

HICKORY RIDGE COMMUNITY ASSOCIATION, INC.
SPECIAL ELECTION COMMITTEE
December 21, 2021

TO: Laura Parrish, Village Manager
FROM: Rhona Schwartz, Vice Chair of Election Committee

Dear Laura:

Please find enclosed the Special Election Committee's Preliminary Reports on the Review Questions presented to us by the Village Board.

The Committee would like these documents distributed to the following parties per the Village Board's and the Committee's instructions.

1. The members of the Village Board
2. The members of the Special Election Committee
3. The Hickory Ridge Community Association qualified residents

Please inform the "residents" that they have until December 31, 2021 at NOON to send their comments to you and they will be forwarded to the Election Committee members for review. Due to the time crunch imposed by the Village Board's Resolution, the Committee will need the resident comments ASAP so we may prepare for the January 5, 2022 Election Committee Zoom meeting for final voting.

Thanks so much!
Rhona

Special Committee on Review of Election Policies & Procedures

Report on assigned topics

1	Whether candidates for Village Board who cease to be members of the Association prior to the election should remain eligible for candidacy. (Recommendation: No)
2	Whether the term of a Village Board member should automatically terminate when they cease to be member of the Association. (Recommendation: Yes)

Research:

1. The governing documents, Covenants, Articles of Incorporation and By-Laws, state that to qualify as a candidate for the offices of Representative to the Columbia Council or the Village Board of Directors, an individual must be a "member of the Association".

2. From our Articles of Incorporation:

"SIXTH: The following shall automatically be members of the Association:

A. Owners. "Owner", for purposes of this Article Sixth shall mean and include the owner of any "Unit" within the Property, or any common or joint interest therein if such Unit is owned by more than one person or entity. "Unit" shall mean and include (i) the fee simple title to any Lot (as defined in the Long Reach Declaration within the Property; (ii) the fee simple title to a unit in any condominium development within the Property; and (iii) any share, membership other interest in any cooperative or other entity organized and operated for the purpose of making residential dwelling units available to its shareholders, members or other beneficiaries, which share, membership or other interest entitles the owner thereof to possession of any residential dwelling unit within the Property.

B. Tenants. "Tenant" for purposes of this Article Sixth, shall mean and refer to an individual who (i) actually resides on the Property under a written lease from an Owner in which such individual is named as lessee, and (ii) delivers an executed copy of such lease to the Board of Directors.

No person or other entity shall be a member of the Association after he ceases to own or hold the interest in a portion of the Property which theretofore qualified him for membership under the provisions set forth above."

Observations:

1. "Members of the Association" have a legal obligation to pay the CA assessment and therefore are entitled to have an official say in how those funds are spent. Individuals / entities who are not legally obligated to fund the Association should not have a vote on how Village resources are allocated.
2. Any individual whose "membership" status terminates should therefore no longer be able to serve on the Board - the managing body that decides how Village assets are allocated.

Special Committee on Review of Election Policies & Procedures

Report on assigned topics

3. Allowing non-members to vote on the allocation of Village resources would therefore be an instance of “outside influence”.

12	Whether specific election rules and procedures, including, but not limited to clear instructions to candidates regarding placement of signs at the polling location, requirement of renter-candidates supplying a copy of their rental agreement, and other currently undisclosed but enforced election-related requirements should be memorialized and advertised as part of the election process. (Recommendation: Yes, review and edit existing documents as enumerated below.)		
16	Whether a comprehensive Election Handbook addressing all election policies, procedures, rules, guidelines, forms, timelines, maps, etc. should be produced and updated annually. (Recommendation: Yes, include appropriate legal documents with applicable sections highlighted or annotated.)		

Research:

1. All election-related requirements are clearly articulated in the governing documents, the Charter, Articles of Incorporation and By-Laws, as well as the Policies and Procedures which are reviewed and revised / issued prior to each election cycle.
2. In the event of an unusual / unanticipated circumstance, the pandemic for instance, the Election Chair works with the Village Staff to develop procedures / protocols to address the situation. Any time a new procedure is developed it is immediately communicated to all interested parties.

Observations:

1. A review of the location and organization of the relevant election information would be appropriate.
 - a. The website should have a specific section where all relevant documents would be located.
 - b. The legal documents should have the relevant sections highlighted so that people would not have to read them in their entirety to find election related requirements or information.
2. The Village Staff should clearly be responsible for the organization, safekeeping and communication of all election related documents. As currently stated in the Election Procedures and Guidelines:
 - “C. The Village Manager shall advertise the following election details at least six weeks before the Election Day:

Special Committee on Review of Election Policies & Procedures

Report on assigned topics

1. Available Board and Council positions
 2. The deadline for candidates' statements
 3. Candidate's statement requirements:
 - a. Statements must be 150 words or less
 - b. All words in excess of 150 will be deleted.
 - c. Complete statements will be available for view at the Village Office.
 4. Election Day date, place and times
- D. The Village Manager shall provide the following candidate information packets.
1. Columbia Council candidates shall receive copies of the CA Articles of Incorporation and the CA By-Laws
 2. All new candidates shall receive the following:
 - a. Village Articles of Incorporation and By-Laws
 - b. Election Procedures
 - c. Calendar for Election activities"

Existing Documents to be integrated into a new Election Handbook:

- A** • 2021 Absentee Ballot Rules FINAL
- B** • Procedures for Handling and Recording Absentee Ballots
- C** • Election day map_ signs and electioneering
- D** • ELECTION PROCEDURES AND GUIDELINES rev 2013
- E** • VOTING PROCEDURES 2021
- F** • Memo from CA legal counsel to the CA president dated April 22, 1988 regarding Membership and voting rights
- G** • Email, Attorney opinion regarding the lease requirement to be a Member of the Association dated March 21, 2012

The listed documents are at the end of the PDF and are labeled as shown.

13	Whether the Election Committee should be required to report to the Village Board each year within a specific time period, whether there was an election or not. (Recommendation: Yes the report should be made at the first VB meeting once all of the Board members have been seated. Include in the Election Handbook)	
----	--	--

Research:

In accordance with the published Election Procedures and Guidelines "The Election Committee may submit a written report to the Board upon request."

Special Committee on Review of Election Policies & Procedures

Report on assigned topics

Observation:

The Election Committee report to the Board has always been at the discretion of the Board. Making it a standard practice and including it in the Elections Guidelines would eliminate the ambiguity.

14	Whether notice of second meeting for quorum purposes should continue to be automatically be published with first notice of election. (Recommendation: Yes)		
18	Whether a timeline for proposed candidates to prove their eligibility for candidacy should be established. (Recommendation: Yes as part of the Election Handbook document. Deadline established by Columbia Flier publication deadline for candidate statements.)	NO	NO

Research:

These two topics are related to the requirement for “Public Notice” and are clearly addressed in the published Election Procedures and Guidelines.

Observation:

Given the “Public Notice” requirements for establishing both the date for a second meeting (if required) and the candidacy of any individual, current procedures should remain in force.

15	Whether specific protocols should be established for the announcement and advertising of election results. (Recommendation: Yes, document in the Election Handbook.)		
----	--	--	--

Research:

The current Election Procedures and Guidelines state:

“The Committee Chair will announce the results.

1. The Committee Chair will post the results of the vote counting.
2. The Village Manager or designee will contact all candidates.
3. The Village Manager will send the results of the count to the Columbia Association, the other villages and the local press.”

Observation:

It would appear that the current Election Procedures and Guidelines adequately address this issue. However, documenting the process should be included in the Election Handbook.

Iris Mars

Question #5: Should a candidate be allowed to run for Village Board Director and CA Council Representative at the same time?

