some other person entitled to vote. If multiple Owners or non-individual Owners of a Lot/Tract cannot agree on a vote, the vote shall not be counted as to the issue upon which disagreement exists. Voting certificates are not necessary. No individual may cast a vote assigned to a Lot/Tract where the voting rights assigned to the Lot/Tract are suspended pursuant to the terms of the Governing Documents and/or Florida Law.

MARKING THE BALLOT

The enclosed Ballot (BLUE) includes a vote on the rollover of excess membership income over membership expenses and lists all candidates who are qualified to run for the Board. There will be *two* (2) Directors elected. Please indicate whether you are "in favor of or "opposed to" rollover by placing an "X" next to the appropriate selection and vote for no more than *two* (2) candidates by marking the Ballot with an "X" on the box next to the candidate's name.

If you intend to vote for Directors and **do not** attend the Annual Meeting, you **must** vote by use of the enclosed Absentee Mail-In Ballot. Proxy voting is not allowed. **Instructions for returning the Ballot in advance of the Annual Meeting are set forth below.**

If you intend to attend the Annual Meeting to vote, the Absentee Mail-In Ballot **will not** be accepted for verification and tabulation at the Annual Meeting. Different Ballots for voting will be provided at the first part of the Annual Meeting.

RETURNING THE ABSENTEE MAIL-IN BALLOT

1. The Blue Ballot must be placed and sealed in the Blue Ballot Envelope. If you are entitled to cast more than one Ballot, you **MUST** use separate Blue Ballot Envelopes. **PLACING MORE THAN ONE BLUE BALLOT IN A SINGLE BLUE ENVELOPE WILL VOID ALL BALLOTS THEREIN.** No markings shall be made on the outside of the Blue Ballot Envelope(s).
2. The Blue Ballot Envelope **MUST** then be placed and sealed in the preaddressed White Outer Envelope, which is pre-marked with specific Lot/Tract information. If you are entitled to cast more than one Ballot, you **MUST** still place each Blue Ballot Envelope in a separate pre-addressed White Outer Envelope marked with the corresponding Lot/Tract information. **PLACING MORE THAN ONE BLUE BALLOT ENVELOPE IN A SINGLE WHITE OUTER ENVELOPE WILL VOID ALL BALLOTS THEREIN.**

It is your responsibility to notify the Association if the Lot/Tract information printed on the White Outer Envelope is incorrect.

The owner of Lot/Tract **MUST** sign his or her name on the White Outer Envelope .
FAILURE TO DO SO WILL VOID THE BALLOT.

3. **All White Outer Envelope(s) may be placed in one large envelope**

(not provided) and addressed to the Rotonda West Association, In., c/o Webb Lorah & Company, PL, 1107 West Marion Ave., Suite 115, Punta Gorda, FL 33950.

4. The Blue Ballot must be received at the Association office located at 3754 Cape Haze Drive, Rotonda West, Florida 33947 or the office of Webb, Lorah & Company, PL, 1107 West Marion Ave., Suite 115, Punta Gorda, Florida 33950, before 5:00 PM on the day before the Annual Meeting.

Association Board Member Certification Form*

I, _____ , certify that I have read

(Print name of Board Member)

Rotonda West Association, Inc.'s Amended Restatement of Restrictions, Articles of Incorporation, Bylaws, and current written rules and policies; that I will work to uphold such documents and policies to the best of my ability; and that I will faithfully discharge my fiduciary responsibility to the Association's members.

Signed: _____

Print Name: _____

Date: _____

Submit this form to the Association's Secretary within ninety (90) days after being elected or appointed to the Board, attesting to the above, or you may submit a certificate of satisfactory completion of the educational curriculum administered by a Division-approved education provider.

*A board member certification form similar to this one or a certificate of satisfactory completion of a Division-approved educational curriculum is required by Section 720.3033, Florida Statutes. However, if you are an incumbent director re-elected to another term and you previously submitted a certification form or educational certificate, you do not have to submit another form.

**NOTICE OF INTENT TO BE A CANDIDATE FOR
THE BOARD OF DIRECTORS**

I, _____ , hereby place my name in nomination as a candidate for the Board of Directors of *Rotonda West Association, Inc.*

I understand that I must submit a Candidate Information Sheet that contains the information specified in the Rotonda West Association, Inc. Election Committee Rules, Procedures & Political Campaign Guidelines by 12:01 PM on the second Friday of August. I further understand that I am responsible for the accuracy of the information contained in the Candidate Statement.

I understand that, pursuant to Section 720.306(9)(b), Florida Statutes, I am not eligible for Board membership if I am delinquent in the payment of any fee, fine, or other monetary obligation to RWA for more than 90 days. I further understand that, pursuant to Section 720.306(9)(b), Florida Statutes, I am not eligible to serve on the Board of Directors if I have been convicted of any felony in this state or in a United States District or Territorial Court or any offense in another jurisdiction which would be considered a felony if committed in this state unless my civil rights will have been restored for at least 5 years as of the date of the Annual Meeting at which I seek election to the Board. By submitting this Notice of Intent, I attest that I will be eligible to serve on the Board of Directors as of the date of the Annual Meeting. I further consent to the Association conducting or having conducted a criminal investigation to verify compliance with Section 720.306(9)(b), Florida Statutes. I understand that every effort shall be made by the Association to maintain the confidentiality of the results of the criminal investigation. However, by signing this Notice of Intent, I hereby waive and hold the Association harmless from any claim, action or suit regarding the criminal investigation.

Signature

Print Name

Date: _____

ANNUAL MEETING

December _____, 20_____

Absentee Ballot

Vote on Rollover of excess membership income over membership expenses, if any, for the fiscal year ending December 31, 20____, to offset the subsequent tax year (20_____) member assessments as provided by IRS Revenue Ruling 70-604.

(Board recommends voting "In Favor" of Rollover.)

In Favor of Rollover Opposed to Rollover

We will be electing *two* (2) persons. The following have submitted their names into nomination. Vote for no more than *two* (2) candidates. **If you vote for more than *two* (2) candidates, your ballot will be invalid.**
