

# **PENDING ATTORNEY REVIEW IF APPROVED**

*DISCLAIMER: The following may be slightly modified from its current version if deemed necessary by said legal counsel.*

## **Relevant Definitions:**

**Section 1.** “Association” shall mean and refer to the Severn Woods Homeowners Association, Inc.

**Section 2.** “Owner” shall mean and refer to the record owner, whether one or persons or entities of a fee simple title to any lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

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**Section 6.** “Members” shall mean lot owners in the subdivision of Severn Woods. “Associate Members” shall consist of members of the immediate families of lot owners provided that said lot owner resides in the subdivision. Associate Members also shall include tenants occupying the premises under a lease in the case where the member is not a resident of Severn Woods.

**Section 7.** “Board” shall mean and refer to the executive committee that jointly supervises and manages the organization.

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**Section 9:** “In good standing” shall mean and refer to not being more than 90 days in arrears in the payment of any assessment or charge due to the Association.

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## **Article XI: Homeowner Mail/Electronic Voting**

**Section 1. Anonymity.** Paper or electronic referendums or elections outside of a meeting are to be permitted and shall be done with a high level of care and the following level of anonymity:

1. **Votes requiring signatures:** the counting party and any witnesses thereof shall be the only ones able to see what was voted on and the matching signatures with printed names of homeowners. Safeguarding measures of this personal data and legal signatures shall consist of not allowing photos or videos when counting ballots. In addition, with the exception of a successful dissolution, all ballots must be shredded or burned by no later than 30 days later than the time of the announcement of the results.
2. **Votes not requiring signatures:** ballots not requiring signatures shall have some unique non-descript identifier that only the Board is able to tie back to a lot’s Owners. In these cases, no anonymity safeguards are necessary for the counting or

preserving of these ballots. The Board instead must shred or burn their private list used for verification purposes no later than 30 days from the announcement of the results and may not reuse the same identifiers.

**Section 2. Votes.** Homeowners in arrears for more than 90 days (not in good standing) may voice their opinion but may not vote. Homeowners in good standing are entitled to one vote per lot owned. Tenants may not vote, only the rightful Owner(s). Refer further to Articles of Incorporation for full rules on how corporations may vote, proxies, etc.

**Section 3. Disabilities.** If an individual may not vote due to disability, the individual assisting in this voting must write their full name and sign for votes requiring signatures.

**Section 4. Late Ballots.** No late ballots shall be accepted. Each voting period shall consist of at minimum 30 days to complete and return any ballot. After that time, no late ballots shall be accepted. For those mailing ones in, the ballot must be **received** in the P.O. Box, not just postmarked, within that allotted time. If an Owner wishes to scan and/or photograph their completed ballot and send to the Association email address, those ballots shall be counted as on-time so long as received by the deadline.

**Section 5. Notification of Receipt.** For any vote received electronically at the Association's email address, the Board must ensure that confirmation is provided (i.e. success message or return email) to inform Owners that their votes were received.

**Section 6. Transparency.** The Board shall post the results of any mail in or electronic voting within 24 hours of tallying the votes. The Board shall do what it feels possible and reasonable to display as it relates to the outcome of these referendums or elections but shall still keep in mind Section 1. If any ballot is not counted or excluded from counting due to improperly noted responses or the ballot not having a signature, for example, the Board must be transparent with how many were excluded from counting and why.

**Section 7. Signs.** As an exception to Article VIII, Section 2, as also supported in Maryland's Homeowners Association Act, signs promoting certain voting outcomes or candidates shall be permitted only on Owner's own land. These signs may be placed no earlier than 7 days leading up to the opening of voting and must be taken down within 7 days following the voting being closed. Any signs outside that range or that are negative or antagonistic shall be outside this exception and thus in violation of Article VIII, Section 2. Any placing of signs on Association property shall also be in violation. Any signs outside the scope of Article VIII, Section 2 but unrelated to anything being voted on during this window shall also be in violation.

**Section 8. Harvesting.** For the case of paper ballots, Board members may not go door to door to solicit or pick up ballots and Owners are encouraged not to let any other do so. If an Owner wishes to drop their ballot off at a Board member's house themselves or email it to the Association, it shall be their choice and will be considered a valid vote so long as it is still properly sealed, signed, or whatever else the Association has decided defines an official vote or ballot.

**Section 9. Pickup.** For the case of paper ballots only, Board members may not look at or open any ballots before the close of the vote including any ballots that may have been received or submitted early. All opening of ballots must be done in the view of all of the Board members and witnesses. Any pre-opened or non-enclosed ballots shall not be counted. If the Board cannot distinguish envelopes containing ballots from other documents they may receive in their mailbox during a period of voting, no mail shall be opened for that period of time to ensure all ballots are open in the view of witnesses and fellow Board members.

**Section 10. Counting.** For the case of paper ballots, the Board shall accept votes with any kind of marking or color but only black pen shall be encouraged. The following rules apply:

1. **No** black pens may be present during counting.
2. **No** photos or video shall be taken and no photo or video taking devices such as smart phones should be visible during counting.
3. Counting must be done outside at an area and time disclosed to the Owners. In the event of severe weather or if the Board otherwise cannot make that happen, the Board may elect a future time to commence with counting so long as the Owners are either notified or were told ahead of time where they can check for updates (i.e. the website).
4. Witnesses shall be welcome.
5. Votes with multiple markings on sections where it is not allowed shall not be counted if not following the proper instructions for correcting it.
6. Empty votes or not selecting one of the options for a given section shall be permitted as a "Present" vote but to prevent potential abuse is not encouraged.
7. Entire ballots shall not be counted if any of the required fields are missing (i.e. signature, full name, date), there is some kind of mismatch in marking instruments used, or there is some other suspicious irregularity as agreed upon by the Board.
8. Each Owner shall only be allowed one vote per lot. If multiple ballots are submitted for the same Lot, if all responses are identical in terms of vote, one ballot will be counted. If any responses are different in terms of voting, both ballots shall be thrown out.
9. If a majority of the witnesses present at the counting of ballots, to include Board members, have qualms with how a certain ballot was counted or treated, those

challenged ballots must be placed to the side and remain uncounted. Upon finishing counting, if the uncounted challenged ballots have the ability to sway the outcome, official results and destruction of the ballots must be suspended until the next homeowner meeting. Whereupon at such a meeting, each challenged ballot shall be taken to all present Owners to decide, with majority ruling as to how such ballot shall be treated.

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