Decision: No

Recommendations:

I. Amend the Bylaws with the new language shown in bold red below:

Section 2.03. Election of Directors. Until the first annual meeting of members or until successors are duly elected and qualify, the Board shall consist of the persons named as such in the charter. At the first annual meeting of members and at each annual meeting thereafter, the members shall elect directors to hold office until the next succeeding annual meeting or until their successors are elected and qualify. In order to qualify as a candidate for the Board of Directors (or the Representative to the Columbia Council) a candidate must be a member of the association and submit a candidate's statement to the Village Manager by a deadline determined by the Board of Directors. That deadline date must be publicly announced at least six weeks prior to the annual meeting. No person who has an unresolved covenant violation that has been accepted for legal action by the Columbia Association's Architectural Resource Committee (ARC) will be seated on the Board or have the right to cast a vote on issues brought before the Board. **A person shall declare candidacy for either a Director or a CA Council Representative position but not for both; a candidate applying for both positions is deemed disqualified from both.** At any meeting of members, duly called and at which a quorum is present, the members may, by the affirmative vote of the members entitled to cast the majority of votes thereon, remove any director or directors from office and may elect a successor or successors to fill any resulting vacancies for the unexpired terms of removed directors. Notwithstanding anything to the contrary set forth herein, if, after the deadline date for candidate's statements has closed, the number of candidates meeting the requirements set forth in Section 2.03 is less than or equal to the number of vacant director positions, the qualified nominees shall be deemed to have been elected by the members and the Board of Directors shall appoint such nominees to the available director positions for the term provided for in Article 8 of the Association's Articles of Incorporation.

Section 4.04. Columbia Council Representative. The member elected as representative on the Columbia Council shall perform those functions, and shall have those powers, specified in the Charter of the Association and the Charter of The Columbia Park and Recreation Association, Inc. Notwithstanding anything to the contrary set forth herein, if, after the deadline date for candidates' statements has closed, there is not more than one candidate meeting the requirements

Iris Mars

set forth in Section 2.03, the qualified nominee shall be deemed to have been elected by the members and the Board of Directors shall appoint such nominee to the position of Representative to the Columbia Council for the term provided for in Article 9, Section 9 of the Association's Articles of Incorporation, **provided that the candidate declared for the CA Council Representative position alone and not also for a Village Board Director position.**

II. If amending the Bylaws is not possible, then:

- In the Election Handbook, there could be a section for "Guidance for Prospective Candidates". This item should include the duties of the Directors, both as stated in the Articles and Bylaws, and through any Board policies, and, through any examples from reality over the past 50 years. The candidate should be counseled (in the handbook) to apply for one and only one position.
- If a candidate still applies for both positions, the Election Committee Chair could contact the candidate and inform the candidate that the candidate cannot serve as the CA Representative per the CA Conflict of Interest policy and state that, if the person's goal is to run as the CA representative, then the person should consider committing to it and not running for the Board Director position at the same time. This responsibility for the Election Committee Chair would need to be added to the Chair's responsibilities in the Committee's Charter.
- A possible way to ensure that the candidate is not in both positions is to have a Conflict of Interest acknowledgement that candidates cannot serve in both roles at the same time. This Conflict of Interest acknowledgement would be in the candidacy documentation package. With that understanding, the candidate, should be selecting one and only one position to run for, with the understanding that, if the candidate selects both, then the candidacy would be disqualified for both positions and the candidate would not appear on the ballot.

Topics 3 and 4

As to whether a “verifiable chain of custody of paper ballots can be established and verified”, we can look to a member of our Election Committee, Jim Loesch, who has extensive experience as Election Chair. According to Mr Loesch

...all ballots, in-person and absentee, are placed in a locked box under the custody of the Village Manager until the in-person pole closes. The box is then turned-over to the Election Chair who opens the box and begins the vote count process – unfolding, sorting and stacking the ballots and reading the individual ballot selections to those tallying the votes. Once the votes have been tallied and verified regarding the counts, this past year we then added the results of the electronic ballots and those from CA to the totals to determine the winners. NOTE, the CA votes are always cast consistent with the “popular vote” and only count to the total votes cast in order to achieve the required quorum to have a “valid” election.

So it appears that our security procedures for paper ballots in the past have worked well.

As to the question of the integrity of online voting: Below see the data on our Hickory Ridge elections for the last 5 years.

Election Results, 2017-2021

Year	2017	2018	2019	2020	2021
Absentee	264	195	no elect	no elect	344
Regular Ballots	131	156			96
CA	85	85			85
Electronic	0	0			290
Total	480	436			815

From this table you can see that we began using online voting in 2021, probably due to the pandemic. The election of 2021 almost doubled the number of total votes casts from the previous election with 290 people casting their ballots online. The vendor used to conduct the online balloting was Intelliscan which provided a unique ID number to each household in Hickory Ridge before ballots were mailed out. Households could then return their ballots in person, or through the mail, or online. Searching the internet, Intelliscan has had as good a track record as can be expected in our digital environment. However, consulting with cybersecurity experts reveals vulnerabilities in online voting.

Doug Steinel

Joe Kinery and Dan Wallach who are experts on election security, say that we are ten years away from being confident that hackers cannot break into computers tallying online votes (<https://www.politico.com/news/2020/06/08/online-voting-304013>). These misgivings were reiterated by our Hickory Ridge association member, Kristine Amari, a cybersecurity expert who expressed her misgivings with online voting at our Election Board meeting on Nov 29, 2021. Ms. Amari gave us a rough estimate that a \$50k payment to the right people would probably be enough to hack into our election.

On the plus side many people still do not feel comfortable in public places and online voting gives them the opportunity to participate. The 290 online votes in the April 2021 election attests to that.

The Election Committee must decide if the security risks associated with online voting outweigh the benefits of the online voting option.

Doug Steinel

Proposals for Topics 3 and 4

Proposal for issues on Topic 3:

It is proposed that for confidence in the security of the voting that there be no online voting in the next election.

Proposal for issues on Topic 4:

It is proposed that the security of paper ballots follow the procedures from last year i.e. that the paper ballots be placed in a lock box in the possession of the Chair of the Election Committee and that this lock box will be opened in a public place where the ballots will be counted.

HICKORY RIDGE COMMUNITY ASSOCIATION, INC
Special Election Sub Committee Report on
Review Questions 6, 7, 8, 9, 10, 17 and 19

QUESTIONS PRESENTED BY THE VILLAGE BOARD:

Question #6

Whether there should be a cap or limit on the amount candidates may spend on their campaign in order to enable all residents the opportunity to serve on the Village Board or as CA Rep, regardless of their income or resources available for campaign expenditures.

Question #7

Whether there should be campaign expenditure disclosure requirements notifying residents how much money a candidate has personally spent on their campaign.

Question #8

Whether there should be campaign contribution (monetary or in-kind) disclosure requirements notifying residents how much money candidates have accepted from third parties for their campaigns.

Question #9

Whether there should be disclosure requirements related to campaign activity by third parties (monetary or in-kind) where the sponsor of the activity is not disclosed and whether beneficiaries of such activity should be required to make a good faith effort to discover and disclose the source of such assistance and be recused from matters involving such donors.

Question #10

Whether contributions from third parties should result in automatic recusal of the recipient from participation in matters involving such donor before the Village Board if elected.

Question #17

Whether the Conflict and Ethics Policy should be revised to include disclosure of campaign expenditures, disclosure of campaign donors (money and/or in-kind) and amounts; certification of good faith attempt to identify sources and amounts of any third-party contributions (monetary and/or in-kind) from unknown sources; pledge of recusal from matters before the Village Board involving any corporate or substantial donor, and any other matters pertaining to campaign finance; and establish enforcement mechanisms of removal of office under Conflict and Ethics Policy for failure to comply with expenditure/disclosure/certification/recusal provisions of Conflict and Ethics Policy.

Question #19

The committee will recommend to the Village Board how the word "recusal" will be defined as part of their recommendations, consistent with the Conflicts of Interest Policy.

Preliminary Report

The Hickory Ridge Community Association ("HRCA") assigned to its Special Election Committee the task of reviewing a multitude of election and disclosure requirements for residents in the community seeking election to the HRCA Board of Directors. In addition, we were asked to review, address, and possibly revise the existing Conflicts of Interest & Ethics Policy for members of the HRCA Board.

