



# Solera at Anthem Community Association

## Election Procedures Manual

Approved 8/12/20

### **1.0 PURPOSE**

- 1.1** The purpose of this manual is to provide for a well-organized method to conduct elections to the Board of Directors (referred to as the executive board in NRS 116 passages). By following the procedures noted herein, homeowners (referred to as units' owners in NRS 116 passages) can be assured that the election is open, honest, fair and above suspicion. Relevant statutes and Association governing documents are incorporated into this document.
- 1.2** As a reminder to all, tampering with the results of an election may constitute a class D felony (one to four years in prison and/or a fine of up to \$5,000) NRS 116.31107, subsections 1 and 2.
- 1.3** These rules and procedures apply to regular Board of Directors elections as well as to Board Recall Procedures.
- 1.4** The forms attached to this document may be modified as deemed appropriate by the Election Process Supervisor. It will not be necessary to revise this manual.
- 1.5** The Association and its Directors, Officers, Employees, and Agents are prohibited from using their position to influence the outcome of an election.

### **2.0 ELECTION CALENDAR**

- 2.1** The first document to be prepared each year shall be the Election Calendar, as it outlines all events related to the election process and provides applicable deadlines. The Community Manager is responsible for developing the calendar using Form E1 as a guideline. It must be approved by the Board of Directors at a regularly scheduled meeting.
- 2.2** The first consideration is to establish the date of the election. The third or fourth Wednesday in February has been determined to be most appropriate.

- 2.3 Once the date of the election is established, other dates can be determined such as:
- **Nominee Disclosure and Information Statement**  
**NRS116.31034.4** "Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owners' eligibility to serve as a member of the executive board."  
-In order to comply with NRS116.31034 (see above), the Nominee Disclosure and Information Form (Form E2) will be mailed in November along with an article explaining the process.
  - **Return of Secret Ballot**  
**NRS116.31034.15(b)** "Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association."
  - **Candidate Campaign Term**  
**NRS116.31034.16** "The Candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association."  
-This rule is adopted by the Association.
  - **Candidate Informational Statements**  
**NRS 116.31034.17** "A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent:  
(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement."  
- The Candidate Informational Statements will be mailed out in February. Electronic copies (PDF format) will be due to Management at the close of Nominations.

### 3.0 ELECTION PROCESS SUPERVISOR

- 3.1 Unless otherwise determined by the Board of Directors, The Community Manager is designated as the Election Process Supervisor for all aspects of the election process, using this manual as a guide.
- 3.2 Complaints regarding the election process or complaints against Candidates shall be made in writing to the Election Process Supervisor, who shall determine an appropriate resolution. Matters may be referred to the Covenants Committee and shall remain confidential.
- 3.3 The sanctity of the election process, including complaints against Candidates, is deemed to have a direct bearing on the association. Violations that are deemed by the Election Process Supervisor to corrupt the election process in any way shall be referred to the Covenants Committee for immediate resolution. Penalties could include revocation of common area privileges, fines of up to \$1,000 and additional legal actions as allowed by law.

#### **4.0 NOMINEE DISCLOSURE AND INFORMATION FORM, & CANDIDATE INFORMATIONAL STATEMENT (BIO)**

4.1 Candidates must be unit owners (homeowners), or a legal representative of a trust, partnership, corporation, or estate.

#### **4.2 Nominee Disclosure and Information Form**

- The Nominee Disclosure and Information Form (Form E2) will be mailed to all homeowners as stipulated in section 2.3 above. Homeowners interested in serving on the Executive Board of Directors must complete Form E2 and return it to the Community Manager or Election Supervisor by the established deadline.
- The Election Supervisor is responsible to verify information and disclosures noted by the Candidate. Any discrepancies will be addressed and discussed with the Candidate.
- The Election Supervisor shall ensure that all Candidates are provided a written copy of the current and approved Election Procedures Manual.

4.3 When mailed to the homeowners, the disclosure portion of the Nominee Disclosure and Information Form may be on the reverse side of the Candidate Informational Statement.

4.4 Candidates are encouraged to include the following in their Candidate Informational Statement (bio): "I am a member in good standing. I have no involvements that would present a conflict of interest." or something similar.

#### **4.5 Candidate Informational Statement (bio)**

The Election Process Supervisor may remind the Candidate(s) of their option to prepare and submit a Candidate Information Statement (bio) in addition to the following:

- With the exception of an electronic photograph as explained below, Management shall not assist the Candidate in the preparation or editing of the Candidate Informational Statement (bio). Management shall not provide suggestions to Candidates.
- If desired by the Candidate, Management can take an electronic photograph of the Candidate. However, the photograph cannot be edited by Management. The photograph can be provided to the Candidate either as an Email attachment or placed on an electronic media storage device provided by the Candidate.
- The deadline for submitting the Candidate Informational Statement (bio).
- Candidates' rights provided under NRS116.31034.17 regarding the mailing of Statements to the Homeowners.