The Committee held numerous public meetings on the assigned tasks and accepted both verbal and written comments and suggestions from residents of Hickory Ridge. Below are the preliminary documents prepared by a

Marc Chaiken, Greg DesRoches & Rhona Schwartz

subcommittee of the Election Committee that are intended to address the questions assigned to the Election Committee. The entire subcommittee voted "yes" in response to Review Questions 6,7,8, 9,10, 17 and 19 and to approve these documents.

Please note that the attached documents are in draft form and HAVE NOT yet been voted upon by the full Election Committee. However, they do represent the work of the entire subcommittee that was assigned these Review Questions.

The attached documents consist of:

Document Number:

1. ACKNOWLEDGEMENT OF CANDIDACY DOCUMENTS
- 2(a). IN-KIND CONTRIBUTION INSTRUCTIONS
- 2(b). IN-KIND CONTRIBUTION DONOR DATA FORM
- 2(c). IN-KIND CONTRIBUTION VOLUNTEER DATA FORM
3. CANDIDATE FINANCIAL DISCLOSURE STATEMENT
4. CAMPAIGN MONEY PLEDGE FOR CANDIDATES
5. CONFLICT OF INTEREST POLICY
6. BOARD OF DIRECTOR'S CONFLICT OF INTEREST PLEDGE

The entire set of documents is relevant directly, or indirectly to all of Review Questions 6, 7, 8, 9, 10, 17 and 19. But we have marked each document with the Questions that most pertain to the following:

Document Number:

1. Review Questions: 6,7, 8, 9, 10, 17, 19
- 2(a)(b)(c). Review Questions: 6, 7, 8, 9
3. Review Questions: 7, 8, 9, 17
4. Review Questions: 6, 7, 8, 9, 10, 17
5. Review Questions: 10, 17, 19
6. Review Questions: 9, 10, 17, 19

Please note that **written comments from residents will be accepted until noon on December 31, 2021.** Please send them to **Laura Parrish, Village Manager** (manager@hickoryridgevillage.org). The Election Committee's next meeting is on January 5, 2022.

Submitted: December 21, 2021

Greg DesRoches
Marc Chaiken
Rhona Schwartz

DOCUMENT #1
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.
BOARD OF DIRECTORS
ACKNOWLEDGEMENT OF CANDIDACY DOCUMENTS

I have received the following documents for candidacy to the Hickory Ridge Community Association's Board of Directors:

1. Conflict of Interest Policy
2. Candidate Financial Disclosure Statement
3. Campaign Money Pledge for Candidates
4. In-Kind Contribution Instructions
5. In-Kind Donor Data Contribution Form
6. In-Kind Volunteer Data Contribution Form

Signature: _____

Date: _____

Candidacy Position: _____

FOR USE BY VILLAGE OFFICE ONLY:

Received Date _____

Village Manager _____

DOCUMENT #2(a)
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.

IN-KIND CONTRIBUTION INSTRUCTIONS

In-kind contributions are third-party donations of goods, facilities, or services used. Do not include property, facilities, or services contributed by you.

Contribution in-kind means the fair market value of a gift or loan of any item of real or personal property, other than United States currency, made to or for any candidate or committee for the purpose of influencing the passage or defeat of any issue or the election or defeat of any candidate.

Contribution in-kind does not include an endorsement of a candidate or a ballot measure by any person, nor does it include the payment of compensation for legal or accounting services rendered to a candidate if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this title.

On the form, show how the value of each contribution was determined by filling in the appropriate boxes. The total expenditures including In-Kind contributions shall not exceed \$500.

For Donated Services: Provide a description and number of items, date provided, and the total fair market value of the items;

For facilities: The published rental rate and hours or dates the facility was used.

For Volunteer Services: List the number of hours worked, Date(s) of service, Type of service, and Rate of pay. Volunteer canvassing is not an In-Kind contribution.

DOCUMENT #2(b)
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.

IN-KIND CONTRIBUTION - DONOR DATA - CANDIDATE NAME: _____

To the best of my knowledge the below goods and/or services were donated to my candidacy for the Hickory Ridge Community Association Village Board or Columbia Association Representative to the Village Board.

Donor's Name (Print): _____ Date Provided or Used: _____

Email: _____ Telephone: _____

Description of Donated Goods or Services: _____

Fair Market Value Total: _____

Donor's Name (Print): _____ Date Provided or Used: _____

Email: _____ Telephone: _____

Description of Donated Goods or Services: _____

Fair Market Value Total: _____

Donor's Name (Print): _____ Date Provided or Used: _____

Email: _____ Telephone: _____

Description of Donated Goods or Services: _____

Fair Market Value Total: _____

DOCUMENT #2(c)
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.

IN-KIND CONTRIBUTION - VOLUNTEER DATA - CANDIDATE NAME:

Volunteer's Name (Print): _____

Email: _____ Telephone: _____

Date of Service: _____ Total Hours Worked: _____

Location(s) of Service: _____

Service Performed: _____

Fair Market Value of Service: _____

Volunteer's Name (Print): _____

Email: _____ Telephone: _____

Date of Service: _____ Total Hours Worked: _____

Location(s) of Service: _____

Service Performed: _____

Fair Market Value of Service: _____

Volunteer's Name (Print): _____

Email: _____ Telephone: _____

Date of Service: _____ Total Hours Worked: _____

Location(s) of Service: _____

Service Performed: _____

Fair Market Value of Service: _____

DOCUMENT #3

HICKORY RIDGE COMMUNITY ASSOCIATION, INC.

CANDIDATE FINANCIAL DISCLOSURE STATEMENT

This form must be filed by all persons who wish to qualify as candidates for the Hickory Ridge Community Association, Inc. Board of Directors. The completed form along with a completed Certificate of Candidacy must be filed with the Village Manager by _____.

I Would Like To Be Notified If Someone Looks at or Copies My Form (YES ___ NO ___)

Instructions:

1. Fill in the preliminary information requested in the box below. Be sure to correctly identify the reporting period.
2. Upon completion of your financial disclosure statement, sign and date the lower portion of the page and make the required oath or affirmation.

Please Print or Type

FIRST NAME

INITIAL

LAST NAME

CURRENT ADDRESS (WHERE YOU CAN BE SENT CORRESPONDENCE)

OFFICE FOR CANDIDACY

EMAIL ADDRESS

REPORTING PERIOD

This Financial Disclosure Statement describes all interests and related transactions and matters required to be disclosed by the Hickory Village Community Association, Inc. Articles of Incorporation and By-Laws, adopted on _____, and approved by

_____ on _____,

and the Hickory Ridge Community Association, Inc. Conflict of Interest Policy with respect to the period indicated and pertaining to the person filing the statement. The statement consists of this cover sheet, the checklist, and Schedules A through J.

I hereby make oath or affirm under penalty of perjury that the contents of this Financial Disclosure Statement are complete, true and correct to the best of my knowledge, information and belief.

Signature of Person Filing:

_____ Date: _____

FOR USE BY VILLAGE OFFICE ONLY

Received _____ (Date) By Village Manager: _____

Unless the form is signed, dated, the Village Manage will not consider the financial disclosure statement to be filed.

Checklist:

Complete by checking the "yes" or "no" box as to each statement. Do not leave any statement unanswered. Note that each statement corresponds to a Schedule. If you have questions as to the meaning of a statement, review the corresponding Schedule and instructions for a more detailed description of the interests involved.

Caution: Please read all instructions on accompanying instruction sheet including all definitions contained therein, before completing this form.

	<u>YES</u>	<u>NO</u>
A. At the time of this Declaration, I am a member of the Association as defined in the By-Laws.	_____	_____

(If your answer to the following questions is "Yes", please explain in the comment section below)

B. I held interests during the reporting period in corporations, partnerships and similar entities as defined in the Association's Conflict of Interest Policy.	_____	_____
---	-------	-------

C. I held interests in a business entity (including partnerships and non-corporate entities) which did business with the Association during the reporting period.	_____	_____
---	-------	-------

D. I received gifts during the reporting period from persons doing business with the Association, regulated by the Association, or registered or required to register by the Association.	_____	_____
---	-------	-------

E. I or a member of my immediate family was a partner or held an office, directorship, or salaried employment during the reporting period in or with a business entity doing business with the Association.	_____	_____
---	-------	-------

F. I or a member of my immediate family owed debts (excluding retail credit accounts) during the reporting period to persons doing business with the Association.	_____	_____
---	-------	-------

G. A member of my immediate family was employed by the Association during the reporting period.	_____	_____
---	-------	-------

H. I, or my spouse, received a salary or other earned income from a source other than the Association, or my dependent child received earned income from an entity doing business with the Association.	_____	_____
---	-------	-------

I. I was an owner, shareholder, partner, employee, officer, director, or contractor with a business entity involved in a dispute with the Association, or involved in any matter in which the Association is or might be an adverse party.	_____	_____
--	-------	-------

J. I have additional interest or information I would like to report. (Disclose Below).	_____	_____
---	-------	-------

FINANCIAL DISCLOSURE STATEMENT INSTRUCTIONS AND DEFINITIONS

A MESSAGE TO CANDIDATES FOR THE VILLAGE BOARD OR COLUMBIA ASSOCIATION REPRESENTATIVE ("CA" REP) REQUIRED TO FILE DISCLOSURE STATEMENTS

Please read the instructions carefully and be sure to provide all information requested for each interest you disclose on your statement.

Financial disclosure statements are public records that may be examined or copied by the public. At the top of the cover page, we have provided a place for you to check if you want the Hickory Ridge Community Association Village Manager to notify you of the names and addresses of any persons who have examined or copied your statement.

GENERAL INSTRUCTIONS

A. Persons Required to File

Candidates for the Village Board or CA Rep are required to file this financial disclosure statement.

B. When to File

A candidate for election to the Board, must file the statement for the previous calendar year on or before _____.

C. Where to File and Where to Get Forms

Forms are available at the Hickory Ridge Village Office and on the Village's website at [www._____](http://www._____.). The completed form is to be filed with the Village Manager.

Signature _____

Date _____

DOCUMENT #4
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.
CAMPAIGN MONEY PLEDGE FOR CANDIDATES

The Campaign Money Pledge for Candidates of Election Cycle _____ (hereinafter referred to as the "Pledge"). As a candidate running for office in the Hickory Ridge Community Association, Inc., representing resident members, I pledge to not accept campaign donations from the following "Prohibited Entities":

- 1 Real estate development companies, partnerships, corporations, LLC, proprietors (or their entities) with projects in, or have had previous projects in, or have pending applications or currently planned future projects in, Howard County, Maryland (individually or collectively "Prohibited Entities"). Planned future projects may be defined as any correspondence between two persons, either written or verbal, of a specific project to be built within Howard County at any future time.
- 2 Principals, shareholders, officers, partners, directors of the aforementioned Prohibited Entities.
- 3 Law firms for the aforementioned Prohibited Entities, including employees, partnerships, proprietorships or the principals of these law firms.
- 4 Public Relations or marketing companies with clients falling into the aforementioned Prohibited Entities category or their principals.
- 5 Any contributions from any group or organization, including a PAC, that accepts direct or indirect funding (including but not limited to intermediary or "pass through" organizations or entities) from the Prohibited Entities lobby and their affiliates as listed herein, or does not disclose its source of funding.
- 6 Donations or transfer amounts greater than \$50 in a single year election cycle from any other individual or group.
- 7 State or local Central Committees, insofar as they serve as conduits for Prohibited Entities funds.
- 8 Contributions from sole proprietors, LLCs or LLPs or similar entities that are or represent the Prohibited Entities lobby.
- 9 Anonymous contributions.
- 10 In-kind donations from entities described in Items 1 through 4 above. Examples include but are not limited to hosting fundraisers for candidates or covering the cost of food, supplies, etc. for candidate events, purchasing mailers or ads, or paying for office space.

By signing on to this Pledge I understand that the contributions to my campaign cannot include contributions from the aforementioned Prohibited Entities for the current election cycle, which began_____. I further pledge that my total receipts and total

expenditures including In-Kind contributions shall not exceed \$500. Therefore, if I have received money during the current election cycle from these Prohibited Entities, I understand that I must return these funds to the contributor. Furthermore, I fully understand that violation of this Pledge shall constitute grounds for disqualification and/or removal from office.

Please review the Pledge before submitting

Name (Print) _____

First

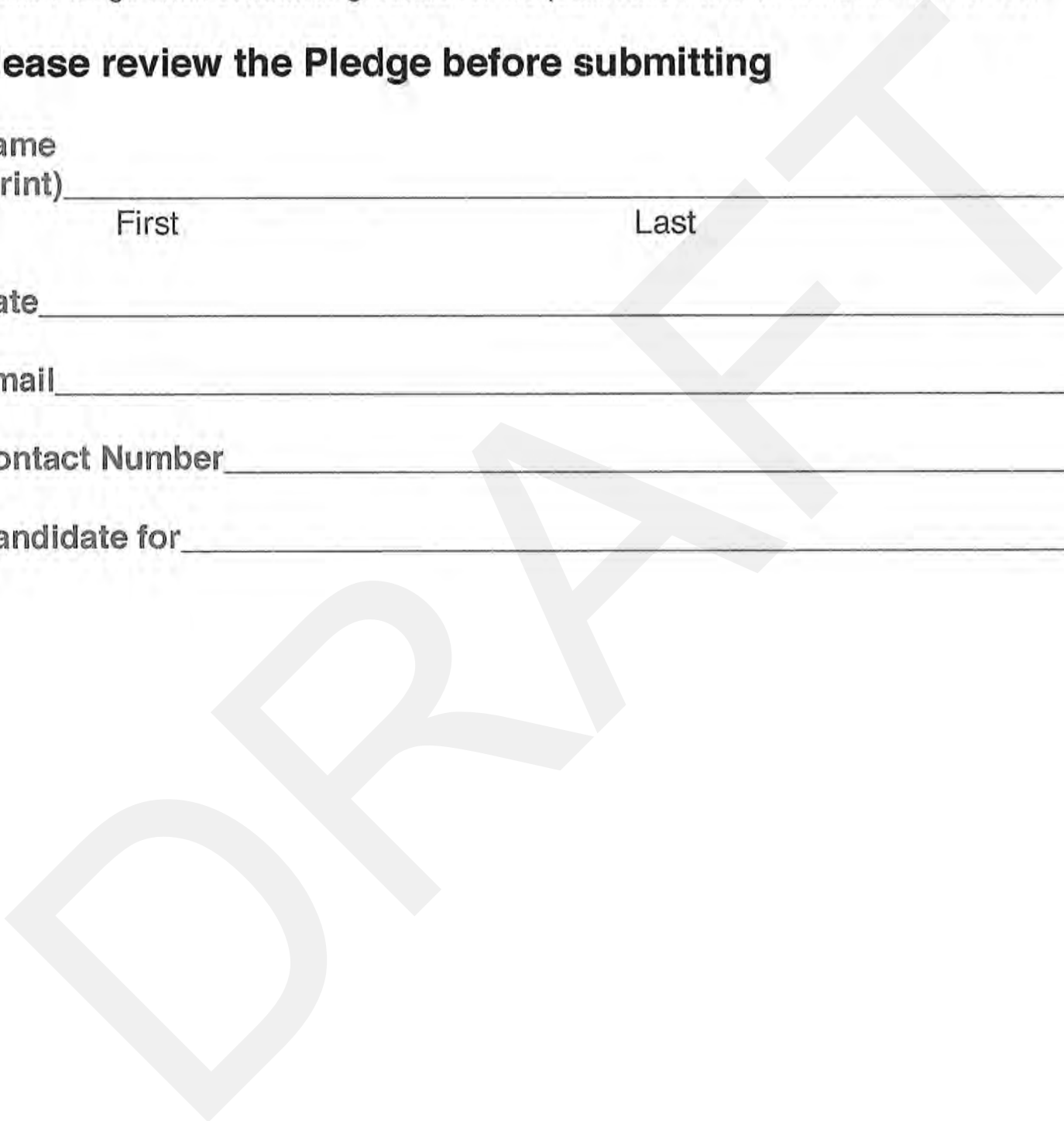
Last

Date _____

Email _____

Contact Number _____

Candidate for _____



DOCUMENT #5
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.
Conflict of Interest Policy

This Conflict of Interest Policy was adopted by the Board of Directors of the Hickory Ridge Community Association, Inc. (hereinafter referred to as "Association"), a Maryland non-stock corporation exempt from income taxation under Section 501(c)(4) of the Internal Revenue Code at a duly called meeting held _____.