- Candidates will not be allowed to revise their statements after the statements have been submitted.

## **5.0 CAMPAIGNING**

**5.1** As used herein, the term “Candidate” includes Candidates themselves as well as persons, homeowners or committees acting on the behalf of the Candidate.

**5.2** Candidates shall conduct their campaigns in an honest and respectful manner. This includes, but is not limited to, refraining from any of the following categories of written or verbal statements about other Candidates:

- Statements that are untrue.
- Statements that infer or imply dishonesty, untruthfulness, or other acts of deceit.
- Statements concerning personal traits, experience, family or other matters that are irrelevant to qualifications to serve on the Board of Directors.

**5.3** Candidates should remember that disagreements over facts, opinions or programs are allowed, but only if done so in a respectful manner. All individuals and their opinions are entitled to be treated with respect, even though one may disagree with them.

**5.4** The following is contained in the Bylaws, Section 3.4:  
“Each Candidate shall be given a reasonable, equal opportunity to communicate his or her qualifications to the Members and to solicit votes.”

**5.5** NRS 116.31034.16 states in part that “an Association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a Candidate in the Candidate's campaign for election as a member of the executive board...”

### **5.6 Signage and Posting of Signage**

- The Association CC&R's - 3.6(i) page 16 references signs being ‘erected’, which implies a permanent sign. To require nominees to get written permission from the Board of Directors is not the intent of the CC&Rs as it pertains to the election process, and could easily be construed as ‘interfering’ with the election procedures.
- Architectural Design Guidelines: Page 9, subparagraph J5 (signage)  
These requirements are specifically limited to signage for local, state and federal elections and are, therefore, not controlling in the Board of Directors election procedures.
- Excerpt From Postal Regulation 508.1  
3.0 Customer Mail Receptacles  
3.1.3 Use for Mail:  
Except under 3.2.11 (Newspaper Receptacle), the receptacles may be used only for matter bearing postage. No part of a mail receptacle may be used to

deliver any matter not bearing postage, including items or matter placed upon, supported by, attached to, hung from, or inserted into a mail receptacle.

- Homeowners may place no more than one sign for each Candidate on their property per NRS 116.325.

#### **5.7 Distribution of signage, posters, and flyers**

- Distribution of signage, posters and flyers must comply with Henderson Municipal Code 4.12.110, which states in part:  
It shall be unlawful for any natural person, while canvassing, peddling or soliciting, to enter upon any residential premises or to knock on the door, window or any other part of the residential structure, or ring the bell of any residential premises, or to do any other act calculated to attract the attention of anyone inside of the premises, where the owner, resident, occupant or person legally in charge of the premises has posted, at the entry, or any of the points of ingress to the premises, a sign with visible and legible letters at least three-fourths of an inch in height bearing the words "No Trespassers," "No Canvassers," "No Peddlers," "No Solicitors," or words of similar import.

#### **5.8 Candidate Can Obtain Mailing List**

- NRS 116.31034.17 "A Candidate who has submitted a nomination form for election as a member of the executive board may request that the association either send the Candidate Information Statement to homeowners...or provide to the Candidate a list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner;
  - (a) in paper format at a cost of 25 cents per page for the first 10 pages and 10 cents per page thereafter or
  - (b) in the format of a compact disc at a cost of \$5 or
  - (c) by electronic mail at no cost"
- For campaign material sent by mail, the Candidate must provide to the Association a separate copy of the campaign material for each mailing. For campaign material sent by electronic transmission, the Candidate must provide to the Association one copy of the campaign material in an electronic format.
- Prior to providing the list, the Candidate must provide a written statement to Management which states that the request is made for the sole purpose of communicating campaign material directly to units' owners and that the list will not be used for any other purpose. If such a statement is not provided, the association or its agent will refuse the request.
- All materials mailed by the Candidate will be done so by the Candidate and at the Candidates expense, to include the cost of postage.

## **5.9 Miscellaneous**

- A Candidate may use electronic forms of communications for campaign activities if written permission is given by the homeowner. A Candidate may not use other specific Email lists such as clubs, groups, standing committees, etc.
- A Candidate may campaign by making phone calls to homeowners. A Candidate may not use other specific lists such as clubs, groups, standing committees, etc.
- A Candidate may not be a nuisance to other homeowners, by participating in such activities as the unsolicited invasion of a resident's privacy, including but not limited to the placing of telephone calls to residents before 9:00 am or after 7:00 pm.
- Bulletin boards located in the common areas may not be used for posting campaign literature.
- If a club or other group of homeowners invites a Candidate to speak in any Solera common area, the same invitation must be extended to all other Candidates. See form E3, subsection 4.
- Management is responsible for the development and placement of appropriate articles in each issue of the Solera Star from November through February, to ensure that homeowners are kept informed.
- No Candidate, person or group shall distribute literature of any kind inside any of the common facilities or on any common area of the Association, unless otherwise authorized by the Election Process Supervisor. The Association will post the Candidate Information Statements in the Clubhouse, but no other campaign materials will be posted on common grounds.