Article I Purpose

The purpose of this Conflict of Interest policy is to protect the interests of the Association as a tax exempt entity when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Association. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

Article II Policy

It is the policy of the Hickory Ridge Community Association, Inc. (Association) to prohibit members of the Village Board, Resident Architectural Committee (RAC), Architectural Committee (AC) and members of any other Board-sanctioned Committee from voting on or participating in any matter which would create a conflict of interest or give the appearance of a conflict of interest, except when such vote or participation is in the exercise of an administrative duty which does not affect the disposition or decision with respect to that matter.

The purpose of the policy is to guard against improper influence and to set minimum standards for the ethical conduct of the Association's business.

Since it is impossible to describe all of the situations which may constitute or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive or inclusive.

Article III Definitions

"Board Committee" means any committee with decision making powers delegated by the Board of Directors.

"Board of Directors" means the Board of Directors of the Hickory Ridge Community Association.

"Compensation" includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. Insubstantial is defined as \$50 or less.

"Conflict of Interest" means consideration of or entering into a transaction, contract, or arrangement between the Association and a person having a Financial Interest.

"Family" of an individual means his spouse, his brothers and sisters (whether by the whole or half blood), parents and their spouses, children, and the spouses of children.

"Financial Interest" means an interest held by a person who, directly or indirectly, through business, investment, or family relationship has.

- a. An ownership or investment interest in any person or entity with which the Association has a transaction, contract, or arrangement,
- b. A compensation arrangement with the Association or with any entity or individual with which the Association has a transaction, contract, or arrangement, or
- c. A potential ownership or investment interest in or compensation arrangement with any entity or individual with which the Association is negotiating a transaction, contract or arrangement.
- d. A Financial Interest is not necessarily a Conflict of Interest. Under Section 4.2, below, a person who has a Financial Interest does not have a Conflict of Interest if the Board of Directors decides that a Conflict of Interest does not exist.

"Interested Person" means any (i) member of the Board of Directors, (ii) principal officer, or (iii) member of a Board Committee with decision making powers delegated by the Board of Directors, who has a direct or indirect Financial Interest.

Article IV Procedures

a. **Duty to Disclose.** In connection with any actual or possible Conflict of Interest, an Interested Person must disclose the existence of a Financial Interest and be given the opportunity to disclose all material facts to the directors and members of Board Committees considering the proposed transaction or arrangement. The full Board of Directors shall determine if a Conflict of Interest exists and if so whether, none the less, the proposed transaction, contract, or arrangement is otherwise fair to the Association.

b. **Determining whether a Conflict of Interest Exists.** After disclosure of the Financial Interest and all material facts, and after any discussion with the Interested Person, the Interested Person shall leave the meeting of the Board of Directors while the determination of a Conflict of Interest is discussed and voted upon. The remaining members of the Board of Directors shall decide if a Conflict of Interest exists.

4.1. Procedures for Addressing a Conflict of Interest.

a. An Interested Person may make a presentation at the Board of Directors meeting, but after the presentation the Interested Person shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible Conflict of Interest.

b. The Chairperson of the Board of Directors (or if the Chairperson is the person at issue, one of the Board Members) shall, if appropriate, appoint a disinterested person or committee of disinterested persons to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, including, but not limited to obtaining appropriate data as to comparability or value of the proposed transaction, contract or arrangement, the Board of Directors shall determine whether the Association can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict of Interest, the Board of Directors shall determine by a majority vote of the disinterested directors whether the transaction, contract, or arrangement is in the Association's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, the Board of Directors shall make its decision as to whether to enter into the transaction, contract, or arrangement.

4.2. Violations of the Conflict of Interest Policy.

a. If any member of the Board of Directors or any Board Committee, or a principal officer of the Association, has reasonable cause to believe a member of the Board of Directors or a member of a Board Committee with decision making powers delegated by the Board of Directors, or any principal officer has failed to disclose actual or possible conflicts of interest, he or she shall inform the Board of Directors of the basis for such belief. The Board of Directors or Board Committee shall inform the person with the possible Conflict of Interest of the basis for such belief which has been communicated to it and shall afford such person an opportunity to explain the alleged failure to disclose.

b. If, after hearing such person's response and after making further investigation as warranted by the circumstances, the Board of Directors determines that such person has failed to disclose an actual or possible Conflict of Interest, it shall take appropriate disciplinary and corrective action.

c. Violation of this policy by any Village Board or Committee member may constitute grounds for removal from office, consistent with the Charter and By-laws of the Association.

Article V Prohibited Activities

Except in the exercise of an administrative duty which does not affect the disposition or decision on a matter, members of the Village Board or its Committees shall not participate in or vote on any matter on behalf of the Association.

a. In which the Board or Committee member has a personal interest tending to impair the member's independence of judgment.

b. In which a Board or Committee member, his/her spouse, parent, minor child, brother or sister has a personal or business interest.

5.1. Members of the Village Board or its Committees may not

- a. Within one year following termination of their term, assist or represent another party for Compensation in a case contract or other specific matter involving the Association if that matter is one in which the member significantly participated while affiliated with the Association.
- b. Solicit or accept any gift for personal benefit from any person who would be affected by the member's vote on a proposed matter or that has or is negotiating a contract with the Association.
- c. Solicit business from any person who would be affected by the member's vote on a proposed matter or who has or is negotiating a contract with the Association.
- d. Disclose or use confidential information acquired by reason of their position as a Village Board or Committee member for their own gain or that of another.

5.2. Waiver of Prohibition

The provision of Article V may be waived upon a resolution of the Village Board passed by a majority vote upon a finding of extraordinary circumstances.

The Village Board upon a resolution passed by a majority vote may authorize any otherwise prohibited participation and voting on a matter before its body if:

- a. Participation prohibitions leaves the Village Board, RAC or AC with less than a quorum capable of acting; or
- b. If the Village Board, RAC or AC is required by law to act or the Village Board, RAC or AC member is the only one authorized to act.

Article VI Records of Proceedings

The minutes of the Board of Directors shall contain:

- a. The names of persons who disclosed or otherwise were found to have a Financial Interest in connection with an actual or possible Conflict of Interest, the nature of the Financial Interest, any action taken to determine whether a Conflict of Interest was present and the Board of Director's decision as to whether a Conflict of Interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction, contract, or arrangement, the content of the discussion, including any alternatives to the proposed transaction, contract, or arrangement, and a record of any votes taken in connection with the proceedings.

Article VII Compensation

- a. A voting member of the Board of Directors who receives Compensation, directly or indirectly from the Association for services is precluded from voting on any matters pertaining to that member's Compensation.
- b. A voting member of any Board Committee whose jurisdiction includes Compensation matters and who receives Compensation, directly or indirectly from the Association for services is precluded from voting on matters pertaining to that member's compensation.
- c. Any voting member of the Board of Directors or any Board Committee whose jurisdiction includes Compensation matters and who receives Compensation, directly or indirectly from the Association, either individually or collectively, may make a presentation to the Board of Directors or such Board Committee regarding job requirements and performance as it relates to his or her Compensation but shall be prohibited from providing comparative information to any the Board of Directors or any Board Committee regarding the appropriateness of such Compensation and shall not participate in a discussion pertaining to nor vote on such Compensation.

Article VIII Annual Statements

Each member of the Board of Directors, principal officer, and member of a Board Committee with decision making powers delegated by the Board of Directors shall annually sign the statement in Appendix A which affirms that such person:

- a. Has received a copy of this Conflicts of Interest Policy,
- b. Has read and understands the Conflicts of Interest Policy,
- c. Has agreed to comply with the Conflicts of Interest Policy, and
- d. Understands that the Association is a social welfare organization and that, in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article IX Periodic Reviews

To ensure the Association operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, the Board of Directors shall conduct periodic reviews. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arms length bargaining.

b. Whether partnerships, joint ventures and arrangements with management organizations conform to the Association's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes, and do not result in inurement, impermissible private benefit, or in an excess benefit transaction.

Article X

Use of Outside Experts

In fulfillment of its responsibility with respect to periodic reviews, the Board may, if necessary, engage the services of outside experts.

By signing below, I affirm that:

1. I have received and read a copy of the Conflict of Interest & Ethics Policy
2. I agree to comply with the policy
3. I have no actual or potential conflicts as defined by the policy or if I have, I have previously disclosed them as required by the policy or am disclosing them below.
4. I understand the Association is charitable and in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Disclose here, to the best of your knowledge:

1. Any entity in which you participate (as a director, officer, employee, owner, or member) with which the Association has a relationship;
2. Any transaction in which the Association is a participant as to which you might have a conflicting interest, and
3. Any other situation which may pose a conflict of interest

I, _____, a duly elected/appointed member of the Board of Directors of the Hickory Ridge Community Association, do hereby affirm, understand, and agree to comply with the above statement of policy.

Name: _____

Position: _____

Signature: _____ Date _____

DOCUMENT #6
HICKORY RIDGE COMMUNITY ASSOCIATION, INC.
BOARD OF DIRECTOR'S CONFLICT OF INTEREST PLEDGE

I, (Print Name) _____

(Address) _____

(Neighborhood) _____

(Email) _____

(Telephone) _____

(1) I DO NOT have any relationships, Conflicts of Interest, or potential Conflicts of Interest to disclose.

(2) I HAVE a relationship as defined in the Hickory Ridge Community Association, Inc.'s Conflict of Interest Policy which I signed and is filed in the Village Office. My Conflict with matters before the Association could represent or be perceived to represent a conflict or duality of interest and are disclosed on the attached page.

It is my understanding that this information will be retained in the files of the Association and will be available for review by members, perspective members, and others who inquire. I further understand that this information may be shared with the Association's legal counsel.

I acknowledge that it is my responsibility to ensure that my disclosure information is current and complete and to update my disclosure records throughout the year of my relationship changes.

Date _____

Signature _____

Title _____

DOCUMENT A



ELECTION RULES AND BALLOT INSTRUCTIONS

WHO MAY VOTE?

- Any owner or renter of New Town (Columbia Association assessed) property in Hickory Ridge may vote in a Village Election.
- Only one vote is permitted for each property. In the case of a rental property, both the owner and the tenant may cast a ballot.
- Residents who have an outstanding covenant violation are prohibited from voting.

☞ Choose one of THREE WAYS to VOTE ☞

ONLINE VOTING INSTRUCTIONS:

Go to <https://elections.intelliscaninc.net/s3/HRCA2021>

- Login with your personal online voting code number printed in the upper right corner of the paper ballot you received.
- Follow the instructions for completing the ballot and submitting your votes online. Online voting must be completed by **noon on Friday, April 23, 2021.**

ABSENTEE BALLOT INSTRUCTIONS:

- Cast your votes on the ballot.
- Place your completed ballot in the envelope provided. Make sure you seal the envelope so that the outer flap is visible.
- Complete the outer flap and SIGN the envelope where indicated. All absentee ballots must be signed to be validated. Mailed ballots must be received by **noon on Friday, April 23, 2021.**
- You may cast a secret ballot by following these instructions:
 - Place your completed ballot inside a blank envelope marked "SECRET BALLOT."
 - Place that envelope inside the provided envelope, then complete and sign the envelope flap.

IN PERSON VOTING INSTRUCTIONS:

- Follow the Absentee Ballot Instructions above and hand deliver ballot to the secure drop box outside of The Hawthorn Center, 6175 Sunny Spring, at any time prior to **noon on Saturday, April 24, 2021, or**
- Vote in person at The Hawthorn Center, 6175 Sunny Spring, on **Saturday, April 24, 2021 between the hours of 9am-noon.**

If you have ANY questions about the voting procedure, please contact the Village Manager at manager@hickoryridgevillage.org or call the Village Office at 410-730-7327.

DOCUMENT B

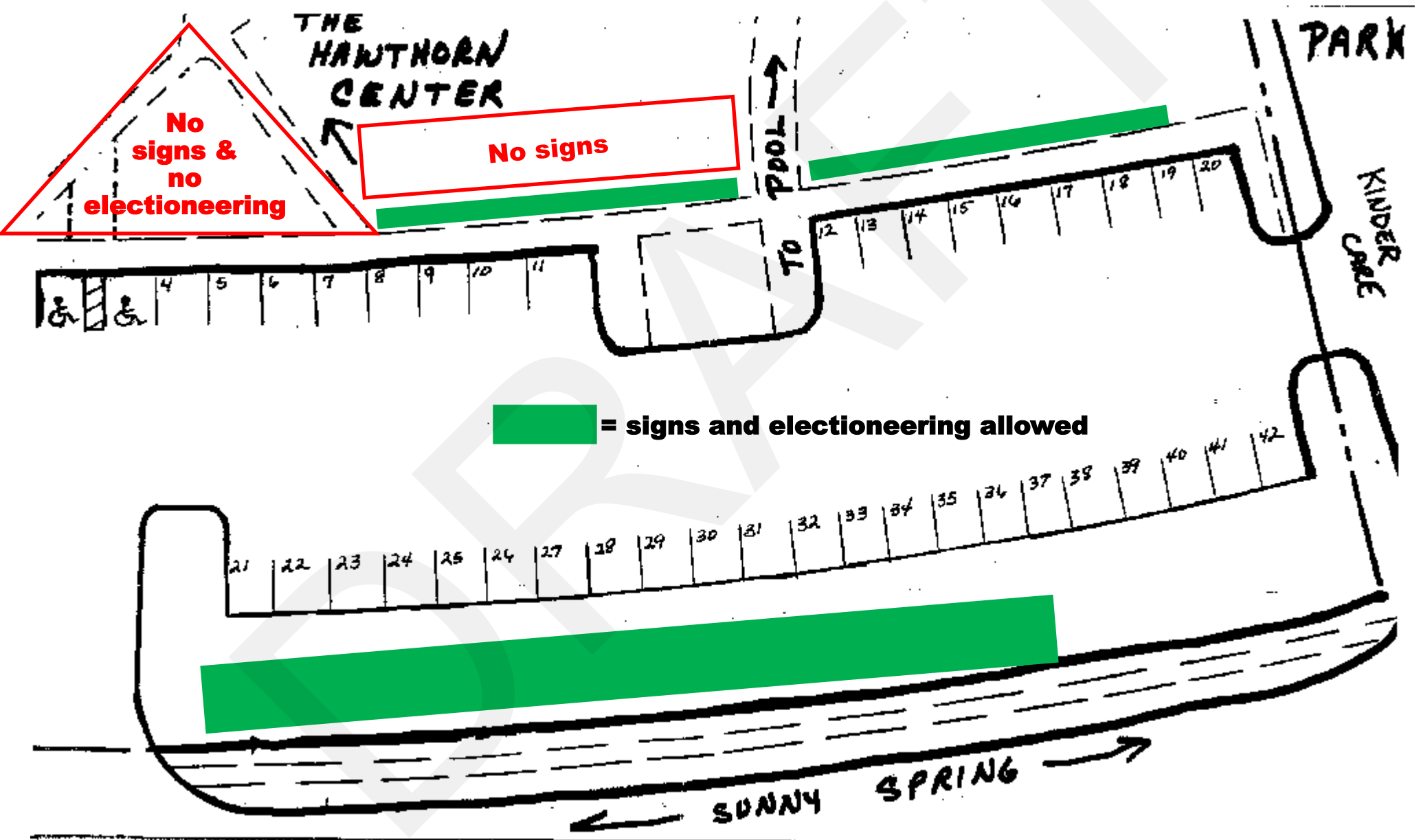
Procedure for Handling and Recording Absentee Ballots

Absentee ballots will arrive via mail or be hand delivered.