## **6.0 BALLOT ACCOUNTABILITY**

### **6.1 Ballot Security**

The following procedures must be followed in order to provide for the most secure handling of votes. Management has the most important role in this part of the election process.

### **6.2 Ballot Preparation Conditions**

At the end of the nominating period as defined in NRS 116.31034.5, if the number of nominees is equal to or less than the number of positions open, the Association will not prepare or mail any ballots to homeowners, and the nominated Candidates shall be deemed to be duly elected to the Board of Directors at the meeting which the ballots would have been counted.

### **6.3 Ballot Preparation**

Candidates' names will be placed on the ballot in the order determined by the drawing of names at the date and time indicated on the Election Calendar. The ballot will be formatted as noted on Form E4. If at all possible, the names of all Candidates should appear on the same line.

#### **6.4 Mailing of the Ballot**

Ballots and related documents will be mailed to all homeowners on the date indicated on the Election Calendar. The mailing will consist of:

- Form E4 – The Ballot
- Form E5 – Envelope Instruction sheet
- Form E6 – Ballot envelope (size 11)
- Form E7 – Size 12 security envelope (Pre-addressed to the Association. Homeowner's name and Solera address shall be preprinted in the return address section)

The above forms may be modified as deemed appropriate by the Election Process Supervisor. Approval of the Board of Directors is required.

**6.5** Homeowners who will be out of town on or soon after the date ballots are scheduled to be mailed, and have no forwarding address, may contact the Election Process Supervisor prior to the official mailing date once ballots are available. Election Process Supervisor shall maintain a record of homeowners provided with an early ballot and shall ensure that a ballot is **NOT** mailed to the homeowner.

**6.6** The Association is not responsible for non-receipt of ballots.

#### **6.7 Returning the Ballot**

Ballots may be returned to Management by U.S. mail or returning it to the clubhouse and placing it in the secure ballot box. Signed and sealed Ballots should only be handled and returned by the homeowner to whom it belongs.

#### **6.8 Subsequent Ballot Processing by The Election Process Supervisor**

Each normal workday, Management will open the ballot box and process ballots as follows:

- Validate that the outer envelope is valid and contains no markings that would make it possible to identify who the homeowner voted for.
- Validate that the homeowner is a member in good standing.
- All envelopes will be numbered. A corresponding number will be placed on the listing of homeowners used by Management to account for ballots.
- Bundle the envelopes into stacks of 25. Place a bundle number on each. Separate stacks will be used for valid and invalid envelopes.

#### **7.0 MEET THE CANDIDATES EVENTS**

- The event(s) will be moderated by the Election Process Supervisor or a designee approved by the Executive Board of Directors. The guidelines outlined on Forms E8 & E9 will be adhered to at times.

## **8.0 COUNT NIGHT PROCEDURES**

The Election Process Supervisor, or other designee approved by the Board of Directors shall supervise all aspects of the ballot count process, guided by the following:

- The count room shall be set-up in accordance to the guidelines outlined on Form E10
- Approximately 45 minutes prior to the time designated to begin the count process, the Election Process Supervisor or other Board of Directors designee approved by the Board of Directors, shall meet all counters, and review the instructions outlined on Form E11.
- Counters will be assigned to specific tables, into teams of two by the Election Process Supervisor or designee approved by the Board of Directors.
- Management will issue colored pens/pencils to be used in the tally process.
- Counters will remain in the count area at all times, and until **ALL** votes have been recorded.

### **8.1 The Election Process Supervisor will arrive in the count area at the time indicated on the Election Calendar with all envelopes received.**

- Valid envelopes will be bundled in groups of 25 each (except for the last bundle).
- Invalid envelopes will be in a separate group, bundled in groups of 25 each.
- The Election Process Supervisor or designee approved by the Board of Directors will review the invalid envelopes and resolve any differing opinions.
- The Election Process Supervisor or designee approved by the Board of Directors will then complete the left column of Section A of the Secretary's Report, Form E14.

### **8.2 Counting the ballots**

The Ballot Counting process shall be performed as outlined on Form E11. Forms E12 and E13 will be completed in accordance with the procedures outlined on Form E11.

### **8.3 After all votes have been recorded and problems resolved, the Election Process Supervisor or designee approved by the Board of Directors shall:**

- First complete Section A of Form E14, then complete Section B.
- All members of the Management team assisting in the count process shall sign Section B of Form E14, certifying the count.
- Notify the Secretary that the count process has been completed.




**8.4 The Secretary shall:**

- Verify receipt of all documents involved in the election process by completing Section C of Form E14.
- Once the meeting of the Board has been resumed, announce results in the order Candidates are listed under Section B of Form E14.

**8.5 Elections to Fill A Board Vacancy:**

- NRS 116.3103.2 (c) states in part that "... the executive board may fill vacancies in its membership for the unexpired portion of any term or until the next regularly scheduled election of executive board members, whichever is earlier."

  
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President

  
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Secretary