Mail or hand delivered:

- The reverse of each envelope containing a ballot must be checked to see if the name, address, signature, and tenant/owner sections have been completed.
- Each ballot must be checked in by finding the address in the large black notebook. **Any that are incomplete or that the name on the ballot does not match ownership records should be set aside for review by the Election Chair.**
- Mark off that a ballot has been received by placing a large “A” next to the address in the printouts from Intelliscan.
- **If the address is not available in the printouts, it is because the code for that property was already used. Therefore, a vote has already been logged for that property.**

Election Day map



HICKORY RIDGE ELECTION PROCEDURES AND GUIDELINES

Village election procedures are officially covered by Article II of the By-Laws. In addition, tradition, experience and press deadlines have contributed to additional policies and procedures governing the effective administration of the annual election. The procedures presented here draw from the By-Laws and past election experiences and are intended to serve as guidelines for the Village Board, the staff and the Election Committee before, during and after the village elections.

I. WHO IS ELIGIBLE TO BE A CANDIDATE?

All candidates for the Village Board must be Members of the Association. They must submit a candidate statement to the Village Office by the announced deadline. They must not have any unresolved covenant violations at the Architectural Resource Committee (ARC) or violations / delinquencies with any other Columbia Association entity.

II. WHO IS PERMITTED TO VOTE?

Individuals who are Members of the Association on the day of the election may vote provided they have no unresolved covenant violations at the ARC or violations / delinquencies with any other Columbia Association entity. "Members" of the association are owners and tenants of New Town properties in Hickory Ridge Village. An "owner" owns a fee simple "unit" in the Village. A "Tenant" holds a lease to and resides in a "unit" within the Village. Each "unit" or lease is entitled to one vote. For more specifics regarding owner and tenant, see attached 1988 legal opinion of CA General Counsel Jeannete Pfothenauer.

III. BEFORE THE ELECTION

- A. The Village Board appoints an Election Committee Chair or Co-Chairs. In the instance where a Co-Chair is appointed, they have the same authority as delegated to the Chair in this document.
 1. The chair(s) must be a Member of the Association.
 2. The chair(s) must not have any unresolved covenant violations at the ARC or violations / delinquencies with any other Columbia Association entity.
- B. The Election Committee Chair or Co-Chairs and Village Manager shall enlist additional Members to serve as additional Committee members.
- C. The Village Manager shall advertise the following election details at least six weeks before the Election Day:
 1. Available Board and Council positions

2. The deadline for candidates' statements
 - a. Statements must be 150 words or less
 - b. All words in excess of 150 will be deleted.
 - c. Complete statements will be available for view at the Village Office.
 3. Election Day date, place and times
- D. The Village Manager shall give new candidates information packets.
1. Columbia Council candidates shall receive copies of the CA Articles of Incorporation and the CA By-Laws
 2. All new candidates shall receive the following:
 - a. Village Articles of Incorporation and By-Laws
 - b. Election Procedures
 - c. Calendar for Election activities
- E. If the number of candidates matches the number of available positions, an election is not required, as per the Association's By-Laws. The candidates will be deemed elected and will be appointed to the available director positions for the upcoming term.
- F. The Election Committee or Village Manager may recruit additional volunteers to serve as Election Day poll workers.

IV. ABSENTEE BALLOT PROCESS

- A. The Village Manager shall prepare absentee ballots and candidate statements for distribution to residents.
1. The order of the candidates' names will be determined by random drawing conducted by the Election Committee.
 2. A notice regarding the possible need to call a second election and the inclusion of already-cast ballots will appear on the ballot.
 3. Absentee ballots will have a signature line.
 4. The method of their distribution will be determined by Election Committee
 5. Voting Members may deliver their absentee ballots to the Village Office in person or by U.S. mail.
 6. All absentee ballots must arrive at the Village Office by the closing of the polls.
 7. Only the voting Member may deliver that Member's respective absentee ballot.
 8. As absentee ballots are returned to the Association Office, the Village Manager shall validate ballots, mark the official list of property owners with an "A" and place the ballots in the locked ballot box.
- B. Members may cast a secret absentee ballot.
1. The Member must insert the ballot in a separate envelope marked "Secret Ballot."

2. The Member must insert that envelope inside another envelope with the Member's full name and address on the front of the outside envelope.
3. The Member must sign across the flap of the outside envelope.
4. If the Member is a Tenant that Member must include proof of residence in the outside envelope (e.g. copy of utility bill).
5. ONLY the voting Member may deliver the Member's respective secret absentee ballot in person.

V. ELECTION DAY

- A. At polling site, the Village Manager sets out an official list of current property owners obtained from Columbia Association and a locked ballot box.
- B. The Village Manager shall prepare the official ballot.
 1. The order of the candidates' names shall be the same as that on the absentee ballot.
 2. A notice regarding the possible need to call a second election and the inclusion of already-cast ballots will appear on the official ballot.
- C. Electioneering is not permitted within a posted area established by the Election Committee.
- D. Poll workers check off each voter's name on the official list of current property owners. If the voter's name is not included in the list, the poll worker asks for identification that clearly shows the voter resides in the New Town section of Hickory Ridge Village.
- E. Members shall vote by secret ballot on Election Day. Each voter places his/her ballot in the ballot box. As stated in the Association's legal documents, each property owner and/or lease-holder is permitted one vote per property.
- F. The advertised closing time of the polls is firm. If, however, an eligible voter is in the voting line or in the building at poll closing time, that voter may cast a ballot.
- G. At the closing of the polls, the Election Committee Chair shall unlock the ballot box in public and determine if the required number of ballots have been cast to constitute a quorum. If there are insufficient ballots to constitute a quorum, proceed to Section VI. If a quorum has been reached, proceed to Section VII.

VI. CALLING A SECOND ELECTION WHEN INSUFFICIENT BALLOTS HAVE BEEN CAST TO CONSTITUTE A QUORUM

- A. In the event a second election is called, the Election Committee shall not count the first set of votes cast until after the second election.
- B. The Election Committee Chair shall place the ballots in the ballot box, lock it and give the key to the Village Manager.
- C. The Election Committee Chair shall announce a date for a second election.
 - 1. The second election shall be at least two weeks after the first election.
 - 2. The Village Manager shall announce the date in a local publication.
- D. Those who voted absentee prior to the first election and those who voted in person on the first Election Day are not permitted to vote again in the second election.
- E. The same rules for absentee balloting will apply where practical.
- F. All the ballots cast in the first and second elections shall constitute a Quorum, even if the numerical Village Quorum has not been met.

VII. COUNTING THE VOTES AFTER A QUORUM IS VERIFIED

- A. The Election Committee shall count the votes. Members of the Association may attend the counting.
- B. The Committee Chair will announce the results.
 - 1. The Committee Chair will post the results of the vote counting.
 - 2. The Village Manager or designee will contact all candidates.
 - 3. The Village Manager will send the results of the count to the Columbia Association, the other villages and the local press.
- C. In the event of a tie for the Columbia Council Representative or for the last position available on the Village Board, the Committee Chair will announce the date for a run-off election.
 - 1. The Chair shall allow at least two weeks before the run-off election.
 - 2. The Village Manager shall advertise the tie and the second election date in a local publication.
 - 3. A tie for the Columbia Council Representative or the final position for the Village Board shall not alter the results of the remainder of the election.
- D. If there is no tie, the currently-seated Village Board will certify the election results after which the newly-elected Board members shall take their seats.
- E. In the event of a tie for the last remaining Board seat or for the Columbia Council Representative, the currently-seated Village Board shall certify the result of the election

except for the position involved in the tie. After the tie is broken, the newly-elected Village Board will certify the results of the run-off election.

VIII. CHALLENGE PROCEDURE

- A. Disputes and process issues that arise prior to the election must be brought to the Election Committee for resolution at least 5 business days prior to the election date. The Committee's decision is final.
- B. Challenges to the election outcome must be made in writing and must be submitted to the Election Committee Chair within 5 business days after the posting of the election results.
- C. The Election Committee is not required to consider any challenges, unless they could affect the outcome of the election, and they are not required to consider any challenges until after the election is certified. The Committee may then evaluate the election procedures and the complaint and make recommendations to the Village Board in the final report of the election.

IX. AFTER THE ELECTION

- A. The Village Manager shall destroy the ballots two weeks after the Village Board certifies the election. The Manager will retain the official list of property owners used on Election Day until it is replaced with a new list the following year.
- B. The Election Committee may submit a written report to the Board upon request.

X. ELECTION COMMITTEE CHAIR

In the event that an issue arises during the election process that is not covered by these guidelines, the Election Committee Chair is authorized to use discretion to address the issue.

Updated 2009, 2013

Approved by HRVB March 14, 2013

DOCUMENT E

VOTING PROCEDURES

1. Ask the resident for their street address.
2. Verify the address in the black notebook.
 - A. If the voter name does not match up with the name in the book, ask for proof of residence. If the voter is a tenant at that address, put a * to the right of the address and note *tenant” at the bottom of the page.
 - B. If the voter lives in one of the apartment complexes, use the separate apartment address list. Write the voter’s name on the list for the address and specific unit number.

Streets with apartments are

 - Green Meadow Drive**
 - Hickory Ridge Road**
 - Little Patuxent Parkway**
 - Peartree Way**
 - C. If the address is not in the book or if the address is marked with an “A”, ask Laura or Joan to speak to the resident to determine voter eligibility.
3. If the address has been verified as eligible to vote, put a check mark in the first column.
4. Give the voter a ballot, pen and clipboard. **Pens may be kept by the voter.**
5. Once they have completed the ballot, have them place it in the ballot box.



April 22, 1988

TO: Padraic M. Kennedy, President
FROM: Jeanette Pfothenauer, General Counsel *J.P.*
RE: CPRA/Village Association Membership/Voting Rights

Several inquiries have been made regarding Columbia Park and Recreation Association, Inc. (CPRA) and the rights of persons owning property in and/or residing in a Village to vote in a village election.

I have paraphrased those inquiries and respond as follows:

1. What are the requirements for membership in a Village Association?

The members of the village association are the owners and tenants of property located in the respective villages. (Village Articles of Incorporation Sixth A and B and Section 3.01 of the Village Covenants)

Owner and tenant are defined by section 1.17 and 1.20 of the Village Covenants and paragraph A and B of the Sixth article of the Village Associations' Articles of Incorporation as:

"Owner

. . .the owner of any "unit" within the Property, or any common or joint interest therein if such unit is owned by more than one person or entity" (1.17 and 6A): and

"Tenant

". . .an individual who (i) actually resides on the Property under a written lease from an owner in which an individual is named as lessee, and (ii) delivers an executed copy of such lease to the . . .Board." (1.20 and 6B)

The term "unit" is defined by 1.17 of the various village covenants as either:

- a. The fee simple or fee simple leasehold title to any lot within the property;
- b. "The fee simple or fee simple leasehold title to a unit in any condominium or development within the property;"
- c. "Any share, membership or other interest in any cooperative or other entity organized and operated for the purpose of making residential units available to its shareholders, members or other beneficiaries which share membership or other interest entitles the owner thereof to possession of any residential dwelling unit within the Property."

2. How many votes is a Village Association member entitled to?

All members of an Association are entitled to vote so long as they qualify as owners or tenants under the Articles of Incorporation and Covenants for the respective Village (Covenants section 3.02 and paragraph B of the Sixth Article of Incorporation).

Each member of a Village Association (excluding Kings Contrivance) is entitled to one vote subject to the following exceptions:

- a. A member who holds more than one lot, unit, share, membership or other interest in property in the village is entitled to one vote for each such lot, unit, share, membership or interest owned or held. (Paragraph A of the Seventh Article of Incorporation and Section 3.02A of the Covenants); and
- b. When any lot, unit, share, membership or other interest in property in a village is owned or held by more than one member in any manner of joint or common ownership or interest the members shall collectively be entitled to one vote for that lot unit, share membership or other interest. If the members cannot jointly agree as to how the vote shall be cast then no vote shall be allowed to be cast. (Paragraph B of the Seventh Article of Incorporation and section 3.02b of the covenants)

The Village of Kings Contrivance, unlike the other villages, has amended the Kings Contrivance Village Covenants to strike Sections 3.01 through 3.03 (which establish the voting rule of one vote for each unit or lot and which contain other membership and voting provisions duplicating those in the Articles of Incorporation of the Kings Contrivance Community Association) as follows:

"Section 3.01 Members of the Association, entitled to vote at meetings of members, shall be residents of the Property, aged 18 or older.

Section 3.02 Members of the Association entitled to vote on amendments to this Declaration under Section 13.01 and on annexations under 2.02 hereof shall be owners. Owners shall be entitled to one vote for each "unit" (as defined in Section 1.17 hereof) they own or hold."

The By-Laws and Articles of Incorporation for Kings Contrivance were also amended to reflect the one person one vote rule.

3. Examples

The following are examples of the application of the voting rules for all village associations except Kings Contrivance. The examples respond to inquiries made regarding specific application of the voting eligibility rules.

- a. A owns a single family residence and leases it to a single person. A is entitled to one vote as the owner of the property and the tenant is entitled to one vote.
- b. A owns and lives in a single family residence. A is entitled to only one vote as the owner of the unit. A does not have one vote as the tenant and one vote as the owner.
- c. A, B and C are tenants in common in a single family residence and lease it to Mr. and Mrs. Jones. A, B and C as owners are collectively entitled to one vote and Mr. and Mrs. Jones as tenants are collectively entitled to one vote.
- d. A owns a 100 unit apartment building. All of the units are leased to individual tenants. A has one vote as the owner and each tenant has one vote as the lessee of one unit.
- e. A owns a 10 unit apartment building. Three of the units are leased to individuals. the other apartments are vacant. A is not entitled to one vote for each empty unit. A is entitled to one vote and the lessee of each unit is entitled to one vote.
- f. A owns six vacant units in a condominium complex. A is entitled to six votes--one vote for each condominium that A owns.
- g. A owns two units in a condominium complex. A leases one condominium to B and C (husband and wife) and A resides in the other condominium unit. A is entitled to two votes because A is the owner of two condominium units and the lessee is entitled to one vote as the tenant.

Jessamine Duvall

From: Tom Meachum <tmm@carneykelehan.com>
Sent: Wednesday, March 21, 2012 1:15 PM
To: 'Jessamine Duvall'
Subject: RE: Lease for review

Jess

Since [REDACTED] does not own property in the Village, the only other manner in which he could be a "member", and therefore be eligible to vote and run for the Board of Directors or Columbia Council Representative, is to be a "tenant", as that term is defined in the Articles of Incorporation for the Hickory Ridge Community Association, Inc. The definition of "Tenant" in the Articles states that it is an individual who actually resides on the Property under a written lease from an Owner in which such individual is named as lessee. The document submitted by [REDACTED] is permission of the owner, his [REDACTED] for him to occupy the premises. There is nothing that restricts her from telling him to leave at any time nor gives him any right to occupy the property for any period of time. He has no interest in the property, including no leasehold interest. This does not meet the test of what constitutes a written lease under Maryland law, and therefore the individual is not a "tenant", and so is not a "member", and therefore not eligible to be a candidate for Columbia Council representative.

Please do not hesitate to contact me if you have any questions.

Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Thomas M. Meachum, Esq.

10715 Charter Drive, Suite 200

Columbia, MD 21044

Voice (410) 740-4600 x206

Fax (410) 730-7729

Please respond to:

tmm@carneykelehan.com

From: Jessamine Duvall [<mailto:jduvall@hickoryridgevillage.org>]

Sent: Wednesday, March 21, 2012 12:02 PM

To: Tom Meachum

Subject: Lease for review

Hi Tom:

We have a candidate for the CA Board who lives with [REDACTED]. I asked him to supply an executed lease to confirm that he is an Association member, and he gave me the attached document. Will this fly? I don't want to publish his name as a candidate if there is any question about him being a member of the association or if this lease could be challenged by someone if he is elected.

Jessamine Duvall